



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

**Board of County Commissioners Meeting**

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

Yinka Majekodunmi, CPA  
Commission Auditor  
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**BCC Meeting:  
December 3, 2019  
Research Notes**

**Item No. 7D  
File No. 192277**

**Researcher: MF   Reviewer: PGE**

ORDINANCE RELATING TO PROCESS FOR AWARD OF DOCUMENTARY SURTAX FUNDS; AMENDING SECTION 29-7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING EXCEPTIONS FOR TRANSIT ORIENTED DEVELOPMENTS LOCATED ALONG STRATEGIC MIAMI AREA RAPID TRANSIT (SMART) PLAN CORRIDORS THAT HAVE GONE THROUGH ANOTHER COMPETITIVE PROCESS; CREATING AN OPEN AND ROLLING APPLICATION PROCESS FOR CERTAIN RENTAL AND HOMEOWNERSHIP DEVELOPMENTS; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize amending the County's Documentary Surtax Ordinance (Section 29-7 of the County Code) to exempt transit oriented, County land and naturally occurring affordable housing (NOAH) developments from the competitive Request for Applications (RFA) requirement for the allocation of documentary surtax funds and to create an open and rolling application process for County land and NOAH developments.

**PROCEDURAL HISTORY**

**Prime Sponsor:** Commissioner Dennis C. Moss, District 9

**Co-Sponsor:** Commissioner Eileen Higgins, District 5

**Department/Requester:** None

This item was adopted on first reading at the BCC meeting of October 3, 2019. Next, the item was heard at the Housing, Social Services & Economic Development Committee meeting of November 13, 2019 and forwarded to the BCC with a positive recommendation. At the committee meeting, the following was stated:

- Commissioner Moss shared that the intent of the legislation is to address the housing crisis in a more expedited manner by providing opportunities to fund TOD, preserving NOAH in the community, and facilitating opportunities for the County to acquire properties.

**ANALYSIS**

The purpose of this item is for the Board to approve amending the County's Documentary Surtax Ordinance to exempt Transit Oriented Developments (TODs), County land developments and NOAH developments from the standard RFA process prerequisite for the allocation of documentary surtax funds. The amendment also sets forth a process for the award of funds for County land developments and NOAH developments, i.e., an open and rolling applications process. As indicated in the item's Social Equity Statement, the intent of these changes is to provide exceptions to the County's process for receipt of limited documentary surtax funds for TODs located along SMART Plan corridors that have gone through another competitive process and to create an open and rolling application process for certain rental and homeownership developments. The amendments benefit the County by avoiding delays in the recommendation of eligible projects for funding, thereby increasing the supply of affordable housing located near major transit terminals along SMART Plan corridors.

The Fiscal Impact Statement states that there is no fiscal impact associated with this item at this time. The item is silent as to the amount of documentary surtax funds per fiscal year that would be allocated to the projects falling under the parameters of the proposed amendment.

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Pursuant to Ordinance No. 07-18, which is codified at Sections 29-7G and H of the County Code, no allocation of documentary surtax money shall be made except as part of a competitive RFA procedure. With this codification, the Board established a process whereby agencies seeking to utilize documentary surtax funds were required to undergo a competitive RFA process for allocation of such funds, including obtaining community input, and for County staff to conduct a systematic review of the applications. With the 2007 ordinance's adoption, the County established several competitive processes to award funds, leases, development rights, and other benefits and rights to developers producing affordable housing.

After the adoption of Ordinance No. 07-18, the County implemented alternative competitive processes whereby developers undergo an arduous competitive process for the right to lease and develop County-owned land; however, because such developers did not go through the RFA process for surtax funds – the project, as the Code stands, cannot be awarded surtax money. The financial constraints can then lead to delays in projects and in some cases the projects may not move forward entirely.

The proposed ordinance to amend Section 29-7 of the Code would allow the use of documentary surtax funds to be allocated for TODs and leases to develop housing on County-owned property. The amendment to the ordinance also applies to developers seeking and receiving conveyance of County-owned land to develop affordable housing, because staff would have previously reviewed said projects. According to the mayor's memo, there is an urgent need to construct TODs located along the SMART Plan corridors as well as other affordable housing throughout the County.

