



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

Board of County Commissioners Meeting

October 3, 2019
9:30 A.M.
Commission Chambers

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

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**BCC Meeting: October 3, 2019
Research Notes**

**Item No. 3A1
File No. 192323**

Researcher: CB Reviewer: TD

RESOLUTION APPROVING THE STATE ROAD CODESIGNATION OF N.W. 37TH AVENUE BETWEEN N.W. 2ND STREET AND N.W. 11TH STREET AS “FLORENCE HECHT LANE”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Vice Chairwoman Rebecca Sosa
Department/Requester:**

ANALYSIS

OCA completed the required background research on “Florence Hecht” noting no adverse findings.

OCA determined that there is prior designation for “Florence Hecht”:

- University of Miami – Florence Ruth Hecht Residential College located at 1231 Dickinson Drive, Coral Gables, FL 33146

OCA has verified that “Florence Hecht” is deceased.

APPLICABLE LEGISLATION

Ordinance No. 13-29 of the Miami-Dade County Code, requiring the Office of the Commission Auditor to conduct background research on the person, organization, place, or thing that is the subject of the naming.

Ordinance No. 18-79, adopted on July 24, 2018, relates to any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, and requires that OCA prepare a report detailing: (1) whether the subject road, facility, or property has been the subject of any prior codesignation and, if so, the location or the end points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or end points of each.

Ordinance No. 19-11 of the Miami-Dade County Code, amends section 2-1 of the Code revising provisions requiring Office of the Commission Auditor to conduct background research on the person, organization, place or thing that is the subject of the naming now requiring the Office of the Commission Auditor to also check if the person honored is living or dead.

**BCC Meeting: October 3, 2019
Research Notes**

**Item No. 7A
File No. 191484**

Researcher: JFP Reviewer: TD

ORDINANCE RELATING TO THE INFILL HOUSING INITIATIVE PROGRAM; AMENDING SECTIONS 17-121, 17-122 AND 17-125 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCLUDING IN THE PROGRAM PRIVATELY-OWNED PROPERTIES LOCATED OUTSIDE OF THE INFILL TARGET AREAS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend the County Code to expand the Infill Housing Initiative Program to include privately-owned properties located outside of the Infill Target Areas, with the aim of increasing the County's supply of affordable housing.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

Department/Requester: None

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services & Economic Development Committee following a public hearing on September 9, 2019. Prior to passage, the following discussion transpired:

- Truly Burton, Executive Vice President & Government Affairs Director at Builders Association of South Florida, asked whether the ordinance would waive liens/fines on certain parcels of land.
- Commissioner Levine Cava responded that the ordinance would result in waiving liens for these private properties outside of the Infill Target Areas that are to be developed with affordable housing as part of the Infill Program.

ANALYSIS

The purpose of this item is to amend Sections 17-121, 17-122 and 17-125 of the County Code to include privately-owned properties located outside of the Infill Target Areas in the Infill Housing Initiative Program (Infill Program). This ordinance furthers the mission of the Infill Program—to increase the availability of affordable homes for very low, low and moderate income persons—by potentially increasing the number of infill lots available to develop into affordable homes within the County.

Fiscally, the proposed changes would positively affect the developers of the privately-owned vacant, dilapidated, or abandoned properties located outside the Infill Target Areas who could now apply to the County to receive the benefits of the Infill Program (as detailed below), with no negative impact to the County. The Infill Program developer incentives for privately-owned properties are as follows:

- (1) Building Permit Expedited Process: Homes being developed in the Unincorporated Municipal Service Area (UMSA) through the County's Infill Program qualify for the Regulatory and Economic Resources Department (RER) expedited permit process.
- (2) Release of County Liens and Citations
- (3) Refund or Deferral of Impact Fees
- (4) Second mortgage subsidy for qualified buyers
- (5) Construction loans (as available)

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Researcher: JFP Reviewer: TD

The Infill Program developers are required to build single family homes for sale to qualified households. The definition of *infill parcel* remains such that it limits the development of the parcel to no more than four single family homes (attached or detached). Infill Program homes range between 1200 and 1600 square feet, with the maximum sales price for those homes being \$215,000.

For the period October 2014 to present, 20 private lots located in Infill Target Areas have been developed and sold through the Infill Housing Program.

The below table depicts Section 17-121 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 17-121 of the County Code	Proposed Amendments to Section 17-121 of the County Code
<p>Sec. 17-121. Title; Purpose.</p> <p>This article shall be entitled, "The Infill Housing Initiative Program." Its purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. The Infill Housing Initiative Program shall encourage the redevelopment of vacant, dilapidated or abandoned property through the sale or conveyance of County property to qualified developers and the inclusion of privately owned vacant, dilapidated or abandoned properties located in the Infill Target Areas. The community development corporations and developers shall be required to develop affordable single-family homes to be sold to very low, low and moderate income eligible person or eligible households. Although the Infill Housing Initiative Program is primarily designed to create affordable homeownership of single-family homes, the County under limited circumstances may at its sole discretion permit developers to rent these homes to qualified very low, low or moderate income families.</p>	<p>Sec. 17-121. Title; Purpose.</p> <p>This article shall be entitled, "The Infill Housing Initiative Program." Its purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within, <u>and in some cases outside of</u> the Infill Target Areas, and generate payment of ad valorem taxes. The Infill Housing Initiative Program shall encourage the redevelopment of vacant, dilapidated or abandoned property through the sale or conveyance of County property to qualified developers and the inclusion of privately owned vacant, dilapidated or abandoned properties located in <u>within and outside of</u> the Infill Target Areas. The community development corporations and developers shall be required to develop affordable single-family homes to be sold to very low, low and moderate income eligible person or eligible households. Although the Infill Housing Initiative Program is primarily designed to create affordable homeownership of single-family homes, the County under limited circumstances may at its sole discretion permit developers to rent these homes to qualified very low, low or moderate income families.</p>

The below table depicts Section 17-122 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

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Section 17-122 of the County Code	Proposed Amendments to Section 17-122 of the County Code
<p>Sec. 17-122. Definitions.</p> <p style="text-align: center;">* * *</p> <p><i>Infill Parcel.</i> A parcel of surplus County-owned land included on the County's affordable housing inventory list established in accordance with Section 125.379, Florida Statutes or privately owned land, which is located within any infill target area and is suitable for the development of no more than four single family homes (attached or detached).</p> <p style="text-align: center;">* * *</p>	<p>Sec. 17-122. Definitions.</p> <p style="text-align: center;">* * *</p> <p><i>Infill Parcel.</i> A parcel of surplus County-owned land included on the County's affordable housing inventory list established in accordance with Section 125.379, Florida Statutes or privately owned land, which is located within <u>or outside of any</u> infill target area <u>Infill Target Area</u> and is suitable for the development of no more than four single family homes (attached or detached).</p> <p style="text-align: center;">* * *</p>

The below table depicts Section 17-125 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 17-125 of the County Code	Proposed Amendments to Section 17-125 of the County Code
<p>Sec. 17-125. Development.</p> <p>(a) Private Property Owners. The County may encourage private property owners to redevelop their properties as infill housing through forgiveness of County liens as identified in section 17-126 of this article or through the availability of construction loans. Subject to the availability of funding, the County may provide construction loans to private property owners who are determined to be eligible for such funding. In order to participate in the Infill Housing Initiative Program, each private owner authorized to participate in the Infill Housing Initiative Program shall abide by all the pre-development, development, and qualifying an eligible household described herein. The County Mayor or County Mayor's designee shall approve a Private Property Owner to develop their private property, located in the Infill Target Areas, for the Infill Housing Program and allow the maximum amount of time provided by the Program to develop and sell such property. If not, the Private Property Owner will not be eligible to receive program</p>	<p>Sec. 17-125. Development.</p> <p>(a) Private Property Owners. The County may encourage private property owners to redevelop their properties as infill housing through forgiveness of County liens as identified in section 17-126 of this article or through the availability of construction loans. Subject to the availability of funding, the County may provide construction loans to private property owners who are determined to be eligible for such funding. In order to participate in the Infill Housing Initiative Program, each private owner authorized to participate in the Infill Housing Initiative Program shall abide by all the pre-development, development, and qualifying an eligible household described herein. The County Mayor or County Mayor's designee shall approve a Private Property Owner to develop their private property; located in <u>within or outside of</u> the Infill Target Areas, for the Infill Housing Program and allow the maximum amount of time provided by the Program to develop and sell such property. If not, the Private Property Owner will not be</p>

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incentives and the lot may be removed from the Infill Program. Each Private Property Owner shall record in the public records one or more covenants or declarations of restrictions in a form approved by the County as set forth in Section 17-124(d).

* * *

eligible to receive program incentives and the lot may be removed from the Infill Program. Each Private Property Owner shall record in the public records one or more covenants or declarations of restrictions in a form approved by the County as set forth in Section 17-124(d).

* * *

DEPARTMENTAL INPUT

OCA posed the following question to the Department of Public Housing and Community Development (response in italics).

- Does PHCD have an estimation of the amount of properties outside the infill target area (and corresponding square footage) that may potentially be added to the Infill Housing Program as a result of the proposed Code changes? *This Ordinance will allow any private lot owner in Miami-Dade County the opportunity to submit an application to PHCD to request to have their private lots considered for development, and sale to a qualified first-time home buyer, through the Infill Housing Program. The maximum sales price for those homes will be \$215,000. Infill Program homes range between 1200 and 1600 square feet. PHCD does not have an estimate of the amount of private properties that can potentially be added to the Infill Program. All such requests are voluntary. However, for the period 10/2014 to present, 20 private lots located in Infill Target Areas have been developed and sold through the Infill Housing Program.*

APPLICABLE LEGISLATION/POLICY

Article VII of the Code of Miami-Dade County governs the Infill Housing Initiative Program.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH17HO_ARTVIIIHOIN

Section 17-122 of the Code of Miami-Dade County defines Infill Target Areas as the areas of the County designated as the Urban Infill Target Area (UIA), as defined in Section 33G-3(26) of the Code, and the Targeted Urban Areas (TUA), as defined in Section 30A-129(2) of the Code. In addition, Infill Target Areas shall include those portions of Neighborhood Revitalization Strategy Areas not otherwise covered under the UIA and TUA; and any geographic locations in Miami-Dade County which are designated by the Federal Government as empowerment zones shall be included in the definition of TUA at the time of such designation.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH17HO_ARTVIIIHOIN_S17-122DE

Section 33G-3(26) of the Code of Miami-Dade County defines Urban Infill Area (UIA). The area of Miami-Dade County located east of, and including Northwest and Southwest 77 Avenue and the Palmetto Expressway (SR 826), excluding the area north of SR 826 and west of I-95, as identified in the Comprehensive Development Master Plan.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH33GSECOMAPR_S33G-3DE

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Section 30A-129(2) of the Code of Miami-Dade County defines targeted urban areas as those geographical areas commonly known as: Liberty City, Model City/Brownsville, Carol City, Goulds, Overtown, Little Haiti, Opa-locka, Richmond Heights, Homestead, Florida City, Coconut Grove, Northwest 27th Avenue Corridor, Northwest 183rd Street Corridor, West Little River, Princeton/Naranja, Leisure City, South Miami, Perrine and the following City of North Miami Districts: 7th Avenue District, Downtown District, West Dixie Highway District and Biscayne Boulevard District. Any geographic locations in Miami-Dade County which are designated by the Federal Government as empowerment zones shall be included in the definition of targeted urban areas at the time of such designation.

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

[dade county/codes/code of ordinances?nodeId=PTIICOOR_CH30AURRE_ARTVITAFOURECRE_S30A-129DE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH30AURRE_ARTVITAFOURECRE_S30A-129DE)

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Item No. 8A1

File No. 192097 [Related File Nos. 192099 & 192100]

Researcher: MF Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND GARTEK ENGINEERING CORPORATION; FOR GENERAL MEP ENGINEERING & DESIGN SERVICES, CONTRACT NO. E17-MDAD-02B-2 IN AN AMOUNT NOT TO EXCEED \$2,205,500 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 FILE NOS. 192099 AND 19100]

ISSUE/REQUESTED ACTION

Whether the Board should authorize approval of a contract to Gartek Engineering Corporation for up to \$2,205,500 with a term of five years for professional services agreement for General Mechanical, Electrical, Plumbing Engineering and Design Services.

PROCEDURAL HISTORY

Prime Sponsor: None

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

This item was heard by the Transportation and Ports Committee meeting of September 12, 2019 and forwarded to the BCC with a positive recommendation.

ANALYSIS

The proposed resolution requests Board approval to award Contract No. E17-MDAD-02B-2 in the amount of \$2,205,500 for a five-year term with no renewal options, for professional engineering and design services.

The fiscal impact is \$2,205,500 for a five-year term. The scope of services consists of renovations and improvements of mechanical, electrical, plumbing and fire suppression systems, to include paging systems and evaluations of air conditioning mechanical rooms at Miami International Airport, Opa-Locka Executive Airport, Miami Homestead General Aviation Airport, Miami Executive Airport, and Dade-Collier Training and Transition Airport.

A Request to Advertise (RTA) was filed on March 29, 2018, and a total of 11 proposals were received on October 10, 2018. Per the mayor's memo, a meeting with the Competitive Selection Committee was conducted and the firms were ranked accordingly. The Negotiation Committee reached negotiations with Gartek Engineering Corporation, the third ranked firm (with a score of 257). Both Gartek and the subcontractor, Go Green Document Solutions, Inc., are SBE G&S firms.

The Capital Improvements Information System shows three project evaluations for Gartek Engineering Corporation with an average rating of 3.7 out of 4.0 total possible points. The second-ranked firm, A.D.A. Engineering Inc. (with a score of 264), was precluded from this contract award because the firm was ranked the highest and is under a separate solicitation issued for Project No. E17-MDAD-02A.

OCA performed due diligence on the selected firm, Gartek Engineering Corporation, and the subcontractor, Go Green Document Solutions Inc., on September 11, 2019.

Firm	Sunbiz	Tax Collector	Florida DBPR	Westlaw
Gartek Engineering Corporation	Active	Business address: 7210 SW 39 Terr., Miami, FL	License: Certificate of Authorization	No relevant case

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Researcher: MF Reviewer: TD

Go Green Document Solutions, Inc.	Active	Business address: 3715 Grand Ave., Miami, FL	Nothing found	No cases found
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DEPARTMENTAL INPUT

OCA requested the following information from MDAD on September 11, 2019; the Department responded the same day and the answers are shown in bold.

- Provide further information on the decision by the Selection Committee to select the third-ranked firm award of the contract; Provide details to exclude the first-ranked firm, Louis J. Aguirre & Associates, from the award. **There are three identical award recommendations on the agenda. Louis Aguirre & Associates, ADA Engineering, and Gartek Engineering. However, because the goals differed on one of the solicitations (Tier 3 Set-Aside) the agreements were advertised under two separate solicitation packages.**
- Indicate why this type of work cannot be conducted using in-house engineers.
MDAD does not have the in-house capacity for these type of services aviation system wide.

APPLICABLE LEGISLATION/POLICY

Chapter 212.055 of the Florida Statutes, Discretionary sales surtaxes, legislative intent; authorization and use of proceeds, d) Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate, Used by the county for the development, construction, operation, and maintenance of roads and bridges in the county; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for non-transit uses;
http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html

Chapter 287 of the Florida Statutes, Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties, will govern how each agency shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in s. 287.017 for CATEGORY FIVE or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, except in cases of valid public emergencies certified by the agency head. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html

Resolution R-828-19, adopted in July 23, 2019, establishes a policy of the County for disclosure of past and present discrimination lawsuits in solicitation submissions.
<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190936min.pdf>

Florida Administrative Code Chapters 62-780, provide the contaminated site clean-up criteria.
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-780>

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File No. 192097 [Related File Nos. 192099 & 192100]

Researcher: MF Reviewer: TD

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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTINGE_S2-8.1COPUGE

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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR

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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTINGE_S2-11.1COINCOETOR

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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTINGE_S2-10.4ACPRARENLAARLASUMASE

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

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

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

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

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File No. 192097 [Related File Nos. 192099 & 192100]

Researcher: MF Reviewer: TD

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

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

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

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

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

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Item No. 8A2

File No. 192099 [Related File Nos. 192097 & 192100]

Researcher: MF Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND A.D.A. ENGINEERING, INC.; FOR GENERAL MEP ENGINEERING & DESIGN SERVICES, CONTRACT NO. E17-MDAD-02A IN AN AMOUNT NOT TO EXCEED \$2,205,500 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 FILE NOS. 192097 AND 192100]

ISSUE/REQUESTED ACTION

Whether the Board should authorize approval of a contract to A.D.A. Engineering Inc. for up to \$2,205,500 with a term of five years for professional services agreement for General Mechanical, Electrical, and Plumbing Engineering and Design Services.

PROCEDURAL HISTORY

Prime Sponsor: None

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

This item was heard by the Transportation and Ports Committee meeting of September 12, 2019 and forwarded to the BCC with a positive recommendation.

ANALYSIS

The proposed resolution requests Board approval to award Contract No. E17-MDAD-02A-2 in the amount of \$2,205,500 for a five-year term with no renewal options, for professional engineering and design services.

The fiscal impact is \$2,205,500 for a five-year term. The scope of services consists of renovations and improvements of mechanical, electrical, plumbing and fire suppression systems, to include paging systems and evaluations of air conditioning mechanical rooms at Miami International Airport, Opa-Locka Executive Airport, Miami Homestead General Aviation Airport, Miami Executive Airport, and Dade-Collier Training and Transition Airport.

A Request to Advertise (RTA) was filed on March 29, 2018, and a total of seven proposals were received on October 10, 2018. Per the mayor's memo, a meeting with the Competitive Selection Committee was conducted and the firms were ranked accordingly. The Negotiation Committee reached negotiations with A.D.A. Engineering Inc., the highest-ranked firm (with a score of 263). Both A.D.A. Engineering Inc., and the subcontractor, Doral Digital Reprographics Crops., are SBE G&S firms.

The requestor department indicates the selected firm, A.D.A. Engineering, Inc. was previously awarded two Equitable Distribution Program Agreements and one Professional Services Agreement with the County, totaling \$3,700,000. The Capital Improvements Information System shows 16 project evaluations for A.D.A. Engineering with an average rating of 3.7 out of 4.0 total possible points.

OCA performed due diligence on the selected firm, A.D.A. Engineering Inc., and the subcontractor, Doral Digital Reprographics Corp., on September 11, 2019.

Firm	Sunbiz	Tax Collector	Florida DBPR	Westlaw
A.D.A Engineering, Inc.	Active	Business address: 8550 NW 33 St., Doral, FL 33122	License: Certified General Contractor	No cases found

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File No. 192099 [Related File Nos. 192097 & 192100]

Researcher: MF Reviewer: TD

Doral Digital Reprographics Corp.	Active	Business address: 5701 NW 79 Ave., Doral FL	Nothing found	No relevant cases
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DEPARTMENTAL INPUT

OCA requested the following information from MDAD on September 11, 2019; the Department responded the same day and the answer is shown in bold.

- Indicate why this type of work cannot be conducted using in-house engineers.
MDAD does not have the in-house capacity for these type of services aviation system wide.

APPLICABLE LEGISLATION/POLICY

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

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

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

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

Resolution R-828-19, adopted in July 23, 2019, establishes a policy of the County for disclosure of past and present discrimination lawsuits in solicitation submissions.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190936min.pdf>

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

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

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

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

BCC Meeting: October 3, 2019
Research Notes

Item No. 8A2

File No. 192099 [Related File Nos. 192097 & 192100]

Researcher: MF Reviewer: TD

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

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

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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-11.1COINCOETOR

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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-10.4ACPRARENLAARLASUMASE

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

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

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

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

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

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

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

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

BCC Meeting: October 3, 2019
Research Notes

Item No. 8A2

File No. 192099 [Related File Nos. 192097 & 192100]

Researcher: MF Reviewer: TD

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

**BCC Meeting:
October 3, 2019
Research Notes**

**Item No. 8A3
File No. 192100**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND LOUIS J. AGUIRRE & ASSOCIATES, P.A.; FOR GENERAL MEP ENGINEERING & DESIGN SERVICES, CONTRACT NO. E17-MDAD-02B-1 IN AN AMOUNT NOT TO EXCEED \$2,205,500.00 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 FILE NOS. 192097 AND 192099]

ISSUE/REQUESTED ACTION

Whether the Board should approve the award and execution of a Non-Exclusive Professional Services Agreement (PSA) with Louis J. Aguirre & Associates, P.A., to provide general Mechanical, Electrical and Plumbing (MEP) engineering & design services in the amount not to exceed \$2,205,500.00 for a term of five (5) years for the Miami-Dade Aviation Department (MDAD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Aviation Department (MDAD)

This item was brought before the HCCO Committee on September 12, 2019 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to request that the Board approve a PSA with Louis J. Aguirre & Associates, P.A. for MEP engineering and design services. This is a companion item to 3E and 3H also scheduled for this committee.

MDAD requires improvements of MEP and fire suppression systems as well as paging systems and evaluations of air conditioning mechanical rooms at Miami International Airport, Miami-Opa Locka Executive Airport, Miami Homestead General Aviation Airport, Miami Executive Airport and at Dade-Collier Training and transition Airport.

The Fiscal Impact to the County is \$2,205,000 for a term of five (5) years. The project will take place Countywide. The funding source is from the "Reserve Maintenance Fund / Future Aviation Financing / Operating Fund Multi – Year Project No. 2000000068 MIA Support Projects, 2000000094 MIA Concourse E Rehabilitation and Operating funds.

A list of some of the main principles for the scope of services are:

A. Louis J. Aguirre & Associates, P.A., shall design facilities that have common boundaries, surfaces, spaces, or that otherwise interface with other facilities or operations being designed, constructed, or operated by others not a part of this agreement and shall also include the coordination of such design.

B. Louis J. Aguirre & Associates, P.A. shall design interim/temporary facilities included in the Project Budget with the necessary associated facilities to accommodate operations, pedestrian and/or vehicular traffic, tenants or concessionaires, as needed during construction.

C. Louis J. Aguirre & Associates, P.A. shall provide construction cost (including construction contingency allowance), broken down by specification sections or unit prices, shall include any adjustments necessary for projected award dates, changes in requirements, or general market conditions.

**BCC Meeting:
October 3, 2019
Research Notes**

**Item No. 8A3
File No. 192100**

Researcher: IL Reviewer: TD

A Request to advertise was filed with the Clerk of the Board on March 29, 2018, under full and open competition. On October 10, 2018, the Clerk of the Board received 11 proposals in response to the solicitation.

The first tier meeting was held on March 4, 2019; eleven firms were evaluated and the Competitive Selection Committee (CSC) ranked Louis J. Aguirre & Associates, P.A., as the highest ranking firm out of the eleven proposals submitted. The CSC voted by majority, not to hold a Second Tier meeting and to recommend Louis J. Aguirre & Associates, P.A., for negotiation and award. Negotiations concluded on June 28, 2019.

Below is the list of respondents for the advertised project and their final ranking after the first tier meeting.

Firm	Principal Address per Sunbiz	Final Ranking
Louis J. Aguirre & Associates, P.A.	9150 South Dadeland Blvd. Suite 900, Miami, FL 33156	1
A.D.A. Engineering, Inc.	8550 NW 33 Street, Suite 202, Miami, FL 33122	2
Gartek Engineering Corporation	7210 SW 39 th Terrace, Miami, FL 33155	3
Initial Engineers, P.A.	7145 SW 42 Terrace, Miami, FL 33155	4
TLC Engineering for Architecture, Inc.	255 South Orange Avenue, Suite 1600, Orlando, FL 32801	5
Wolfberg Alvarez & Partners, Inc.	75 Aviation Avenue, Suite 1050, Coral Gables, FL 33134	6
Graef-USA Inc.	125 S. 84 th Street, Suite 401, Milwaukee, WI 53214	7
Louis Berger U.S., Inc.	412 Mount Kemble Avenue, Morristown, NJ 07960	8
Fraga Engineers, LLC	135 San Lorenzo Avenue, Suite 890, Coral Gables, FL 33146	9
STV Incorporated	225 Park Avenue South, New York, NY 10003	10
Procon Engineering, Inc.	7240 SW 39 Terrace, Miami, FL 33155	11

The Small Business Development Division recommended a 100 % SBE-A&E goal and a 1% SBE G&S goal. The SBE- A&E goal will be met by Louis J. Aguirre & Associates P.A., and the SBE-G&S will be met by sub-consultant Go Green Document Solutions, Inc. Only the firm Louis J. Aguirre & Associates P.A. appears as a verified certified SBE firm in the Business Management Workforce System (BMWS). However, Go Green Document Solutions was verified by SBD in the Compliance Review memorandum.

**BCC Meeting:
October 3, 2019
Research Notes**

**Item No. 8A3
File No. 192100**

Researcher: IL Reviewer: TD

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

Prime/Other	Code	Description	Amount of SBE A/E firms identified in BMWS
Prime	4.01	Aviation Systems - Engineering	33 SBE A/E firms were identified.
Other	12.00	General Mechanical Engineering	None
Other	13.00	General Electrical Engineering	None
Other	17.00	Engineering Construction Management	None

OCA conducted a review on September 10, 2019 of Louis J. Aguirre & Associates, P.A. and found that it has an active status on Sunbiz, (the official website of the Division of Corporations of the State of Florida) with a principal address of 9150 South Dadeland Blvd., Suite 900, Miami, FL 33156.

The table below summarizes OCA's review of the selected firm.

Firm Name	Sunbiz	DBPR	West Law	Tax Collector
Louis J. Aguirre & Associates, P.A.	Active as of January 8, 1990.	License type: Certificate of Authorization. Active, no complaints on file.	No relevant cases	One account on file. Current Principal Address: 9150 S. Dadeland Blvd, 900, Miami, FL 33156
Go Green Document Solutions, Inc.	Active as of December 22, 2010	None on file	No cases	Two accounts on file. Current Principal Address: 3715 Grand Ave, Miami, FL 33133

Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on September 10, 2019. The verification revealed 4 performance evaluations in the Capital Improvements Information Systems Database for Louis J. Aguirre & Associates, P.A., yielding an average evaluation rating of 3.9 out of 4.0.

ADDITIONAL INFORMATION:

Louis J. Aguirre & Associates, P.A. has performed multiple projects at Miami International Airport and a few at Orlando International Airport

<https://www.ljaapa.com/portfolio.html> (Aviation section)

**BCC Meeting:
October 3, 2019
Research Notes**

**Item No. 8A3
File No. 192100**

Researcher: IL Reviewer: TD

APPLICABLE LEGISLATION/POLICY

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

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

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

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

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

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

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

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

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

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLS2001_S29-124SPFUCRUSSUPRROCIINTRTR

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

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR

**BCC Meeting:
October 3, 2019
Research Notes**

**Item No. 8A3
File No. 192100**

Researcher: IL Reviewer: TD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**BCC Meeting:
October 3, 2019
Research Notes**

**Item No. 8A3
File No. 192100**

Researcher: IL Reviewer: TD

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

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

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

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

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

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

**BCC Meeting: October 3, 2019
Research Notes**

**Item No. 8F3
File No. 191982**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$1,376,000.00 FOR PREQUALIFICATION POOL NO. 5038-1/23-1 FOR PURCHASE OF PUBLIC SAFETY VEHICLE ACCESSORIES FOR THE MIAMI-DADE FIRE RESCUE DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority of \$1,376,000 for *Prequalification Pool No. 5038-1/23-1, Public Safety Vehicle Accessories*, to support the operations of the Fire Rescue Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was considered at the September 12, 2019 meeting of the Health Care and County Operations Committee where it was forwarded to the Board with a favorable recommendation.

ANALYSIS

The purpose of this item is for the Fire Rescue Department to receive increased spending authority of \$1,376,000 to enable it to purchase various accessories for newly acquired vehicles. The pool was established pursuant to Resolution No. R-349-13, adopted May 7, 2013, in the amount of \$6,592,000 for the initial five-year term (from May 17, 2013 to May 31, 2018) plus the five-year option term (June 1, 2018 to May 31, 2023) to support the fleet needs of multiple County departments. The Police, Fire Rescue and Water and Sewer Departments are the biggest users of this pool. The user departments purchase a variety of public safety vehicle accessories under this pool, including, but not limited to, emergency audible, visual electronic, ancillary police and fire equipment, warning lights, prisoner cages and partitions. The pool also covers associated installation and repair services as needed.

The value of the initial term was \$11,289,000, which reflects the award value of \$3,296,000 plus modifications totaling \$7,993,000. The value of the current option term is \$5,836,200, which reflects the original value of \$5,336,200 plus \$500,000 in modifications. Per information found in the Bid Tracking System (BTS) on September 26, 2019, the option term's Blanket Purchase Order (BPO) shows an allocation of \$5,836,200, of which \$3,161,907 has been released, leaving a balance of \$2,674,293. The BPO for the Fire Rescue Department shows an allocation of \$475,000, of which \$473,329 has been released, leaving a balance of \$1,671. The Fire Rescue Department has nearly depleted its allocation, yet the pool is only in its 15th month of the 60-month option term.

The Fire Rescue Department explains that it uses this pool to purchase vehicle accessories such as light bars, sirens, warning lights, and various emergency equipment to support its fleet operations. Due to the department's new vehicle purchases over the last two years as well as anticipated purchases during the remainder of the option term, the requested \$1,376,000 in additional funds is needed to equip all new vehicles with required public safety equipment and accessories. The mayoral memorandum suggests that the requested increased spending will cover Fire Rescue's operational requirements under this pool through the remainder of the option term.

There are 15 prequalified vendors under this pool, of which five maintain a local address. OCA was unable to find two of the vendors (PF Distribution Center Inc. and Truckvault Inc.) in Sunbiz.org, the office State of Florida Division of Corporations website, during a search on September 26, 2019. The table below summarizes OCA's due diligence review of the prequalified vendors.

