



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

**Tourism & Ports (TAPS) Committee Meeting**

November 14, 2019  
9:30 A.M.  
Commission Chambers

Yinka Majekodunmi, CPA  
Commission Auditor  
Office of the Commission Auditor (OCA)  
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**TAPS Committee Meeting:  
November 14, 2019  
Research Notes**

**Item No. 1G1  
File No. 192003**

**Researcher: PGE   Reviewer: TD**

ORDINANCE RELATING TO PROCUREMENT OF AVIATION CAPITAL IMPROVEMENTS; CREATING SECTION 2-285.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE ACCELERATION OF AVIATION DEPARTMENT CAPITAL IMPROVEMENT PROJECTS; DELEGATING TO THE COUNTY MAYOR OR MAYOR'S DESIGNEE THE AUTHORITY, WITHOUT PRIOR BOARD APPROVAL, TO (1) ADVERTISE, AWARD, AMEND, AND NEGOTIATE CONTRACTS FOR GOODS AND SERVICES INCLUDING CONSTRUCTION AND PROFESSIONAL SERVICES AT COUNTY AIRPORTS (2) EXTEND CONTRACT DURATION, (3) EXECUTE CERTAIN CHANGE ORDERS, AND (4) SETTLE CLAIMS; REQUIRING THE COUNTY MAYOR TO IDENTIFY CERTAIN PROJECTS IN THE PROPOSED ANNUAL BUDGET; PROVIDING FOR RATIFICATION BY THE BOARD OF CERTAIN ACTIONS WITHIN A CERTAIN TIME PERIOD; PROVIDING THAT RATIFICATION ITEMS ARE NOT SUBJECT TO THE FOUR-DAY RULE; PROVIDING FOR SUBMITTAL OF THE AIRPORT CAPITAL PROGRAM REPORT FOR INCLUSION ON THE TOURISM AND PORT COMMITTEE OR ITS SUCCESSOR; DELEGATING AUTHORITY TO ENTER INTO LEASES OF UP TO A CERTAIN NUMBER OF YEARS WITH GOVERNMENT ENTITIES PROVIDING SERVICES AT COUNTY AIRPORTS; DELEGATING AUTHORITY TO THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO ENTER INTO AGREEMENTS WITH GOVERNMENT ENTITIES FOR PROVISION OF GOVERNMENT SERVICES AT COUNTY AIRPORTS; AUTHORIZING AND DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO CREATE BID AND CONTRACT SPECIFICATIONS; PROVIDING THAT IF THE AVIATION DEPARTMENT DIRECTOR AS OF THE EFFECTIVE DATE OF THE ORDINANCE IS NO LONGER AVIATION DEPARTMENT DIRECTOR THAT A SUBSEQUENT AVIATION DEPARTMENT DIRECTOR SHALL NOT HAVE AUTHORITY TO AWARDS CONTRACTS PURSUANT TO THIS ORDINANCE UNLESS APPROVED BY RESOLUTION; SPECIFYING THAT THE PROVISIONS OF THIS ORDINANCE GOVERN OVER THE PROVISIONS OF SECTIONS 2-285 AND SECTIONS 2-286.1 OF THE CODE; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO INCLUDE SPECIFICATIONS EFFECTUATING THIS ORDINANCE IN AVIATION DEPARTMENT CONTRACTS; PROVIDING THAT CERTAIN CONTRACTS SHALL CONTINUE UNTIL COMPLETE IF THIS ORDINANCE IS REPEALED; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should adopt the Miami-Dade Aviation Department Capital Improvements Acceleration Ordinance to provide an expedited process for the Aviation Department to procure, award and administer contracts for design and construction of approved capital projects throughout the entire airport system.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Rebeca Sosa, District 6**

**Department/Requester: Aviation Department**

The item was adopted on first reading at the October 3, 2019 Board meeting.

**ANALYSIS**

The purpose of this item is to establish the Miami-Dade Aviation Department Capital Improvements Acceleration Ordinance, to be codified at Section 2-285.2 of the County Code, in order to expedite the construction of all projects related to the Aviation Department's Capital Improvement Program. As indicated in the item, the Aviation Department will undergo a comprehensive Capital Improvement Program to construct new facilities at Miami International Airport

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as well as county General Aviation Airports to ensure and maximize the competitiveness and economic vitality of the airport system. Projects under the Capital Improvement Program include, but are not limited to, the construction of terminals, concourses, ramps, parking facilities, and hotels. Such construction projects disrupt or limit airline operations, inconveniencing passengers. Accordingly, the Aviation Department is proposing this ordinance to bypass the existing multi-layered process for the approval of capital projects and to instead accelerate the processing, procurement, award and administration of any contract or agreement necessary for the completion of the Capital Improvement Program, including any contracts related to the purchase of goods and services, construction or professional services.

Under the ordinance, the Capital Improvement Program consists of projects in the budget adopted by the Board or otherwise designated as a capital improvement project pursuant to a Board resolution. The funding source for these projects is proprietary funds (airport revenues). The ordinance delegates to the County Mayor the authority to accelerate the processing, procurement, award and administration of Capital Improvement Program projects. Enumerated below are the key powers delegated to the County Mayor under the proposed ordinance:

1. Draft, issue and advertise competitive procurement documents;
2. Award and rejects bids, proposals or other offers received in connection with any competitive procurement;
3. Appoint Selection Committees to obtain professional services;
4. Amend contracts and extend the time for completion of any contract, including waivers for liquidated damages and other compensable or non-compensable time extensions;
5. Negotiate and settle claims or issue change orders;
6. Prepare a monthly Aviation Capital Program Report;
7. Ratify awards, change orders, settlements and modifications undertaken pursuant to the ordinance;
8. Enter into leases or authorize the conveyance of licenses and easements to prescribed entities; and
9. Enter into reimbursement agreements providing for County funding of agency services.