The SMART Plan Corridors consist of six areas throughout the County. As per information cited in the Miami-Dade Transportation Planning Organization, the following are the planned **Rapid Transit Corridors** and their destinations:

- Beach Corridor – from Midtown Miami to Miami Beach Convention Center
- East-West Corridor – from Miami Intermodal Center to Florida International University
- Kendall Corridor – from Dadeland area Metrorail to Krome Avenue
- North Corridor – from MLK Metrorail Station to NW 217<sup>th</sup> Street
- Northeast Corridor – from Downtown Miami to City of Aventura
- South Dade Transitway – from Dadeland South Metrorail to SW 344<sup>th</sup> Street Transit Terminal (Florida City)

Some examples of ways the County has used funds since the inception of the Documentary Surtax Program include:

- There have been 7,128 low-to-medium income families with low interest second mortgages, allowing them to become first-time homeowners;
- The County has offered homebuyer counseling as a way to keep the mortgage default rate to less than 1.1% among surtax program participants;
- Low-cost construction financing has allowed the County to partner with not-for-profit and for-profit affordable housing developers to produce more than 15,000 affordable multi-family rental units; and
- At least 50% of surtax funds have benefited low-income families.

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**ADDITIONAL INFORMATION**

A complete guide to the SMART Plan may be accessed via the Miami-Dade Transportation Planning Organization's (TPO) website: <http://www.miamidadetpo.org/smartplan.asp>

The concept of Naturally Occurring Affordable Housing (NOAH) is one that is quickly disappearing, according to a report from GlobeSt.com. A University of California Los Angeles (UCLA) brief points out the critical need to establish affordable housing throughout the country. The challenges for affordability are threefold: restrictive zoning, the nimbyism syndrome, and rapidly rising construction costs. Jurisdictions can assist with facilitating the NOAH concept by loosening zoning standards, allowing accessory dwelling units by right, and preserving existing affordable housing units.

<https://www.globest.com/2019/09/04/naturally-occurring-affordable-housing-is-disappearing/?slreturn=20191027081214>

**DEPARTMENTAL INPUT**

OCA sent the following questions to PHCD on November 18, 2019; the Department responded the same day and again on November 26, 2019. The answers are shown in bold.

- Describe the concept of NOAH (Naturally Occurring Affordable Housing) in relation to this item. **NOAH definition: refers to residential rental properties that maintain low rents without federal subsidy. NOAH properties tend to be older, having been built between 1940 and 1990. The affordability of a NOAH property is often linked to a somewhat deteriorated appearance due to the age of the housing structure and/or lack of maintenance. However, many NOAH properties are desirable for tenants because of the location within neighborhoods that are convenient to places of work, worship, and transportation hubs, and because the rent is affordable. The ordinance provides for a new open and rolling application process for naturally occurring affordable housing (NOAH) which will be administered within current staffing levels. The NOAH application process is expected to incentivize existing homeowners and owners of small multi-family affordable housing to rehabilitate their properties. Bringing NOAH properties into a subsidy program, specifically Miami-Dade County's Surtax program is an effective way of upgrading NOAH properties to expand the supply of quality affordable housing. This ordinance amendment provides two notable exceptions to the RFA requirement. The ordinance is expected to further transit-oriented developments with affordable housing along SMART Plan corridors. The ordinance amendment is expected to assist in avoiding delays in recommending eligible projects for funding.**
- The mayor's memo states there is an urgent need to construct TODs located along SMART Plan corridors as well as other affordable housing. Kindly expand on the reasons for this. **Currently there is a housing crisis due to high rent prices relative to salaries, thus a great need in the County for affordable housing. Additionally, there is a goal to construct affordable and workforce housing units along transit corridors to keep housing and transportation costs affordable to county residents.**
- Provide information pertaining to the amount of surtax funds per fiscal year that would be allocated to the projects under this amendment. **There is no specific amount to be allocated.**