BCC Meeting: October 3, 2019
Research Notes

Item No. 8F3
File No. 191982

Researcher: PGE Reviewer: TD

Awarded Firms	Sunbiz	Tax Collector	Florida DBPR	Westlaw
15 Company Equipments Inc.	Active	Account closed	N/A	Nothing found
B&G Auto Parts Warehouse Inc.	Active	Business address: 2013 SW 1 ST, Miami, FL	N/A	No relevant cases found
Chief Supply Corporation	Active	Nothing found	N/A	No relevant cases found
Dana Safety Supply Inc.	Active	Business address: 7001 NW 36 Ave, Miami, FL	N/A	<i>Thompson v. Dana Safety Supply Inc.</i> (US Dist. Ct. Northern Dist. of GA; Case No. 1:09-CV-02306); the suit, which was filed in August 2009, alleged job discrimination based on sex; the case is closed.
GT Distributors of Georgia Inc.	Active	Nothing found	N/A	No relevant cases found
Municipal Equipment Company LLC	Active	Nothing found	N/A	No relevant cases found
PF Distribution Center Inc.	Nothing found	Nothing found	N/A	Nothing found
Ramar Enterprises of Broward Inc.	Active	Nothing found	N/A	No relevant cases found
Rev RTC Inc.	Active	Nothing found	N/A	Nothing found
R.F. School Bus Parts Inc.	Active	Mailing address: 510 W 37 ST, Hialeah, FL	N/A	No relevant cases found

BCC Meeting: October 3, 2019
Research Notes

Item No. 8F3
File No. 191982

Researcher: PGE Reviewer: TD

Signal Technology Enterprises Inc.	Active	Business address: 750 W 18 ST, Hialeah, FL	N/A	<i>Selva v. Signal Technology Enterprises Inc.</i> (US Dist. Ct. Southern Dist. of FL; Case No. 1:13-CV-22378); the suit, which was filed in July 2013, alleged that the defendant failed to pay plaintiff his overtime and minimum wages for work performed in excess of 40 hours in violation of the Fair Labor Standards Act. The case is closed.
South Florida Emergency Vehicles LLC	Active	Nothing found	N/A	Nothing found
Ten-8 Fire Equipment Inc.	Active	Nothing found	N/A	<i>Harvin v. Mine Safety Appliances Company, et al</i> (Sixth Judicial Circuit, Pinellas County; Case No. 15000761CI); the suit, which was filed in February 2015, alleged that the plaintiff was seriously injured while wearing a fire helmet that was manufactured by the defendant while in the scope of his employment as a firefighter. The case was dismissed in May 2016.
Tim Halpin Equipment Corporation	Active	Business address: 5670 NW 78 Ave, Doral, FL	N/A	No relevant cases found
Truckvault Inc.	Nothing found	Nothing found	N/A	<i>Cisneros v. Truckvault Inc. et al</i> (US Dist. Ct. Western Dist. of Washington; Case No. 2:17-CV_00402); the suit, which was filed in March 2017, alleged that the defendant

BCC Meeting: October 3, 2019
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Item No. 8F3
File No. 191982

Researcher: PGE Reviewer: TD

				violated the Labor Code by wrongfully terminating plaintiff's employment and discriminating against plaintiff on the basis of his race. The case was closed in October 2018.
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A September 26, 2019 search on the Business Management Workforce System for the pool's Commodity Codes – 05557 (Lights and Accessories: Flashing, Light Bars, Revolving and Warning, Including Strobe/Warning Lights, Automotive) and 55096 (Warning Lights, Flashers and Flashing Arrow Boards) – yielded the following four certified local small business enterprise firms:

- Mastercraft Tools Florida Inc.
- Paramount Electric and Lighting Inc.
- PER CAR Inc. and
- Trinity Electric Sales & Service Inc.

These certified small business firms are not prequalified under this pool.

APPLICABLE LEGISLATION/POLICY

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

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

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

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

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

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

Resolution No. R-349-13, adopted May 7, 2013, established *Prequalification Pool No. 5038-1/23, Public Safety Vehicle Accessories*, for use by multiple County departments to support their fleet needs in the amount of \$6,592,000 for the initial five-year term plus the five-year option term.

<http://intra/gia/matter.asp?matter=130552&file=true&yearFolder=Y2013>

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Research Notes

Item No. 8F3

File No. 191982

Researcher: PGE Reviewer: TD

Implementing Order 3-38 sets forth the County's policies and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

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Research Notes**

**Item No. 8F4
File No. 192004**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$1,720,000 FOR PREQUALIFICATION POOL NO. 7963-1/22-1 FOR PURCHASE OF BUILDING MATERIALS FOR MULTIPLE COUNTY DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the Board should authorize an additional expenditure of a maximum of \$1,720,000 to purchase building materials for several County departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard by the Health Care and County Operations Committee meeting on September 12, 2019 and forwarded to the BCC with a positive recommendation.

ANALYSIS

The proposed resolution requests Board approval to establish Prequalification Pool No. 7963-1/22-1 in the amount of \$1,720,000 to purchase building materials for several County departments and ensure there is sufficient funding through the expiration of the pool on August 31, 2022.

The fiscal impact is \$1,720,000. The requestor department states the pool has an existing allocation of \$39,814,000. With this request of an additional \$1,720,000, the pool's allocation will increase to \$41,534,000, and is based on the anticipated demand for building materials through the end of the term. The existing pool was established April 3, 2012 for a five-year term, with one, five-year option to renew, pursuant to Resolution No. R-280-12.

OCA conducted a review of the Bid Tracking System (BTS) on September 10, 2019, which shows a blank purchase order with a remaining balance of \$7,452,565.31.

The following depicts the requestor department, allocation amount, and the building materials projected for purchase under this prequalification pool totaling \$1,720,000.

Department	Requested Allocation	Building/Materials Needed
Parks, Recreation & Open Spaces	\$1,210,000	Routine repairs for 270 parks
PortMiami	\$470,000	Capital expansion during next 5 years
Regulatory and Economic Resources	\$40,000	Sampling activities for environmental testing

There are 38 vendors in the pool, of which 27 have local addresses and nine (9) are certified Small Business Enterprise (SBE). OCA performed due diligence on the prequalification pool of the 38 vendors on September 10, 17, and 18, 2019. The results are shown below.

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Vendor	Sunbiz	Tax Collector	Florida DBPR	Westlaw
A&B Hardware Inc., dba A&B Hardware Lumber, Inc. (SBE)	Active	Business address: 2652 NW 26 St., Miami, FL	Nothing found	No relevant case found
ADA Solutions, Inc.	Inactive	N/A	Nothing found	No relevant case found
A Thru Z Consulting & Distributing, Inc.	Active	Mailing address: 8620 E. Old Vail Rd, #100, Tucson, AZ	License type: Registered Specialty Contractor; Construction Business Information	No relevant case found
Amazulu, Inc.	Active	Nothing found	Nothing found	No relevant case found
American Fasteners Corp.	Active	Business address: 7323 NW 66 St., Miami, FL 33166	Nothing found	No relevant case found
American Plumbing Supply Co. Inc., dba American Plumbing & Electrical Supply	Active	Business address: 1135 Alton Rd., Miami Beach, FL	Nothing found	No relevant case found
Amion Enterprises International dba Amion Enterprises Intern (SBE)	Active	Business address: 13651 SW 143 Ct., #102, Miami, FL	License type: Certificate of Authorization	No relevant case found
Automated Door & Glass Systems, Inc.	Active	Business address: 12131 SW 131 Ave., Miami, FL	Nothing found	No relevant case found
Baro Hardware, Inc.	Active	Business address: 7230 NW 72 Ave., Miami, FL	Nothing found	No relevant case found
Bearing Distributors, Inc.	Active	Business address: 2121 NW 65 Ave., Miami, FL	Nothing found	No relevant case found
Belzona Florida, LLC	Active	Business address: 14300 NW 60 Ave., Miami Lakes, FL	License type: Certified General Contractor; Construction Business Information	No relevant case found
Brunswick Enterprises, Inc.	Active	Nothing found	Nothing found	Nothing found

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dba Brunswick Door Co.					
C&R Metals, Inc.	Active	Business address: 2991 NW N. River Dr., Miami, FL	Nothing found	No relevant case found	
Cany, LLC dba Miami Dade Windows and Doors	Active	Business address: 19505 SW 134 Ave., Miami, FL	License type: Certified Specialty Contractor; Construction Business Information	Nothing found	
Caribbean Paint Co., Inc.	Active	Business address: 5295 NW 79 Ave., Doral, FL	Nothing found	No relevant case found	
Carnegie Fabrics, LLC	Inactive	Nothing found	Nothing found	No relevant case found	
Colony Hardware Corp. dba National Tool Supply	Active	Nothing found	License type: Elevator	No relevant case found	
Condo Electric Industrial Supply, Inc. (SBE)	Active	Business address: 3746 E. 10 Ct., Hialeah, FL	License type: Certified General Contractor; Construction Business Information; Construction Financial Officer	No relevant case found	
Construction Materials, Inc.	Inactive	Business address: 1038 NW 4 St., Homestead, FL	Nothing found	Nothing found	
Conwell & Associates Consulting Company (SBE)	Active	Business address: 11771 SW 137 Pl., Miami, FL	License type: Certified General Contractor; Certified Mechanical Contractor; Certified Underground Utility and Excavation Contractor; Certified Roofing Contractor; Certified Plumbing Contractor; Construction Business Information	Nothing found	
Corcel Corp. (SBE)	Active	Business address: 2461 NW 23 St., Miami, FL	Nothing found	No relevant case found	
E&T Plastics of FL Inc.	Active		Nothing found	No relevant case found	
Enecon Corp.	Active		Nothing found	<i>Camille Segobia v. Enecon Corporation, et al., (Case No. 1:19-</i>	

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Researcher: MF Reviewer: TD

				cv-01345); Allegation: civil rights / employment discrimination; Case status: Pending	
Everglades Steel Corp.	Active	Business address: 5901 NW 74 Ave., Miami, FL	Nothing found	No relevant case found	
Ferguson Enterprises, Inc.	Inactive	Business address: 7480 NW 48 St., Miami, FL	License type: Construction Business Information	No relevant case found	
Independent Hardware, Inc.	Active	Nothing found	Nothing found	No relevant case found	
Javan Lumber, Inc. (SBE)	Active	Business address: 12721 NW 7 Ave., North Miami, FL	Nothing found	No relevant case found	
Abell John Corp.	Active	Business address: 10500 SW 186 St., Miami, FL	License type: Certified Public Accountant	Nothing found	
Lavcor, LLC (SBE)	Active	Business address: 936 NW 104 Ave., Miami, FL	Nothing found	Nothing found	
Lockey Distributors, Inc.	Active	Business address: 7288 NW 25 St., Miami, FL	Nothing found	No relevant case found	
McKinsey Steel & Supply of Florida, Inc.	Active	Nothing found	Nothing found	<i>Robert Telly Smith v. McKinsey Steel & Supply of Florida, Inc.</i> (Case No. case # 0:14-cv-61069-AMS); Allegation: Fair Labor Standards Act; Case status: Settled	
Nets Unlimited, Inc.	Active	Nothing found	Nothing found	Nothing found	
Ronnie's Hardware, Inc.	Active	Business address: 12700 SW 122 Ave., #114, Miami, FL	Nothing found	Nothing found	
Shell Lumber and Hardware Company	Active	Business address: 2737 SW 27 Ave., Miami, FL	Nothing found	<i>Stephanie Rodriguez v. Shell Lumber and Hardware Company;</i> (Case No. 1:18-cv-20344-FAM, U); Allegation: Fair Labor Standards Act; Case status: Settled	
The Tool Place Corp. (SBE)	Active	Business address: 9383 NW 13 St., Doral, FL	Nothing found	Nothing found	

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Traeger Bros. & Associates, Inc.	Active	Business address: 12405 SW 130 St., Miami, FL	Nothing found	No relevant case found
World of Frameless Glass, Inc. (SBE)	Active	Business address: 20341 NE 30 Ave., #122, Aventura, FL	License type: Certified Specialty Contractor; Construction Business Information	No relevant case found
WW Grainger, Inc., dba Grainger	Active	Business address: 2255 NW 89 Pl., Doral, FL	License type: Elevator	<i>Nicole Grigg v. W.W. Grainger, Inc., dba Grainger</i> ; (Case No. 1:19-cv-01795); Allegation: Fair Labor Standards Act; Case status: Pending <i>Rebecca Castillo v. W.W. Grainger, Inc.</i> ; (Case No. KC069978); Allegation: civil rights employment case; Case status: Settled

ADDITIONAL INFORMATION

As shown in the above-mentioned OCA's table of due diligence and pursuant to BCC Resolution No. R-828-19, four of the vendors from the subject prequalification pool have had legal actions filed against their respective companies within the past 10 years.

- 1) *Camille Segobia v. Enecon Corporation, et al.*, - There is a 2019 pending employment discrimination civil case against Enecon Corp., filed March 7, 2019 in the U.S. District Court Eastern District of New York (Case No. 1:19-cv-01345). According to the complaint, Plaintiff (Camille Segobia) seeks damages in excess of \$75,000, pursuant to the Civil Rights Act of 1964. The suit states Plaintiff (53 yrs. old) had been an employee of Enecon Corporation since 2004, and served as the company's first female district sales manager. The suit states that on December 21, 2017, Plaintiff was fired. The complaint alleges the Defendant discriminated against and unlawfully terminated Plaintiff on the basis of her gender in retaliation for Plaintiff having complained about the Defendant's discriminatory practices.
- 2) *Robert Telly Smith v. McKinsey Steel & Supply of Florida, Inc.* - In 2014, the company reached a settlement agreement with Plaintiff (Robert Telly Smith) pertaining alleged violations of overtime provisions of the Fair Labor Standards Act (FLSA), 29 U.S.C. 201. According to the suit, Plaintiff sought payment for overtime time and liquidated damages in the total amount of \$19,931.43, pursuant to the FLSA. No other information was available.
- 3) *Stephanie Rodriguez v. Shell Lumber and Hardware Company* - The company reached a settlement in May 2019 in a civil case filed January 22, 2018 by Plaintiff (Stephanie Rodriguez) who worked as a social media manager for the company from April 2017 until October 2017. The suit alleged that although Plaintiff had a "manager" title, she did not have authority to hire or fire employees, discipline employees or handle financial matters. As a result, the Plaintiff's job did not qualify her to be exempt from overtime pay. By the time her employment ended, Plaintiff earned \$55,000 annually for a 40-hour workweek. According to the complaint, Plaintiff actually worked 50 hours per week. Plaintiff sought damages in the amount of \$11,618.22 for overtime not paid, an alleged

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violation of overtime provisions of the Fair Labor Standards Act, 29 U.S.C. 201. No other information was available.

- 4) W.W. Grainger, Inc. dba Grainger: There were two relevant legal cases filed against Grainger. Below is a synopsis.
- *Nicole Grigg v. W.W. Grainger, Inc., dba Grainger* - Fair Labor Standards Act civil case was filed on March 14, 2019 in the U.S. District Court for the Northern District of Illinois, Eastern Division (Case No. 1:19-cv-01795). According to the complaint, Plaintiff (Nicole Grigg) seeks damages in excess of \$1 million, on the following grounds: 1) violation of Fair Labor Standards Act (FLSA); 2) willful violation of the FLSA; 3) liquidation damages under the FLSA; 4) supplemental state law claim violation of the Illinois Minimum Wage Law; and 5) violation of FLSA Retaliation. The suit states Plaintiff worked in excess of 40 hours per workweek, including work that was not recorded or accounted for by the defendant's time-keeping system, and that Plaintiff was denied time and a half compensation for all such hours. The complaint also states Defendant partially reimbursed Plaintiff for some back wages owed but that the amount owed to Plaintiff was not correctly calculated. According to a June 26, 2019 docket proceeding entry, there is an upcoming case status hearing set for October 8, 2019.
 - *Rebecca Castillo v. W.W. Grainger, Inc., dba Grainger* - A civil rights complaint was filed on January 29, 2018 in Los Angeles County Superior Court, East District (Case No. KC069978). According to the complaint, Plaintiff (Rebecca Castillo) filed a civil rights/discrimination suit against Grainger. According to court records, the case was settled in July 2018. No other information was available.

DEPARTMENTAL INPUT

OCA requested the following information from ISD on September 18, 2019. The Department responded September 19, 2019 and the responses are shown in bold.

- Indicate if the blank purchase order for \$7,452,565.31 shown in BTS will be added to the existing allocation or the proposed allocation. If not, provide details. **If your question is whether the amount of this modification is going to be added to the remaining balance of allocations shown in BTS (today is showing as 7,456,661.93) – the answer is yes. The additional allocation will be in addition to the remaining balance showing in ADPICS. This pool has three years left which would be the main reason that departments did not donate any remaining funds to the requesting departments.**
- Indicate whether any of the vendors in the prequalification pool have submitted any disclosure of discrimination lawsuits filed against them from the past 10 years. If so, provide details. **Per our conversation, Resolution No. R-828-19, was adopted on July 23, 2019 and became effective on August 2, 2019. The item you are inquiring about was submitted for Agenda review on July 31, 2019 before the legislation became effective. Internal Services is currently collaborating with the Human Resources Department and the County Attorney's Office in order to comply with this legislation. I have copied the County Attorney (David Hope) who wrote the legislation in case you need additional guidance.**

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=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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Researcher: MF Reviewer: TD

Resolution No. R-828-19, adopted July 23, 2019, establishes a policy of Miami-Dade County for disclosure of past and present discrimination lawsuits in solicitation submissions.

<http://www.miamidade.gov/govaction/matter.asp?matter=190936&file=true&fileAnalysis=false&yearFolder=Y2019>

Resolution No. R-280-12, adopted April 3, 2012, authorizes award of competitive contracts and contract modifications, and authorizes the county mayor or county mayor's designee to exercise options-to-renew established thereunder for purchase of goods and services, and authorizes the use of charter county transportation surtax funds.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/120466.pdf>

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-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>

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. 8F5
File No. 192082**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING AND RATIFYING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY PURCHASE IN AN AMOUNT NOT TO EXCEED \$2,226,368.00 AND AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY FOR 12 MONTHS COMMENCING FEBRUARY 1, 2019 TO CONTRACT NOS. RFP-MDAD-09-06-AVA, JANITORIAL SERVICES ZONE 1, RFP-MDAD-09-06-AVB, JANITORIAL SERVICES ZONE 2, AND RFP-MDAD-09-06-AVC, JANITORIAL SERVICES ZONE 3, FOR JANITORIAL SERVICES FOR THE MIAMI-DADE AVIATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should ratify and authorize the emergency purchase of three (3) emergency contracts for janitorial services extensions totaling \$2,226,368 for Contract No. RFP-MDAD-09-06-AVA, for Zone 1, for Zone 2 and Zone 3 for the Miami-Dade Aviation Department (MDAD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was brought before the HCCO Committee on September 12, 2019 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this resolution is to approve and authorize the emergency purchase of three contracts for janitorial services in an amount not to exceed \$2,226,368 and authorizing an additional expenditure authority for 12 months retroactively commencing from February 1, 2019 for Zone 1-3 under Contract No(s). RFP-MDAD-09-06-AVA (Zone 1), RFP-MDAD-09-06-AVB (Zone 2) and RFP-MDAD-09-06-AVE (Zone 3) for Janitorial Services.

The Fiscal Impact is \$2,226,368 extending services through January 31, 2020.

MDAD is currently evaluating the replacement contract for main terminal area formerly known as Zone 1, which was bifurcated into two smaller zones to enhance competition. The replacement contract was advertised on December 24, 2018 and proposals were submitted on May 31, 2019. The replacement contract for Zone 2 was advertised on June 7, 2019 and the submittals were due on August 16, 2019. The replacement contract for Zone 3 was scheduled to be advertised sometime in August 2019.

Resolution No. R-718-17, requires re-procurement of existing County contracts commence planning no later than 18 months prior to the expiration of contracts. The re-procurement of these contracts does not appear to be in compliance with the aforementioned resolution. MDAD attempted to replace these contracts via a competitive solicitation on November 14, 2016. The proposals related to this solicitation were rejected via Resolution 1307-18 due to irregularities concerning the evaluation process. Instead MDAD declared the emergency on January 30, 2019 in order to secure that janitorial services would be provided through January 31, 2020 at Miami International Airport (MIA) and the three general aviation airports and non-terminal facilities. Pursuant to Implementing Order 3-38 an emergency purchase is

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Researcher: IL Reviewer: TD

an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order, including a bid waiver. In accordance with Resolution No. 454-13, the administration is to bring emergency contract ratifications to the Board within 120 days of such emergency. OCA's observation is that this item is being brought before the Board after the mandated time window allotted by resolution. Approval of the time and monetary extension will allow MDAD to finalize the procurement of the replacement contracts.

OCA conducted a review of the three firms on various portals on September 10, 2019. (See below)

Firm Name	Sunbiz	DBPR	West Law	Tax Collector
C&W Facility Services, Inc. d/b/a C&W Services	Active Principal Address: 275 Grove Street, Suite 3-200, Aburndale, MA 02466	Slot Machine Business License, A Warning Letter was Issued on June 9, 2012, Status Closed.	No cases	Three accounts paid and current. Principal Address: 275 Grove St, STE 3-200, Aburndale, MA 02466
N & K Enterprises, Inc.	Active Principal Address: 147 Alhambra Circle, Suite 220, Coral Gables, FL 33134	No information found	Rios, Rubby v. N & K Enterprises Inc. (Case No. 2010-057827-CA-01); Allegation: Slip and fall. Case Status: voluntary dismissal on June 27, 2014	Two accounts paid and current. Principal Address: 147 Alhambra Circle, Suite 220, Coral Gables, FL 33134
Vista Building Maintenance Services, Inc.	Active Principal Address: 8200 Coral Way, Miami, FL 33155	No information	Carmen J. Oliveras v. Vista Building Maintenance Services, Inc. (Case No. 2019-015083-CA-01); Allegation: Slip and fall. Case Status: Pending litigation as of September 18, 2019 Dennise Suarez v. Vista Building Maintenance Services, Inc. (Case No. 2017-029436-CA-01); Allegation: Tort/Negligence; Case Status: pending litigation as of July 30, 2019	One account paid and current. Principal Address: 8200 Coral Way, Miami, FL 33155

OCA performed a search for commodity code 91039: (Janitorial Services) on the Business Management Workforce System's Certified Vendor Directory on September 10, 2019. 65 local SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned code.

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Researcher: IL Reviewer: TD

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(3) of the Code of Miami-Dade County (*Procedures for purchases when competitive procedures are not practicable*), Notwithstanding the requirements of section 2-8.1(b)(1), formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable as set forth herein. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

Any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

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

Resolution No. R-19-09, adopted January 22, 2009, approves an award of a non-exclusive agreement for janitorial services at Miami-Dade County Aviation Department facilities between N & K Enterprises, Inc. and Miami-Dade County, for a three (3) year period and for the estimated first year amount of \$2,495,469 subject to adjustment for changes in reimbursable amounts, providing for a five (5) one (1) year options to renew.

<http://www.miamidade.gov/govaction/matter.asp?matter=083456&file=true&fileAnalysis=false&yearFolder=Y2008>

Resolution No. R-20-09, adopted January 22, 2009, approves an award of a non-exclusive agreement for janitorial services at Miami-Dade County Aviation Department facilities between Vista Building Maintenance Services, Inc. and Miami-Dade County, for a three (3) year period and for the estimated first year amount of \$2,495,469 subject to adjustment for changes in reimbursable amounts, providing for a five (5) one (1) year options to renew.

<http://www.miamidade.gov/govaction/matter.asp?matter=083457&file=true&fileAnalysis=false&yearFolder=Y2008>

Resolution No. R-21-09, adopted January 22, 2009, approves an award of a non-exclusive agreement for janitorial services at Miami-Dade County Aviation Department facilities between Unicco Service Company D/B/A UGL Unicco and Miami-Dade County, for a three (3) year period and for the estimated first year amount of \$2,495,469 subject to adjustment for changes in reimbursable amounts, providing for a five (5) one (1) year options to renew.

<http://www.miamidade.gov/govaction/matter.asp?matter=083607&file=true&fileAnalysis=false&yearFolder=Y2008>

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

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

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Researcher: IL Reviewer: TD

Resolution No. R-454-13, adopted on May 22, 2013, directs the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and bring retro-active contract modifications to the Board within 120 days of modification.

<http://www.miamidade.gov/govaction/matter.asp?matter=131016&file=true&fileAnalysis=false&yearFolder=Y2013>

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

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

Resolution No. R-113-16, adopted February 2, 2016, authorizing the designated purchases of equipment and services for the furnishing, delivery, and/or installation of playground and park equipment, with a total contractual authority of \$4,000,000.00 in the aggregate and \$350,000.00 per project funded in part from the building better communities general obligation bond program, for a period of three (3) years.

<http://www.miamidade.gov/govaction/matter.asp?matter=152876&file=true&fileAnalysis=false&yearFolder=Y2015>

Resolution No. R-679-17, adopted June 6, 2017, authorized the designated purchase, authorizing award of additional time on a month-to-month basis up to one year under Contract No. MDAD-09-06 for non-exclusive management agreements for the janitorial services agreements for the Miami-Dade Aviation department for Zone 1 in an amount not to exceed \$27,000,000 to C&W facility services, Inc. zone 2 in an amount not to exceed \$3,800,000 to N&K Enterprises, Inc. and Zone 3 in an amount not to exceed \$2,650,000 to Vista Building maintenance services Inc.

<http://www.miamidade.gov/govaction/matter.asp?matter=171687&file=true&fileAnalysis=false&yearFolder=Y2017>

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 goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

Resolution No. 1307-18, adopted December 18, 2018, approves the rejection of all proposals received in response to RFP No. MDAD-03-16 for the purchase of janitorial services for MDAD.

<http://intra/gia/matter.asp?matter=182757&file=true&yearFolder=Y2018>

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

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

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**Item No. 8F7
File No. 192090**

Researcher: PGE Reviewer: TD

RESOLUTION RATIFYING AN EMERGENCY PURCHASE AND INCREASE IN EXPENDITURE AUTHORITY IN THE AMOUNT OF \$1,920,000.00 FOR THE PURCHASE OF SECURITY EQUIPMENT, MAINTENANCE, AND REPAIR SERVICES FOR PREQUALIFICATION POOL NO. RTQ 00924 FOR THE INTERNAL SERVICES DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should ratify an emergency purchase in the amount of \$1,920,000 for security equipment, maintenance and repair services under *Prequalification Pool No. 00924* for the Internal Services Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was considered at the September 12, 2019 meeting of the Health Care and County Operations Committee wherein it was forwarded to the Board with a favorable recommendation.

ANALYSIS

The purpose of this item is to ratify an emergency purchase by the Internal Services Department in the amount of \$1,920,000 for security equipment and associated services at the Stephen P. Clark Center (SPCC). The equipment and services were purchased under *Prequalification Pool No. 00924, Purchase of Security Equipment, Maintenance and Repair Services*. Resolution No. R-1148-18, adopted November 8, 2018, established *Prequalification Pool No. 00924* for multiple County departments in the amount of \$1,758,000 for a five-year term (January 8, 2019 to January 31, 2024). The pool has three user departments – Aviation, Corrections and Rehabilitation and Internal Services.

Prequalification Pool No. 00924 is used to purchase x-ray machines, electronic turnstiles, metal detectors and related security equipment, including installation, maintenance, calibration and/or repair services. Manufacturers covered under the pool include, but are not limited to, Smith Detection, CEIA, Garrett, Rapiscan Systems, Gunnebo, Hayward Turnstiles, Boon Edam and Alvarado. Per data seen in the Bid Tracking System (BTS) on September 26, 2019, there are five companies that are prequalified under this pool – Pemica, Inc., AT Security Inc., MIS Security Inc., Yates Enterprises LLC and Rapiscan Systems Inc. The mayoral memorandum does not include MIS Security LLC as a prequalified vendor.

On March 26, 2019, the Director of the Internal Services Department declared an emergency purchase in the amount of \$1,919,875 for the security equipment for the SPCC. The Internal Services Department explained that the emergency purchase is required to mitigate noted security deficiencies at the SPCC. Both the County Mayor and Director of the Police Department endorse this procurement via emergency procedures set forth in the County's Procurement Guidelines as well as controlling policies and procedures. Although this item is styled as a "competitive emergency purchase" in the mayoral memorandum, only one bid was received based on a review of the applicable tally sheet. The awarded vendor is Pemica, Inc.

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Research Notes**

**Item No. 8F7
File No. 192090**

Researcher: PGE Reviewer: TD

The table below summarizes OCA's due diligence review of the awarded vendor under the emergency purchase.

Awarded Firms	Sunbiz	Tax Collector	Florida DBPR	Westlaw
Pemica, Inc.	Active	Business address: 7324 SW 48 ST, Miami, FL	License types: Construction Financial Officer and Construction Business Information	Nothing found

Resolution No. 454-13 directs the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency. In this case, the emergency was declared on March 26, 2019. This item is scheduled to be presented to the Board for ratification on October 3, 2019, which is 191 days after the emergency was declared.

As of September 26, 2019, the Blanket Purchase Order (BPO) in BTS for this pool shows an allocated amount of \$3,677,875. That amount reflects the emergency purchase of \$1,919,875. Of the allocated amount, a total of \$1,922,541 has been released, leaving a balance of \$1,755,334. The BPOs under the pool for Aviation and the Corrections and Rehabilitation departments show that no funds have been released. The BPO for the Internal Services Department shows that \$1,922,541 has been released from the \$2,919,875 allocated to the department, leaving a balance of \$997,334.

A September 26, 2019 search on the Business Management Workforce System for the pool's Commodity Codes – 03595 (X-Ray Scanner, Passenger Baggage), 68002 (Access Control Systems and Security Systems), 68044 (Detectors, Gun and Metal) and 93673 (Security and Access Systems Maintenance and Repair) – yielded the following five local small business enterprise firms:

- Coral Way Locksmith Corporation;
- Dade County Electrical Contractors LLC;
- Galactic Technology Group LLC;
- Generating Systems Inc.; and
- MGA Electric Inc.

ADDITIONAL INFORMATION

Pursuant to Resolution No. R-885-18, adopted by the Board on September 5, 2018, an emergency purchase was ratified for the Corrections and Rehabilitation Department in the amount of \$424,000 to purchase three body scanners for detention centers. The awarded vendor for the one-time purchase was OD Security North America, LLC.

<http://intra/gia/matter.asp?matter=181541&file=true&yearFolder=Y2018>

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved;

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(3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=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-187-12, adopted February 21 2012, directed the County Mayor to include due diligence information in memoranda recommending certain contract awards.