Attachment 1 to this Research Note is a table displaying the results of a comparison of County Mayor delegated authority across the proposed ordinance and adopted acceleration ordinances, i.e., Seaport Department Capital Improvement Programs Expedite and Acceleration Ordinance and WASD Consent Decree and Capital Improvement Programs Acceleration Ordinance. The proposed ordinance is most like the WASD ordinance in terms of the scope of the County Mayor's delegated authority. However, the Aviation ordinance is distinguishable in two respects – (1) the ordinance sunsets with the current Aviation Department Director; and (2) the Aviation Department Capital Program Report provides the Board information on when project expenditures reach 30 percent, 60 percent and 90 percent of the approved current budget amount and a comment section to explain variances.

Futhermore, it is important to note that there is historical precedent to delegating to the Aviation Director the power to accelerate the procurement of a capital project. On July 1, 2008, the Board adopted Ordinance 08-87 relating to the North Terminal Development at Miami International Airport, authorizing the County Mayor and the Airport Director to execute change orders, extend contract time, waive liquidated damages and modify contract terms for contracts related to the North Terminal Development Project without the need for prior Board approval. As of January 1, 2011, the ordinance is no longer in effect, as that was its sunset date.

In preparing this Research Note, OCA surveyed the airports bulleted below to ascertain how the airports administered procurement activities. The surveyed airports indicated: (1) whether the airport conducts its own procurement; (2)

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whether the airport's procurement is conducted via a centralized procurement department; or (3) whether the airport's procurement is partially decentralized, i.e., such types of purchases may be independently conducted by the airport. The results, as seen Attachment 2, show that most of the surveyed airports are independent entities that administer their own procurement.

- Fort Lauderdale-Hollywood International Airport
- Orlando International Airport
- Hartsfield-Jackson Atlanta International Airport
- LaGuardia Airport
- Los Angeles International Airport
- Dallas/Forth Worth International Airport

**DEPARTMENTAL INPUT**

The information below was provided by the Aviation Department in response to OCA's inquiry. The department's answers have been bolded.

(1) Summarize the current process for MDAD to procure capital projects as well as goods and services;

**MDAD follows the same process as all other County departments to procure capital projects and goods and services.**

(2) Indicate whether MDAD holds any decentralized purchasing power, detailing the scope of such power;

**No, MDAD does not hold any decentralized purchasing power. MDAD adheres to all Board approved County policies and procedures.**

(3) Clarify if MDAD previously held the purchasing authority proposed under the ordinance; if the department, in fact, held such authority, why was such independent purchasing power removed;

**On July 1, 2008, the Board approved Ordinance No. 08-87 relating to the North Terminal Development Program. Ordinance 08-87 provided limited contracting authority specifically for the North Terminal and was a valuable tool to the timely completion of the North Terminal Development Program. The Ordinance sunset on January 1, 2011.**

(4) Explain the impetus for overhauling the current process for MDAD to procure capital improvement projects;

**MDAD's proposed Acceleration Ordinance does not overhaul the current process to procure capital improvement projects. The Ordinance provides an expedited process for the award and administration of contracts for the design and construction of capital improvement projects identified in the budget approved by the Board.**

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(5) Detail historical comparisons for such an acceleration ordinance, including similarities and differences in the scope of the County Mayor's delegated authority;

The scope of MDAD's proposed Acceleration Ordinance is similar to the Acceleration Ordinance approved by the Board for the Water & Sewer Department (Ord. No. 14-77). However, MDAD's proposed Ordinance is different from WASD's in that it contains monthly reporting requirements that notify Board members of monthly project expenditures, more specifically, when project expenditures reach 30 percent, 60 percent and 90 percent of the approved current budget amount and a comment section to explain variances, keeping Board members apprised of the financial status of projects.

(6) Explain why the authority delegated to the MDAD Director under the ordinance sunsets with the current director.

The authority delegated to the MDAD Director to award contracts under MDAD's proposed Acceleration Ordinance sunsets with the current Director to give Board members the opportunity to grant such delegated authority to a newly appointed Aviation Director.

**ADDITIONAL INFORMATION**

**Section 2-8.2.12 of the County Code** sets forth the WASD Consent Decree and Capital Improvement Programs Acceleration Ordinance.

[https://library.municode.com/fl/miami -  
dade county/codes/code of ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-  
8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

**Section 2-8.2.15 of the County Code** sets forth the Miami-Dade Seaport Department Capital Improvement Programs Expedite and Acceleration Ordinance.

[https://library.municode.com/fl/miami -  
dade county/codes/code of ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-  
8.2.15MIDSESEDECAIMPREXACOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.2.15MIDSESEDECAIMPREXACOR)

**Ordinance No. 08-87** adopted July 1, 2008 established an ordinance relating to the North Terminal Development at Miami International Airport, authorizing the County Mayor and the Airport Director to execute change orders, extend contract time, waive liquidated damages and modify contract terms for contracts related to the North Terminal Development Project without the need for prior Board approval.