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**APPLICABLE LEGISLATION/POLICY**

**Section 29-7 of the Miami-Dade County Code** (Documentary Stamps) applies to legislative findings, authority and intent and was enacted pursuant to the provisions of Chapter 83-220, Florida Statutes and the Miami-Dade County Home Rule Charter. Through Section 29-7, the Board declares that there is great and urgent need in this community for the construction and rehabilitation of all types of affordable housing. The Board further finds that the documentary surtax program has been widely successful in meeting this need and should continue to fund the construction and rehabilitation of housing for low- and moderate-income families through the provision of second mortgages, construction loans and other programs.

<https://www.miamidade.gov/global/housing/surtax.page>

**Ordinance No. 07-18**, adopted February 8, 2007, amended Miami-Dade County Code Section 29-7 pertaining to documentary surtax.

<http://intra/gia/matter.asp?matter=070890&file=true&yearFolder=Y2007>

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**Item No. 7E  
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. Subsequently, the item was heard at the November 14, 2019 meeting of the Tourism and Ports Committee.

**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

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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 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.



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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) 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=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_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=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.15MIDSEDECAIMPREXACOR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.15MIDSEDECAIMPREXACOR)

**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=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)

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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	✓	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. 8A1  
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 competitive bidding by two-thirds vote of the members present 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:** Miami-Dade Aviation Department (MDAD)

This item was heard at the Transportation and Ports Committee meeting of November 14, 2019 and forwarded to the BCC with a favorable recommendation. The following discussion transpired.

- Commissioner Rebeca Sosa stated Subway has done a lot for its employees by offering a living wage; notwithstanding, she could not support the item because she believes in process and if she is trying to ensure that all of MDAD's concessions compete, she cannot support an extension of one lease without process.
- Commissioner Barbara Jordan stated this concession was different because there was an agreement reached three years ago and signed by the owner and on the desk of the mayor. It was not signed because all of these types of items were stopped. She pointed out this award is unique in that it already was in the process of execution – when it was stopped. Ms. Jordan also underscored that this concession provides services 24 hours per day and seven days per week. She noted that the process in place should not punish this entity. The concessionaire also had costly plumbing issues to contend with and it is important to note that this concessionaire is not being given special treatment.

**ANALYSIS**

The purpose of this item is for the Board to approve waiving 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)

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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 into 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  Active  Principal Address: Miami International Airport Concourse E Miami, FL 33122  Mailing Address: 3627 S. Douglas Rd. Miami, FL 33133  Filed: April 27, 1994	Status: Paid  Business address: MIAD Concourse E Miami, FL 33122	No account on file	No cases found

**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>

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**Item No. 8A1**  
**File No. 192615**

**Researcher: MF   Reviewer: TD**

**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).

**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).



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

**Item No. 8F1**  
**File No. 192599**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING THE TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND PSBP INDUSTRIAL, LLC FOR THE PREMISES LOCATED AT 7831 NW 15 STREET, SUITE 14, DORAL, FLORIDA TO BE UTILIZED BY THE MIAMI-DADE COUNTY POLICE DEPARTMENT WITH A TOTAL FISCAL IMPACT TO THE COUNTY ESTIMATED TO BE \$1,112,299.15 FOR A FIVE-YEAR TERM AND ONE, FIVE-YEAR OPTION TO RENEW; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the execution of the Lease Agreement between the County (Tenant) and PSBP Industrial, LLC (Landlord) for the Miami-Dade County Police Department's continued utilization of property located at 7831 NW 15 Street, Suite 14, Doral, FL at a total cost to the County of \$1,112,299 for a lease term of five years and one, five-year option to renew.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12**  
**Department/Requester: Internal Services Department (ISD)**

This item was forwarded to the BCC with a favorable recommendation by the Public Safety and Rehabilitation Committee at its November 13, 2019 meeting.