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

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

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

Resolution No. 454-13, adopted June 4, 2013, directs the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and bring retroactive contract modifications to the Board within 120 days of modification.

<http://intra/gia/matter.asp?matter=131016&file=true&yearFolder=Y2013>

Resolution No. R-1148-18, adopted November 8, 2018, established *Prequalification Pool No. 00924, Security Equipment, Maintenance and Repair Services*, for multiple County departments in the amount of \$1,758,000 for a five-year term.

<http://intra/gia/matter.asp?matter=182798&file=false&yearFolder=Y2018>

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

Under I.O. 3-38, an emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order, including a bid waiver. In the event a department director or authorized designee determines that an emergency purchase is necessary, a contract may be awarded without utilizing the competitive bid procedures regardless of the amount of expenditure. Within five working days after the purchase, the County department shall submit the post award requisition to ISD specifying the circumstances which justified the emergency contract award. When the expenditure is in excess of \$250,000, the ISD Director shall forward the documented circumstances to the County Mayor for presentation to the Board of County Commissioners for ratification.

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

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Research Notes

Item No. 8F8
File No. 192091

Researcher: MF Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$8,720,925 FOR PREQUALIFICATION POOL NO. RTQ-00078 FOR PURCHASE OF CISCO EQUIPMENT, SOFTWARE, AND MAINTENANCE SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should authorize an additional expenditure of a maximum of \$8,720,925 to purchase Cisco equipment, software equipment, and maintenance services for the Information Technology (IT) Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard by the Health Care and County Operations Committee meeting on September 12, 2019 and forwarded to the BCC with a positive recommendation. At the meeting, Commissioner Jose “Pepe” Diaz inquired pertaining the term of the contract and specified allocation. Mr. Angel Petisco, I.T. Director, replied that the pool was for eight years for a total allocation of \$29,495,325.

ANALYSIS

The proposed resolution requests Board approval of an additional \$8,720,925 for Prequalification Pool No. RTQ-00078 to purchase Cisco equipment, software, and maintenance for IT services for several County departments, such as Aviation, Library, Fire Rescue, and other initiatives. The purchase will provide Cisco hardware, software, parts and services to support the County’s Cisco network and telephone services.

The fiscal impact is \$8,720,925. The pool term is set to expire November 30, 2022, and according to the mayor’s memo, the pool has an allocation amount of \$20,774,400. If this request is approved, the modified allocation would increase to \$29,495,325.

OCA conducted a review of the Bid Tracking System (BTS), which shows a blank purchase order (BPO) as of September 10, 2019, for the existing pool of \$751,758.94. The BPO shows that of the \$20,774,400 allocated, \$20,022,641.06 has been released.

Below is a summary of the contract expenditures and the proposed request.

Effective Date	Existing Allocation	Additional Allocation Requested	BPO Balance	TOTAL:
December 1, 2014	\$20,774,400	\$8,720,925	\$751,758.94	\$29,495,325
				<u>Note:</u> BPO balance integrated in existing allocation

OCA performed due diligence on the prequalified vendors on September 10, 2019 and below are the findings.

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Researcher: MF Reviewer: TD

Vendor	Tax Collector	Sunbiz	Florida DBPR	Westlaw
CDW Government, LLC	Nothing found	Active	Nothing found	No relevant cases
Dimension Data North America, Inc.	Mailing address: 4101 Lake Boone Trail, Raleigh, NC	Active	Nothing found	<i>Gina Brockamp v. Dimension Data North America, Inc.; et al;</i> (Case No. 18STCV09123); Allegation: wrongful employment termination; Case status: Pending <i>Blair Harsh v. Dimension Data North America, Inc.,</i> (Case No. 1:12-cv-01368-AJT-JFA); Allegation: violating the Civil Rights Act of 1964; Case status: Closed
Disys Solutions, Inc.	Nothing found	Active	Nothing found	No relevant cases
En Pointe Technologies Sales, LLC	Nothing found	Active	Nothing found	No relevant cases
Insight Public Sector, Inc.	Nothing found	Active	License type: Certified Specialty Contractor; Electrical Business Information	No relevant cases
Norstan Communications Inc.	Business address: MDAD, Perimeter Rd. NW 22 St., Miami, FL	Active	License type: Electrical Business Information	No relevant cases
Presidio Holdings, Inc.	Nothing found	Inactive	Nothing found	No relevant cases
Prosys Information Systems, Inc.	Nothing found	Active	Nothing found	No relevant cases

ADDITIONAL INFORMATION

As shown in OCA's table of due diligence and pursuant to Resolution R-828-19, the firm Dimension Data North America Inc., has been a defendant in two civil cases in the past 10 years. Below are the details.

- *Gina Brockamp v. Dimension Data North America, Inc.; et al* – This is a pending wrongful termination lawsuit filed in California in 2018 (Case No. 18STCV09123). According to the legal complaint, Plaintiff (Gina Brockamp) worked in the San Diego and Los Angeles Counties offices of Nexus, which was later acquired by Dimension North America Inc. in 2016. According to the suit, Plaintiff alleges that during her time working for Nexus, the company exempted her from overtime pay, meal periods, and rest breaks. After the company acquisition, Plaintiff claims the firm Dimension Data violated California's Labor Code, including its wage and hour laws that protect employees. The complaint was filed on December 20, 2018 in Los Angeles County Superior Court and cites the following damages:

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- Defamation;
- FEHA Employment Discrimination;
- FEHA Harassment
- FEHA Failure to Prevent/Remedy Discrimination or Harassment;
- Wrongful discharge in violation of public policy;
- Intentional infliction of emotional distress;
- Failure to pay wages earned including overtime compensation;
- Failure to provide lawful meal periods and/or rest breaks;
- Failure to provide accurate itemized wage statements;
- Waiting time penalties;
- Unfair business practices

- *Blair Harsh v. Dimension Data North America, Inc.*, - The company was sued in 2012 by Plaintiff (Blair Harsh) under Title VII of the Civil Rights Act of 1964 for sexual harassment and retaliation (Case No. 1:12-cv-01368-AJT-JFA). According to the suit, Defendant created a discriminatory and hostile work environment when its vice president of marketing repeatedly: commented on coworkers appearance; waived dress code requirements for female employees; commented on employees appearance; created an unprofessional environment; encouraged employees to dress provocatively at work; inappropriately evaluated new hires based on appearance; inappropriately shared personal details of a sexual nature regarding job applicants; made unwanted advances; and kissed one employee on multiple occasions. The legal complaint states that when Plaintiff complained to human resources about the situation, Defendant became angrier and more hostile toward Plaintiff, ignoring Plaintiff in meetings and refusing to meet with Plaintiff, making it impossible for Plaintiff to conduct his job. According to the suit, Defendant placed Plaintiff on a performance improvement plan (PIP), after blaming Plaintiff for creating “drama” with the department for reporting blatant instances of discrimination and harassment based on sex and religion. The complaint alleges that after the PIP, the Plaintiff’s working conditions worsened and he was forced to resign in March 2012. According to the jury verdict issued September 20, 2013, the judgment was in favor of the Defendant, Dimension Data North America, Inc.

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=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution R-828-19, adopted in July 23, 2019, establishes a policy of the County for disclosure of past and present discrimination lawsuits in solicitation submissions.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190936min.pdf>

Resolution No. R-733-16, adopted July 19, 2016, authorizes additional expenditure in a total amount up to \$7,712,000 for Prequalification Pool No. RTQ-00078 for purchase of Cisco equipment, software and maintenance services for the Information Technology Department.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2016/161496min.pdf>

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Researcher: MF Reviewer: TD

Resolution No. R-973-14, adopted November 5, 2014, authorizes award of a competitive contract in a total amount up to \$2,075,000 for liquid sodium silicate, and establishing prequalification pools in a total amount up to \$11,040,000 for Cisco equipment, software and maintenance services and hydraulic parts and repair services for heavy mobile equipment.
<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2014/142129.pdf>

Resolution No. R-187-12, adopted February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.
<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

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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Research Notes**

**Item No. 8F9
File No. 192092**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$2,655,000.00 FOR PREQUALIFICATION POOL NO. 8073-1/20-1 FOR PURCHASE OF VETERINARY SUPPLIES AND PHARMACEUTICALS FOR THE ANIMAL SERVICES DEPARTMENT AND THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT (Internal Services)

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority of \$2,655,000 for *Prequalification Pool No. 8073-1/20-1, Veterinary Supplies and Pharmaceuticals*, to support continued operations at the Animal Services and Parks, Recreation and Open Spaces departments for the remainder of the option term.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was considered at the September 11, 2019 meeting of the Parks, Recreation and Cultural Affairs Committee where it was forwarded to the Board with a favorable recommendation.

ANALYSIS

The purpose of this item is for the Animal Services Department (ASD) and the Parks, Recreation and Open Spaces Department (PROS) to gain Board authorization to increase spending by \$2,655,000 under *Prequalification Pool No. 8073-1/20-1, Veterinary Supplies and Pharmaceuticals*, to support operational requirements through the remainder of the option term, January 31, 2022. The pool's initial term was from February 1, 2012 through January 31, 2017 and was approved under the County Mayor's delegated authority for \$500,000. That approval included a single, five-year option to renew term. The initial term was modified by \$3,750,000, resulting in a cumulative allocation of \$4,250,000 for the initial term. The pool is relied on by ASD, the biggest user, and PROS to purchase various veterinary medical and pharmaceutical supplies as well as miscellaneous and emergency items to meet their requirements. There are over 500 supplies and items covered under this pool.

The pool is currently in its option term, effective from February 1, 2017 through January 31, 2022, with a value of \$4,320,000. If this request for additional spending of \$2,655,000 is approved, the pool will have a total cumulative value of \$11,225,000 (i.e., initial term of \$4,250,000; option term of \$4,320,000; and request for increased spending of \$2,655,000). As of September 25, 2019, the Bid Tracking System (BTS) shows, of the \$4,320,000 allocated to the option term's Blank Purchase Order (BPO), a total of \$4,281,292 has been released, leaving a balance of \$38,708.

ASD was allocated \$4,165,000 for the option term. Of that amount, \$4,129,511 has been released, leaving a balance of \$35,489. Yet the pool is only in its 31st month of the 60-month term. ASD explains that it has experienced a burn rate of approximately \$100,000 per month. Expenditures have increased from the time the contract was initiated as a result of new and improved no-kill programming and the expansion of lifesaving efforts. Increased expenditure activity is directly attributed to pharmaceutical and medical supply needs required to provide low-cost and free vaccination and sterilization services to the public, improved standards of veterinary care for more than 30,000 shelter animals annually, nursing and supportive care required for victims of animal cruelty or neglect, heartworm treatment for adopted pets, as well as enhanced vaccination protocols to prevent the spread of disease. These needs were not forecasted when ASD's allocation was established for the option term.

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Researcher: PGE Reviewer: TD

It is important to mention that on July 16, 2019, the Internal Services Department Chief Procurement Officer approved processing an emergency modification for ASD in the amount of \$250,000 under this pool to ensure no interruption in clinical services.

PROS was allocated \$155,000 for the option term. Of that amount, \$151,781 has been released, leaving \$3,219. Yet the pool is only in its 31st month of the 60-month term. PROS is requesting \$100,000 annually as that reflects its operational requirements under this pool through the remainder of the term. PROS explains that over the past five years, animal collection services has continued to grow, especially with the addition of the new Mission Everglades exhibit that opened in 2016. Also contributing to the burn rate is Zoo Miami's aging animal collection, requiring increased medical services.

The pool has 10 active vendors, of which four have local addresses and three are certified Small Business Enterprise firms. As of September 25, 2019, Diamondback Drugs of Delaware LLC, one of the prequalified vendors, shows an inactive status on Sunbiz.org, the website for the State of Florida Division of Corporations. A September 25, 2019 search on the Business Management Workforce System for the pool's Commodity Code (875, *Veterinary Equipment and Supplies*) yielded one local certified small business vendor – Inversiones IGMC LLC dba IGMC Medical Technology Group. The vendor is not prequalified under this pool.

The table below summarizes OCA's due diligence review of the prequalified vendors.

Awarded Firms	Sunbiz	Tax Collector	Florida DBPR	Westlaw
Agni Enterprise LLC	Active	Mailing address: 7950 NW 155 ST, Suite 103, Miami Lakes, FL	Nothing found	Nothing found
Amatheon Animal Health LLC	Active	Business address: 80 SW 8 ST, Suite 2660, Miami, FL	License type: Prescription Drug Wholesale Distributor	Nothing found
Diamondback Drugs of Delaware LLC	Inactive	Nothing found	License type: Out-of-State Prescription Drug Wholesale Distributor	No relevant case found

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Intervet Inc	Active	Nothing found	License type: Veterinary Prescription Drug Wholesale Distributor	<i>Wilson v. Intervet Inc</i> (Case No. 1:17-CV-00674); Allegation: Defendant discriminated against Plaintiff and terminated her employment on account of her disability; Case Status: Closed; mediation
Lavcor LLC	Active	Business address: 936 NW 104 Ave, Miami, FL	Nothing found	Nothing found
Morph Medical LLC	Active	Business address: 407 Lincoln Rd, Unit 702, Miami Beach, FL	License type: Prescription Drug Wholesale Distributor	Nothing found
MWI Veterinary Supply Co	Active	Nothing found	License type: Out-of-State Prescription Drug Wholesale Distributor	No relevant cases
Patterson Veterinary Supply Inc	Active	Nothing found	License type: Out-of-State Prescription Drug Wholesale Distributor	No relevant cases
Roadrunner Pharmacy Inc	Active	Nothing found	Nothing found	No relevant cases
Sterling Biomedical LLC	Active	Nothing found	Nothing found	No relevant cases

ADDITIONAL INFORMATION

The Animal Services Department is an open intake shelter that takes in about 30,000 dogs and cats each year, regardless of age, breed, medical condition or temperament. The stray and abandoned animals in the department's care receive

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the same high-quality veterinary care as pets visiting private veterinarians. The Animal Services Department first achieved a no-kill status in 2015, saving greater than 90 percent of animals entering the shelter and has made tremendous strides in a no-kill mission. No healthy or treatable animals are euthanized even when the shelter is full.

https://www8.miamidade.gov/global/news-item.page?Mduid_news=news156520350522773

APPLICABLE LEGISLATION/POLICY

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

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

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

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

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

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

Resolution No. R-806-14, adopted September 16, 2014, authorized additional expenditure authority of \$2,250,000 under *Prequalification Pool No. 8073-1/20, Veterinary Supplies and Pharmaceuticals*, for the Animal Services Department to continue purchasing a variety of medical supplies through the remainder of the initial term.

<http://intra/gia/matter.asp?matter=141812&file=true&yearFolder=Y2014>

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

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

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Research Notes**

**Item No. 8F10
File No. 192093**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$6,636,152.00 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$22,097,152.00 OF CONTRACT NO. SS1243-3/24-3 FOR PURCHASE OF ELEVATOR MAINTENANCE SERVICES FOR MULTIPLE DEPARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority for *Contract No. SS1243-3/24-3, Elevator Maintenance Services*, with ThyssenKrupp Elevator Corp. as the awarded vendor, in an amount not to exceed \$6,636,152 (for multiple County departments).

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

This item was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations committee at its September 12, 2019 meeting.

ANALYSIS

The purpose of this item is to seek Board approval of additional expenditure authority for *Contract No. SS1243-3/24-3, Elevator Maintenance Services*, serving multiple County departments, in an amount up to \$6,636,152. The contract was awarded to ThyssenKrupp Elevator Corp. as a sole source procurement in February 2004 for a five-year term with three, five year option to renew terms. Currently in its third option to renew term, the contract has a cumulative value of \$15,461,000. If approved, the additional expenditure authority would increase the cumulative value to \$22,097,152.

The largest allocations of the \$6,636,152 being requested are for the Aviation Department (\$1,389,941) and the Internal Services Department (\$3,151,980). The Board approved \$751,000 in additional expenditure authority for Aviation in October 2018 for the modernization of elevators at the Skyride connector in Concourse F and in Cargo Building 100, which had equipment and service problems that impacted daily operations. The present additional allocation request is for the repair and modernization of 34 units throughout Miami International Airport which have higher than average usage and thus have more frequent necessitated repairs that are outside of standard maintenance schedules.

The current option term began on May 1, 2019 and has a cumulative allocation of \$2,200,000. Of that amount, \$551,935.90 has been released (as of September 25, 2019) leaving a balance of \$1,648,064.10, per the Bid Tracking System. The contract expires on April 30, 2024.

The requested increase in expenditure authority is calculated based on the contractual rates for maintenance and repairs as well as planned modernizations. The modernization of elevators is stated to reduce the time elevators spend out of use, and ensure the safety of those who utilize them.

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File No. 192093

Researcher: JFP Reviewer: TD

Awarded Firm	Sunbiz Status	Tax Collector	Florida DBPR	Westlaw
ThyssenKrupp Elevator Corp.	Active	7481 NW 66 ST, Miami, FL 33166	Registered Elevator Company	<p><i>Davis v. Thyssenkrupp Elevator Corporation</i> (Case No. 6:19-CV-00175); Allegation: Defendant discriminated against and unlawfully terminated plaintiff employee due to his race; Case status: Open</p> <p><i>Harris v. Thyssenkrupp Elevator Corporation</i> (Case No. 1:19-CV-01001); Allegation: Defendant subjected plaintiff to discrimination and hostile work environment on the account of his race; Case status: Open</p>

ThyssenKrupp has had performance issues on several awarded County elevator contracts, including this contract's second option to renew term, *Contract SS1243-3/24-2*. ISD Facilities and Utilities Management Division submitted a Vendor Non-performance for ThyssenKrupp's failure to adhere to the required scheduled maintenance. Meetings were held with the vendor to discuss their lack of performance and what corrective measures can be implemented to correct the company's performance deficiencies. As a result, the vendor implemented a corrective action plan and the County introduced quarterly performance review meetings attended by representatives from all County departments to which the vendor provides elevator services.

The County did terminate a contract with ThyssenKrupp in November 2016, *Contract No. 9103-5/19, Elevator Modernization and Maintenance Services for Miami-Dade Public Housing Agency*, for failure to timely repair equipment, causing safety concerns across relevant public housing facilities.

Detailed below is a summary of elevator, escalator, and moving walkway County contracts awarded to ThyssenKrupp, including the subject contract.

Contract No.	Cumulative Value	Date Awarded	Expiration
SS1243-3/24	\$15,461,000	February 17, 2004	April 30, 2024
SS1233-5/19-4	Currently in its fourth option term, with a cumulative value of \$15,187,938. If the fifth option term is exercised, the total cumulative value will be \$18,727,911.	May 4, 2010	Currently in its fourth option term, which expires on November 30, 2019. If the fifth option term is exercised, the contract will expire on November 30, 2020.
Total Cumulative Value	\$34,188,911		

**BCC Meeting: October 3, 2019
Research Notes**

**Item No. 8F10
File No. 192093**

Researcher: JFP Reviewer: TD

DEPARTMENTAL INPUT

The following questions were posed to the Internal Service Department on September 17, 2019. They are pending response as of the date of publication.

- Please provide additional information on ISD Facilities and Utilities Management Division's issuance of a Vendor Non-performance for ThyssenKrupp's failure to adhere to the required scheduled maintenance under this contract and the details of the corrective action plan offered by the vendor.
- When were the quarterly performance review meetings initiated? How many have taken place to date?
- This contract was awarded as a sole source in 2004. Is ThyssenKrupp still the only company that can provide factory trained mechanics and engineers, authorized service, repairs and maintenance for elevator equipment utilized by the County?
- Significant contracts are in place for maintenance of escalators and elevators. What is the plan to replace the aging fleet of escalators and elevators?
- For the current option term, please provide a report showing, by department, the elevator units covered under this contract, the unit location, number of out of service incidents and cause of such incidents.
- For the current option term, please detail incidents where individual safety has been compromised due to malfunctioning elevator units.
- Under the contract, what is the response timeframe for ThyssenKrupp for elevator repairs and the penalties for nonperformance?
- Please provide a copy of the County's elevator policies and procedures guide.

APPLICABLE LEGISLATION/POLICY

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

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

Resolution No. R-992-18, adopted October 2, 2018, authorized additional expenditure authority in a total amount of up to \$751,000.00 for *Contract No. SC1243-3/24-2* for elevator maintenance services for the Miami-Dade Aviation Department

<http://intra/gia/matter.asp?matter=182004&file=true&yearFolder=Y2018>

Resolution No. R-240-04, adopted February 17, 2004, approved award of *Contract No. SS1243-3/24* to ThyssenKrupp Elevator Corp. for five years plus three five-year options to renew to provide maintenance services for the County's existing ThyssenKrupp, Miami Elevator, and Dover elevator and escalator equipment.

<http://intra/gia/matter.asp?matter=040314&file=true&yearFolder=Y2004>

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

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

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Research Notes

Item No. 8F10
File No. 192093

Researcher: JFP Reviewer: TD

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>

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

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

BCC Meeting: October 3, 2019
Research Notes

Item No. 8F11
File No. 192095

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$3,548,765.00 FOR A MODIFIED CONTRACT AMOUNT OF \$27,657,287.00 FOR THE OPTION TO RENEW TERMS OF CONTRACT NO. BW9330-5/20-4 FOR THE PURCHASE OF MAINTENANCE SERVICES FOR AUTOMATIC DOORS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE FIFTH AND FINAL OPTION TO RENEW TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority in an amount not to exceed \$3,548,765 for the Aviation Department and authorize the County Mayor to exercise the fifth and final option to renew term for *Contract No. BW9330-5/20-4, Maintenance Services for Automatic Doors*, with Dash-Door & Closer Service, Inc. as the awarded vendor.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services

This item was forwarded to the BCC with a favorable recommendation by the Tourism and the Ports Committee at its September 12, 2019 meeting.

ANALYSIS

The purpose of this item is to seek Board approval of additional expenditure authority for *Contract No. BW9330-5/20-4, Maintenance Services for Automatic Doors*, serving the Aviation Department, in an amount up to \$3,548,765, as well as of authority to exercise the fifth (and final) option to renew term.

The contract was awarded to Dash-Door & Closer Service, Inc. (Dash Door) as a bid waiver contract in December 2010 for a five-year term with five, one-year options to renew. Currently in its fourth option to renew term, the contract has a cumulative value of \$24,108,522. If approved, the additional expenditure authority would increase the cumulative value to \$27,657,287 and exercising of the fifth option to renew term would delay the expiration one year to December 31, 2020, ultimately making it a ten year contract.

The allocation being requested—\$661,000 for the current option to renew term and \$2,887,765 for the final option to renew term—is for the Aviation Department's continued purchasing of maintenance and repair services, inspections, parts, and installation of automatic doors and related equipment, as well as to cover the costs (\$47,200) of its special access control project in Miami International Airport Building 3030. Dash-Door is the proprietary designer and patent holder of the hydraulic integrated and non-hydraulic controls essential to the function of the Aviation Department's automatic doors being serviced by this contract, which includes virtually every door at Miami International Airport. Migration to a new vendor, which would entail replacing the doors, is stated to be cost prohibitive and involve risks such as software failure and lack of continuity among the various security systems at the airport.

The remaining eight County departments once served by this contract will now utilize Prequalification Pool *RTQ-01136, Overhead Doors, Security Gates, and Automatic Doors*, adopted by the Board on July 23, 2019, in which Dash

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File No. 192095

Researcher: JFP Reviewer: TD

Door is one of nine included vendors. Aviation has an allocation of \$300,000 in the pool. The pool's current cumulative value is \$6,848,568.

The current option term began on January 1, 2019 and has a cumulative allocation of \$1,940,399. Of that amount, \$1,622,787 has been released solely to the Aviation Department (as of September 27, 2019) leaving a balance of \$317,612, per the Bid Tracking System. The current option term expires on December 31, 2019.

Dash-Door & Closer Service, Inc. is a local vendor with its principal address being 8800 NW 23 Street, Miami, Florida and is listed as active on Sunbiz.org, the official State of Florida, Division of Corporations website.

Awarded Firm	Sunbiz Status	Tax Collector	Florida DBPR	Westlaw
Dash-Door & Closer Service, Inc.	Active	Verified business address: 8800 NW 23 Street, Miami, FL 33172	License type: Certificate of Authorization	<i>Khishando Sylvester v. Dash Door & Closer Service Inc. et al</i> (Case No. 2018-033015-CA-01); Allegation: defendant negligently maintained the subject premises by allowing the hazardous condition to exist on the premises causing injuries to the plaintiff. Case status: Closed, dismissed with prejudice. <i>Walter Machuca De Los Rios v. Dash Door & Closer Service, Inc.</i> (Case No. 2019-025766-CA-01); Allegation: defendant negligently maintained, operated, and controlled the automatic door at the 23 Departures entryway at MIA. Case status: Open.

DEPARTMENTAL INPUT

The following questions were posed to the Internal Services Department on September 17, 2019. As of the date of publication, they are pending response.

- Please detail the safety measures and maintenance schedule to which Dash Door is held by the County.
- Please explain the decision to maintain this contract with Dash Door and exercise the fifth option to renew when Dash Door is included in Prequalification Pool *RTQ-01136, Overhead Doors, Security Gates, and Automatic Doors*; i.e., why can't the Aviation Department utilize this pool to use Dash Door for its maintenance and repair services of its automatic doors?

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Researcher: JFP Reviewer: TD

ADDITIONAL INFORMATION

Dash Door and the County were defendants in a lawsuit (*Khishando Sylvester v. Dash Door & Closer Service Inc. et al*, Case No. 2018-033015-CA-01) wherein the plaintiff's complaint alleged defendant negligently maintained the subject premises by allowing the hazardous condition to exist on the premises causing injuries to the plaintiff. The complaint further states that the plaintiff suffered serious injuries to his right knee when the Airport's automated door, maintained by Dash Door, abruptly slammed shut and crushed the Plaintiff's knee. The Plaintiff sued Dash Door and the County for damages in an amount in excess of \$15,000. The case was dismissed with prejudice on June 18, 2019.

There is also an open case to which Dash Door is the defendant (*Walter Machuca De Los Rios v. Dash Door & Closer Service, Inc.*, Case No. 2019-025766-CA-01) wherein the plaintiff alleges defendant negligently maintained, operated, and controlled the automatic door at the 23 Departures entryway at Miami International Airport, resulting in the defective automatic door opening in the wrong direction and Plaintiff suffering severe injuries to his shoulder. The Plaintiff is suing Dash Door for damages in an amount in excess of \$15,000 in this ongoing case.

APPLICABLE LEGISLATION/POLICY

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

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

Resolution No. R-1177-10, adopted December 7, 2010, authorized waiver of formal bid procedures for the purchase of goods and services, including the purchase of maintenance services for automatic doors for various County departments for five years with five one-year options to renew at a cumulative value of \$19,438,000.

<http://intra/gia/matter.asp?matter=102519&file=true&yearFolder=Y2010>

Resolution No. 819-19, adopted July 23, 2019, authorized establishment of Prequalification Pool *RTQ-01136* in a total amount up to \$6,848,568.00 for the purchase of overhead doors, security gates, and automatic doors for multiple departments for a five-year term.

<http://intra/gia/matter.asp?matter=191910&file=true&yearFolder=Y2019>

Resolution No. R-1433-06, adopted December 19, 2006, directed the County Mayor to develop an administrative process for review of all contracts for procurement of goods and services for opportunities for small business enterprise participation prior to exercising the options to renew.

<http://intra/gia/matter.asp?matter=112444&file=true&yearFolder=Y2011>

Resolution No. R-98-12, adopted January 24, 2012, directed the County Mayor to negotiate better prices on all awarded contracts for the purchase of goods and services and prior to the exercise of any options to renew.

<http://intra/gia/matter.asp?matter=112444&file=true&yearFolder=Y2011>

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File No. 192095

Researcher: JFP Reviewer: TD

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-716-12, adopted September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

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

Resolution No. R-718-17, adopted July 6, 2017, requires the Administration to commence the planning for re-procurement and re-advertisement of contracts and prequalification pools for the purchase of goods and services that are subject to Board approval no later than 18 months before the expiration of such contracts and pools, inclusive of option to renew periods.

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

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

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

BCC Meeting: October 3, 2019
Research Notes

Item No. 8F12
File No. 192105

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY PURCHASE IN AN AMOUNT NOT TO EXCEED \$1,042,500.00 TO CONTRACT NO. E-10030 FOR THE PURCHASE OF SEAWEED REMOVAL SERVICES FOR THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should waive formal bid procedures by a two-thirds vote of the Board members present ratify an emergency contract award—*Contract No. E-10030-0/19, Seaweed Removal Services*—to Beach Raker, LLC in the amount of \$1,042,500 for the Parks, Recreation and Open Spaces Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was forwarded to the BCC with a favorable recommendation by the Parks, Recreation and Cultural Affairs Committee at its September 11, 2019 meeting.

ANALYSIS

The purpose of this item is for the County to ratify an emergency contract award to Beach Raker, LLC for the removal of seaweed from three County beaches for three months. The awarded contract is in response to an emergency declaration made by the Parks, Recreation and Open Spaces (PROS) director on July 25, 2019 regarding the excessive amounts of seaweed washing ashore, particularly at the beaches of Bal Harbour, Haulover Park, and Miami Beach. The award to Beach Raker, LLC for the daily collection, removal, and disposal of seaweed during the three month emergency period (July 30, 2019 to October 29, 2019) is for \$1,042,500. The contract's Blanket Purchase Order shows that the entire allocation has already been released, leaving a zero balance. Retroactive approval of this emergency contract would allow PROS to continue the seaweed removal at the three beaches on a routine basis, seven days a week, (until October 29, 2019) while the department drafts and awards a competitive solicitation for these services.

Areas for seaweed removal include:

- Haulover Park (Rock Jetty): \$85,000 per month
- Bal Harbour (Rock Jetty): \$55,000 per month
- Government Cut (Inlet north for 600 yards): \$85,000 per month
- 29th St. (27th – 32nd): \$122,500 per month

The County Mayor issued a memorandum on July 23, 2019 authorizing PROS to work with ISD to contract immediately to remove seaweed from particularly critical "hot spots" where jetties and breakwaters cause large amounts of seaweed to wash ashore. The Mayoral Memorandum states that an emergency declaration, and expediting these services, was necessary to ensure the health, safety, and welfare of the public who utilize County beaches. According to the Florida Department of Health, two common species of seaweed, *Sargassum natans* and *Sargassum fluitans*, began washing up

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Research Notes

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File No. 192105

Researcher: JFP Reviewer: TD

on beaches along the Florida coast in massive quantities in 2011. *Sargassum* produces hydrogen sulfide, which is an irritant to the respiratory system and can cause irritation to eyes, nose, and throat. Because small organisms like jellyfish larvae can live in seaweed, some people have also experienced skin rashes and blisters from these organisms.