<http://intra/gia/matter.asp?matter=082299&file=false&yearFolder=Y2008>

**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)

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**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>

## Attachment 1

<b>Comparison of Delegated Authority Across CIP Acceleration Ordinances</b>			
<b>Authorities</b>	<b>Department</b>		
	MDAD	WASD	PortMiami
County Mayor or Mayor's designee authorized to advertise competitive procurement documents	✓	✓	✓
County Mayor or Mayor's designee authorized to award and reject bids and offers associated with competitive procurements	✓	✓	✓
County Mayor or Mayor's designee may not waive competitive bids in award of a contract	✓	✓	Not mentioned in ordinance
County Mayor or Mayor's designee may appoint Selection Committee to obtain professional services	✓	✓	✓
County Mayor or Mayor's designee may amend and extend time for contract completion	✓	✓	✓
County Mayor or Mayor's designee may negotiate and settle claims and issue change orders for additional work	✓	✓	✓
County Mayor or Mayor's designee prepares a monthly report to Board which includes information on all procurements approved under the acceleration ordinance	✓	✓	Not mentioned in ordinance
Actions taken under the acceleration ordinance are subject to Board ratification	✓	✓	✓
County Mayor or Mayor's designee is authorized to enter into leases or authorize the conveyance of licenses and easements	✓	Not mentioned in ordinance	Not mentioned in ordinance
County Mayor or Mayor's designee is authorized to enter reimbursement agreements providing for County funding of agency services	✓	Not mentioned in ordinance	Not mentioned in ordinance
Dept. Director is authorized to exercise all authority granted to ISD Director pursuant to legislation applicable to such contracts	✓	Not mentioned in ordinance	Not mentioned in ordinance
Acceleration Ordinance sunsets with current Dept. Director	✓	Not mentioned in ordinance	Not mentioned in ordinance



## Attachment 2

<b>Surveying Procurement Authority of Select International Airports</b>						
	Fort-Lauderdale-Hollywood International Airport	Orlando International Airport	Hartsfield-Jackson Atlanta International Airport	Los Angeles International Airport	Dallas-Fort Worth International Airport	LaGuardia Airport
<b>Administers Own Procurement</b>	N/A	✓		✓	✓	✓
<b>Procurement Administered by a Centralized Procurement Department</b>	N/A	N/A	✓	All airport procurements are managed by Los Angeles World Airports, a department of the City of Los Angeles.	N/A	N/A
<b>Procurement Partially Decentralized</b>	✓	N/A	N/A	N/A	N/A	N/A
<b>Comment(s)</b>	The Airport and Broward County both concurrently conduct procurement	The Greater Orlando Aviation (GOAA) Authority  GOAA has 3 separate departments that perform Purchasing functions: -Purchasing – Contracts and Goods & Services -Planning, Engineering & Construction -Commercial Properties and Concessions	City of Atlanta's Department of Procurement oversees all goods and services including engineering services for construction, specialty consultants & contractors, maintenance equipment, vehicles and furniture	Los Angeles World Airports (LAWA) is a department of the City of Los Angeles, and is governed by the policies and guidelines of the City of Los Angeles - As a proprietary department, LAWA manages its own procurement process - For LAWA (LAX) contracts, those valued at \$150,000+ or exceeding a 1-year term require approval from the Board of Airport Commissioners (BOAC) - For LAWA contracts that exceed a 3-year term are generally forwarded for approval by the Los Angeles City Council	The airport is 50% owned by the City of Fort Worth, and 50% by the City of Dallas. The airport functions as its own entity and is governed by the Dallas-Fort Worth (DFW) International Airport Board. The DFW Airport Board enters into all contracts related to the operations of the airport and manages all airport procurement.	All procurement is managed by the interstate agency, the Port Authority of New York and New Jersey.

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**Item No. 3B  
File No. 192615**

**Researcher: MF   Reviewer: TD**

RESOLUTION WAIVING COMPETITIVE BIDDING BY TWO-THIRDS VOTE OF THE MEMBERS PRESENT PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE; WAIVING THE PROVISIONS OF RESOLUTION NO. 1587-72 AS BEING IN THE BEST INTERESTS OF MIAMI-DADE COUNTY; APPROVING AWARD OF A LEASE AND CONCESSION AGREEMENT FOR CARRIE CONCESSIONS, INC. AT MIAMI INTERNATIONAL AIRPORT, FOR PAYMENTS TO THE COUNTY OF THE GREATER OF 10 PERCENT OF GROSS REVENUES OR A MINIMUM ANNUAL GUARANTEE (MAG) PAYMENT OF \$170,000, AND FOR A TERM OF EIGHT YEARS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH AGREEMENT AND TO EXERCISE ALL PROVISIONS THEREIN, INCLUDING BUT NOT LIMITED TO TERMINATION AND EXTENSION PROVISIONS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize waiving a competitive bidding by two-thirds vote and approve award of a lease and concession agreement for Carrie Concessions, Inc. at Miami International Airport (MIA) for a term of eight years.

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Aviation Department

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

**ANALYSIS**

The purpose of this item is for the Board to approve waiving a competitive bidding and award a lease and concession agreement to Carrie Concessions, Inc. for a concession comprising 1,792 sq. ft. at MIA's Central Terminal (Pre-Security Terminal E) to operate and manage a Subway restaurant. The lease term is for eight years with one, two-year term option to renew.

This Subway is one of only three concessions at MIA that is open 24 hours per day, seven days per week in a pre-security location. The existing lease and concession agreement with Carrie Concessions has been in place for 26 years (since 1993) and is currently on a month-to-month basis. MIA is located primarily within District 6, represented by Vice Chairwoman Rebeca Sosa; notwithstanding, the impact of this item is countywide.

There is positive fiscal impact to the County, as Carrie Concessions is set to pay the greater of:

- A MAG of \$170,000 annually divided not 12 equal monthly payments, subject to annual recalculation;
- Percentage fee(s) in the form of a Quick Service Branded Concept percentage fee of 10%

OCA performed due diligence on November 6, 2019 pertaining the awarded vendor; the results are shown below.