**ANALYSIS**

The purpose of this item is to authorize the Mayor's execution of a Lease Agreement for a 5,555 square foot property, located in District 12, utilized by the Special Patrol Bureau of the Miami-Dade Police Department (MDPD) since 2007 for storage of police equipment. The Landlord, PSBP Industrial, LLC, is a Delaware limited liability company affiliated with PS Business Parks, L.P. The space is in the same building as the Special Patrol Bureau office and is used for storage of equipment critical to operations, such as a command post bus, air tanks and robotic equipment. The proposed replacement lease is for a term of five years plus one, five-year option to renew.

The original lease, initiated in April 2007 for five years with one five-year renewal period, expired on March 31, 2017. The County has since remained the tenant through the initial lease's holdover provision. Under the prior lease, the County paid the Landlord a rental cost of \$13.26 per square foot, inclusive of electricity, with the Landlord responsible for all other operating expenses. Since April 1, 2017, the rental rate to the County while under the original lease's holdover provision has been \$16.74 per square foot, not including operating expenses. Under this Lease Agreement, the base rent cost to the County for the initial year of the lease is \$12.98 per square foot, and totals \$16.20 per square foot when including all operating expenses. Comparable property in the area has a current rental rate of \$12.50 to \$13.50 per square foot on an annual basis, not including operating expenses.

The new Lease Agreement presents a total fiscal impact to the County of \$1,112,299.15 for the five-year lease term and the five-year option to renew. This total includes all operating expenses and ISD's lease management fee, which are not included in the base rent. The annual base rent is detailed below, reflecting an annual three percent increase from the previous year's base rent.

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<b>Lease Expenditure</b>	<b>Annual Base Rent</b>	<b>Cost per Square Foot</b>
Year 1	\$72,103.93	\$12.98
Year 2	\$74,267.05	\$13.36
Year 3	\$76,495.06	\$13.77
Year 4	\$78,789.91	\$14.18
Year 5	\$81,153.61	\$14.61
Year 1 of Option Term	\$83,707.68	\$15.07
Year 2 of Option Term	\$86,218.92	\$15.52
Year 3 of Option Term	\$88,805.52	\$15.97
Year 4 of Option Term	\$91,469.64	\$16.47
Year 5 of Option Term	\$94,213.68	\$16.96

The original 2007 lease was full service, with the Landlord rather than the County being responsible for all operating expenses, except for electricity. Under the new Lease Agreement, the County is responsible for its pro-rata share of all operating expenses, calculated to be \$3.22 per square foot for a total of \$17,887.09 for the first year. This does not include payment for utilities, such as water, gas, heat, light, power, telephone, and sewer, which are all the County's responsibility as well.

The County is also responsible for all maintenance and repairs of the premises, and for its share of maintenance and repairs performed on common areas/elements by the Landlord. The County negotiated with the Landlord to have certain repairs made during the holdover period, which the Landlord completed. The following is a description of improvements performed by the Landlord:

- Installation of a keypad access point on the exterior of the roll-up bay door in order to open and close the roll-up door from the outside;
- Installation of a 20-foot door hood cover in the warehouse roll-up door;
- Removal of existing sink in the rear of the warehouse and capping of all sewer drains to prevent sewer gases from backing up into the warehouse/office space; and
- Repair of all roof leaks, and replacement of all stained and damaged ceiling tiles in the office space.

The lease will commence on the first day of the next month following 10 days after the date of the Board's adoption of the Lease Agreement, and can be terminated by the County at any time by providing 90 days' advanced written notice to the Landlord.

A summary of OCA's due diligence of the Landlord, PSBP Industrial, LLC, is detailed below.