In an attempt to access available municipal contracts, the department performed market research to identify municipalities contracting for these services. While there were no municipal contracts available that met the size and scope of the services necessary for the County, it was found that seven municipalities have utilized Beach Raker LLC for beach maintenance services in the past. Beach Raker, LLC is a Florida Limited Liability Company with its principal place of business at 220 NE 13th St., Pompano Beach, FL 33060 and no local address. As reported pursuant to Resolution No. R-1011-15, Beach Raker, LLC employs seven Miami-Dade County residents, which is 25% of its workforce.

Awarded Firms	Sunbiz	Tax Collector	Florida DBPR	Westlaw
Beach Raker, LLC	Active	Nothing found	Nothing found	No relevant cases

A September 27, 2019 search on the Business Management Workforce System under the solicitation's commodity code, 98856 - Litter Removal Services (Including Beach Cleaning), yielded the following local certified small business enterprises:

- A Wright Approach LLC
- Accusource Corp, dba Accusource Cleaning Service
- Besu Services, Inc.
- Dunol Construction Management, (DCM), LLC, dba Dunol Engineering Corporation
- Gum Hunters Carpet & Tile Cleaning Services Corp.
- Howard Seal Coating & Land Clearing, Inc.
- Pack Plus, Inc., dba Josmar Medical Staffing
- RJR Construction, Inc.

DEPARTMENTAL INPUT

The following question was posed to the Internal Services Department on September 17, 2019. As of the date of publication it is pending response.

- What is the status of the competitive solicitation for seaweed removal services?

ADDITIONAL INFORMATION

Sargassum Frequently Asked Questions

http://www.floridahealth.gov/environmental-health/beach-water-quality/_documents/sargassum-factsheet-appr-final.pdf

APPLICABLE LEGISLATION/POLICY

Section 5.03(D) of the Home Rule Charter states that contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

<http://www.miamidade.gov/charter/library/charter.pdf>

Section 2-8.1 of the County Code requires formal sealed bids for all contracts and purchases when the transaction involves the expenditure of \$250,000 or more, except that the Board of County Commissioners, upon written

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Research Notes

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Researcher: JFP Reviewer: TD

recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

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

Section 2-8.1(b)(3) of the County Code sets forth procedures for purchases when competitive procedures are not practicable. This provision defines a designated purchase as a purchase when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (1) sole source purchases; (2) services where no competition exists such as public utility services; (3) where purchases or rates are fixed by law or ordinance; (4) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act; (5) purchase of goods and services necessary to address an emergency or where additional formal competition would not be practicable; and (6) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

Any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present. Such adoption shall be deemed for all purposes to constitute a determination by the Board of County Commissioners that formal sealed bids are not practicable for this purchase and that it is in the best interest of the County to waive competitive bidding.

[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-477-18, adopted May 1, 2018, directed the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

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

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

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

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

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

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

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Research Notes

Item No. 8F12
File No. 192105

Researcher: JFP Reviewer: TD

Implementing Order 3-38 sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources. An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order. In the event a department director or authorized designee determines that an emergency purchase is necessary, a contract may be awarded without utilizing the competitive bid procedures regardless of the amount of expenditure. Within five (5) working days after the purchase, the County department shall submit the post award requisition to ISD specifying the circumstances which justified the emergency contract award. When the expenditure is in excess of \$250,000, the ISD Director shall forward the documented circumstances to the County Mayor for presentation to the Board of County Commissioners for ratification.

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

**BCC Meeting: October 3, 2019
Research Notes**

**Item No. 8F13
File No. 192120**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00893 IN A TOTAL AMOUNT UP TO \$16,753,000.00 FOR THE PURCHASE OF INDUSTRIAL ELECTRICAL SERVICES FOR MULTIPLE DEPARTMENTS FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should authorize the establishment of Prequalification Pool *RTQ-00893, Industrial Electrical Services*, for multiple departments in an amount not to exceed \$16,753,000 for a term of five years.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations Committee at its September 12, 2019 meeting.

ANALYSIS

The purpose of this item is to establish Prequalification Pool *RTQ-00893* for the provision of industrial electrical services, power systems services, as well as electrical parts, components, and supplies to multiple County departments. The total allocation for the five-year term is \$16,753,000 with the largest allocation being for Water and Sewer (\$9,290,000). Among the services to be provided by vendors in this pool are:

- Repair of five kilovolt or higher systems located at large industrial power plants, pumping stations, and well fields;
- Installation and repair of power systems;
- Power system analysis studies;
- Control systems design and integration;
- Electrical testing;
- Preventative and predictive maintenance; and
- Equipment upgrades.

The pool consolidates two existing pools into one replacement pool with the following three groups:

Group 1: Industrial Electrical Service

Group 2: Power Systems Services

Group 3: Electrical Parts, Supplies, and Components.

The current pools, *2385-0/13* (established in 2009 and valued at \$29,452,000) and *6443-0/11* (established in 2007 and valued at \$94,482,000), expire on November 30, 2019 and December 31, 2019, respectively. The annual allocation under this replacement pool is lower than that of the previous pools combined due to lesser anticipated needs by the departments during the pool's five-year term.

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Research Notes

Item No. 8F13
File No. 192120

Researcher: JFP Reviewer: TD

Pursuant to Resolution No. R-718-17, the County is required to commence planning for re-procurement of contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration. Given the current pools' expiration dates, the County is required to have commenced planning for re-procurement no later than May 30, 2018.

A Request to Qualify was issued and advertised, with 71 vendors viewing the solicitation and ten vendors responding. Of the ten respondents, the following five are being recommended for inclusion in the pool, all of which are local vendors, four of which are incumbent vendors of the two current pools, and two of which are Certified Small Business Enterprises.

Vendor	Group(s)	Sunbiz Status	Tax Collector**	Florida DBPR	Westlaw
All-Tech Electric, Inc. (SBE)*	Group 1	Active	1723 W 37 Street Bay 6, Hialeah, FL	License Type: Certified Electrical Contractor	No relevant cases
American Electric of Miami, Inc.*	Group 1	Active	11360 SW 208 Drive, Miami, FL	License Type: Certified Electrical Contractor	No relevant cases
Edd Helms Group, Inc. dba Edd Helms Electric*	Group 1	Active	17850 NE 5 Avenue, Miami, FL	License Type: Certified Electrical Contractor	No relevant cases
Miami Breaker, Inc. (SBE)*	Groups 1 and 3	Active	7060 NW 52 Street, Miami, FL	License Type: Certified Electrical Contractor	No relevant cases
Rexel USA, Inc. dba Gexpro	Group 3	Active	6767 NE 4 Avenue, Miami, FL	Nothing found	No relevant cases

*Incumbent Vendor

**Local addresses verified with the Tax Collector's Office

Given that no vendors were recommended for Group 2 – Power Systems Services, it is being cancelled and qualification criteria will be amended allowing for appropriate competition when resolicited. Two non-local vendors, SELAH Group Florida and TAW Technical Field Services, Inc., are actively working on registering with the County in order to prequalify. Power System Solutions, LLC, an SBE, and Schneider Electric USA, Inc. were not recommended for inclusion in the pool because they did not provide documentation to satisfy the prequalification criteria, but may be added to the pool upon submission of the required documentation.

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Research Notes**

**Item No. 8F13
File No. 192120**

Researcher: JFP Reviewer: TD

A September 24, 2019 Business Management Workforce System search for the solicitation's commodity code, 92531: Electrical Engineering, Including Cogeneration Design Services, yielded the following certified local small business enterprises:

- Power System Solutions, LLC
- Pro Electrical Solutions, Inc.

This item requires approval by the Citizens' Independent Transportation Trust (CITT), and as such was forwarded with a favorable recommendation at the September 18, 2019 CITT Joint Strategic & Financial Planning and Project & Financial Review Committee meeting.

APPLICABLE LEGISLATION/POLICY

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

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

Section 29-124 of the County Code provides that where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a majority vote. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

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

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

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

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

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

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

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Research Notes

Item No. 8F13
File No. 192120

Researcher: JFP Reviewer: TD

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

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

Resolution No. R-718-17, adopted July 6, 2017, directs the Administration to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services.

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

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

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

**BCC Meeting: October 3, 2019
Research Notes**

**Item No. 8F17
File No. 191981**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$583,800.00 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$2,931,000.00 OF CONTRACT NO. 8880-1/21-1 FOR PURCHASE OF FROZEN KOSHER MEALS FOR THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority of \$583,800 for *Contract No. 8880-1/21-1* to enable the Corrections and Rehabilitation Department (MDCR) to continue purchasing kosher meals through the remainder of the contract term.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item was slated for the September 10, 2019 Public Safety and Rehabilitation Committee meeting, which was cancelled. The item was waived onto the October 3, 2019 Board meeting.

ANALYSIS

The purpose of this item is for MDCR to receive additional spending authority of \$583,800 to support its operations. More specifically, the increased spending will enable the department to continue to provide kosher meals across its jails throughout the contract expiration date. The additional allocation is needed to address the increase in inmates requiring Kosher foods.

This contract was established under delegated authority in June 2011 for a five-year term in the amount of \$61,425. It was subsequently modified for \$919,575, resulting in a modified allocation of \$981,000 for the initial term. The contract includes a single five-year option to renew.

The method of award was to the two lowest responsive, responsible vendors as primary and secondary awardees who submitted an offer on all items in the aggregate. The vendors are JNS Foods LLC and Prawn Seafoods Inc. The food products shall be Kosher-certified and include the following frozen microwaveable dinners: roast chicken, meatloaf, pot roast, spaghetti with meatballs, vegetable cutlet, roast turkey and lasagna.

Pursuant to Resolution No. R-378-16, adopted May 17, 2016, the Board approved the County Mayor's exercise of the single option to renew period under the contract in the amount of \$975,000 for a five-year period. That sum was modified for \$391,200, resulting in the current term value of \$1,366,200. The option period is effective from June 1, 2016 through May 31, 2021. Of the \$1,366,200 allocated to the option term's Blanket Purchase Order, a total of \$1,329,145 has been released, leaving a balance of \$37,055. The overwhelming majority of the purchase orders have been issued to Prawn Seafoods Inc.

Under this item, MDCR is requesting \$583,800 in increased spending authority. According to MDCR, the inmates consuming a Kosher diet has increased substantially during the option term. The requested increase, if approved, results

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Researcher: PGE Reviewer: TD

in a modified cumulative allocation of \$2,931,000 (i.e., existing cumulative allocation of \$2,347,200 plus additional allocation requested of \$583,800).

The table below summarizes OCA's due diligence review of the awarded vendors.

Awarded Firms	Sunbiz	Tax Collector	Florida DBPR	Westlaw
Prawn Seafoods Inc.	Active	Business Address: 6894 NW 32 Ave, Miami, FL	N/A	No relevant cases within the last 10 years
JNS Foods LLC	Active	Business Address: 3201 NW 116 ST, Miami, FL	N/A	One relevant case: Third Generation Food Company LLC v. JNS Foods LLC; filed in the 17th Judicial Circuit of FL on 08/03/18. The case is pending. Plaintiff claims Defendant breached contract by failing to pay amount due under an agreement.

APPLICABLE LEGISLATION/POLICY

Religious Land Use and Institutionalized Persons Act codified as 42 U.S.C. § 2000cc et seq., is a United States federal law that prohibits the imposition of burdens on the ability of prisoners to worship as they please and gives churches and other religious institutions a way to avoid zoning law restrictions on their property use. It also defines the term "religious exercise" to include "any exercise of religion, whether or not compelled by, or central to, a system of religious belief."

<https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act>

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

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

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

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

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File No. 191981

Researcher: PGE Reviewer: TD

Resolution No. R-378-16, adopted May 17, 2016, authorized the County Mayor's exercise of the single option to renew period under *Contract No. 8880-1/21, Frozen Kosher Meals*, for MDCR in the amount of \$975,000 for a five-year period.

<http://intra/gia/matter.asp?matter=160852&file=true&yearFolder=Y2016>

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

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

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Research Notes

Item No. 8F18
File No. 192006

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$191,000.00 FOR PREQUALIFICATION POOL NO. 6831-1/21-1 FOR PURCHASE OF BICYCLES, PURCHASE, PARTS, ACCESSORIES AND REPAIR SERVICES FOR THE MIAMI-DADE POLICE DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority of \$191,000 for *Prequalification Pool No. 6831-1/21-1* to enable the Miami-Dade Police Department (MDPD) to purchase new and replacement bicycles to support its Police Operations Section through the remainder of the pool term.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item was slated for the September 10, 2019 Public Safety and Rehabilitation Committee meeting, which was cancelled. The item has been waived onto the October 3, 2019 Board meeting.

ANALYSIS

The purpose of this item is for MDPD to receive additional spending authority of \$191,000 to support its community policing operations. More specifically, the increased spending will enable the department to purchase new and replacement bicycles for personnel in the Police Operations Section (POS) who patrol congested urban and residential areas. A total of 70 bicycles will be purchased from the requested increased funding.

This prequalification pool was established under delegated authority in February 2012 for a total value of \$440,000 for a five year term. That sum was modified by \$86,000, resulting in a total allocation of \$526,000 for the initial term. The contract includes three groups: (1) Purchase of Bicycles; (2) Bicycle Parts and Accessories; and (3) Bicycle Maintenance and Repair Services. The list of acceptable manufacturer bicycle brands includes Sirennetta, Delphino, Cannondale, Mercedes Benz, Raleigh and Trek.

The pool is currently in its single five-year option to renew, valued at \$474,000, effective from February 1, 2017 through January 31, 2022. That value reflects the option term's award value of \$444,000 plus \$30,000 in modifications. MDPD has been allocated \$140,000 for the option term, of which \$133,072 has been released, leaving a balance of \$6,928 per information found in the Bid Tracking System (BTS) on September 24, 2019. Yet the pool is only in its 32nd month of a 60-month term. If this request for \$191,000 is approved, the pool's cumulative value will be \$1,191,000 (i.e., \$526,000 for the initial term; \$474,000 for the option term and \$191,000 in additional expenditure).

MDPD explains that the requested increased spending will enable it to expand its existing fleet of 155 bicycles to provide for new bicycle patrol officers. The department's POS personnel is tasked with patrolling congested urban and residential areas on bicycle as part of its community policing initiatives. Bicycle patrol is a proven technique, allowing close citizen contact as well as rapid response to emergency situations. The additional allocation of \$191,000 will be used to purchase 70 bicycles and cover the replacement of older bicycles for the remainder of the pool term. The allocation will also cover bicycle maintenance services and bicycle parts and accessories such as tubes, gloves, helmets, frames and air cartridges. This rationale for the increased funds was documented by MDPD on its Contract Modification Request form signed by its director on March 8, 2019.

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Item No. 8F18
File No. 192006

Researcher: PGE Reviewer: TD

There are eight prequalified vendors under the pool, of which two are considered local vendors. The table below summarizes OCA's due diligence review of the prequalified vendors.

Awarded Firms	Sunbiz	Tax Collector	Florida DBPR	Westlaw
Bike-On.Com Inc.	Nothing found	Nothing found	N/A	No relevant cases.
Buena Vista Concessions Inc.	Active	Nothing found	N/A	No relevant cases.
Freetime Inc.	Active	Nothing found	N/A	<i>Lugo, et al v. Freetime, Inc;</i> Superior Court of Los Angeles County (Case No. 19STCV31098); allegations: Defendant failed to maintain a bicycle in safe condition that when Plaintiffs rented and rode the bicycle it malfunctioned and broke, resulting in injuries and damages; the case was filed in Sept. 2019 and is pending
Invacare Corporation	Active	Nothing found	N/A	No relevant cases.
Mack's Cycle Shop Inc.	Active	Nothing found	N/A	No relevant cases.
Miami Beach Bicycle Center Inc.	Active	Business Address: 746 5 St, Miami Beach, FL	N/A	No relevant cases.
Vigil Companies Ltd.	Nothing found	Nothing found	N/A	No relevant cases.
Volcanic Manufacturing LLC	Nothing Found	Nothing found	N/A	No relevant cases.

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**Item No. 8F18
File No. 192006**

Researcher: PGE Reviewer: TD

The Commodity Code found in BTS for this pool is 80534 (Bicycles and Tricycles, All Types: Children's, Mountain, Racing, Recumbent, Tandem, Touring, etc.). A search under this code in the Business Management Workforce System on September 24, 2019 yielded one certified local small business vendor – Pancar Industrial Supply Corporation.

APPLICABLE LEGISLATION/POLICY

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

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

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

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

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

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

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

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

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**Item No. 8F20
File No. 192085**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$151,000.00 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$401,451.00 OF CONTRACT NO. BW7944-0/23 FOR PURCHASE OF OPEX FALCON RED 72 PROCESSORS FOR THE MIAMI-DADE FINANCE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure approval of Contract No. BW-7944-0/23 for the purchase of Opex Falcon Red 72 Processors, in an amount up to \$151,000 for a modified total contract award of \$401,451 for the Finance Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was brought before the September 18, 2019 TAF committee and was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The proposed resolution is requesting Board approval to authorize additional expenditure in the amount of \$151,000 for the purchase of Opex Falcon Red 72 Processors.

The fiscal impact to the county is an amount of \$151,500. OCA reviewed the existing contract, Contract No. BW7944-0/23 on September 5, 2019. The current contract is valued at \$249,951 and expires March 6, 2023. If the additional expenditure is approved, the contract's value will increase to \$401,451.

The following are the funding sources and amounts allocated under the proposed additional expenditure of the contract: Finance Department, \$151,000.

The Opex Corporation has been under contract with Miami-Dade County since October 20, 2005, and has provided scanner hardware and equipment maintenance. The current contract award was executed on September 10, 2018. The awarded firm was Opex Business Machines Corporation. As of September 12, 2019, the allocated amount of \$249,950 dollars has been released and the account had a zero balance. OCA's analysis revealed that the prior single-source contracts SS7944-5/11, and SS7944-5/20 were also awarded to Opex Business Machines Corporation (October 20, 2005 – 03/06/2023). OCA's review of the Bid Tracking Systems (BTS) identified the market research (MR) that was conducted on the procurement. The MR showed that the Opex Falcon model was the only machine capable of opening and extracting mail and performing all other functions required by the Miami-Dade Tax Collector's office at a lower cost and drastically cutting document preparation time.

Furthermore, Opex systems are regarded as the leading technology used by other government agencies such as the U.S. General Services Administration. The MR acknowledged that though other corporations exist that can provide this technology such as Neopost, Whitaker Brothers, and IBML, these companies do not provide a technology with a multi-functional equipment to provide heavy-duty performance. The MR analyzed by OCA was dated May 17, 2018. ISD

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Researcher: IL Reviewer: TD

advised that the Opex Falcon continues to be the only machine on the market that performs the functions needed, opening mail, extraction, sorting, processing and imaging of tax payments. Other vendors in the market such as Burrows and NCR are scaling back their high speed payment equipment and there is compatible options or new generation of machines. OCA inquired with ISD as to the possibility of doing a new procurement. ISD stated that the disadvantages associated with a new procurement were:

- a) The County needs the machine as soon as possible as Tax season commences November 1st. The Tax Collector collects \$6 billion in tax revenue for the County each year. This new machine will be required to process the approximately one third of \$1.3 billion incoming mailed-in tax payments
- b) Initiating a new procurement presents a delay for the Tax Collector and the Procurement division because the Opex Falcon is the only machine on the market that can perform the functions as listed and required.
- c) This will not be a competitive procurement so amending the existing contract is the best way to proceed.

OCA performed a search for commodity code 6000 (Office Machines, Equipment, and accessories) on the Business Management Workforce System's Certified Vendor Directory on September 13, 2019, and 10 local SBE's were identified below.

Vendor	Location	Certification
Barlop, Inc., /DBA/ Barlop Business Systems	Miami, FL	SBE-G&S
Cenoffi Inc., /DBA/ Best Office Products	Miami, FL	SBE-G&S
J & E Office Supplies, Inc.	Medley, FL	SBE-G&S
Laser Products, Inc.	Miami, FL	SBE-G&S
Lithografikos LLC, /DBA/ Minuteman Press	Miami, FL	SBE-G&S
LRE, Inc., /DBA/ Lee Ryder Lamination	Miami, FL	SBE-G&S
Office Systems International, Inc.	Miami, FL	SBE-G&S
Replenish Ink, Inc.	Miami, FL	SBE-G&S
Toner Cartridge Recharge, Inc.	Doral, FL	SBE-G&S
Total Connection Inc.	Miami, FL	SBE-G&S

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File No. 192085**

Researcher: IL Reviewer: TD

OCA performed a due diligence review of the selected firm on September 13, 2019 with results below:

Awarded Firm(s)	Sunbiz	Tax Collectors Office	Florida DBPR	Westlaw	Locally registered
Opex Business Machines Corporation	Active; Principal Address: 305 Commerce Drive, Moorestown, NJ 08057-4215 Filed: April 20, 1999	No account on file	No account on file	No relevant case	Negative

DEPARTMENTAL INPUT:

The following questions were asked to the department on September 24, 2019. The department's responses are below in bold.

- On September 2018 when the original request was made the award recommendation memo stated that the OPEX equipment was used to perform high-volume mail opening, payment processing, check and stub extraction, document sorting, and image capturing. Why wasn't this amount considered back in the original procurement?
The amount was considered in the original procurement. The original quotation was requested for three Opex Falcons. This was reduced to 2 machines because of the cost to the Finance department in one fiscal year. It was decided to extend the purchase cost over more than one fiscal year.
- The market study from 2018 lays the foundation that OPEX is the only company capable of meeting the Tax Collector's demand. Is that still the case today?
Yes, the Opex Falcon continues to be the only machine on the market that performs the functions needed, opening mail, extraction, sorting, processing and imaging of tax payments. Other vendors in the market such as Burrows and NCR are scaling back their high speed payment equipment and there is compatible options or new generation of machines.
- Could we advertise this as a new procurement rather than amend the existing contract with additional money? Is there a disadvantage to doing a new procurement?
There are several disadvantages of a new procurement.
 - d) The County needs the machine as soon as possible as Tax season commences November 1st. The Tax Collector collects \$6 billion in tax revenue for the County each year. This new machine will be required to process the approximately one third of \$1.3 billion incoming mailed-in tax payments***
 - e) Initiating a new procurement presents a delay for the Tax Collector and the Procurement division because the Opex Falcon is the only machine on the market that can perform the functions as listed and required.***
 - f) This will not be a competitive procurement so amending the existing contract is the best way to proceed.***

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Researcher: IL Reviewer: TD

- Does going with another company result in a lack of compatibility with current systems used by the County and in essence a higher cost to the County?

There is no product on the market offered by any other company that performs the functions of the Opex Falcon as listed, that is required by the Tax Collector. Staff has been monitoring the market for many years and discussed other machines with various vendors that do not perform all the functions required, and that the Opex performs.

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=PTIICOOR_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.

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**Item No. 8F20
File No. 192085**

Researcher: IL Reviewer: TD

<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>

**BCC Meeting:
Oct. 3, 2019
Research Notes**

**Item No. 8F21
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)

On September 10, 2019, this item was scheduled for presentation at the Infrastructure and Capital Improvements Committee. Due to a lack of quorum, the chairperson of the committee forwarded this item to the BCC with no recommendation.

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. Pursuant to Resolution No. 718-17, planning for re-procurement of this pool should have commenced no later than 18 months PRIOR to the expiration of the current contract. According to ISD the re-procurement planning for this pool commenced in September 2018 bring it into compliance with Resolution No. 718-17.

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. The department clarified that the multiple outreach efforts were conducted pre and post advertisement and that the efforts yielded no bid submittals by a local firm at the time the advertisement closed.

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**Item No. 8F21
File No. 192007**

Researcher: IL Reviewer: TD

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

Firm Name	Sunbiz	Tax Collector	Florida DBPR	West Law
Azure Water Services, LLC dba Condor Technologies	Active Established in 01/07/2019 Principal Address: 280 Callegari Drive, West Haven, CT 06516	Nothing found	GC license expires 08/31/2020	No cases
MKI Services, Inc.	Active Established In 11/12/1985 210 University Drive, Suite 500, Coral Springs, FL 33071	Nothing found	Nothing found	No cases
Tencarva Machinery Company, LLC.	Active Established In 02/03/2015 Address: 1115 Pleasant Ridge Rd., Greensboro, NC 27409	Nothing found	Nothing found	No cases
Trinova, Inc.	Active Established In 03//25/2013 Address: 2401 Drane Field Road, Lakeland, FL 33811	Nothing found	Nothing found	No cases
TSC Jacobs Inc.,	Active Established in 02/28/2000 Address: 11021 Country Way Blvd, Tampa, FL 33626	Nothing found	GC License Current	No cases

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

DEPARTMENTAL INPUT

The following questions were asked to the department on September 25, 2019, the department's responses are in bold:

- Do we have any local vendors in Miami-Dade County that provide this product?
No - both pre and post advertisement outreach to Miami-Dade County vendors as well as vendor receipt of solicitation via Bid Sync, yielded no bid submittal by a local firm upon close of advertisement.

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Researcher: IL Reviewer: TD

- Was a market study conducted on this disinfection system and if so, what were the results?
Yes - Market research was conducted on Chemical Feed and Disinfection systems. These systems are composed of various components that work together to maintain effective systems that have proven to reduce reactive labor and maintenance costs for the County and ensure control of chemical levels. The market yielded several manufacturers who can provide such systems. The County's water and wastewater facilities utilize multiple Chemical feed systems, that are unique and can be engineered to the program specifications needed. Additional research identified multiple vendors authorized to provide various components for these brands and approved equal to the manufacturer's brands.
- Pursuant to resolution R-718-17, planning for re-procurement should commence no later than 18 months before the expiration of the current contract. Could you provide the date when planning for the re-procurement took place? **The current pool expires on March 31, 2020. The award for this new pool was filed with the Clerk on August 7, 2019 which is approximately 9 months prior to the expiration. The re-procurement process was started in September 2018.**

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=PTIICOOR_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

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Researcher: IL Reviewer: TD

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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Research Notes**

**Item No. 8F22
File No. 192379 (191764)**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF CONTRACT NO. CBW9827-3/21 FOR THE PURCHASE OF FOUR NEW MIAMI-DADE FIRE RESCUE AIRCRAFT IN AN AMOUNT NOT TO EXCEED \$69,859,468.00; AUTHORIZING A FULL COMPONENTS PLAN FOR THE SERVICE OF THE AIRCRAFT FOR AN INITIAL TERM OF FIVE YEARS AND TWO RENEWAL TERMS OF FIVE YEARS EACH FOR AN AMOUNT NOT EXCEED \$26,200,284.00; AUTHORIZING A SALE AND LEASEBACK AGREEMENT FOR THE EXISTING HELICOPTERS FOR A NET REVENUE AMOUNT ESTIMATED AT APPROXIMATELY \$12,100,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT INCLUDING RENEWAL OPTIONS PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize the purchase of four new Miami-Dade Fire Rescue (MDFR) aircraft in an amount not to exceed \$69,859,468 plus the service plan of the aircraft authorizing the sale/leaseback agreement for the existing helicopters for MDRF.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was brought before the HCCO Committee on July 17, 2019. It was deferred to the September HCCO committee. Prior to the deferment the following exchange took place:

- Mr. Brian May, Bell Helicopters representative advocated that the proposal should be rejected or postponed pending the Ethics Commission's investigation due to several procurement violations. The County Attorney's office disbanded the original competitive selection committee (CSC) and impaneled a new CSC made up of national members which unanimously recommended Bell Helicopters.
- Commissioner Suarez and Diaz manifested their concerns with the procurement process and acknowledged the difficulty balancing the procurement challenges with the need to replace aged equipment as a matter of safety and requested that the administration advise as to the current status of the procurement.
- Commission on Ethics (COE) Martha Perez stated that the COE received a complaint from a Bell Helicopters representative against Agusta. The investigation revealed that the manifested conduct rose to an egregious level and should be referred to the State Attorney's office. The scope of the investigation has shifted to the second phase of the procurement process and did not yield any cone of silence concerns. The issue that remained from the first procurement process concerned an Agusta lobbyist registration or the lack thereof. The final report will bring closure to that issue.

ANALYSIS

The purpose of this resolution is to authorize the purchase of 4 new rescue helicopters with a 15 year maintenance plan and allowing the County to sale or lease its existing MDRF helicopters.

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Researcher: IL Reviewer: TD

The Fiscal Impact is \$96,059,752 including the two five year options to renew for a total potential term of 15 years per project and \$5,000,000 in aggregate over a period of four (4) years. The sale of the four existing helicopters is estimated to result in new revenue of \$12.1 million.

MDFR's Air Rescue Plan was established on October 1, 1985 providing 24/7 emergency medical service and special operations for search and rescue missions, rescue diver deployment, firefighting, hoist extractions and special response team missions. Additionally, the MDFR's Air Rescue Units provide mutual aid support to neighboring counties including Monroe County, Collier County, Broward County and Lee County. The Air Rescue Program answered 983 service call in calendar year 2018. The program is comprised of four Bell 412EP helicopters that have reached the end of their useful life. The oldest aircraft in the fleet is 19 years old and the newest aircraft in the fleet is 16 years old.

On December 16, 2014 Invitation Letters were sent to various helicopter manufacturers for the sale and replacement of the existing 4 helicopters. Three of the five companies contacted responded. The other two firms advised that they did not have helicopters with the specifications required for the Air Rescue Mission profile. This procurement has taken over four years due to the highly complex negotiation of six different contracts as well as thousands of parts and components, multiple aircraft inspections, presentations, and flight demonstrations with MDFR subject matter experts and end users. This procurement was complicated by Bell Helicopter's complaint against Agusta through the COE. OCA researched a Miami-Herald article dated March 13, 2017 stating that a suit had been filed against the County with a cause of action being clandestine discussions. WestLaw was unable to verify the suit.