<b>Awarded Vendor</b>	<b>Corporate Registration</b>	<b>Tax Collector's Office</b>	<b>Florida DBPR</b>	<b>Westlaw</b>
Carrie Concessions, Inc.	Florida Profit Corporation	Status: Paid	No account on file	No cases found
	Active	Business address:		

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	Principal Address: Miami International Airport Concourse E Miami, FL 33122  Mailing Address: 3627 S. Douglas Rd. Miami, FL 33133  Filed: April 27, 1994	MIAD Concourse E Miami, FL 33122			
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**ADDITIONAL INFORMATION**

OCA conducted an Internet search of the vendor, Carrie Concessions, Inc. on November 6, 2016. The company is listed in the Miami-Dade Chamber of Commerce website as a member since 1999.

[https://m-dcc.org/members/cw\\_mccc.htm](https://m-dcc.org/members/cw_mccc.htm)

**APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Home Rule Charter 5.03(D)** (Quorum), provides for quorum guidelines, and states that a majority of the commissioners then in office shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the commission without the affirmative vote of the majority of all the members present.

<https://www.miamidade.gov/charter/library/2019-02-05-home-rule-charter.pdf>

**Ordinance No. 18-78**, adopted July 24, 2018, relating to concessions at MIA, amended Section 2-8.9 of the Code, requiring the payment of living wage by certain concessionaires.

<http://www.miamidade.gov/govaction/matter.asp?matter=181908&file=false&fileAnalysis=false&yearFolder=Y2018>

**Resolution No. R-828-19**, adopted July 23, 2019, established a County policy for disclosure of past and present discrimination lawsuits in solicitation submissions; requiring the following: 1) implementing a policy of disclosure of discrimination lawsuits; 2) requiring in competitive and non-competitive solicitation documents the disclosure of lawsuits that include allegations of discrimination and dispositions of such lawsuits for a 10-year period through the date of the solicitation or non-competitive award recommendation; and 3) provide a report to the Board.

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

**Resolution No. 1377-93**, adopted in 1993, approved a non-exclusive lease and concession agreement with Carrie Concessions, Inc. for a location in MIA's Central Terminal. (The resolution link is not available in Legistar).

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**Resolution No. 1587-72**, adopted October 19, 1972, established a policy that franchises of a non-aeronautical nature on or in connection with any airport facility or project shall be awarded only following receipt of sealed, competitive bids in the manner prescribed by law. (The resolution link for this is not available in Legistar).

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**Item No. 3C  
File No. 191352**

**Researcher: MF   Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00808 TO LAZ FLORIDA PARKING, LLC FOR THE NON-EXCLUSIVE AGREEMENT FOR THE OPERATION OF PUBLIC PARKING FACILITIES AT MIAMI INTERNATIONAL AIRPORT FOR THE MIAMI-DADE AVIATION DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$796,344 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

**ISSUE/REQUESTED ACTION**

Whether the Board should approve awarding *Contract No. RFP-00808* to LAZ Florida Parking, LLC for a non-exclusive agreement for the operation of public parking facilities at Miami International Airport (MIA) in an amount not to exceed \$796,344 for a five-year term.

**PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

**Department/Requester:** Internal Services Department (ISD)

This item was heard at the Tourism and the Ports Committee meeting of October 17, 2019 and the committee did not reach a consensus; at the end of the meeting, there was no quorum and the item rolled over to the TAPS meeting of November 14, 2019. During discussion of the item, members discussed issues pertaining to: 1) the integrity of the procurement process; and 2) whether the process was flawed due to the labor provision not being mentioned in the RFP.

Below is a synopsis of the discussion that transpired during the TAPS October 17, 2019 Committee meeting.

- Commissioner Rebeca Sosa inquired whether the item had undergone a proper and clean procurement process, and whether anything in the selection committee had caused any type of concern regarding members in the selection committee.
- ISD Chief Procurement Officer Namita Uppal stated the selection committee had scored the vendors and the members unanimously decided that both companies (LAZ and Airport Parking Associates) are qualified and experienced. There was a negotiation team in place to negotiate with a base contract for both companies. The recommended company for award (LAZ) submitted a lower amount for the management fees – and that is the basis for the award.
- Aviation Director Lester Sola pointed out there is a labor piece agreement component.
- Commissioner Sosa inquired as to the labor piece agreement.
- Mr. Sola replied that when the solicitation came out, there was no language pertaining to the piece agreement; however, there is a labor fee stipulation in the contract; the company being hired will manage the operations, thus the County is paying the management costs to oversee said services.
- Commissioner Sosa indicated it is very important the process is followed and inquired about the companies.
- Ms. Uppal pointed out there was a settlement agreement and bankruptcy filed pertaining to LAZ's subcontractor.

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- Commissioner Barbara Jordan inquired about the procurement process.
- Ms. Uppal stated ISD had conducted an RFP process.
- Commissioner Jordan asked whether there had been a labor piece agreement in the initial RFP.
- Ms. Uppal indicated there had not been, as staff was not aware that it was needed to be included in the RFP. She added that from now on, all contracts will enter into a labor piece agreement.
- Commissioner Jordan stated that if the person who is submitting the RFP is submitting the information based on labor fees, that if the labor piece is not included in the RFP, then the submission does not include that information for consideration.
- Ms. Uppal affirmed that was correct.
- Commissioner Jordan stated that when the Commission decided and learned that it had not included the labor piece agreement – there was a company that included it and one that did not.
- Ms. Uppal confirmed that the County asked both companies to submit the management fees; the proposed vendor (LAZ) submitted at \$149,000, while the incumbent vendor (Airport Parking Associates) submitted at \$349,000.
- Commissioner Jordan made reference to a flaw in the process because it did not start off with the information that both parties needed to have; one party had the information while the other party had it after the fact, thus, the process was flawed from the beginning. She explained that, in her opinion, that once the County recognized the process was flawed, the decision should have been made to stop.
- Commissioner Moss inquired about the reasons for the County having labor piece agreements in contracts.
- Mr. Sola replied it was to ensure employees, regardless of who is in charge, are given a certain level of protection and continue with reasonable benefits. He also stated that the intent was to enable employees to receive the same benefits. However, the price for the incumbent was higher. He pointed out that even if the labor piece is taken away, the incumbent company is higher in fees; Mr. Sola said the procurement process was conducted in a clean and fair manner and there is a recommendation from the selection committee.
- A representative of incumbent vendor Airport Parking Associates stated the County had informed the company that it could submit a labor piece; the company tried to fix it and could not.
- Commissioner Jordan reiterated that the labor piece was not included initially in the RFP, so that had a domino effect in the process.
- Commissioner Sosa said it is difficult when the County has been trying to do the right thing, the right way. She pointed out that both companies were offered the same things during negotiations and a competitive process. She asked whether it was fair to ask County residents to pay more. It is concerning to her. She stated she cannot go against staff's recommendation.
- Commissioner Moss asked whether LAZ has an SBE-DBE partner.
- Ms. Uppal stated yes; it is Nationwide Parking Service; it is not a local firm but is certified by the State of Florida.
- Commissioner Sosa suggested to either send this item to the BCC with a recommendation or to defer it.
- Mr. Sola stated the item could be withdrawn.
- Commissioner Jordan stated that based on the item being tabled, there is a provision in the contract that states if the Board does not make a decision by the end October 2019, MDAD can continue operations for six months. She asked whether the procurement process could be repeated without the error and come back to the Board in three months.
- Ms. Uppal said it would be a repeat of the same process and that the pricing is out there along with the companies' approach. She pointed out that the standard scope of work and evaluation criteria would not

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change at this point. ISD could request for another best and final offer and ask the companies to give the County the management fees one more time.

- Commissioner Jordan indicated it would be a good idea to go back out for another RFP and have the labor piece language in there from the beginning.

After a failed attempt defer the item, Commissioner Sosa excused herself from the table as did Commissioner Souto; At that point, the County Attorney indicate the item would rollover to the next committee meeting.

**ANALYSIS**

The purpose of this item is for the Board to award a replacement long-term contract for the management and operation of main public parking facilities at MIA known as Dolphin and Flamingo garages. The last contract for these services was awarded to Airport Parking Associates and expired September 30, 2019. According to BTS, the contract was administratively extended through December 30, 2019. The replacement contract is being awarded to LAZ Florida Parking for a term of five years for a value of \$796,344.

The scope of *Contract No. RFP-00808* consists of the 24/7 daily operations of public parking facilities, utilizing and maintaining the parking access and revenue control system, and maintaining the facilities in good working order. More specifically, the key services to be delivered are:

- Oversee the maintenance and cleanliness of facilities and report to MDAD if janitorial and/or repair services are required;
- Develop strategies to maximize sales and optimize net income;
- Provide emergency service at no charge to the customer for lost vehicle search assistance, jump starts, inflation of flat tires or installation of spares; and lock-out assistance;
- Monitor facilities to ensure the security of guests, including performing night vehicle inventory and reporting vehicle count;
- Confirm that parking location reminder systems are operational at all times;
- Collect payment utilizing the existing MDAD Parking Access Revenue Control System;
- Reconcile all revenues received with receipts;
- Develop and maintain an annual marketing plan which shall analyze the competition in the surrounding airport area and develop an action plan by market segment to address supply and demand by facility type; and
- Provide valet parking services, including obtaining and maintaining Garage Keeper's Legal Liability Insurance.

The facilities covered include, but are not limited to, multi-level garages, surface lots, Central Collection Plaza, Parking Access and Revenue Control System (PARCS), remote parking and the taxicab lot. The employee lot is excluded from the contract's scope. There is a contractually stipulated interplay between this recommended award and the PARCS contract to DESIGNA Access Corp., which was awarded via Contract No. RFP-MDAD-07-17, pursuant to Resolution No. R-463-19 on May 7, 2019. The DESIGNA award provided for the following goods and services:

- Hardware
- Software
- Tools
- Equipment
- Materials

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- Labor
- Data wiring
- Electrical infrastructure
- Test results
- Supervision
- Project management, et al, for PARCS

The replacement contract requires LAZ Florida Parking to work jointly and cooperate fully with DESIGNA during the design, construction, installation, testing and implementation of the new parking access revenue control system. Such cooperation includes operating and managing the new PARS.

This contract replaces Contract No. MDAD-02-06, pursuant to Resolution No. R-898-08, which later was extended through Resolution No. R-979-18. The table below displays the main points pertaining to the above-mentioned contract via the adopted legislation.

<b>R-898-08</b>	<b>R-979-18</b>
Award RFP No. MDAD-02-06 for public parking agreement and nonexclusive management agreement with Airport Parking Associates for a term of 5 years.	Approved amendment to Contract No. MDAD-02-06 for the designated purchase of non-exclusive management services for the operation of public parking at MIA
Provided for one 5-year term with the County's right to extend agreement an additional 5 years in 1-year increments	Provided additional time of up to 1 year, & additional expenditure amount up to a maximum of \$199,699
Contract extensions could not exceed 10 years	Added contract provisions for termination of convenience and public records

The fiscal impact to the County is \$796,344 for the management fees spanning the five-year term. Under the current contract (MDAD-02-06), the management fees with incumbent firm, Airport Parking Associates (APA), were estimated at \$1,189,699 for an 11-year term, which expired September 30, 2019. Under the replacement contract, the management fees with LAZ will vary from year to year, and includes annual Consumer Price Index adjustments, but will not exceed the contracted amount of \$796,344.