The first competitive selection committee (CSC) was comprised of chief negotiator Andrew Zawoyski, rescue-squad captain Antonio Hernandez and County pilot Rick Guthery. The CSC initially reviewed Bell Helicopter Textron, Inc., AgustaWestland Philadelphia Corporation (Agusta) and Airbus helicopters with the selection committee recommending Bell as the best value for the County. The procurement process was placed on hold due to members of the selection committee becoming subjects of an ethics investigation by the Commission on Ethics and the State Attorney's office for violation the County's lobbying procedures and Cone of silence ordinance. As a result a peer review panel was empaneled, made up of experts from across the nation and they ultimately recommended that negotiations proceed with Bell. After successful negotiations with Bell, the County allowed a best and final offer (BAFO) from Bell. It was determined that the Bell BAFO was not in the best interest of the County, and negotiations were entered into with Agusta.

As part of the transaction, Agusta will purchase the existing of fleet helicopters and lease the helicopters back to the County until the County receives and accepts the new fleet of AW139's. A transition plan for the County was incorporated into the deal at no additional cost according to the mayoral memo including pilot and mechanic training. Agusta staff will provide support and training to the County when the first helicopter is delivered as well as with each additional aircraft delivery.

ISD released a supplemental item explaining that the selection committee found the AW139 to be the most capable aircraft. However, due to transitional and costs challenges experienced in other jurisdictions the selection committee recommended Bell. Bell submitted a best and final offer that increased the purchase price to \$68 million. As a result of this increase the recommendation was made to award Agusta.

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Below is table illustrating OCA's due diligence on the awarded firm:

Firm	Sunbiz	Tax Collector	Florida DBPR	Westlaw
AgustaWestland Philadelphia Corporation	Principal Address: 3050 Red Lion Road, Philadelphia, PA 19114 Status: Active	Nothing found	Nothing found	No cases found

OCA performed a search for commodity code 03550: (Helicopters) and 92908 (Airplanes, Helicopters, and Accessories Maintenance) on the Business Management Workforce System's Certified Vendor Directory on July 11, 2019. Zero (0) local SBE-G&S certified firms were found on the Business Management Workforce System under those codes.

OCA reviewed the Bid Tracking System on September 10, 2019, but limited information was available in the system. OCA was not able to review and verify the market study nor was OCA able to verify the compliance review memo.

ADDITIONAL INFORMATION:

AgustaWestland was recently contracted to manufacture a new batch of MH-139 helicopters to replace the Air Force's UH-1N Huey in 2018.

<https://www.defensenews.com/breaking-news/2018/09/24/the-air-force-picks-a-winner-for-its-huey-replacement-helicopter-contract/>

The Miami-Herald printed a story on this matter in 2016, stating Bell Helicopter had filed suit against the County. OCA was not able to verify said suit in the clerk of courts or Westlaw.

<https://www.miamiherald.com/news/local/community/miami-dade/article138053133.html>

Below is a picture of an AW139 Helicopter manufactured by Agusta.



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Researcher: IL Reviewer: TD

DEPARTMENTAL INPUT

The following questions were asked to ISD on July 18, 2019 and the responses were received on August 16, 2019. The responses are in bold below.

The Agusta helicopter met the County's operational needs, however the peer review panel identified several operational and staff pre-requisites that would be required to transition to the Agusta helicopter, what were the operational and staff pre-requisites identified by the review panel? **The Peer Review Panel indicated that pilots and maintenance staff would need to be trained and pilots will need to be certified for the new aircraft. A Transition Plan (Appendix A: Enclosure 5 of the Contract) was negotiated to address these concerns. Additionally, a Training Plan, specific to pilots was developed and included in the Contract (Appendix A: Enclosure 6). Specific equipment, tools, etc. were included as part of the contract under Spare Parts.**

- What were the options or aircraft capabilities on the Agusta helicopter that made them better suited for MDRF as oppose to the Bell helicopter? **A number of specific aircraft capabilities and options are identified in the table below.**

Description	AgustaWestland AW139	Bell Helicopter 412EPI
Certified to Most Recent Federal Standard and Federal Acquisition Regulation (FAR) CFR 29.952 Crash Resistant Fuel System <i>(related to safety, survivability, crashworthiness, and take-off and landing operations in hot environments)</i>	Yes	No
FAA Crashworthiness for Fuel Systems *	Yes	No
Cruising Speed <i>(improves response time and operational efficiency)</i>	165 Knots	122 Knots
Maximum Gross Weight Flight Capability <i>(allows more mission critical equipment and supplies to be available for rescue on board)</i>	15,430	12,200
Time Interval Before Overhaul <i>(reduces maintenance cost and affords increased aircraft availability)</i>	5,000 flight hours	4,000 flight hours
Standard Fuel Capacity <i>(extends aircraft flight time and mission capabilities)</i>	2,765 lbs	2,207 lbs
Cabin and Baggage Volumes <i>(allows more space for flight crew, and more usable space for cargo and critical equipment for mission deployment. AW139 has 29% more cabin volume, and 330% more baggage-storage volume)</i>	Cabin: 283 ft³ Baggage: 120 ft³	Cabin: 220 ft³ Baggage: 28 ft³

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Standard Seat Capacity (number of seats) <i>(allows versatility in configuring mission requirements and seating. Because the AW139 has more space, the crew has more configuration options based on mission requirements.)</i>	2 + 15	2 + 13
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* In November 1994, FAR 14 CFR 29.952 established new fuel safety requirements for Crash Resistant Fuel Systems. The Bell EP helicopter met the fuel safety standards that were in place prior to November 1994, but does not meet the current FAR 14 CFR 29.952.

Additionally, the AW139 aircraft includes the following enhancements:

- Honeywell's state-of-the-art avionics package enabling better visualization of flight and navigation data.
 - 4 Axis Digital Automatic Flight Control System with enhanced Search and Rescue Modes capability lowering the pilot workload and significantly improving search capability.
 - Health & Usage Monitoring System reducing maintenance requirements and improving maintainability through system monitoring.
 - Modular airframe reducing component replacement.
 - Enhanced performance and safety specifications for crashworthy crew and passenger seats, airframe, and fuel systems, high safety standards with "fail-safe" design and system redundancy, damage tolerance, and engine turbine burst containment systems.
 - Auto Hover Mode with single engine capability.
- On what date did ISD become aware that there was an ethical breach concerning this procurement? **Unknown**
 - What criteria factors did the 4 selection committees use to determine Bell as the favorable firm to award the contract? **There is no record of four selection committees. There were two selection committees. The selection committees are tasked with evaluation and making a recommendation to negotiate, not award.**

OCA asked follow-up questions to ISD on September 24, 2019. As of the date these notes were published OCA had not received a response.

1. What is the useful life of a Bell 412EP Helicopter? Is it determined by flight hours, age, maintenance inspection, or all three?
2. Could ISD provide the evaluation criteria used by the first Competitive Selection Committee (CSC) and second CSC?
3. What is the operational readiness of the current MDRF helicopter fleet?
4. What criteria did the national experts use to recommend Bell Helicopter Textron Inc., over the AgustaWestland Philadelphia Corporation?
5. What are the names and titles of the national members for the second CSC, and how were they selected?
6. What safeguards do we have in place to prevent ethical breaches in the future?
7. Who were the original CSC members and what penalty if any was levied on them?

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File No. 192379 (191764)

Researcher: IL Reviewer: TD

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(3) of the Code of Miami-Dade County (*Procedures for purchases when competitive procedures are not practicable*), Notwithstanding the requirements of section 2-8.1(b)(1), formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable as set forth herein. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

Any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

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

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

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

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

Resolution No. R-113-16, adopted February 2, 2016, authorizing the designated purchases of equipment and services for the furnishing, delivery, and/or installation of playground and park equipment, with a total contractual authority of \$4,000,000.00 in the aggregate and \$350,000.00 per project funded in part from the building better communities general obligation bond program, for a period of three (3) years.

<http://www.miamidade.gov/govaction/matter.asp?matter=152876&file=true&fileAnalysis=false&yearFolder=Y2015>

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

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

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods

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Researcher: IL Reviewer: TD

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. 8F23

File No. 192282 (Original Item: File No. 191999)

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$19,000,000.00 FOR PREQUALIFICATION POOL NO. RTQ-5745-2/14-2 FOR PURCHASE OF PARTS AND REPAIR SERVICES FOR TRANSIT BUSES AND OTHER SUPPORT EQUIPMENT FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS NOT TO EXCEED \$5,000,000.00 FOR SUCH PURPOSES [SEE ORIGINAL ITEM UNDER FILE NO. 191999]

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority for *Prequalification Pool No. 5745-2/14-2, Parts and Repair Services for Transit Buses and other Support Equipment*, in an amount not to exceed \$19,000,000 for the Department of Transportation and Public Works (DTPW).

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

This item was forwarded to the BCC with a favorable recommendation by the Transportation and Finance committee at its September 17, 2019 meeting. Prior to passage, the following discussion transpired:

- Commissioner Heyman asked whether \$19 million is necessary to maintain existing bus fleet until the end of existing RFP
- Deputy Mayor Moon responded that only one-third of the buses are being replaced, so the \$19 million considers maintenance of the remaining two-thirds of the fleet
- Commissioner Bovo asked how many buses are PTP purchased buses.
- Deputy Mayor Moon responded that the answer to that will be provided prior to the next BCC meeting.

ANALYSIS

The purpose of this item is to seek Board approval of additional expenditure authority in an amount up to \$19,000,000 for *Prequalification Pool No. 5745-2/14-2, Parts and Repair Services for Transit Buses and other Support Equipment*, for DTPW's continued purchase of parts and services to repair aging transit buses and perform maintenance on compressed natural gas (CNG) buses. This substitute differs from the original item (File No. 191999) in that it includes the use of Charter County Transportation Surtax Funds (not to exceed \$5,000,000) for the replacement of hybrid electric bus batteries under project CIP192.

The pool, awarded in March 2009 for an initial term of two years with two, two-year options to renew (an additional five-year extension was subsequently approved), has a cumulative value of \$260,310,000* and expires on March 31, 2020. While the additional allocation request is solely for DTPW, nine other County departments utilize this pool for parts and repair services for similar support equipment. Approval of this request will increase the cumulative allocation to \$279,310,000. The current option term has a cumulative value of \$161,894,300, of which \$156,385,020.64 has been released (as of September 27, 2019), leaving a balance of \$5,509,279.36, per the County's Bid Tracking System. Transit has a remaining balance of \$2,790,418.15 from its allocation of \$157,276,000 for the current option term.

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File No. 192282 (Original Item: File No. 191999)

Researcher: JFP Reviewer: TD

*Note that the cumulative allocation in the County's Bid Tracking System differs from what is stated on the Mayoral Memorandum. The Mayoral Memorandum state the cumulative allocation to be \$260,316,000 rather than \$260,310,000.

The present additional allocation request will fund the purchase of additional parts and services beyond the cost of routine maintenance required due to the age of the buses. The average age of the buses in Transit's fleet is 10 years of their 12 year useful life, and 494 buses (64% of the total bus fleet) have recorded over 500,000 miles in operations, which is beyond the buses' typical life expectancy of 500,000 miles. Among DTPW's planned maintenance and repairs for the remainder of the pool's term include:

- Replacement of hybrid bus batteries;
- Rust body repair and paint work;
- Bus frame, bus floors, air conditioning and heater core repairs;
- Wheelchair ramp frame repairs; and
- Electrical and roof hatch repairs.

There are 63 prequalified vendors in the pool, of which 27 (43%) have a local address, which does not meet the 75 percent threshold required by Resolution No. R-477-18. Vendors may be added to the pool at any time. OCA performed its due diligence search on the prequalified vendors on September 30, 2019, with the following findings. The following vendors were found to have an inactive status on Sunbiz.org, the official State of Florida Division of Corporations website:

- Midwest Bus Corporation
- Mohawk Mfg & Supply Co.
- Pelerin LLC
- Veritech, Inc.

Additionally, Aero Hardware & Supply, Inc. was found to have a local address not listed in the Mayoral Memorandum upon verification with the Tax Collector's Office. The company's business address is listed with the Tax Collector's Office as 10100 NW 116th Way, Suite 15, Medley, FL 33178.

Resolution No. R-718-17 directs the Administration to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services. Given the pool's expiration date of March 31, 2020, the Administration should have commenced planning for re-procurement on September 30, 2018.

This item requires approval by the Citizens' Independent Transportation Trust (CITT), and as such was heard and forwarded to the BCC with a favorable recommendation at the September 18, 2019 CITT Joint Strategic & Financial Planning and Project & Financial Review Committee meeting.

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File No. 192282 (Original Item: File No. 191999)

Researcher: JFP Reviewer: TD

APPLICABLE LEGISLATION/POLICY

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

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

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

[https://library.municode.com/fl/miami - dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

Resolution No. 191-09, adopted March 3, 2009, authorized award of competitive contracts, including *Prequalification Pool 5745-2/14, Parts and Repair Services for Transit Buses and other Support Equipment*, for an initial term of two years with two, two-year options to renew in an amount not to exceed \$49,070,000.

<http://intra/gia/matter.asp?matter=090204&file=true&yearFolder=Y2009>

Resolution No. R-806-14, adopted September 16, 2014, approved an additional five-year extension for *Prequalification Pool 5745-2/14, Parts and Repair Services for Transit Buses and other Support Equipment* and additional expenditure authority in an amount not to exceed \$112,686,000.

<http://intra/gia/matter.asp?matter=141812&file=true&yearFolder=Y2014>

Resolution No. R-716-12, adopted September 6, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

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

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

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

Resolution No. R-718-17, adopted July 6, 2017, directs the Administration to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services.

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

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Item No. 8F23

File No. 192282 (Original Item: File No. 191999)

Researcher: JFP Reviewer: TD

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

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

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

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

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**Item No. 8F24
File No. 191770**

Researcher: IL Reviewer: TD and PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00456 TO PROTERRA, INC. FOR PURCHASE OF BATTERY-ELECTRIC BUSES AND CHARGING SYSTEM FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS IN A TOTAL AMOUNT NOT TO EXCEED \$72,176,322.00 FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

ISSUE/REQUESTED ACTION

Whether the Board should approve a contract award for RFP-00456 to Proterra, Inc. in an amount not to exceed \$72,176,322 for a five-year term for the purchase of a minimum of 33 and a maximum of 75, 40-foot battery electric buses and the associated installation of depot chargers (charging system) at each of the three maintenance garages for the Department of Transportation and Public Works (DTPW) and authorizing the use of surtax funds for such purposes.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services Department

This item was removed from the TAF committee meeting on July 15, 2019 due to a bid protest file by New Flyer of America, Inc. On September 18, 2019, the CITT forwarded this recommendation to the Board of County Commissioners with a favorable recommendation.

ANALYSIS

The purpose of this item is for the County through DTPW to purchase up to 75, 40-foot battery-electric buses and associated charging systems (depot-based charging equipment) from Proterra, Inc. for a maximum amount of \$72,176,322. Under the contract, Proterra shall provide buses that have a lifespan of 12 years with a 12-year warranty that covers batteries and the charging system. The contract also includes the provision of spare parts and diagnostic tools as well as training services. This purchase will be funded by surtax dollars. The County's intent is to have all buses and charging systems fully operational and final construction accepted within 16 months from the issuance of the Notice to Proceed. This purchase is the County's first inquisition into BEB's as a potential alternative energy solution intended to address the County's emissions goals.

DTPW's current bus fleet population totals 762 buses. An expected 420 buses will be CNG-powered (by May 2020), and 137 are diesel hybrid. There are currently 370 diesel buses in the fleet. The buses have a life span of 12 years with a 12 year warranty that covers batters and charging system and includes training, spare parts and diagnostic tools. The impetus for exploring a Battery-Electric-Bus (BEB) is due to its central characteristic, i.e. that the bus produces zero-emissions. Additionally, as indicated in the agenda item, the associated charging systems have the capacity to charge up to 11 batteries simultaneously within four hours and rendering an operational range of at-least 175 miles under a full charge. Another benefit of BEBs, is that BEBs are more fuel-efficient than diesel and CNG buses contingent on the driving conditions because BEBs travel an estimated 17.48 miles per diesel gallon equivalent (DGE)

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Researcher: IL Reviewer: TD and PGE

while a CNG bus travels 4.51 miles per diesel gallon equivalent. Fuel costs can be curtailed because of the output in distance covered by a BEB as opposed to a CNG or diesel bus. Furthermore, BEBs do not require oil changes or emissions after treatments such as a catalytic converters and there is no maintenance needed for the engine, fuel, cooling and exhaust systems. Furthermore, BEBs have a better performance as it relates to maintenance cost.

The table below summarizes comparative data regarding infrastructure costs, lifespan, fuel efficiency and maintenance costs for the DTPW's diesel, diesel hybrid, CNG and to-be-acquired BEB fleet. (Infrastructure, 10 year fuel costs and maintenance costs figures were adopted from the Miami-Dade County Transportation and Public works presentation for CNG Program – RFP No. 00096)

Bus Type and Population	Infrastructure Costs	Life Span	10 Year-Fuel Cost	Maintenance Costs
Diesel	\$530,000	12 years	\$230,879	\$21,786
Diesel hybrid	\$685,000	14-16 years	\$198,556	\$21,786
CNG	\$550,000	12 years	\$109,021	\$21,786
BEB	\$750,000	18 years	\$ 27,445	\$15,381

Fleet size includes the potential purchase of up to 75 BEBs as set forth in this item.

DTPW conducted market research finding that in May 2016, Proterra, buses, unveiled a new battery pack to power its Catalyst XR bus. The new pack holds 28 percent more energy or up to 330 kWh of energy capacity. This benefits the County because it will extend the range capabilities of the bus without requiring the bus to recharge.

The Request for Proposals (RFP) for this procurement was extended on October 21, 2016, and three proposers responded:

- Build Your Dream (BYD) (Deemed non-responsive by the County Attorney's Office)
- New Flyer America (New Flyer)
- Proterra Inc. (Proterra)

ISD held a two a tier evaluation process consisting of a Pre-Oral Presentation and a Post-Oral Presentation, the scores are illustrated below:

Pre-Oral Presentation(Tier 1) April 19, 2017

Proposer	Technical Score (max. 350)	Price Score (max. 150)	Total Combined Score (max. 500)	Price/Cost Submitted
New Flyer of America, Inc.	307	133	440	\$75,781,903
Proterra, Inc.	286	138	424	\$74,900,222

Post-Oral Presentation (Tier 2) May 3, 2017

Proposer	Technical Score (max. 350)	Price Score (max. 150)	Total Combined Score (max. 500)	Price/Cost Submitted
New Flyer of America, Inc.	323	140	463	\$74,900,222
Proterra, Inc.	311	129	440	\$75,781,903

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Researcher: IL Reviewer: TD and PGE

After the oral presentations, the Competitive Selection Committee (CSC) scored Proterra higher based on technical certifications. The CSC unanimously determined that Proterra has the relevant experience, qualifications, manufacturing capacity, and past performance required to successfully manufacture battery-electric buses, install charging system, and provide the necessary warranties, product and technical support, and deliver buses and charging systems in a timely manner. The CSC determined that Proterra's charging system will take the least amount of time to charge the proposed buses. In addition, Proterra's buses are designed with a transmission which leads to a more efficient use of the electrical charge and longer operating range on a single charge. According to the CSC Proterra's bus design makes maintenance more efficient and less expensive than New Flyer and the CSC determined that overall, Proterra's proposal offers the best life cycle cost. Moreover, the CSC concluded that due to Proterra's new facility in Los Angeles, Proterra was capable of delivering the buses in a timely manner.

On May 26, 2017, New Flyer, through its attorney, submitted a letter identifying what it considered several responsiveness and responsibility issues that should have resulted in the disqualification of Proterra's proposal. The following reasons were stated:

1. Non-responsive to due to material deviation from the technical specifications required.
2. Proterra's proposal exceeds the Gross Vehicle Weight Rating (GVWR) and front axle Gross Axle Weight Rating (GAWR)
3. Proterra failed to provide evidence of compliance with state and federal regulations.
4. Proterra altered its proposal during oral presentations unfairly skewing the process in its favor.

On November 7, 2017, Proterra, through its attorney, submitted a response to New Flyer's letter. Proterra concluded by stating; "The issues raised in New Flyer's letter are without merit. It merely disagrees with the CSC's conclusion that Proterra's proposal was better than the competition. There is no basis for questioning the CSC's evaluation and ranking of offerors, and the County should enter into negotiations with Proterra."

On November 21, 2017, New Flyer responded to Proterra's response letter stating that it failed to address the fundamental concerns raised by New Flyer regarding Proterra's proposal.

After discussion with management and the County Attorney's Office (CAO), the CAO instructed to proceed with Negotiation Strategy meetings. The next Negotiation Strategy meetings were held on December 11, 2017, and January 30, 2018, at the SPCC building, 13th Floor.

At the Negotiations Strategy meetings, the letters from New Flyer and Proterra were discussed. The Negotiations Team could not resolve the issues raised by New Flyer and asked for additional information from Proterra, or a responsibility review meeting with Proterra. The reason was to obtain technical clarifications and explanations, not necessarily to reduce the bus price.

- 11) 4-ply hoses and stainless steel clamps
- 16) Schematic Illustrations on door compartments
- 19) Fire Extinguisher Brackets
- 25) Exterior Lighting – top rear of bus

The Negotiation Team agreed to proceed with a responsibility review meeting to ascertain Proterra's bus meets the RFP's specifications, and if Proterra was deemed responsible, a Negotiation meeting would follow. The Pre-

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Researcher: IL Reviewer: TD and PGE

Negotiation Plan was finalized and approved by management. The Negotiation team is best suited to review the issues raised by New Flyer, and therefore will assist in making a responsibility determination.

Before making a determination of responsibility, a recipient must possess or obtain information sufficient to satisfy itself that a prospective contractor meets the applicable standards and requirements for responsibility set forth in this section. In doing the research necessary to make a responsibility determination, recipients are permitted to discuss with the bidder or offeror any concerns regarding the bidder or offeror's responsibility.

Because Proterra's staff is not located in Florida, an invitation to conduct a responsibility review meeting, followed by a Negotiations meeting was sent to Proterra on February 7, 2018, scheduling both meetings for February 16, 2018, at Overtown Transit Village, 701 NW 1st Court, Miami, FL 33136. The Invitation included the County's requirement for a responsibility review before commencing negotiations, and summarized the areas of concern which Proterra, through request for public records, had previously obtained.

A responsibility review meeting was conducted on February 16, 2018. Proterra presented information regarding the issues raised by New Flyer. Proterra was asked for, and made a statement that its bus met the specification and requirements of the subject RFP. Proterra went on to show a power point presentation addressing each concern, followed by a questions and answer session.

The Negotiations Team then met separately and determined Proterra's bus met the GVWR requirements, tire load requirement, and the various regulations. However, the Negotiations Team could not determine whether Proterra's bus could meet the 175 mile range.

The CAO opined that the Negotiations Team could request additional information, but could not re-open or start a new responsibility review meeting the same day without publically noticing a new meeting. The CAO opined the Negotiations Team could; 1) find Proterra responsible and move forward to negotiations, 2) find Proterra non-responsible – at which time the determination would be sent to back the Selection Committee, or 3) since the mileage range was the only issue left to consider, ask Proterra to provide additional information via email.

Proterra was then informed that the County could not move forward with negotiations until it provided sufficient information to determine Proterra's bus would meet the 175 mile range. Proterra stated it could offer additional information, which it did not provide earlier at the responsibility review meeting because it was open the public, with New Flyer's representatives and their attorneys were present. Proterra assured the County it would provide data showing its bus meets the required range and will review this additional data to see how much information it could release.

On February 20, 2018, the County sent Proterra a request for additional information via email, due Friday, 2/23/18. Proterra sent the additional information by the deadline, and that information was then forward to the Negotiations Team on Monday, February 26, 2018.

New Flyer submitted a third letter via email to the County late Friday, February 23, 2018. The letter stated several concerns regarding changes to the design of Proterra's bus and the range. The New Flyer email and letter were also sent to the Negotiations Team.

On Wednesday, February 28, 2018, the Negotiations Team deemed Proterra's response acceptable, and therefore

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Researcher: IL Reviewer: TD and PGE

Proterra is deemed a responsible proposer and could meet the 175 mile range. The Negotiations Meeting was set for Thursday, March 8, 2018.

Based on the price analysis and negotiations results with Proterra, as detailed in the Memorandum of Negotiations, the overall price of \$72,176,321.90 is considered fair and reasonable.

On May 3, 2018, Proterra reviewed and approved the final negotiation item for liquidated damages. The Draft Form of Agreement (draft contract) was finalized with Proterra and DTPW. The contract draft was submitted via Project Administration for approval. On May 28, 2018, the draft contract was forward to County Attorney's Office (CAO) for legal sufficiency. On July 2, 2018, the CAO reviewed the draft contract, made minor edits and requested to be consulted for next steps.

On August 27, 2018, the conformed contract was forwarded to Proterra and on August 30, 2018, Proterra signed and emailed a scanned copy of the contract. Five originals were received via mail. Forward to CAO for legal sufficiency. On August 30, 2018, DTPW was notified of the contract signed by Proterra (a scanned copy was forwarded to the department) and advised to proceed despite the Buy America requirement not being acknowledged. On January 31, 2019, the award package was forwarded to management for review and approval.

On July 3, 2019, New Flyer submitted a bid protest to the Board of County Commissioners requesting that the County either disqualify Proterra's proposal for being non-responsive and recommend awarding the contract to New Flyer or reject all proposals and issue a new solicitation on an expedited basis and additionally a request to stay any award during the pendency of this protest. The date of the award recommendation notice was sent out on June 28, 2019.

On August 5, 2019, Linda L. Cave, Director of the Clerk of the Board division furnished a copy of the hearing examiners findings and recommendations concerning the aforementioned bid protest to Ms. Diane Mendez from the offices of Llorente and Heckler, PA representing New Flyer of America, Inc. The hearing examiner Ms. Loree Rene Schwartz, recommended that New Flyer's bid protest be denied and found that Proterra's proposal to be responsive to the RFP as New Flyer failed to establish that Proterra made any material misrepresentations in its proposal or at any point in the procurement process. Additionally, the hearing examiner stated that New Flyer failed to establish that the County acted arbitrarily or capriciously, the County acted reasonably and conducted additional due diligence in response to New Flyer's concerns. The CSC was found to have acted properly and accordingly in compliance with the terms of the RFP and did not provide Proterra a competitive advantage. The hearing examiner's conclusion is that the CSC's recommendation was based upon an honest exercise of the Committee's discretion following a procurement process that was clean, fair, competitive, reasonable, and transparent. A review of Westlaw and the Clerk of Courts did not reveal any cases filed against Proterra in Miami-Dade County as of the date this note was published.

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Researcher: IL Reviewer: TD and PGE

OCA conducted a review of the awarded firm on the Sunbiz, the official website of the Division of Corporations for the State of Florida and additional websites (see below).

Vendor	Sunbiz	Tax Collector	West Law
Proterra, Inc.	Principal Address: 1815 Rollins Rd, Burlingame, CA 94010 Date Filed: May 31, 2018	None found	No case found

OCA conducted a search on Business management workforce system on the commodity code for this procurement which are 556 (Mass Transportation – Transit Bus) and 55620 (Coach Transit Electric). A search for local certified small business firms under those codes yielded 2 results under code 556 and zero results under code 55620. The identified SBE firms are mentioned below.

Total Connection, Inc.

Miami, FL SBE – G&S

Unique Charters, Inc., DBA Unique Transportation

Miami, FL SBE – G&S

These local firms do not have the capacity to perform under this contract's scope.

Additional Information:

Below is an illustration of the BEB is below.



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Researcher: IL Reviewer: TD and PGE

In 2018, electric bus deliveries (generating sales revenue) represented about 4% of new public transit bus sales (deliveries) in the U.S. From a state perspective, the primary consumer of electric buses (EBs) in public transit remains California with 210 buses in service and a slightly larger backlog, bringing California's total in service plus backlog to about 450 EBs. Other states with significant investment in electric buses include Indiana and the state of Washington.

<https://www.ebstart.co/press-release-1-31-2019>

DEPARTMENTAL INPUT:

The following questions were asked to ISD on July 18, 2019, OCA has not received a response as of the date these notes were published:

- As to the lifespan, are we talking lifespan of the chassis or both chassis and battery/engine?
- What is the lifespan of a diesel bus v. BEB?
- What is the cost to maintain the battery or replace the battery should it go bad once out of warranty?
- What is the daily mileage that a diesel bus v. BEB reports on an average route?
- Is this the maintenance cost for one BEB over the course of its life? Per yearly?
- Do we have a forecasted estimate on what the electric cost is going to be per year from FPL to charge these batteries?
- What is the average cost per electric bus?

APPLICABLE LEGISLATION/POLICY

49 CFR Parts 661, this code applies to all federally assisted procurements using funds authorized by 49 U.S.C. 5323(j); 23 U.S.C. 103(e)(4); and section 14 of the National Capital Transportation Act of 1969, as amended and requires that All steel and iron manufacturing processes must take place in the United States, except metallurgical processes involving refinement of steel additives.

<https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=05b2e11ee01c6d5016c00e6833287d08&rgn=div5&view=text&node=49:7.1.2.1.18&idno=49>

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

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

Section 2-8-4 of the County Code (Protest Procedures) govern any protest made by a participant in any competitive process utilized for selection of a person or other entity to construct any public improvement, to provide any supplies, materials or services (including professional or management services other than professional services whose acquisition procedure is governed by the Consultant's Competitive Negotiation Act, F.S. Section 287.055 et seq.), or to lease any county property.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.4PRPR

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Researcher: IL Reviewer: TD and PGE

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

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

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

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

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

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

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

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

Implementing Order No. 3-21 Establishes the policy that the County shall provide a participant in any competitive process the opportunity to protest an award recommendation with respect to County contracts and purchases involving the expenditure of over \$25,000. Establishes the bid protest procedures.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-21.pdf>

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

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

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**Item No. 8J1
File No. 192220**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND AECOM TECHNICAL SERVICES, INC. FOR PROGRAM MANAGEMENT CONSULTANT SERVICES IN AN AMOUNT NOT TO EXCEED \$9,900,000.00 INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$900,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME; TO EXERCISE ANY CANCELLATION AND OTHER PROVISIONS CONTAINED THEREIN; AND TO APPROVE THE CONTINGENCY TIME EXTENSION AND CONTINGENCY EXPENDITURE LIMITED TO TEN PERCENT OF THE BASE CONTRACT AMOUNT

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA) between the County and AECOM Technical Services, Inc. (AECOM) for program management consultant services for PortMiami in an amount not to exceed \$9,900,000, which includes a contingency allowance of \$900,000, for a term of seven years.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Port of Miami

This item was forwarded to the BCC with a favorable recommendation by the Tourism and the Ports Committee at its September 12, 2019 meeting. Prior to passage, the following discussion transpired:

- Commissioner Moss asked about the composition of the AECOM team.
- A PortMiami representative responded that the subconsultants are comprised of 300 Engineering Group, PA, CFM Architects, Inc., HBC Engineering Company, Leanna Cumber & Associates, Longitude Surveyors, LLC, Nova Consulting, Inc., Nova Engineering & Environmental LLC, and Program Controls, Inc., which are all local small businesses.