According to the market research for the subject item, parking operations at MIA generated \$44,930,798 in adjusted gross revenue, net of sales taxes, for the Fiscal Year ending September 30, 2017. For FY 2016, parking operations generated \$48,158,186 in adjusted gross revenue. MDAD does not currently have in-house staff that can be assigned to operating the parking facilities at MIA, thus, there is a need to hire an outside provider.

The table below shows the estimated per year management fees for LAZ, given the estimated costs for the first year and the last year of the contract; As shown, the total will not exceed the \$796,344 in the replacement contract.



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<b>Years</b>	<b>Allocated Amount</b>
1	\$149,995
2	\$165,449.66
3	\$165,449.66
4	\$165,449.66
5	\$150,000
<b>TOTAL:</b>	<b>\$796,344</b>

Two proposals were received in response to the solicitation for this replacement contract. The proposals were received and the Competitive Selection Committee conducted dual negotiations with LAZ (the recommended company to be awarded), and the incumbent company APA. The Committee decided not to award APA based on evaluation scores and ranking.

According to BTS, the final scores and annual management fees for the two proposals received were as follows:

<b>Company Name</b>	<b>Total Score (max. score 5000)</b>
LAZ Florida Parking, LLC	4379.5
Airport Parking Associates	4377.1

OCA performed due of LAZ Florida Parking, LLC, on July 29, 2019 and again on October 16, 2019; the results are shown below.

<b>Awarded Firm(s)</b>	<b>Corporate Registration</b>	<b>Tax Collectors Office</b>	<b>Florida DBPR</b>	<b>Westlaw</b>
LAZ Florida Parking, LLC	Florida Limited Liability Company  Active  Principal Address: 404 Washington Ave., Ste. 720, Miami Beach, FL  Filed: October 2, 2007	Business Address: 404 Washington Ave., Ste. 720, Miami Beach, FL  Status: Paid and Current	No account on file	<i>Ashu Kumar Luthra v. Laz Karp Associates, LLC, et al</i> , (Case No. 2019-027348-CA-01); Filed on September 16, 2019 in the 11 <sup>th</sup> Judicial Circuit, Miami-Dade County, Florida. Allegation: auto negligence greater than \$15,000. Case status: Pending.  <i>Trent Kathmann v. LAZ Florida Parking, LLC.</i> , (Case No. 17-5683 SP 25); Filed on June 15, 2018 in the County Court of Miami-Dade County, Florida. Allegation: defendant's valet parking employee damaged the transmission on the plaintiff's vehicle. Case status: Closed Case;

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Plaintiff received \$2,269.37 in damages.
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OCA performed a search for commodity codes 96259 (Parking Services: Operation, Admission, Supervision), and 98865 (Parking Lot and Street Maintenance Services) on the Business Management Workforce System's EDP Registered Firms tab on July 15, 2019. There were two (2) local firms listed with at least one of the required commodity codes:

- LCN Group, Inc., 555 NW 95 Street, Miami, FL SBE
- Shasa Engineering Corp., 13965 SW 10 Street, Miami, FL SBE

**ADDITIONAL INFORMATION**

OCA performed an Internet search regarding LAZ Florida Parking, LLC, with offices at 404 Washington Avenue, Suite 720, Miami Beach, FL 33139 on July 15, 2019. According to the company's website, LAZ provides parking management services for office buildings, hospitality and valet, government, residential buildings, airports, and stadiums and arenas.

<https://www.lazparking.com/our-company>

OCA also found a 2016 news article from the *Chicago Tribune* pertaining to a former LAZ Parking executive, who pleaded guilty to one count of wire fraud on allegations of taking \$90,000 in bribes from a \$22 million contract for Chicago's parking meters to supply and install meters.

<https://www.chicagotribune.com/news/breaking/ct-parking-meters-bribery-guilty-met-20160414-story.html>

**APPLICABLE LEGISLATION/POLICY**

**Administrative Order**, issued April 5, 2019, provide legal opinion regarding response to request for responsiveness/determination regarding RFP No. 00808, Operation of Public Parking Facilities at Miami International Airport.

**Implementing Order 3-38**, adopted March 18, 2016, governs the County's processes for the purchase of goods and services including professional services.

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

**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.

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

**Resolution No. R-463-19**, adopted May 7, 2019, approves award of Contract No. RFP-MDAD-07-17 to DESIGNA Access Corporation for the purchase of Parking Access and Revenue Control System for the Miami-Dade Aviation Department in a total amount not to exceed \$9,910,601 for the initial three-year term and a five-year option to renew term.

<http://intra/gia/matter.asp?matter=190865&file=true&yearFolder=Y2019>

**Resolution No. R-515-19**, adopted May 7, 2019, directs the Mayor to seek approval for award of successor contracts or extensions 60 days prior to contract expiration.

<http://intra/gia/matter.asp?matter=190943&file=true&yearFolder=Y2019>

**Resolution No. R-828-19**, adopted July 23, 2019, established a County policy for disclosure of past and present discrimination lawsuits in solicitation submissions; requiring the following: 1) implementing a policy of disclosure of discrimination lawsuits; 2) requiring in competitive and non-competitive solicitation documents the disclosure of lawsuits that include allegations of discrimination and dispositions of such lawsuits for a 10-year period through the date of the solicitation or non-competitive award recommendation; and 3) provide a report to the Board.