ANALYSIS

The purpose of the PSA with AECOM is for PortMiami to acquire program management consultant services, with the selected consultant overseeing \$1.2 billion dollars' worth of new infrastructure and facilities expected to be completed over the next five years, and provide professional services in project management and planning, design oversight, oversight of architectural/engineering and inspection consultants, quality assurance oversight, and value engineering, among other services. The new infrastructure development being overseen incorporates PortMiami's expected new cruise services and cargo yard efficiencies and improvements. The contract value is \$9,900,000 for a seven-year term.

The total contract amount consists of a base estimate of \$9,000,000 and a \$900,000 (10%) contingency allowance. The Fiscal Year (FY) 2018-19 Proposed Budget and Multi-Year Capital Plan applicable Project Number is 6430061 with the funding source being future financing. The total contract amount will be funded with future financing, in equal amounts coming from FY 2019-20, FY 2020-21, FY 2021-22, FY 2022-23, and FY 2023-24 funds.

The solicitation for this project was advertised on February 8, 2019. Two proposals were received on March 18, 2019 from respondents AECOM and Jacobs Engineering Group. Following the First Tier of the competitive selection process wherein an evaluation of experience and qualifications is conducted, AECOM was ranked first and Jacobs Engineering Group, Inc. was ranked second. The Second Tier, which consists of the evaluation of the shortlisted firms' knowledge of project scope, qualifications of team members assigned to the project, and ability to provide the required

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Researcher: JFP Reviewer: TD

services within schedule and budget as provided through an oral presentation from firms deemed responsive and responsible at the First Tier, was waived by a majority vote, as the information provided in the proposals during the First Tier was deemed sufficient. Thus, AECOM is being recommended for award.

The PSA includes an 18 percent (\$1,782,000) SBE-A/E goal. The subconsultants under the contract are:

- 300 Engineering Group, PA
- CFM Architects, Inc.
- HBC Engineering Company
- Leanna Cumber & Associates
- Longitude Surveyors, LLC
- Nova Consulting, Inc.
- Nova Engineering & Environmental LLC
- Program Controls, Inc.
- U.S. Cost Incorporated, /dba/ RIB U.S. Cost

According to the Division of Small Business Development's firm history report, AECOM has held seven contracts with a total value of \$29,182,150 within the last five years. Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System on September 30, 2019, finding that AECOM has an evaluation count of 85 with an average evaluation rating of 3.7 out of a possible 4.0.

Awarded Firm	Sunbiz Status	Tax Collector	Florida DBPR	Westlaw
AECOM Technical Services, Inc.	Active	Business address: 800 South Douglas Road, North Tower, 2 nd Floor, Coral Gables, FL 33134	License type: Architect Business; Certified Building Contractor	<i>Joe Pyatt v. AECOM Technical Services, Inc.</i> (Case No. 2019-002818-CA-01); Allegation: Defendant discriminated against Plaintiff through verbal and physical means, resulting in plaintiff being terminated shortly after complaining about discriminatory acts solely due to his race; Case status: Open.

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Researcher: JFP Reviewer: TD

APPLICABLE LEGISLATION/POLICY

Section 287.055, 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

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>

BCC Meeting: October 3, 2019
Research Notes

Item No. 8J1

File No. 192220

Researcher: JFP Reviewer: TD

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>

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>

BCC Meeting: October 3, 2019
Research Notes

Item No. 8J2

File No. 192221 [Related File No. 192222]

Researcher: MF Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND WSP USA, INC. FOR MARINE INFRASTRUCTURE ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$3,300,000, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$300,000; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME; TO EXERCISE ANY CANCELLATION AND OTHER PROVISIONS CONTAINED THEREIN; AND TO APPROVE THE CONTINGENCY TIME EXTENSION AND CONTINGENCY EXPENDITURE LIMITED TO TEN PERCENT OF THE BASE CONTRACT AMOUNT

ISSUE/REQUESTED ACTION

Whether the Board should approve a professional services agreement between the County and WSP USA, Inc., for comprehensive engineering consulting services for the Seaport's marine-related infrastructure for a maximum amount of \$3,300,000.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Port of Miami

The item was considered at the September 12, 2019 Tourism and the Ports Committee meeting and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to authorize professional services agreement Contract No. E18-SEA-01(B) between the County and WSP USA, Inc., for marine infrastructure engineering services for a total amount of \$3,300,000. Of that amount, \$300,000 are being allocated as a contingency allowance. The company also will provide services on an as-needed basis for required work to be performed at PortMiami, represented by District 5 Commissioner Eileen Higgins.

The table below depicts some of the proposed infrastructure renovations to the seaport as well as some of the work to be performed by the selected firm:

Seaport Infrastructure Improvements	Expected Services by WSP USA, Inc.
Marine engineering inspection, evaluation, design and design criteria for construction	Surface and underground investigations & inspections
Repair & rehabilitation	Subsurface drilling and geotechnical investigations
New construction marine infrastructure (i.e., wharves, bulkheads, seawalls)	Materials sampling and testing
Dredging	Condition assessments, evaluations & analysis
Corrosion protection	Marine (biological) resources surveys
Floating & fixed docks	Topographic and bathymetric surveys
Floating & fixed docks	Berthing studies & mooring analysis
Container yard improvements	Hydrographic surveys
Cruise & cargo vessel berthing improvements	Ground radar penetration services, design criteria

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Research Notes

Item No. 8J2

File No. 192221 [Related File No. 192222]

Researcher: MF Reviewer: TD

The fiscal impact is \$3,300,000. A Notice of Professional Consultants (NTPC) was advertised on November 21, 2018 and six proposals were submitted on December 26, 2018. The six respondents fulfilled the Technical Certification requirements established for said solicitation. Subsequently, the Competitive Selection Committee short-listed three firms, ultimately awarding the contract to WSP USA, Inc., which ranked second. All three firms were found in compliance with the SBE A&E requirement for this solicitation.

Shown below are the top-three ranked firms and their corresponding scores.

Ranking	Firm Name	Score
1	Atkins North America, Inc.	494
2	WSP USA, Inc.	466
3	Moffat & Nichol, Inc.	465

According to the Capital Improvements Information System, WSP USA Inc., has 64 evaluations on record with an average rating of 3.7 out of a maximum total of 4.0. In the past five years, the County has awarded the selected firm – WSP USA, Inc. – six contracts via the Equitable Distribution Program, totaling \$23,097,756.

OCA conducted due diligence on the selected firm, WSP USA, Inc.; the results are shown below.

Sunbiz	Tax Collector	DBPR	Westlaw
Active	Business address: 7650 Corporate Dr., #300, Miami, FL	<i>Licenses:</i> Certificate of Authorization; Architect Business; Geology Business	<i>Antia Lelaind v. WSP USA, Inc.</i> (Case No. 19STCV20012); Allegation: wrongful termination; Case status: Pending <i>George Munfakh v. WSP / Parsons Brinckerhoff, et al.</i> (Case No. 2:16-cv-09386-SJO-AFM); Allegation: civil rights employment; Case status: Settled.

ADDITIONAL INFORMATION

As shown above in OCA's table of due diligence and pursuant to BCC Resolution No. R-828-19, WSP USA, Inc., has been the subject of two civil cases filed within the past 10 years.

- *Antia Lelaind v. WSP USA, Inc.* - The pending 2019 case involves a wrongful termination complaint filed by Plaintiff (Antia Lelaind) on June 7, 2019 (Case No. # 19STCV20012) in the Superior Court of Los Angeles County, California. The lawsuit alleges the following: 1) disability discrimination in violation of the Fair Employment and Housing Act (FEHA); 2) failure to provide reasonable accommodation in violation of FEHA; 3) failure to engage in interactive process in violation of FEHA; 4) retaliation in violation of FEHA; 5) wrongful termination in violation of public policy; 6) violation of Labor Code Section 970 et seq. The complaint calls for a jury trial. According to the lawsuit, Plaintiff served as full-time human resources manager starting in August 2017. In December 2017, Plaintiff was promoted to human resources director. In February 2018, Plaintiff underwent foot surgery, and was placed on short-term disability until her return to work on April 23, 2018. Prior to her return, Plaintiff had notified Defendant that she would need to stretch and elevate her foot when needed and required some accommodation. Plaintiff alleges she was not allowed to resume her regular duties, was obstructed, and told to assume the duties of a former employee. The complaint states that

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Item No. 8J2

File No. 192221 [Related File No. 192222]

Researcher: MF Reviewer: TD

on April 25, 2018 – two days after Plaintiff returned to work – she was given a memo stating she had work performance issues. Then, on June 7, 2018 Defendant terminated Plaintiff for said performance issues.

- *George Munkfakh v. WSP / Parsons Brinckerhoff, et al.* - According to legal records, the company was a co-defendant in a 2016 Civil Rights Employment lawsuit (Case No. # 2:16-cv-09386) in the U.S. District Court Central District of California, Los Angeles. According to the complaint filed on November 22, 2016, Plaintiff (George Munkfakh), Plaintiff alleged age discrimination, disability discrimination, retaliation, wrongful termination in violation of public policy, and violations of Labor Code section 970 (alleged fraud in inducing an employee to relocate from another state to California). The amount sought in the lawsuit was in excess of \$75,000, exclusive of interest and costs, with damages estimated at more than \$3 million. In the complaint, Plaintiff alleged he had worked for the Defendant (WSP I Parsons Brinckerhoff, WSP, Inc, WSP USA, et al) for more than 43 years, was 73 years old at the time of the incident, and had been diagnosed with cancer. The lawsuit states Defendant used Plaintiff's age and disability as a motivating factor for the decision to terminate Plaintiff. According to the complaint, Plaintiff alleged that as a result of the discrimination and retaliation, he was embarrassed, humiliated and depressed and suffered financial distress, anxiety and stress.

APPLICABLE LEGISLATION/POLICY

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

The Mayor is delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes) costing \$1,000,000 or less, or in the case of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises specifically authorized by Board resolution \$5,000,000 or less, without the need for action by the County Commission.

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

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

Administrative Order 3-39, Standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting. Established the County's standard procedures for the implementation, classify, track, monitor and report capital construction projects.

Resolution No. R-828-19, adopted July 23, 2019, establishes a policy of Miami-Dade County for disclosure of past and present discrimination lawsuits in solicitation submissions.

<http://www.miamidade.gov/govaction/matter.asp?matter=190936&file=true&fileAnalysis=false&yearFolder=Y2019>

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Research Notes

Item No. 8J2

File No. 192221 [Related File No. 192222]

Researcher: MF Reviewer: TD

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

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

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR

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>

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

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

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

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

BCC Meeting: October 3, 2019
Research Notes

Item No. 8J3

File No. 192222 [Related File No. 192221]

Researcher: MF Reviewer: TD

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND ATKINS NORTH AMERICA, INC. FOR MARINE INFRASTRUCTURE ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$3,300,000, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$300,000; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME; TO EXERCISE ANY CANCELLATION AND OTHER PROVISIONS CONTAINED THEREIN; AND TO APPROVE THE CONTINGENCY TIME EXTENSION AND CONTINGENCY EXPENDITURE LIMITED TO TEN PERCENT OF THE BASE CONTRACT AMOUNT

ISSUE/REQUESTED ACTION

Whether the Board should approve a professional services agreement between the County and Atkins North America, Inc., for comprehensive engineering consulting services for the Seaport's marine-related infrastructure for a maximum amount of \$3,300,000.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Port of Miami

The item was considered at the September 12, 2019 Tourism and the Ports Committee meeting and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to authorize professional services agreement Contract No. E18-SEA-01(A) between the County and Atkins North America, Inc., for marine infrastructure engineering services for a total amount of \$3,300,000. Of that amount, \$300,000 are being allocated as a contingency allowance. The company also will provide services on an as-needed basis for required work to be performed at PortMiami, represented by District 5 Commissioner Eileen Higgins.

The table below depicts some of the proposed infrastructure renovations to the seaport as well as some of the work to be performed by the selected firm:

Seaport Infrastructure Improvements	Expected Services by WSP USA, Inc.
Marine engineering inspection, evaluation, design and design criteria for construction	Surface and underground investigations & inspections
Repair & rehabilitation	Subsurface drilling and geotechnical investigations
New construction marine infrastructure (i.e., wharves, bulkheads, seawalls)	Materials sampling and testing
Dredging	Condition assessments, evaluations & analysis
Corrosion protection	Marine (biological) resources surveys
Floating & fixed docks	Topographic and bathymetric surveys
Floating & fixed docks	Berthing studies & mooring analysis
Container yard improvements	Hydrographic surveys
Cruise & cargo vessel berthing improvements	Ground radar penetration services, design criteria

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Item No. 8J3

File No. 192222 [Related File No. 192221]

Researcher: MF Reviewer: TD

The fiscal impact is \$3,300,000. A Notice of Professional Consultants (NTPC) was advertised on November 21, 2018 and six proposals were submitted on December 26, 2018. The six respondents fulfilled the Technical Certification requirements established for said solicitation. Subsequently, the Competitive Selection Committee short-listed three firms, ultimately awarding the contract to Atkins North America, Inc., which ranked first. All three firms were found in compliance with the SBE A&E requirement for this solicitation.

Shown below are the top-three ranked firms and their corresponding scores.

Ranking	Firm Name	Score
1	Atkins North America, Inc.	494
2	WSP USA, Inc.	466
3	Moffat & Nichol, Inc.	465

According to the Capital Improvements Information System, Atkins North America, Inc., has 36 evaluations on record with an average rating of 3.8 out of a maximum total of 4.0. In the past five years, the County has awarded the selected firm – Atkins North America, Inc., – 10 contracts via the Equitable Distribution Program, totaling \$31,692,911.

OCA conducted due diligence on the selected firm, Atkins North America, Inc.; the results are shown below.

Sunbiz	Tax Collector	DBPR	Westlaw
Active	Business address: 800 NW 62 Ave., #700, Miami, FL	Licenses: Engineers CE Course; Certified General Appraiser	<i>Dunn v. Faithful+Gould</i> (Case No. 6:15-cv-04382); Allegation: Civil Rights, Americans with Disabilities Employment; Case status: Closed

ADDITIONAL INFORMATION

As shown above in OCA's table of due diligence and pursuant to BCC Resolution No. R-828-19, Atkins North America, Inc., has been the subject of a civil case filed within the past 10 years.

- *Dunn v. Faithful+Gould Inc., and Atkins North America, Inc.*, – According to the complaint filed October 28, 2015, Plaintiff (Marcus Dunn) was an employee of both Defendants in 2014. Plaintiff worked as chief scheduler for one account overseeing the progress in the construction plans for a major industrial project. Plaintiff would routinely work from home or out of the project site office, as permitted by his employer, with allocated workdays both at home and the site office. Plaintiff alleged that he had a history of seizures and in one instance in 2014 he suffered a seizure while in the Defendant's work office. Plaintiff was transported to the emergency room and later to a neurologist, who prescribed medication. Per South Carolina law, anyone who suffers a seizure is not allowed to drive for at least six months. When Plaintiff communicated this to the Defendant, the Defendant placed Plaintiff on FMLA. Plaintiff later approached Defendant about possibly accommodating his work situation and allowing Plaintiff to work from home during the six-month span during which time he was not allowed to drive. It was at that point that Plaintiff and Defendant could not reach an agreement regarding Plaintiff's long-term work arrangement; Plaintiff was terminated September 17, 2014. According to legal documents, the case went before a jury trial and was closed June 18, 2018. No other information is available.

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Research Notes

Item No. 8J3

File No. 192222 [Related File No. 192221]

Researcher: MF Reviewer: TD

APPLICABLE LEGISLATION/POLICY

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

The Mayor is delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes) costing \$1,000,000 or less, or in the case of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises specifically authorized by Board resolution \$5,000,000 or less, without the need for action by the County Commission.

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

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

Administrative Order 3-39, Standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting. Established the County's standard procedures for the implementation, classify, track, monitor and report capital construction projects.

Resolution No. R-828-19, adopted July 23, 2019, establishes a policy of Miami-Dade County for disclosure of past and present discrimination lawsuits in solicitation submissions.

<http://www.miamidade.gov/govaction/matter.asp?matter=190936&file=true&fileAnalysis=false&yearFolder=Y2019>

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

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

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR

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

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Research Notes

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File No. 192222 [Related File No. 192221]

Researcher: MF Reviewer: TD

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>

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

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

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

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

BCC Meeting: October 3, 2019
Research Notes

Item No. 8K2
File No. 192131

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR TO SUBMIT AN AMENDMENT TO MIAMI-DADE COUNTY'S DISPOSITION AND/OR DEMOLITION APPLICATIONS TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO PERMIT RUDG, LLC OR ITS SUBSIDIARY, THE GALLERY ON THE RIVER, LLC, TO CONSTRUCT A SECOND PHASE OF THE JACK ORR PLAZA REDEVELOPMENT PROJECT TO BE KNOWN AS THE GALLERY ON THE RIVER, TO EXECUTE, IN ACCORDANCE WITH SECTION 125.35, FLORIDA STATUTES, A 75-YEAR GROUND LEASE WITH AN ANNUAL RENTAL AMOUNT EQUAL TO \$40,000 (INCREASING ANNUALLY AT FOUR PERCENT) AND A ONE-TIME CAPITALIZED LEASE PAYMENT OF \$400,000 FOR A TOTAL OF \$18,345,254.66, TO EXECUTE A SUB-GROUND LEASE(S), TO EXERCISE ALL PROVISIONS CONTAINED IN THE GROUND LEASE AND SUB-GROUND LEASE(S), AND TO EXECUTE ALL NECESSARY MIXED-FINANCE AGREEMENTS, ALL OTHER DOCUMENTS RELATED TO THE GALLERY ON THE RIVER, AND AMENDMENT(S) TO THE ANNUAL CONTRIBUTION CONTRACT(S), SUBJECT TO THE UNITED STATES HOUSING AND URBAN DEVELOPMENT'S APPROVAL; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-130-06

ISSUE/REQUESTED ACTION

Whether the Board should authorize an amendment to the U.S. Department of Housing and Urban Development (HUD) mixed-finance agreements and documents to the Jack Orr Plaza Redevelopment Plaza to construct the second phase of an affordable housing project known as The Gallery on the River, LLC.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Public Housing and Community Development (PHCD)

This item was heard by the Housing, Social Services, and Economic Development Committee meeting on September 9, 2019 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The proposed resolution requests Board approval for the following:

- An Amendment to the County's disposition and/or demolition application to HUD to construct a second phase of the Jack Orr Plaza redevelopment project to be known as The Gallery on the River;
- Authorize the execution of a 75-year ground lease with RUDG with an annual rental amount of \$40,000 (to increase 4% annually) and a one-time capitalized lease payment of \$400,000 for a total of \$18,345,254.66 related to the development of The Gallery on the River;
- Execute all necessary mixed-use finance agreements and all other documents related to The Gallery on the River project;
- Execute amendments to the Annual Contribution Contract(s), to show the County's receipt of public housing subsidy; and
- Waive the requirements of Resolution No. R-130-06, which requires that all contracts must be fully negotiated and executed by a non-County party, because neither the County nor RUDG can execute any mixed-finance agreements and other related documents without HUD's approval.

BCC Meeting: October 3, 2019
Research Notes

Item No. 8K2

File No. 192131

Researcher: MF Reviewer: TD

There is no fiscal impact to the County. RUDG, LLC will be responsible for all payments cited in the above-mentioned requests.

The proposed affordable housing project, named The Gallery on the River, will be constructed on approximately 1.65 acres and located in the vicinity of 401 NW North River Drive, Miami, Florida, in District 5, represented by Commissioner Eileen Higgins.

On July 14, 2011, a Request for Proposal (RFP No. 794) was issued to solicit proposals from developers to maximize and expedite the development or redevelopment of more than 100 existing public housing sites and vacant land sites administered by PHCD. OCA conducted due diligence and examined the Bid Tracking System (BTS) on September 5, 2019. According to BTS, the County received 31 bid proposals and five companies were awarded. Aside from RUDG, LLC, the other companies awarded were: Carlisle Development Group, LLC; Biscayne Housing Group, LLC; Michaels Development Company, LLC; and Gorman & Company Inc.

Subsequently to the 2011 RFP and pursuant to Resolution No. R-1026-11, the Board awarded site control through a master ground lease to RUDG for the redevelopment of the Jack Orr Plaza public housing development. Later in 2012, the Board authorized the execution of a master development agreement for the development of the Jack Orr Plaza to rehab 200 units. In June 2013, HUD approved the County's Disposition Applications for the Jack Orr Plaza Preservation Phase I. Originally, the Jack Orr Plaza site consisted of 2.82 acres. A portion of the site for The Gallery on the River will consist of a residential building with 160 affordable or workforce housing units, of which 11 will be designated public housing units, featuring amenities and parking. The development will cost approximately \$44,493,560.

DEPARTMENTAL INPUT

OCA reached out to PHCD on September 5, 2019 with the questions below; The Department sent responses on September 6, 2019 and are shown in bold.

- Why did the previous adopted resolutions not list Phase II of the affordable housing project for the HUD application? **Phase Two was not defined at the time that the previous resolutions were issued.**
- Explain the reasons for the time lapse between the current amendments via this request in 2019 and the Phase I application approved by HUD in 2013. **Phase I was completed in 2015. After that, RUDG has been working in procuring the finance for this and other Public Housing projects and developing them when the finance is obtained.**
- Please clarify the acreage difference between the original Jack Orr Plaza site at 2.82 acres and The Gallery on the River site now at 1.65 acres. What was the acreage for Phase I of the project and the combined acreage of Phases I and II? **Jack Orr Plaza site consists in 2.82 acres. This includes Jack Orr Plaza Preservation Phase One (1.17 acres) and The Gallery on the River (1.65 acres).**
- According to the Bid Tracking System, RUDG was one of five companies that was awarded the RFP. What work did the other four companies perform for this phase or the previous phase? **Pursuant to Resolution No. R-1026-11, RFP 794 awarded 32 sites to 6 developers. Jack Orr Plaza was awarded to RUDG, therefore other developers do not have rights to perform any work at this site.**
- The housing development is expected to cost about \$44.4 million. Will the County be expected to fund any portion of this amount at any time or is funding for the project solely coming from RUDG through HUD? Please clarify. **\$3.7 million of Surtax have been awarded to The Gallery on the River.**
- Give the expected development timeframe for the second phase of the affordable housing project to be constructed.

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Research Notes

Item No. 8K2
File No. 192131

Researcher: MF Reviewer: TD

Financial closing is expected by March 2020 and final completion of the project approximately by October 2021.

- Per the mayor's memo, the County will meet with residents who are affected by the demolition or disposition applications. What type of public outreach will be conducted, specifically? **Resident meetings will be held with Jack Orr Plaza residents.**

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1020-12, adopted on December 4, 2012, authorizes the deputy mayor or mayor's designee to execute master development agreements, amendment No. 3 to ground leases, and other necessary mixed-finance contracts, agreements and related documents with RUDG, LLC or its subsidiaries for construction and/or rehabilitation of new or existing public housing units at the Joe Moretti, Dante Fascell, Stirrup Plaza, South Miami Plaza and Jack Orr Plaza Public Housing Developments, subject to the approval of the U.S. Department of Housing and Urban Development.

<http://www.miamidade.gov/govaction/matter.asp?matter=122287&file=true&fileAnalysis=false&yearFolder=Y2012>

Resolution No. R-1026-11, adopted on November 23, 2011, authorizes selection of and execution of various ground lease agreements for development of Miami-Dade County owned land to allow application to the Florida Housing Finance Corporation for nine percent low income housing tax credits.

<http://www.miamidade.gov/govaction/matter.asp?matter=112404&file=true&fileAnalysis=false&yearFolder=Y2011>

Resolution No. R-130-06, adopted on January 24, 2006, amends Resolution No. R-1198-05, requiring that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-county parties.

<http://www.miamidade.gov/govaction/matter.asp?matter=060239&file=false&fileAnalysis=false&yearFolder=Y2006>

Resolution No. R-1198-05, adopted on October 18, 2005, clarifies that approval of a third party contract in substantially the form presented to the Board means the County Manager is authorized to execute the form of contract that is approved without any changes except those necessary to correct non-substantive, scrivener's errors, directing the county manager not to place items on the agenda seeking Board approval of a third party contract and authority to execute same until the underlying contract is completely negotiated, in final form and executed by all non-county parties.

<http://www.miamidade.gov/govaction/matter.asp?matter=052006&file=true&fileAnalysis=false&yearFolder=Y2005>

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?mode=View%20Statutes&SubMenu=1&Appmode=Display_Statute&Search_String=125.35&URL=0100-0199/0125/Sections/0125.35.html

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Research Notes**

**Item No. 8N2
File No. 191601**

Researcher: PGE Reviewer: TD

RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND A & P CONSULTING TRANSPORTATION ENGINEERS CORP. FOR CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, CONTRACT NO. CIP190-DTPW17-CEI (1), IN AN AMOUNT NOT TO EXCEED \$2,475,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$225,000.00; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA) between the County and A&P Consulting Transportation Engineers Corp. for construction, engineering and inspection services for the Department of Transportation and Public Works in an amount of \$2,475,000 for a five-year term and authorize the use of surtax funds for such purposes.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Department of Transportation and Public Works

The item was considered at the July 15, 2019 meeting of the Infrastructure and Capital Improvements Committee wherein it was forwarded to the Board with a favorable recommendation. At the September 4, 2019 Board meeting, the item was deferred. Prior to the deferral, the following discussion transpired:

- Commissioner Martinez stated he could not support the item as, per the item's Project Description, it called for the County to pay a consultant to oversee the work performed by other consultants. The Director of the Department of Transportation and Public Works explained that the language in the Project Description was a typo and that the contract was for the selection of a construction, engineering and inspection consultant to supervise the work of construction contractors to ensure contract compliance.

ANALYSIS

The purpose of the PSA with A&P Consulting Transportation Engineers Corp. (A&P Consulting) is for the Department of Transportation and Public Works (DTPW) to obtain construction, engineering and inspection services in support of DTPW's Capital Improvement Plan. Under the PSA, A&P Consulting shall manage and inspect work performed by selected consultants to ensure compliance with contract requirements, construction and design standards, plans and specifications. The scope of work encompasses design support, plans review, on-site inspection, quality control, contract administration, and preparation of construction cost estimates. Note that this is one of two PSAs on the agenda for the provision of comparable services. The other award is to CIMA Engineering Corp.

The PSA value is \$2,475,000 for a five-year term. That value consists of a base estimate of \$2,250,000 and a contingency allowance of \$225,000. There are two project sites under the PSA – Site 1 is the SW quadrant of SW 8 ST and SW 147 AVE (estimated at \$1,076,723) and Site 2 is the Metrorail (estimated at \$1,398,277). The combined site estimates equals the PSA value.

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Researcher: PGE Reviewer: TD

As seen in the mayoral memorandum, the Fiscal Year (FY) 2018-19 Proposed Budget and Multi-Year Capital Plan Project # is 2000000104. The Capital Plan describes the project as to *refurbish and/or update systems control equipment, fire alarm systems and other improvements as needed throughout the entire rail system*. The funding sources for Fiscal Year 2018-19 are FDOT (\$437,000), FTA Section 5307/5309 Formula Grant (\$32,000), and People's Transportation Plan Bond Program (\$37,614,000). Total revenues show \$38,083,000.

This PSA also falls under Project # 6730101. The FY 2018-19 plan describes that project as to *purchase buses for route expansions and construct transit hubs as needed throughout the County*. The applicable funding sources are FTA Section 5307/5309 Formula Grant (\$2,014,000) and People's Transportation Plan Bond (\$509,000).

The solicitation for this project was advertised on May 11, 2018. The solicitation sought to retain two qualified firms for two separate PSAs for construction, engineering and inspection services. Four proposals were received on June 12, 2018. The respondents were A&P Consulting, CIMA Engineering Corp., T.Y. Lin International, and Nova Consulting, Inc. Following the competitive selection process, A&P Consulting was ranked first. There are two contract measures assigned to this project – DBE and SBE-A/E. The percentage of work associated with the measures is absent from the agenda item. The project's subconsultants are: 305 Consulting Engineers, LLC; NADIC Engineering Services, Inc.; and Pinnacle Consulting Enterprises, Inc.

According to an August 12, 2019 search on Sunbiz.org, the official State of Florida Division of Corporations website, A&P Consulting is a Florida for-profit corporation with a principal address of 8935 NW 35 Lane, Suite 200, Doral, Florida. The company's president is Antonio Acosta and the vice president is Carlos Gil-Mera. The company holds a Certificate of Authorization license type, and the related license information shows Carlos Perez as a professional engineer per information found on August 12, 2019 on the website of the Florida Department of Business & Professional Regulation (FL DBPR). Additionally, the FL DBPR shows the company's principals, Antonio Acosta and Carlos Gil-Mera, as holding an active professional engineer license.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System (CIIS) on September 26, 2019, finding that A&P Consulting has an evaluation count of 30 with an average evaluation rating of 3.8 out of a possible 4.0. Note, however, that the CIIS shows a 2.4 rating from February, 17, 2009 for a Public Works Department project, *Contract No. 20030188*.

The table below summarizes OCA's due diligence review of the recommended awardee.

Awarded Firms	Sunbiz	Tax Collector	Florida DBPR	Westlaw
A&P Consulting Transportation Engineers Corp.	Active	Business Address: 8935 NW 35 LN, Suite 200, Doral, FL	License Type: Certificate of Authorization	<i>Cortes v. Figg Bridge Engineers, Inc. et al</i> ; (11th Judicial Circuit, Miami-Dade County, Case No. 2019-009436-CA-01); filed March 2019; pending; Defendants negligently failed to ensure that the construction of the FIU Pedestrian Bridge was safe and failed to notify the construction force that cracks observed on the

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				bridge were a safety concern, causing personal injury to Plaintiff.
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DEPARTMENTAL INPUT

The following information was provided by DTPW in response to OCA's inquiry. DTPW's response has been bolded.

- Let us know if DTPW has in-house staff capable of delivering the needed construction, engineering and inspection (CEI) services for the upcoming projects.

No.

- If DTPW does have CEI services-skilled staff, what drove the decision to outsource the work?

N/A

- If DTPW does not have such staff, provide the operational rationale.

DTPW does not have additional full-time engineers/inspectors for these services and a qualified Special Inspector to monitor and sign-off on the permits. DTPW has staff to perform project management for transit projects. Due to the size and complexity of upcoming projects such as the South Corridor and the Dadeland South Station Improvements project and others, the need to CEI outsourcing is necessary.

- Explain what contract measures are applicable to the PSAs, including the percentage of work assigned to each subconsultant per PSA to fully satisfy the measures; and

Contract measures. In accordance with 49 CFR Part 26, neither of the work-order driven 'PSAs' have been assigned a DBE goal. Therefore, no applicable measures are applied, making the item- race-neutral. Race-neutral DBE participation is any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Percentage of Work. In the absence of a numerical DBE goal, the percentage of work agreed to must be carried out in accordance with 49 CFR Part 26. A prime, through race-neutral means, is able to select portions of work to be performed by DBEs in order to increase the likelihood of receiving DBE credit. This includes, where appropriate, breaking out contract work items into economically feasible units (for example, smaller tasks or quantities) to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible timeframes for performance and delivery schedules in a manner that encourages and facilitates DBE participation. Additionally, to ensure that DBEs are receiving work, DTPW's DBE Office requires that prime contractors to submit monthly copies of any and all financial payments made to DBEs and/or non-DBEs of work performed within their submitted invoices.

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- Share the specific projects that A&P Consulting and CIMA will support during the five-year PSA term.

The agreements are to procure construction engineering and inspection (CEI) services to assist and support the Department of Transportation and Public Works (DTPW) staff in managing and inspecting the various construction projects. Two contracts were requested due to the anticipated volume of work based on upcoming projects. Two consultant teams will ensure DTPW has available resources to provide CEI services. The projects that are being referenced in the agenda items, based on the funding sources identified include, but are not limited to:

- Tamiami Park and Ride Facility – CE&I budget of \$1.2 million; Scheduled NTP December 2019
- Panther Station – CE&I budget of \$860,000; Scheduled NTP November 2020
- Dadeland South metro rail station improvements – CE&I budget of \$2.19 million; Scheduled NTP Sept. 2020
- Dadeland North metro rail station parking garage improvements (including additional elevators) - CE&I budget of \$750,000; Scheduled NTP October 2020
- Government Center metro rail station improvements - – CE&I budget of \$750,000; Scheduled NTP May 2021

The Park and Ride at SW 147 Avenue and SW 8 Street - This is a park and ride facility that is going through the award process for construction. The CE&I consultant will provide the special milestones inspections as required by the building permits as well as monitoring and inspecting the various construction activities ensuring compliance with all applicable permits and design plans conditions and specifications.

The Metrorail project(s) - This consists of monitoring the various construction activities that are planned for the improvements on the various Metrorail facilities such as upgrading and rehabilitation some of the stations along the rail line. These projects are at various stages of design and should be coming into the construction phase in the near future.

Note: The list of projects is what is anticipated at this point in time. DTPW staff will be able to use these contracts for construction projects that commence during the term of the contract that require CEI services.

ADDITIONAL INFORMATION

See the link below to access the Fiscal Year 2018-19 Proposed Budget and Multi-Year Capital Plan for the Department of Transportation and Public Works.

<http://www.miamidade.gov/budget/library/fy2018-19/proposed/transportation-and-public-works.pdf>

A&P Consulting's website describes the company as a multi-disciplinary consultant located in South Florida providing technical excellence in design and construction. Areas of expertise include civil engineering, transportation, water resources, environmental, structural, lighting, electrical, traffic studies, construction management, and CEI.

<https://www.apcte.com/about-us>

A&P Consulting, one of multiple Defendants, was sued by Pedro Cortes for gross negligence for failure to protect the workers from bodily injury, harm and death by failing to notify or communicate to the construction force/workers that

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cracks observed on the FIU pedestrian bridge were a safety concern. The complaint further alleged that A&P Consulting negligently and recklessly required employees to continue work on the bridge when known dangers existed. The complaint claimed that the Defendants failed to take all necessary precautions in order to prevent a catastrophic failure and collapse of the bridge. The complaint was filed on March 27, 2019 (See Case No. 2019-009436-CA-01).

APPLICABLE LEGISLATION/POLICY

Federal Transit Administration FTA Circular 4220.1F provides contracting guidance for recipients of federal assistance awarded by the Federal Transit Administration when using that federal assistance to finance its procurements (third party contracts).

<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Third%20Party%20Contracting%20Guidance%20%28Circular%204220.1F%29.pdf>

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

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

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSAS
UAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSAS_UAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

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 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 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>

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

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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>

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**Item No. 8N3
File No. 191603**

Researcher: PGE Reviewer: TD

RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CIMA ENGINEERING CORP. FOR CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, CONTRACT NO. CIP190-DTPW17-CEI (2), IN AN AMOUNT NOT TO EXCEED \$2,475,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$225,000.00; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA) between the County and CIMA Engineering Corp. for construction, engineering and inspection services for the Department of Transportation and Public Works in an amount of \$2,475,000 for a five-year term and authorize the use of surtax funds for such purposes.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Department of Transportation and Public Works

The item was considered at the July 15, 2019 meeting of the Infrastructure and Capital Improvements Committee wherein it was forwarded to the Board with a favorable recommendation. At the September 4, 2019 Board meeting, the item was deferred. Prior to the deferral, the following discussion transpired:

- Commissioner Martinez stated he could not support the item as, per the item's Project Description, it called for the County to pay a consultant to oversee the work performed by other consultants. The Director of the Department of Transportation and Public Works explained that the language in the Project Description was a typo and that the contract was for the selection of a construction, engineering and inspection consultant to supervise the work of construction contractors to ensure contract compliance.

ANALYSIS

The purpose of the PSA with CIMA Engineering Corp. (CIMA) is for the Department of Transportation and Public Works (DTPW) to obtain construction, engineering and inspection services in support of DTPW's Capital Improvement Plan. Under the PSA, CIMA shall manage and inspect work performed by selected consultants to ensure compliance with contract requirements, construction and design standards, plans and specifications. The scope of work encompasses design support, plans review, on-site inspection, quality control, contract administration, and preparation of construction cost estimates. Note that this is one of two PSAs on the agenda for the provision of comparable services. The other award is to A&P Consulting Transportation Engineers Corp.

The PSA value is \$2,475,000 for a five-year term. That value consists of a base estimate of \$2,250,000 and a contingency allowance of \$225,000. There are two project sites under the PSA – Site 1 is the SW quadrant of SW 8 ST and SW 147 AVE (estimated at \$1,076,723) and Site 2 is the Metrorail (estimated at \$1,398,277). The combined site estimates equals the PSA value.

As seen in the mayoral memorandum, the Fiscal Year (FY) 2018-19 Proposed Budget and Multi-Year Capital Plan Project # is 2000000104. The Capital Plan describes the project as to *refurbish and/or update systems control equipment, fire alarm systems and other improvements as needed throughout the entire rail system*. The funding

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**Item No. 8N3
File No. 191603**

Researcher: PGE Reviewer: TD

sources for Fiscal Year 2018-19 are FDOT (\$437,000), FTA Section 5307/5309 Formula Grant (\$32,000), and People's Transportation Plan Bond Program (\$37,614,000). Total revenues show \$38,083,000.

This PSA also falls under Project # 6730101. The FY 2018-19 plan describes that project as to *purchase buses for route expansions and construct transit hubs as needed throughout the County*. The applicable funding sources are FTA Section 5307/5309 Formula Grant (\$2,014,000) and People's Transportation Plan Bond (\$509,000).

The solicitation for this project was advertised on May 11, 2018. The solicitation sought to retain two qualified firms for two separate PSAs for construction, engineering and inspection services. Four proposals were received on June 12, 2018. The respondents were A&P Consulting, CIMA Engineering Corp., T.Y. Lin International, and Nova Consulting, Inc. Following the competitive selection process, CIMA was ranked second. There are two contract measures assigned to this project – DBE and SBE-A/E. The percentage of work associated with the measures is absent from the agenda item. The project's subconsultants are: 305 Consulting Engineers, LLC; GCES Engineering Services, LLC; and Louis J. Aguirre & Associates, P.A.

According to an August 14, 2019 search on Sunbiz.org, the official State of Florida Division of Corporations website, CIMA is a Florida for-profit corporation with a principal address of 7420 SW 33 ST, Miami, Florida. The company holds a Certificate of Authorization and Construction Business Information license types, and the related license information shows Jose Gonzalez, CIMA's president, as a professional engineer per information found on August 14, 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 September 26, 2019, finding that CIMA has no evaluations on record.

The table below summarizes OCA's due diligence review of the recommended awardee.

Awarded Firms	Sunbiz	Tax Collector	Florida DBPR	Westlaw
CIMA Engineering Corp.	Active	Business Address: 1111 SW 8 ST, Suite 202, Miami, FL	License Types: Construction Business Information and Certificate of Authorization	No relevant cases found

DEPARTMENTAL INPUT

The following information was provided by DTPW in response to OCA's inquiry. DTPW's response has been bolded.

- Let us know if DTPW has in-house staff capable of delivering the needed construction, engineering and inspection (CEI) services for the upcoming projects.
No.
- If DTPW does have CEI services-skilled staff, what drove the decision to outsource the work?
N/A

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**Item No. 8N3
File No. 191603**

Researcher: PGE Reviewer: TD

- If DTPW does not have such staff, provide the operational rationale.
DTPW does not have additional full-time engineers/inspectors for these services and a qualified Special Inspector to monitor and sign-off on the permits. DTPW has staff to perform project management for transit projects. Due to the size and complexity of upcoming projects such as the South Corridor and the Dadeland South Station Improvements project and others, the need to CEI outsourcing is necessary.
- Explain what contract measures are applicable to the PSAs, including the percentage of work assigned to each subconsultant per PSA to fully satisfy the measures; and

Contract measures. In accordance with 49 CFR Part 26, neither of the work-order driven ‘PSAs’ have been assigned a DBE goal. Therefore, no applicable measures are applied, making the item- *race-neutral*. Race-neutral DBE participation is any time a DBE wins a prime contract through customary competitive procurement procedures or *is awarded a subcontract on a prime contract that does not carry a DBE contract goal.*

Percentage of Work. In the absence of a numerical DBE goal, the percentage of work agreed to must be carried out in accordance with 49 CFR Part 26. A prime, through race-neutral means, is able to select portions of work to be performed by DBEs in order to increase the likelihood of receiving DBE credit. This includes, where appropriate, breaking out contract work items into economically feasible units (for example, smaller tasks or quantities) to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible timeframes for performance and delivery schedules in a manner that encourages and facilitates DBE participation. Additionally, to ensure that DBEs are receiving work, DTPW’s DBE Office requires that prime contractors to submit monthly copies of any and all financial payments made to DBEs and/or non-DBEs of work performed within their submitted invoices.

- Share the specific projects that A&P Consulting and CIMA will support during the five-year PSA term.
The agreements are to procure construction engineering and inspection (CEI) services to assist and support the Department of Transportation and Public Works (DTPW) staff in managing and inspecting the various construction projects. Two contracts were requested due to the anticipated volume of work based on upcoming projects. Two consultant teams will ensure DTPW has available resources to provide CEI services. The projects that are being referenced in the agenda items, based on the funding sources identified include, but are not limited to:
 - **Tamiami Park and Ride Facility – CE&I budget of \$1.2 million; Scheduled NTP December 2019**
 - **Panther Station – CE&I budget of \$860,000; Scheduled NTP November 2020**
 - **Dadeland South metro rail station improvements – CE&I budget of \$2.19 million; Scheduled NTP Sept. 2020**
 - **Dadeland North metro rail station parking garage improvements (including additional elevators) - CE&I budget of \$750,000; Scheduled NTP October 2020**
 - **Government Center metro rail station improvements - – CE&I budget of \$750,000; Scheduled NTP May 2021**

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The Park and Ride at SW 147 Avenue and SW 8 Street - This is a park and ride facility that is going through the award process for construction. The CE&I consultant will provide the special milestones inspections as required by the building permits as well as monitoring and inspecting the various construction activities ensuring compliance with all applicable permits and design plans conditions and specifications.

The Metrorail project(s) - This consists of monitoring the various construction activities that are planned for the improvements on the various Metrorail facilities such as upgrading and rehabilitation some of the stations along the rail line. These projects are at various stages of design and should be coming into the construction phase in the near future.

Note: The list of projects is what is anticipated at this point in time. DTPW staff will be able to use these contracts for construction projects that commence during the term of the contract that require CEI services.

ADDITIONAL INFORMATION

See the link below to access the Fiscal Year 2018-19 Proposed Budget and Multi-Year Capital Plan for the Department of Transportation and Public Works.

<http://www.miamidade.gov/budget/library/fy2018-19/proposed/transportation-and-public-works.pdf>

APPLICABLE LEGISLATION/POLICY

Federal Transit Administration FTA Circular 4220.1F provides contracting guidance for recipients of federal assistance awarded by the Federal Transit Administration when using that federal assistance to finance its procurements (third party contracts).

<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Third%20Party%20Contracting%20Guidance%20%28Circular%204220.1F%29.pdf>

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

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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)

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

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSAS
UAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSAS_UAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

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>

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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 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>

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>

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Item No. 8N5
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 TAMAMI 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)

This item was scheduled for the ICI Committee meeting of September 10, 2019; The meeting was canceled due to a lack of quorum, thus the item was waived to the BCC meeting of October 3, 2019.

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.

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14	Change the scope of work on NW 20 th Street from milling and resurfacing to construction to mitigate the existing roadway conditions.
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 interim evaluation for the existing work shows the company received a rating of 4.0 out of 4.0 for overall performance. 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/>

Awarded Firm	Sunbiz	Tax Collector	Florida DBPR	Westlaw
Archer Western Construction, LLC <i>Principal Address:</i> 929 West Adams St. Chicago, IL 60607	Active	Business Address: 3201 NW 24 St. Rd., Miami, FL	License Type: Certified General Contractor; Construction Business Information	<i>Belkis Montoya Maradiaga, as personal representation of the Estate of Osman Montalvan, deceased v. Archer Western Construction, LLC, et al.</i> Allegation: wrongful death/negligence involving a 33-year old construction worker. Case status: Pending.

ADDITIONAL INFORMATION

As noted in OCA's table of due diligence and pursuant to BCC Resolution No. R-828-19, the awarded firm has a pending civil lawsuit. Below are the details.

Belkis Montoya Maradiaga, as personal representation of the Estate of Osman Montalvan, deceased v. Archer Western Construction, LLC - The company 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. Plaintiff, 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, Plaintiff 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., Plaintiff 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 Plaintiff 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.

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inspected the trench or the barrier wall for any shoring issues prior to the accident. The complaint also alleges that neither Plaintiff 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;
- 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. The Department sent responses on September 13, 2019 and are shown in bold below.

- 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.
The steel bascule bridge and MSE wall panels were prefabricated offsite and in accordance with the contract plans and documents. The elevation difference was noted during the installation of the bascule span at which point the contractor did his due diligence by notifying the engineer immediately in order to avoid further delays.
- 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.
Contractor has NOT notified the County of any OSHA violations in the past 10 years.
- 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?
As indicated in the Mayor's Memo this is the 2nd and final change order for this project.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-828-19, adopted July 23, 2019, establishes a policy of Miami-Dade County for disclosure of past and present discrimination lawsuits in solicitation submissions.

<http://www.miamidade.gov/govaction/matter.asp?matter=190936&file=true&fileAnalysis=false&yearFolder=Y2019>

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>

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

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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>

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](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>

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**Item No. 11A6
File No. 192175**

Researcher: IL Reviewer: TD

RESOLUTION SUPERSEDING RESOLUTION NO. R-915-18; AUTHORIZING THE REMOVAL OF THE PROPERTY LOCATED AT 2721 N.W. 44 STREET, MIAMI, FLORIDA (FOLIO NO. 30-3121-026-1210) FROM THE INFILL HOUSING PROGRAM; APPROVING, IN ACCORDANCE WITH SECTION 125.379, FLORIDA STATUTES, THE USE AND DEVELOPMENT OF THE PROPERTY BY SIMCAR DEV, LLC, WHICH IS A FLORIDA LIMITED LIABILITY COMPANY AND AN AFFILIATE OF SIMCAR, LLC, AT A PRICE OF \$10.00, WITH A 24-UNIT, SPECIAL NEEDS AFFORDABLE HOUSING PROJECT THAT TARGETS HOMELESS PERSONS; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE AN AMENDED AND RESTATED COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH AMENDED AND RESTATED COUNTY DEED, TO PROVIDE COPIES OF THE RECORDED AMENDED AND RESTATED COUNTY DEED AND THE RESTRICTIVE COVENANTS REQUIRED BY SUCH DEED TO THE PROPERTY APPRAISER, AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

ISSUE/REQUESTED ACTION

Whether the Board should remove the property located at 2721 N.W. 44th Street, Miami, FL 33142 from the InFill Housing Program and allow development of a 24 unit special needs affordable housing project.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey M. Edmonson, District 3

Department/Requester: None

This item was brought before the HSED Committee on September 09, 2019 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this resolution is to get Board approval for the removal of the property located 2721 NW 44th Street from the Infill Program, and convey the land to SIMCAR for \$10.00 to develop 24-units targeting homeless persons whose incomes do not exceed 120% of area median income as published by the United States Housing and Urban Development or the Florida Housing Finance Corporation for Miami-Dade County within five (5) years of the recording of the deed and to ensure that the project remain affordable for a period of 20 years to be sold to a very low-, low- or moderate income household.

The County will receive \$10.00 USD. No other fiscal impact is associated with this item.

The table below illustrates descriptive facts about the property being conveyed.

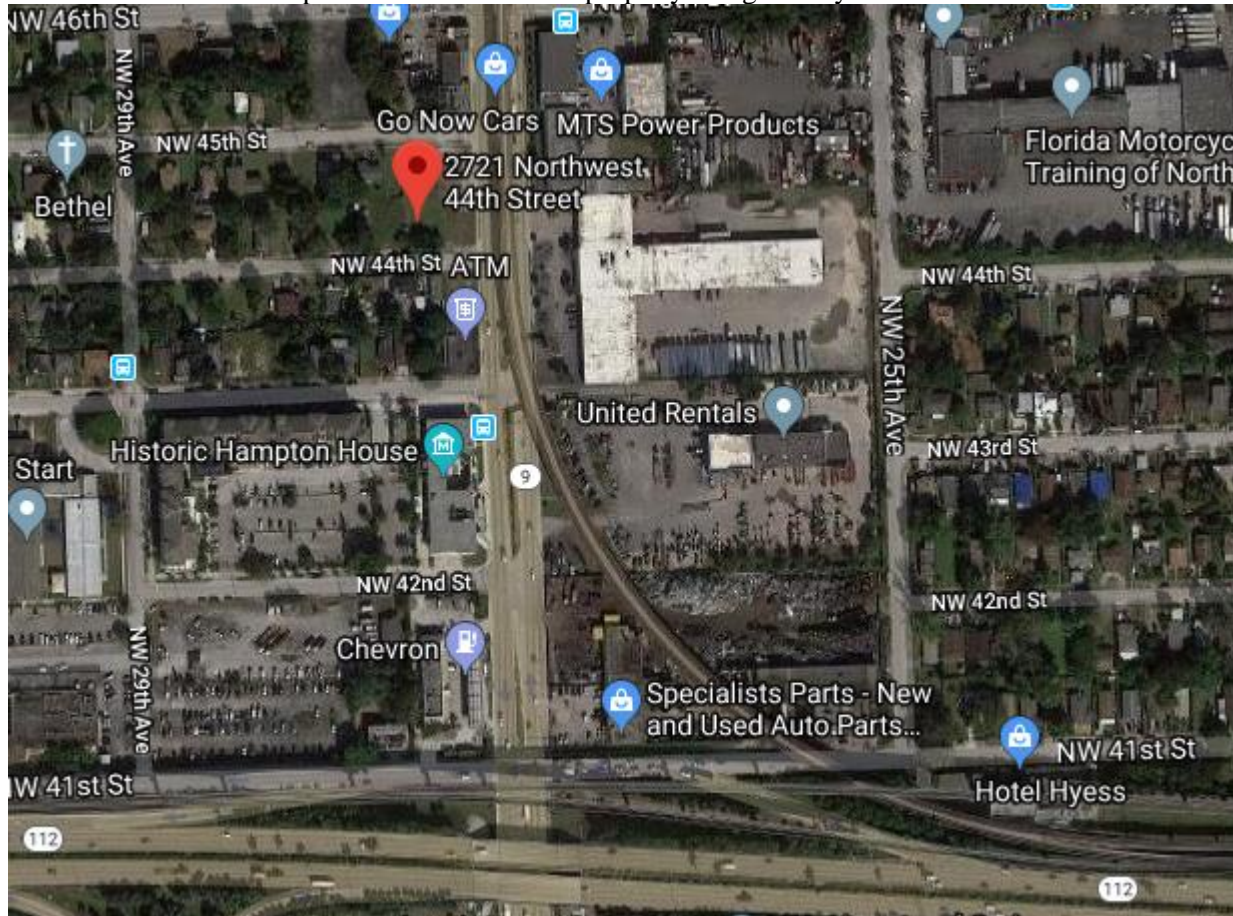
Property (Legal Description)	Address	Folio	Lot Size (Square ft.)	Market Value (2019)	Annual Tax Revenue Generated	Annual Cost to Maintain	Commission District
1)"Roosevelt Park"	2721 N.W. 44 Street, Miami, FL 33168-6202	30-3121-026-1210	6,960	\$76,560	\$541.04	\$304.00	3

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The illustration below depicts the location of the property being conveyed:



According to the Florida Department of State website, SIMCAR is registered as a Florida Limited Liability Company. The table below illustrates OCA's due diligence concerning SIMCAR.

Firm	Sunbiz	Tax Collector	Florida DBPR	WestLaw
SIMCAR, Dev, LLC	Active FEIN not issued yet	Multiple files paid with no delinquent accounts	No license on file	No cases found

SIMCAR LLC has more than 10 years' experience in the construction of affordable housing. SIMCAR has several projects under development in Liberty City and is currently renovating projects in the Forest Hills neighborhood in Jacksonville, Florida and the Frenchtown neighborhood in Tallahassee, Florida. Mr. Charles Sims, is a managing member and co-founder of SIMCAR LLC., and he makes up the 10 years of experience that the recently formed firm has. Mr. Sims has participated in the creation of over 560 units of affordable housing. Mr. Sims is the current Chairman of the Miami-Dade County Affordable Housing advisory board and sits on the Miami-Dade County Affordable Housing Trust Fund Board. The Commission on

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Ethics & Public Trust issued an opinion on September 12, 2018 at a public meeting, where it stated that a conflict of interest did not exist in Mr. Sims service on the Affordable Housing Advisory Board, the Affordable Housing Trust Fund Board of Trustees and Mr. Sims role as an Infill Housing developer for Miami-Dade County's Infill Housing Program as long as you abide by the limitations imposed in the Miami-Dade County Conflict of Interest and Code of Ethics ordinance which prohibits a board member from deriving any direct or indirect benefit from his County service.(RQO-18-03)

A list of local residential projects that Charles Sims has spearheaded in Miami-Dade County are listed in the table below:

Charles Sims Local Portfolio				
Residential Projects	Location	Units	Project Cost	Commission District
M&M Maison Townhomes	1521 NW 61 st Street, Miami, FL 33142	30	\$ 2,315,000	3
Sugar Hill Apartments	1425 NW 71 st Street, Miami, FL	132	\$17,000,000	3
Superior Manor Apartments	5155 NW 24 th Avenue, Miami, FL 33142	204	\$24,000,000	3
Villages Phase I	495 NW 74 th Street, Miami, FL 33150	150	\$31,000,000	3
New Beginning	Unable to verify	97	\$12,000,000	
Ponciana Point	5601 NW 2 nd Ave, Miami, FL 33127	4	\$ 1,200,000	3
Total		617	\$87,515,000	

DEPARTMENTAL INPUT:

The following questions were asked to PHCD on September 4th 2019. The responses are in bold:

- Does PHCD have any performance history for the firm SIMCAR, Dev, LLC? **SIMCAR has not developed any lots through the Infill Program.**

ADDITIONAL INFORMATION

The Miami-Dade County Infill Program is located at 701 NW 1st CT, 16th Floor Miami, FL 33136. The Infill Program's purpose is to increase the availability of affordable homes for very low-low- and moderate-income persons and households; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas; and generate payment of ad valorem taxes. The Infill Program shall encourage the sale or transfer of County-owned properties to Infill Developers. The Infill Developers shall be required to build affordable homes to be sold to very low-low- and moderate-income persons. Although the Infill Program is primarily designed to create affordable homeownership of single family homes, the County, under limited circumstances, at its sole discretion, may allow Infill Developers to rent these homes to qualified very low-, low-, or moderate-income families.

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Developer's experience, qualifications and other evaluation criteria are reviewed as part of the Request for Proposal (RFP) solicitation process or as otherwise required for participation in the Infill Program. Minimum requirements include, but not be limited to the following:

- 1) Relevant experience, qualifications, past performance and length of time in business;
- 2) Relevant experience and qualifications of key personnel, including key personnel of subcontractors, which will be assigned to the project, number of employees, and experience and qualifications of subcontractors;
- 3) Past performance on similar housing projects;
- 4) Financial strength and ability to provide start-up operations;
- 5) Financial capacity to build the homes;
- 6) Sample Marketing plan and skills to reach out to Eligible Households;
- 7) Provide project budgets, architectural plans, project schedules, operation of property and meeting time schedules; proposed sales price consistent with program sales cap;
- 8) Specific key tasks necessary to concurrently develop multiple lots to complete on time and within budget;
- 9) Contracts (past and current) with the County and describe if developer met project goals, timelines, and within budget;
- 10) Payment of County real estate taxes, code compliance liens and other County fees when due.

The Developer submits the completed application, required documents, and fee(s) 60 days prior to the sale of an eligible home to a qualified first-time homebuyer. After the sale of the Infill home to a qualified first-time homebuyer, and after the Warrantee Deed and buyer's Restrictive Covenant is recorded, the Department will record the Release of County liens and citations. Only qualified County liens and citations may be released.

Link to Miami-Dade County Infill Housing Developer Requirements:

<http://www.miamidade.gov/housing/infill-housing-developers.asp>

Guidelines for the Miami-Dade County Infill Housing Initiative Program:

<http://www.miamidade.gov/housing/library/guidelines/infill-housing.pdf>

Link to Miami-Dade County Commission on Ethics and Public Trust opinion

http://ethics.miamidade.gov/library/opinions-2018/rqo_18-03_sims.pdf

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Article VII Chapter 17 of the Code of Miami-Dade County (Section 17-121 to 17-128) (*Infill Housing Initiative*): Has the intended purpose to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

https://library.municode.com/FL/Miami-Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIINHGIN

Administrative Order No. 8-4 (Sale or Lease of County Real Property), adopted on May 5, 1981, gives the Board the authority to sell or lease or otherwise dispose of County-owned real property:

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

Implementing Order 3-44 (Infill Housing Program Initiative), adopted on February 17, 2017, establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County whereby the procedures are established to carry out the goals of the Infill Program.

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<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

Sections 125.379(1) &(2) of the Florida Statutes (Disposition of county property for affordable housing), which requires each County in the State to prepare an inventory list of all real property within its jurisdiction to which the County holds fee simple title that is appropriate for use as affordable housing and properties identified as appropriate for use as affordable housing on the inventory list may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing.
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.379.html

Section 125.411 of the Florida Statutes (Conveyance of Land by County), sets forth the formality by which Deeds of Conveyance of lands are executed by County governments in the State of Florida.
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.411.html

Resolution No. R-1416-08 (Hope VI) adopted on December 6, 2008, requires developer to give the former Scott/Carver residents the right of first refusal on all units to be sold in the target area.
<http://intra/gia/matter.asp?matter=083584&file=true&yearFolder=Y2008>

Resolution No. R-974-09 (Filing Closing Documents BCC Clerk) adopted on July 21, 2009, mentioned in the Mayoral memo, directs any resolution authorizing the execution of instruments creating a County interest in real property to require that such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.
<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

Resolution No. R-376-11 (County Owned Real Property Affordable Housing) adopted on May 3, 2011, mentioned in the Mayoral memo, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control. <http://intra/gia/matter.asp?matter=110684&file=true&yearFolder=Y2011>

Resolution No. R-333-15 (Market Value or Market Rental in Legislative Items) adopted on April 21, 2015, establishes a County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.
<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

Resolution No. R-979-17 (Resolution Declaring 226 County-Owned Properties Surplus) adopted November 7, 2017, declares various County-owned properties surplus and revises the inventory list of real property upon conclusion of a public hearing, to include the properties in accordance with section 125.379(1), Florida Statutes; authorizing the County Mayor or County Mayor's designee to include said properties in the Infill Program, subject to the consultation with each County Commissioner in whose district the properties are located; and waiving the requirements of Resolution Nos. R-376-11 and R-333-15.
<http://intra/gia/matter.asp?matter=171574&file=true&yearFolder=Y2017>

Resolution No. R-915-18 (SIMCAR Dev, LLC Proposal) adopted on September 5, 2018, authorized the conveyance of County-owned property, which is located at 2721 NW 44 Street, Miami, Florida, to SIMCAR Dev, LLC, a Florida Limited

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**Item No. 11A6
File No. 192175**

Researcher: IL Reviewer: TD

Liability Company, at a price of \$10.00, for the purpose of developing such property with affordable housing to be sold to a very low- low or moderate income household in accordance with Miami-Dade County's infill housing initiative program.