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

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**Resolution No. R-979-18**, adopted September 25, 2018, approved retroactively amendment 1 to Contract No. MDAD-02-06 for the designated purchase of non-exclusive management services for the operation of the public parking facilities at Miami International Airport for the Miami-Dade Aviation Department, providing additional time of up to one year, additional expenditure authority in an amount up to \$199,699 and incorporating additional contract provisions for termination for convenience and public records, pursuant to Section 2-8.1(B)(3) of the County Code, by a two-thirds vote of the board members present.

<http://www.miamidade.gov/govaction/matter.asp?matter=182313&file=true&fileAnalysis=false&yearFolder=Y2018>

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**Resolution No. R-140-15**, adopted February 3, 2015, directs the Mayor to conduct a full review of the scope, prior to the re-procurement of replacement contracts for goods or services 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 contract language.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2015/150090min.pdf>

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

<http://www.miamidade.gov/govaction/matter.asp?matter=152271&file=true&fileAnalysis=false&yearFolder=Y2015>

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**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/legistarfiles/MinMatters/Y2012/120287min.pdf>

**Resolution No. R-898-08**, adopted September 2, 2008, approved the operation of public parking facilities at Miami International Airport and awarded the non-exclusive management agreement with Airport Parking Associates for a five-year period.

<http://www.miamidade.gov/govaction/matter.asp?matter=082340&file=true&fileAnalysis=false&yearFolder=Y2008>

**Resolution No. R-841-06**, adopted September 12, 2006, directs the Mayor to specify the dollar amount of delegated authority in the titles of ordinances and resolutions delegating contract authority to the County Mayor.

<http://www.miamidade.gov/govaction/matter.asp?matter=061803&file=true&fileAnalysis=false&yearFolder=Y2006>

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**Item No. 3D, 3E & 3F**

**File No. 192595, 192597 & 192610**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND BERENBLUM BUSCH ARCHITECTURE, INC. FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR PORTMIAMI CRUISE TERMINALS AND ROPAX FACILITIES IN AN AMOUNT NOT TO EXCEED \$3,300,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$300,000.00; 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 10 PERCENT OF THE BASE CONTRACT AMOUNT

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND BEA ARCHITECTS, INC. FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR PORTMIAMI CRUISE TERMINALS AND ROPAX FACILITIES IN AN AMOUNT NOT TO EXCEED \$3,300,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$300,000.00; 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 10 PERCENT OF THE BASE CONTRACT AMOUNT

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND BERMELLO AJAMIL & PARTNERS, INC. FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR PORTMIAMI CRUISE TERMINALS AND ROPAX FACILITIES IN AN AMOUNT NOT TO EXCEED \$3,300,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$300,000.00; 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 10 PERCENT OF THE BASE CONTRACT AMOUNT

**ISSUE/REQUESTED ACTION**

Whether the Board should approve three separate non-exclusive architectural and engineering Professional Service Agreements (PSAs) under *Contract No. A18-SEA-01* for PortMiami, each at a contract amount of up to \$3,300,000, inclusive of a contingency allowance of \$300,000 (10%) for a term of six years.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Port of Miami**

This item has no procedural history.

**ANALYSIS**

The purpose of this item is to establish PSAs with Berenblum Busch Architecture, Inc. (TAPS Agenda Item 3D – File No. 192595), BEA Architects (TAPS Agenda Item 3E – File No. 192597), and Bermello Ajamil & Partners, Inc. (TAPS Agenda Item 3F – File No. 192610) for professional architectural, engineering and construction administration

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services for design of new PortMiami cruise or ropax terminals and modifications and improvements to existing cruise terminals B, C, D, E, 2, 10, F, G, H, and J. The funding sources for the three \$3,300,000 PSAs is future financing under Proposed Budget and Multi-Year Capital Plan FY 19-20 Project No. 645430: Infrastructure Improvements – Port Wide, at \$550,000 per Fiscal Year until FY 2024-25. The project scope includes the following upgrades and components:

- Provisional Operations;
- Baggage Conveyance Systems;
- Horizontal and Vertical Circulation Systems;
- Telecommunications;
- Connection of Passenger Boarding Bridges to existing facilities;
- Landside and Waterside Site Development;
- Wharf and Berthing Improvements;
- Stormwater and Sewer Systems;
- Wharf Access;
- Intermodal Areas;
- Ancillary Roadways;
- Parking Facilities;
- Restrooms;
- Canopies;
- Wayfinding;
- Life Safety;
- Accessibility (ADA);
- Landscaping;
- Access Control;
- Operational and Security Enhancements, including port-wide checkpoints and United States Customs and Border Patrol processing areas and facilities;
- Furniture, Fixtures and Equipment; and
- All related Infrastructure, building and structure, ancillary to the basic work scope.

An 18% SBE-A&E goal (valued at an estimated \$594,000) applied to the solicitation. The solicitation was advertised on October 10, 2018, resulting in 210 downloads and seven respondents. Of the seven respondents, all are local firms. The final rankings after First Tier proceedings were:

- 1) Berenblum Busch Architecture, Inc. (BBA) – 261 points;
- 2) Bermello Ajamil & Partners, Inc. – 258 points; and
- 3) BEA Architects, Inc. (BEA) – 256 points.

Second-Tier proceedings were waived, as information provided in the proposals was deemed sufficient to determine the qualifications of the teams, with all three firms having the five years of experience in similar work required, and meeting the following technical certification requirements:

- 5.02 – Port and Waterway Systems – Architectural Design
- 5.03 – Port and Waterway Systems – Cruise Terminal Design
- 18.00 – Architectural Construction Management
- 22.00 - ADA Title II Consultant

Pursuant to Resolution No. R-421-16, OCA conducted a performance record verification in the Capital Improvements Information System on November 13, 2019, with the following findings.

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<b>Awarded Firm</b>	<b>Previous Experience with the County in the Last Five Years</b>	<b>Total Value of County Contracts</b>	<b>No. of Evaluations</b>	<b>Average Evaluation Rating (out of a possible 4.0)</b>
Berenblum Busch Architecture, Inc. (TAPS Agenda Item 3D – File No. 192595)	2	\$400,000 including change orders approved by the Board in the amount of \$100,000	1	4.0
BEA Architects, Inc. (TAPS Agenda Item 3E – File No. 192597),	1	\$2,200,000 including change orders approved by the Board in the amount of \$75,000.	5	3.6
Bermello Ajamil & Partners, Inc. (TAPS Agenda Item 3F – File No. 192610)	8	\$15,230,588 Including change orders approved by the Board in the amount of \$1,616,509.13	21	3.7

OCA's due diligence on the firms being recommended for award is detailed below.

<b>Awarded Firm</b>	<b>Subconsultants</b>	<b>Corporate Registration</b>	<b>Tax Collector's Office</b>	<b>Florida DBPR</b>	<b>Litigation (Westlaw)</b>
Berenblum Busch Architecture, Inc. (TAPS Agenda Item 3D – File No. 192595)	BCC Engineering U.S., Inc.  Gardiner & Theobald, Inc.  GSLA Design Inc.  Langan Engineering Inc.  Louis Berger U.S., Inc.	Florida Profit Corporation  Active  Principal Address: 2200 NW 2nd Avenue, Suite 211 Miami, FL 33127  Filed: February 11, 2010	Business Address: 2200 NW 2nd Avenue, Suite 211 Miami, FL 33127  Status: Paid and Current	License Types: Architect Business; Interior Design Business	No relevant cases for Prime Consultant.  Subconsultant Louis Berger U.S. Inc. is one of several defendants in pending litigation concerning the FIU bridge collapse. Louis Berger U.S. Inc. was allegedly responsible to provide labor and services on the FIU pedestrian bridge project and for the supervision and construction of the bridge and to provide a secondary check and independent



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	<p>Manuel G. Vera &amp; Associates, Inc.</p> <p>Ross &amp; Baruzzini Inc.</p> <p>NV5</p> <p>The Spinnaker Group Management, Inc.</p> <p>Transystems Corporation</p>				<p>peer review. Defendant allegedly breached its duty of care and was negligent in its secondary check of the bridge resulting in its collapse and damages to plaintiffs. <i>Jenna Mendez v. Munilla Construction Mangt LLC et al</i> (Case No. 2018-035972-CA-01); Filed on October 19, 2018 in the 11<sup>th</sup> Judicial Circuit, Miami-Dade County.</p>
<p>BEA Architects (TAPS Agenda Item 3E – File No. 192597)</p>	<p>PMM Consulting Engineers Corporation</p> <p>Universal Engineering Science, Inc.</p> <p>Gartek Engineering Corporation</p> <p>Manuel G. Vera and Associates, Inc.</p> <p>Laura Llerena &amp; Associates, Inc.</p> <p>Premiere Design Solutions, Inc.</p>	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 3075 NW South River Drive Miami, FL 33142</p> <p>Filed: May 26, 2000</p>	<p>Business Address: 3075 NW South River Drive Miami, FL 33142</p> <p>Status: Paid and Current</p>	<p>License Types: Registry; Architect Business</p>	<p><i>Rampmaster Inc. v. Meridian Construction Company LTD. et al</i> (Case No. 2018-027628-CA-01); Filed on August 14, 2018 in the 11<sup>th</sup> Judicial Circuit, Miami-Dade County; Allegation: Defendant breached its obligations under the contract by failing to pay for services performed pursuant to the contract; and Case Status: Open.</p> <p>Subconsultant Universal Engineering Science, Inc. is one of several defendants in pending litigation concerning the FIU bridge collapse. Universal Engineering Science, Inc. allegedly breached its duty of care and was negligent in inspections of the concrete and materials testing including concrete specifications, durability</p>



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					testing, failure analysis, fabrication, testing, and/or inspection of concrete structures and materials with which they were built, resulting in the bridge's collapse and damages to plaintiffs. <i>Jenna Mendez v. Munilla Construction Mangt LLC et al</i> (Case No. 2018-035972-CA-01); Filed on October 19, 2018 in the 11 <sup>th</sup> Judicial Circuit, Miami-Dade County.
Bermello Ajamil & Partners, Inc. (TAPS Agenda Item 3F – File No. 192610)	Fraga Engineers, LLC  Cordova Rodriguez & Associates, Inc.  Bliss & Nyitray, Inc.  GCES Engineering Services, LLC  Manuela G. Vera and Associates, Inc.  Energy Cost Solutions Group, LLC	Florida Profit Corporation  Active  Principal Address: 2601 S Bayshore Drive, Suite 1000 Miami, FL 33133  Filed: February 28, 1977	Business Address: 2601 S Bayshore Drive, Suite 1000 Miami, FL 33133  Status: Paid and Current	License Types: Registry; Architect Business; Landscape Architect Business; Interior Design Business	<i>Sudeh Karimi vs. Bermello Ajamil &amp; Partners Architects and Engineers, Inc.</i> (Case No. 2019-003694-CA-01); Filed on February 5, 2019 in the 11 <sup>th</sup> Judicial Circuit, Miami-Dade County; Allegation: Defendant discriminated against plaintiff on the basis of her disability and subjected the plaintiff to disability-based animosity resulting in damages to plaintiff; and Case Status: Open.

**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](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/0287.html)

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**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](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](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](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)

**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 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>