<http://www.miamidade.gov/govaction/matter.asp?matter=181651&file=true&fileAnalysis=true&yearFolder=Y2018>

Resolution No. R-407-19 (Conveyance of County-Owned Land Notice to Residents) adopted on April 9, 2019, directing the County Mayor to provide written notification to the Public Prior to the Non-Competitive sale or lease of County Owned property.

<http://www.miamidade.gov/govaction/matter.asp?matter=190474&file=true&fileAnalysis=false&yearFolder=Y2019>

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**Item No. 11A11
File No. 192121**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF FIVE COUNTY-OWNED PROPERTIES TO MIAMI DREAM HOMES INVESTMENT GROUP INC., A FLORIDA FOR-PROFIT CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE CONVEYANCE, TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED, TO PROVIDE COPIES OF THE RECORDED COUNTY DEED AND THE RESTRICTIVE COVENANTS REQUIRED BY THE COUNTY DEED TO THE PROPERTY APPRAISER, AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

ISSUE/REQUESTED ACTION

Whether the Board should authorize the conveyance of five (5) County-owned properties to Miami Dream Homes Investment Group Inc., (MDHIGI) to develop them into affordable housing for sale to very low- low- or moderate-income households in accordance with the Miami-Dade Infill Housing Initiative Program (Infill Program).

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Department/Requester: None

This item was brought before the HSSD Committee on September 12, 2019 and was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this resolution is Board approval for the conveyance of five (5) County-owned properties to MDHIGI, to develop these properties with affordable housing to be sold to very low- low- or moderate-income households in accordance with the Infill Program for a price of \$10.00. MDHIGI will have to complete the development within two (2) years of the effective date of the conveyance, unless extended at the discretion of the Board. MDHIGI is located at 3625 NW 82nd Avenue, Doral, FL 33166 (Primary Address).

Firm	Sunbiz	DBPR	Tax Collector	West Law
Miami Dream Homes Investment Group Inc.	Active FEIN 20-2251500	Multiple Licenses. License No. CGC 1523438 is Delinquent/Active as of August 31. 2018	No file available	U R S Corp Southern v. Miami Dream Homes Investment Group Inc.; (Case 2007-020810-SP-23); Allegation: Breach of Contract; Case Status: Voluntary Dismissal

MDHIGI's has more than 20 years' experience in the construction of affordable housing. They have constructed 42 single-family homes and have provided project management services for an additional 145 units of affordable housing. LHP provided 27 homes to families below 80% AMI at Dupuis Pointe, a 27 home subdivision located at NW 64 Street and 34 Avenue. The

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Researcher: IL Reviewer: TD

homes were built to Enterprise Green Communities Standards. Over the preceding eight (8) years, 48 scattered home sites have been purchased, built or rehabbed and then sold to low-income families. The cost of these homes ranged from \$185,000.00 to \$250,000.00. Two homes were built for the Infill Program in Commission District 3 located at 1610 NW 60 Street and 1600 NW 60 Street. Both homes were three (3) bedroom, two (2) bath, and approximately 1496 sq. ft.

The County will receive \$10.00 dollars as the purchase price for the property. No other fiscal impact is associated with this item. LHP will take on the rehabilitation of the properties. The County potentially will have additional revenue from the property taxes associated with these homes.

The table below illustrates descriptive facts about the four (4) properties being conveyed as seen as attachment “F” in the Mayor’s memo.

Property (Legal Description)	Address	Folio	Lot Size (Square ft.)	Market Value (2019)	Annual Tax Revenue Generated	Annual Cost to Maintain	Commission District
1) “Gratigny Plateau Rev”	11500 NW 10 Avenue Miami, FL 33168-6202	30-2135-016-0740	6,650	\$79,321	\$1,422.24	\$290.00	2
2) “West Biscayne”	827 NW 101 Street Miami, FL 33150	30-3102-012-0610	7,500	\$33,560	\$ 598.22	\$327.00	2
3) “The Tropics Add”	3220 NW 99 Street Miami, FL 33147	30-3104-005-2490	7,000	\$120,940	\$2,569.92	\$307.00	2
4) “Miami-Dade County ISD RE MGMT”	2151 NW 104 th Street, Miami, FL 33147	30-2134-000-0520	10,454	\$63,865	\$1,593.54	\$456.00	2
5) “Broadmoor Manor”	3441 NW 94 th Terrace, Miami, FL 33147	30-3104-006-0460	6,000	\$73,731	\$1,758.48	\$262.00	2

The proposed sale price for these homes must not exceed \$205,000. The current home model being approved for the Infill Program is a three bedroom two bathroom home that is approximately 1,400 sq. ft. The homes must be built in accordance with the Florida Building Code.

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Researcher: IL Reviewer: TD

ADDITIONAL INFORMATION

The Miami-Dade County Infill Program is located at 701 NW 1st CT, 16th Floor Miami, FL 33136. The Infill Program's purpose is to increase the availability of affordable homes for very low-low- and moderate-income persons and households; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas; and generate payment of ad valorem taxes. The Infill Program shall encourage the sale or transfer of County-owned properties to Infill Developers. The Infill Developers shall be required to build affordable homes to be sold to very low-low- and moderate-income persons. Although the Infill Program is primarily designed to create affordable homeownership of single-family homes, the County, under limited circumstances, at its sole discretion, may allow Infill Developers to rent these homes to qualified very low-, low-, or moderate-income families.

Developer's experience, qualifications, and other evaluation criteria are reviewed as part of the Request for Proposal (RFP) solicitation process or as otherwise required for participation in the Infill Program. Minimum requirements include, but not be limited to the following:

- 1) Relevant experience, qualifications, past performance and length of time in business;
- 2) Relevant experience and qualifications of key personnel, including key personnel of subcontractors, which will be assigned to the project, number of employees, and experience and qualifications of subcontractors;
- 3) Past performance on similar housing projects;
- 4) Financial strength and ability to provide start-up operations;
- 5) Financial capacity to build the homes;
- 6) Sample Marketing plan and skills to reach out to Eligible Households;
- 7) Provide project budgets, architectural plans, project schedules, operation of property and meeting time schedules; proposed sales price consistent with program sales cap;
- 8) Specific key tasks necessary to concurrently develop multiple lots to complete on time and within budget;
- 9) Contracts (past and current) with the County and describe if the developer met project goals, timelines, and within budget;
- 10) Payment of County real estate taxes, code compliance liens, and other County fees when due.

The Developer submits the completed application, required documents, and fee(s) 60 days prior to the sale of an eligible home to a qualified first-time homebuyer. After the sale of the Infill home to a qualified first-time homebuyer, and after the Warranty Deed and buyer's Restrictive Covenant is recorded, the Department will record the Release of County liens and citations. Only qualified County liens and citations may be released.

Link to Miami-Dade County Infill Housing Developer Requirements:

<http://www.miamidade.gov/housing/infill-housing-developers.asp>

Guidelines for the Miami-Dade County Infill Housing Initiative Program:

<http://www.miamidade.gov/housing/library/guidelines/infill-housing.pdf>

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Article VII Chapter 17 of the Code of Miami-Dade County (Section 17-121 to 17-128) (*Infill Housing Initiative*): Has the intended purpose to increase the availability of affordable homes for very low, low and moderate-income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

https://library.municode.com/FL/Miami_-

[Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIINHOIN](https://library.municode.com/FL/Miami_-Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIINHOIN)

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Administrative Order No. 8-4 (Sale or Lease of County Real Property), adopted on May 5, 1981, gives the Board the authority to sell or lease or otherwise dispose of County-owned real property:

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

Implementing Order 3-44 (Infill Housing Program Initiative), adopted on February 17, 2017, establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County whereby the procedures are established to carry out the goals of the Infill Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

Sections 125.379(1) &(2) of the Florida Statutes (Disposition of county property for affordable housing), which requires each County in the State to prepare an inventory list of all real property within its jurisdiction to which the County holds fee simple title that is appropriate for use as affordable housing and properties identified as appropriate for use as affordable housing on the inventory list may be offered for sale, and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.379.html

Section 125.411 of the Florida Statutes (Conveyance of Land by County), sets forth the formality by which Deeds of Conveyance of lands are executed by County governments in the State of Florida.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.411.html

Resolution No. R-1416-08 (Hope VI) adopted on December 6, 2008, requires a developer to give the former Scott/Carver residents the right of first refusal on all units to be sold in the target area.

<http://intra/gia/matter.asp?matter=083584&file=true&yearFolder=Y2008>

Resolution No. R-974-09 (Filing Closing Documents BCC Clerk) adopted on July 21, 2009, mentioned in the Mayoral memo, directs any resolution authorizing the execution of instruments creating a County interest in real property to require that such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

Resolution No. R-376-11 (County-Owned Real Property Affordable Housing) adopted on May 3, 2011, mentioned in the Mayoral memo, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control. <http://intra/gia/matter.asp?matter=110684&file=true&yearFolder=Y2011>

Resolution No. R-333-15 (Market Value or Market Rental in Legislative Items) adopted on April 21, 2015, establishes a County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

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

Resolution No. R-979-17 (Resolution Declaring 226 County-Owned Properties Surplus) adopted November 7, 2017, declares various County-owned properties surplus and revises the inventory list of real property upon conclusion of a public hearing,

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Researcher: IL Reviewer: TD

to include the properties in accordance with section 125.379(1), Florida Statutes; authorizing the County Mayor or County Mayor's designee to include said properties in the Infill Program, subject to the consultation with each County Commissioner in whose district the properties are located; and waiving the requirements of Resolution Nos. R-376-11 and R-333-15.
<http://intra/gia/matter.asp?matter=171574&file=true&yearFolder=Y2017>

Resolution No. R-407-19 (Conveyance of County-Owned Land Notice to Residents) adopted on April 9, 2019, directing the County Mayor to provide written notification to the Public Prior to the Non-Competitive sale or lease of County Owned property.
<http://www.miamidade.gov/govaction/matter.asp?matter=190474&file=true&fileAnalysis=false&yearFolder=Y2019>

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**Item No. 11A12
File No. 192125**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF FIVE COUNTY-OWNED PROPERTIES TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC., A NOT-FOR-PROFIT 501(C)(3) CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE CONVEYANCE, TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED, TO PROVIDE COPIES OF THE RECORDED COUNTY DEED AND THE RESTRICTIVE COVENANTS REQUIRED BY THE COUNTY DEED TO THE PROPERTY APPRAISER, AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

ISSUE/REQUESTED ACTION

Whether the Board should convey five County-owned properties to Habitat for Humanity of Greater Miami, Inc. at a price of \$10.00 for the purpose of developing these properties with affordable housing as part of the County's Infill Housing Initiative Program.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Department/Requester: None

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services & Economic Development Committee at its September 9, 2019 meeting.

ANALYSIS

The purpose of this item is to request Board authorization to convey five County-owned properties to Habitat For Humanity of Greater Miami, Inc. (Habitat) at a price of \$10.00 for the purpose of developing them into affordable housing for sale to very low, low, or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program. Habitat submitted an application to Commissioner Jean Monestime, District 2, requesting that the County convey 11 County-owned vacant properties located in the district to Habitat. The County is electing to convey five properties.

In conveying these five properties, the County will save approximately \$2,166 annually in property monitoring and maintenance and the new homes will generate real estate taxes to the County of approximately \$7,449 annually. The maximum sales price for infill homes cannot exceed \$205,000. This property is subject to an "Affordable Housing Restrictive Covenant" which states that the property is to remain affordable during the control period, commencing on the initial sale date of the eligible home, which is the date the deed is recorded transferring title from Habitat to the first qualified household, and resets automatically every 20 years for a maximum of 60 years. If Habitat fails to comply with the deed restrictions, then the properties will be subject to reverter. The properties revert to County control if not developed within two years of the deed being recorded or if the properties cease to be used solely for affordable housing by Habitat and the default/violation is not cured within 30 days.

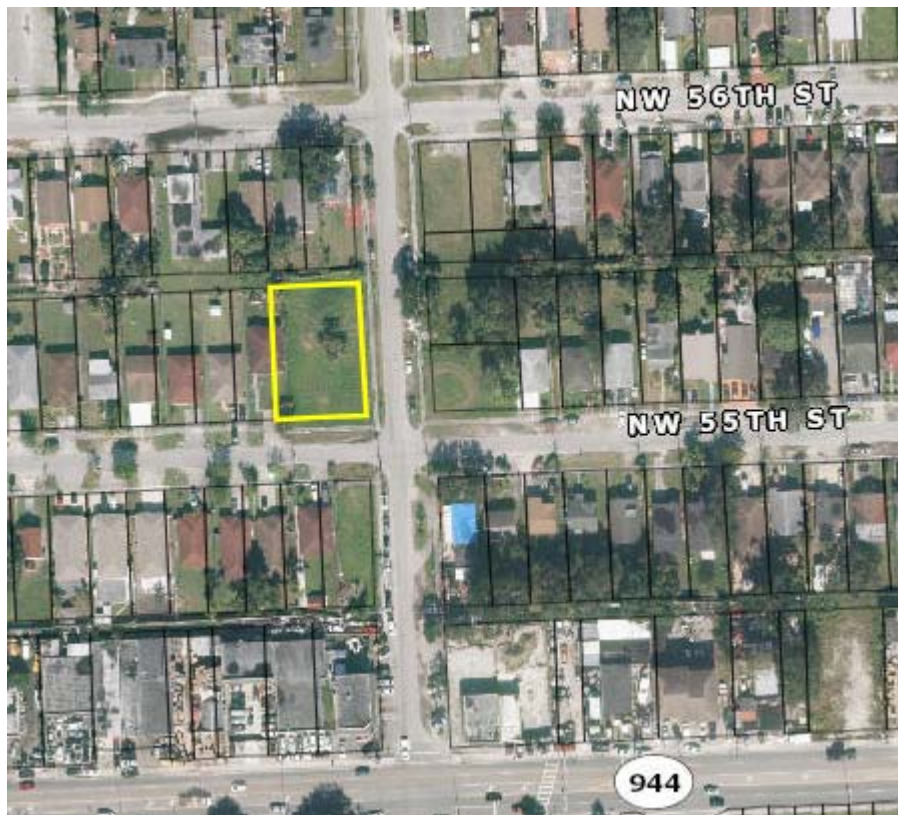
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File No. 192125

Researcher: JFP Reviewer: TD

The Miami-Dade County Infill Housing Initiative Program was created to provide more housing opportunities for low-income and working families. Applicants were evaluated based on the following criteria: 1) experience and past performance in developing homes pursuant to the Infill Housing Program; 2) development team, key personnel and functions; 3) approach to providing services to each homeowner; 4) building plans for single family home models; 5) financial capability and demonstrated ability to obtain financing; 6) approach to meeting time schedule and budgets; and 7) marketing skills and ability to reach eligible households.

The image below depicts the property located at 3109 NW 55 St. (Folio Number 30-3116-009-1700). The current market value for this 10,320 sq. ft. property is \$55,730.

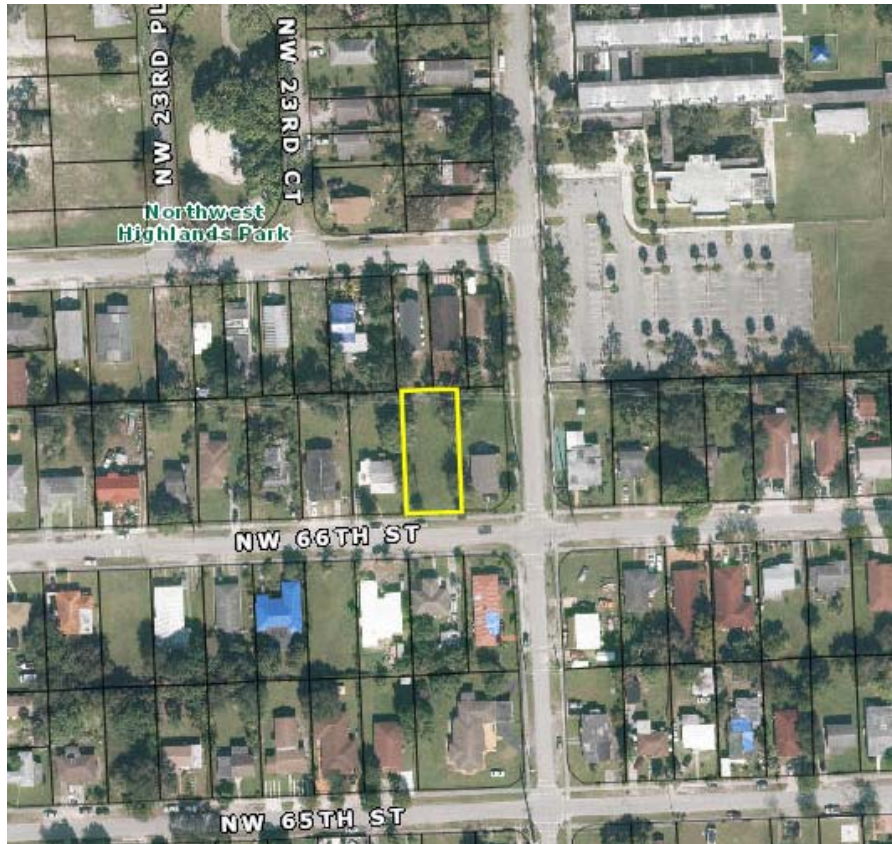


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File No. 192125

Researcher: JFP Reviewer: TD

The image below depicts the property located at 2315 NW 66 St. (Folio Number 30-3115-018-0090). The current market value for this 9,035 sq. ft. property is \$72,489.

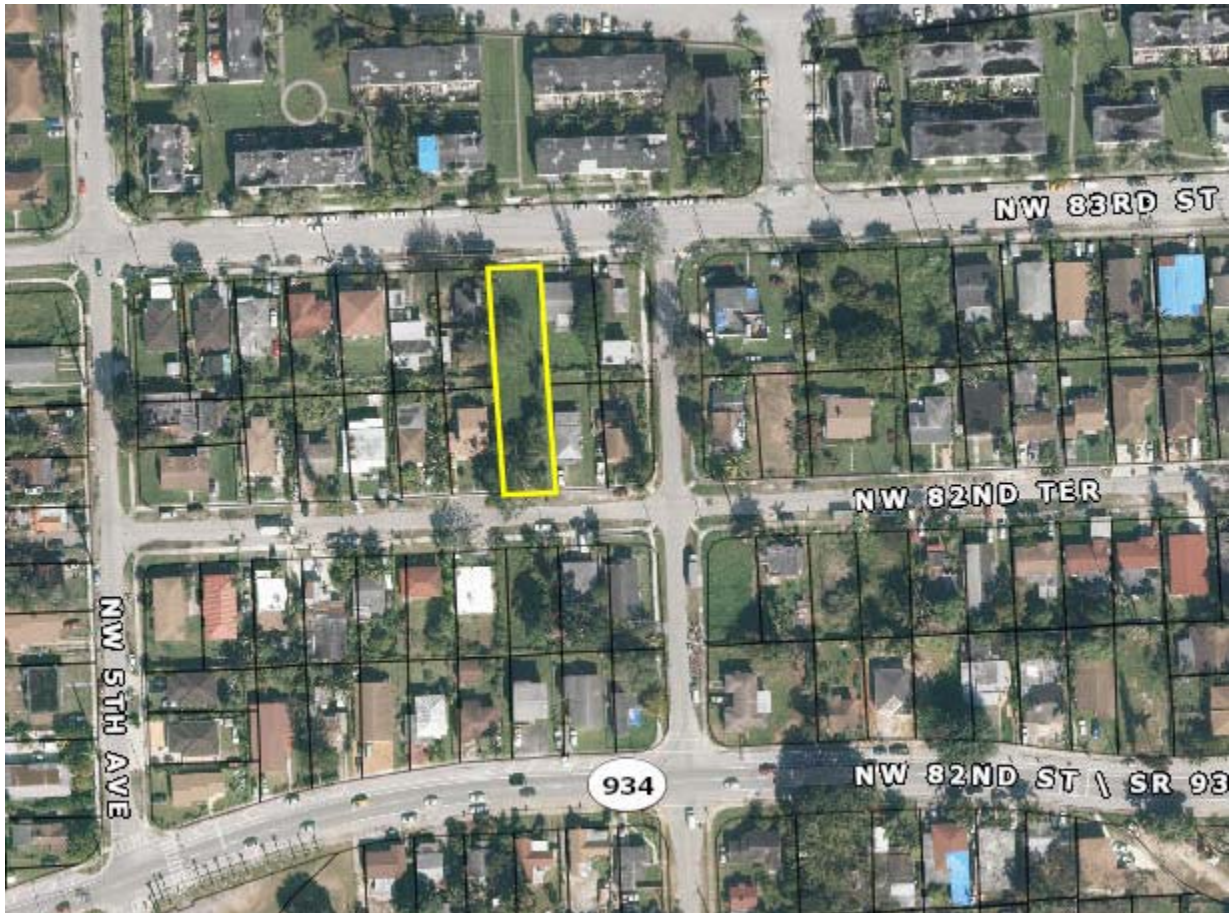


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Researcher: JFP Reviewer: TD

The image below depicts the property located at 415 NW 82 Ter. (Folio Number 30-3112-023-0180). The current market value for this 11,100 sq. ft. property is \$116,713.

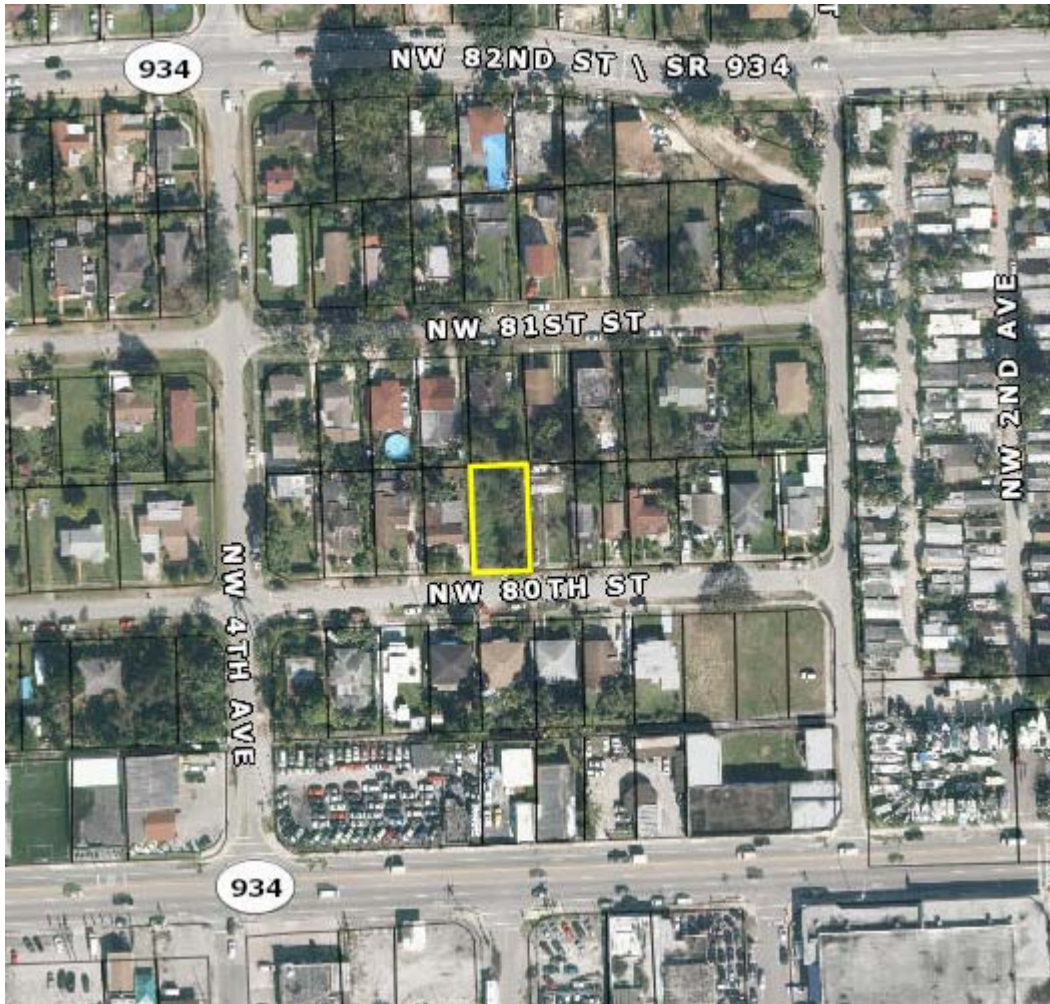


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Researcher: JFP Reviewer: TD

The image below depicts the property located at 341 NW 80 St. (Folio Number). The current market value for this 5,250 sq. ft. property is \$55,188.



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Researcher: JFP Reviewer: TD

The image below depicts the property located at 7930-7934 NW 10 Ave (Folio Number 30-3111-047-0040). The current market value for this 13,500 sq. ft. property is \$88,962.



ADDITIONAL INFORMATION

Infill Housing Initiative Program

The Miami-Dade County's Infill Housing Initiative Program's main goal is to increase the availability of affordable homes for very low, low, and moderate income families. Their additional goals include maintaining a stock of affordable housing, redeveloping urban neighborhoods by eliminating blight on properties, generate payment of ad valorem taxes, and equitable distributing homeownership opportunities.

<http://www.miamidade.gov/housing/infill-housing-developers.asp>

Habitat for Humanity of Greater Miami, Inc.

Habitat for Humanity of Greater Miami, Inc. is a not-for-profit 501(c)(3) corporation which promotes, develops and provides safe and affordable housing to persons with limited financial resources in Miami-Dade County.

<https://www.miamihabitat.org/>

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File No. 192125

Researcher: JFP Reviewer: TD

APPLICABLE LEGISLATION/POLICY

Section 125.379(1), Florida Statutes, (Disposition of County property for affordable housing) requires each County to prepare an inventory list at least every three (3) years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html

Section 125.379(2), Florida Statutes (Disposition of County property for affordable housing) Properties identified as appropriate for use as affordable housing on the inventory list may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html

Section 125.411, Florida Statutes (Conveyance of land by County) relates to deeds of conveyance of lands.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html

Section 2-8.6.5 of the Code of Miami-Dade County, governs the purchase, sale and lease of real property.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

Section 17-121 of the Code of Miami-Dade County, relates to the Infill Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH17HO_ARTVIINHON_S17-121TIPU

Implementing Order No. 3-44, establishes the process for implementation and management of the Infill Program for Miami-Dade County, where the procedures are established to carry out the goals of the Infill Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

Administrative Order No. 8-4, states that the authority to sell, 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, a recommendation will be requested from the Planning Advisory Board, to indicate whether the proposal is in the public interest and also recommending proper land use classification, if applicable.

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

Resolution No. R-974-09, adopted July 21, 2009, requires instruments creating a County interest in real property to be recorded in the public records of Miami-Dade County.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

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Item No. 11A12
File No. 192125

Researcher: JFP Reviewer: TD

Resolution No. R-376-11, adopted May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

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

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

Resolution No. R-145-17, adopted February 2, 2017, amends Implementing Order No. 3-44 related to the administration of the Miami-Dade County infill housing initiative, revising definitions, establishing procedures, program fees and reporting requirements for the administration of the program.

<http://intra/gia/matter.asp?matter=170776&file=false&yearFolder=Y2017>

Resolution No. R-380-17, adopted April 4, 2017, established the policy requiring the County Mayor to provide written notification to the District Commissioner in which the County-owned property lies no less than four (4) weeks prior to placing any item on the agenda requesting approval of the sale, lease or surplus of County-owned property.

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

Resolution No. R-1324-08, adopted December 2, 2008, established the maximum sales price for the homeownership second mortgage program and homeownership units developed under the infill and housing development programs.

<http://intra/gia/matter.asp?matter=090353&file=false&yearFolder=Y2009>

Resolution No. R-979-17, adopted November 7, 2017, declared the subject properties, among others, as surplus, adding such properties to the County's inventory list of affordable housing sites.

<http://intra/gia/matter.asp?matter=171574&file=true&yearFolder=Y2017>

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**Item No. 11A32
File No. 192326**

Researcher: CB Reviewer: TD

RESOLUTION URGING THE FLORIDA LEGISLATURE TO CODESIGNATE THAT PORTION OF STATE ROAD 90/SW 8TH FROM SW 12TH AVENUE TO SW 14TH AVENUE “ROSA MARIA PLASENCIA WAY”; URGING THE CITY OF MIAMI TO JOIN IN URGING THE FLORIDA LEGISLATURE; APPROVING SUCH CODESIGNATION

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Vice Chairwoman Rebecca Sosa & Commissioner Eileen Higgins
Department/Requester:**

ANALYSIS

OCA completed the required background research on “Rosa Maria Plasencia” noting no adverse findings.

OCA determined that there are no prior designations for “Rosa Maria Plasencia.

OCA has verified that “Rosa Maria Plasencia” is deceased.

APPLICABLE LEGISLATION

Ordinance No. 13-29 of the Miami-Dade County Code, requiring the Office of the Commission Auditor to conduct background research on the person, organization, place, or thing that is the subject of the naming.

Ordinance No. 18-79, adopted on July 24, 2018, relates to any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, and requires that OCA prepare a report detailing: (1) whether the subject road, facility, or property has been the subject of any prior codesignation and, if so, the location or the end points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or end points of each.

Ordinance No. 19-11 of the Miami-Dade County Code, amends section 2-1 of the Code revising provisions requiring Office of the Commission Auditor to conduct background research on the person, organization, place or thing that is the subject of the naming now requiring the Office of the Commission Auditor to also check if the person honored is living or dead.

BCC Meeting: October 3, 2019
Research Notes

Item No. 15C1
File No. 192397

Researcher: CB Reviewer: TD

RE-APPOINTMENT OF MARTHA BAKER TO THE JACKSON HEALTH SYSTEM GENERAL OBLIGATION BOND (G.O.B.) CITIZENS ADVISORY COMMITTEE.

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor:
Department/Requester:

ANALYSIS

OCA completed the required background research on “Martha Baker” noting no adverse findings.

APPLICABLE LEGISLATION

Resolution No. R-636-14, adopted on July 1, 2014, requires the Office of the Commission Auditor (OCA) to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the Board of County Commissioners (BCC).