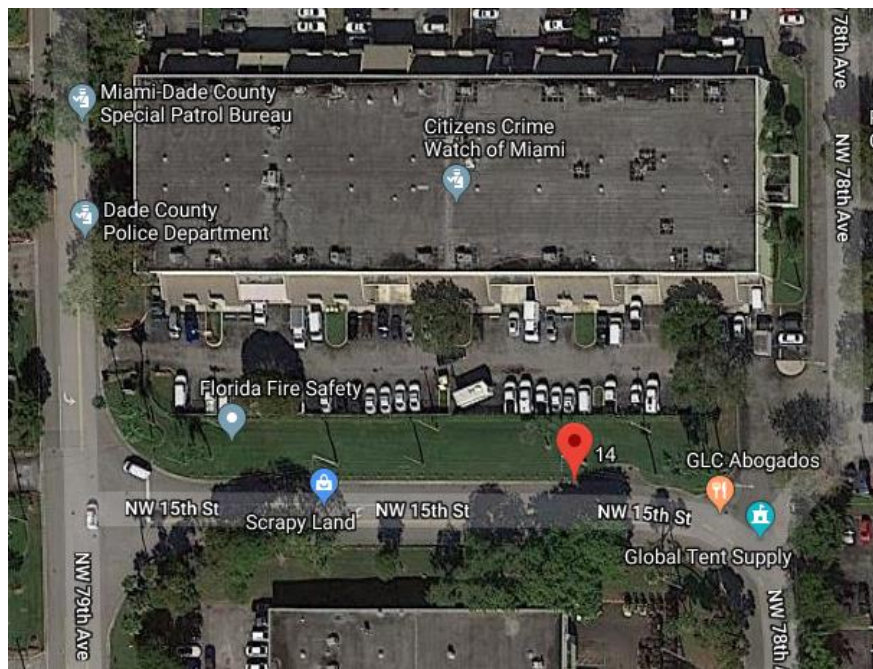
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**Researcher: JFP Reviewer: TD**

Landlord	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
PSBP Industrial, LLC	Foreign Limited Liability Company  Active  Principal Address: 701 Western Avenue, Glendale, CA 91201  Filed: December 5, 2003	No business account on file.	N/A	No relevant cases.

The location of the subject property, 7831 NW 15 Street, Suite 14, Doral, FL, is illustrated below.



**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-204-07**, adopted February 20, 2007, approved the County's lease with landlord, PSBP Industrial, LLC, for a term of five years, with one, five-year option to renew term.

<http://www.miamidade.gov/govaction/matter.asp?matter=070459&file=true&fileAnalysis=false&yearFolder=Y2007>

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

**Item No. 8F2  
File No. 192600**

**Researcher: MF    Reviewer: PGE**

RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, OF A LEASE AGREEMENT BETWEEN THE COUNTY AND BILTMORE 87 COURT PLAZA, LLC, A FLORIDA LIMITED LIABILITY COMPANY, FOR PREMISES LOCATED AT 11300 NW 87 COURT, UNITS 112 AND 114, HIALEAH GARDENS, FLORIDA, TO BE UTILIZED BY THE MIAMI-DADE PUBLIC LIBRARY SYSTEM, FOR A BRANCH LIBRARY AND OFFICE SPACE, WITH A TOTAL FISCAL IMPACT TO THE COUNTY ESTIMATED TO BE \$185,522.24 FOR THE INITIAL TERM OF THREE YEARS, WITH TWO, ONE-YEAR RENEWAL OPTION PERIODS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve and authorize a lease agreement between the County (Tenant) and Biltmore 87 Court Plaza, LLC (Landlord), for a property currently used as the Hialeah Gardens County Branch Library in the amount of \$185,522.24 for a three-year term with two, one-year renewal option periods.

**PROCEDURAL HISTORY**

**Prime Sponsor:** Commissioner Jose "Pepe" Diaz, District 12

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

This item was heard at the Parks, Recreation and Cultural Affairs Committee meeting of November 15, 2019 and forwarded to the BCC with a positive recommendation.

**ANALYSIS**

The purpose of this item is for the Board to authorize a lease agreement for 1,300 sq. ft. of air-conditioned space for property located at 11300 NW 87 Court, Units 112 and 114, in Hialeah Gardens for use as a public library. The requested lease term is for three years with two one-year renewal options. The Landlord is Biltmore 87 Court Plaza, LLC, a Florida Limited Liability Company. The Miami-Dade Public Library System has used this space to operate the Hialeah Gardens branch library for the past 14 years pursuant to Resolution R-1124-05. The property is located in District 12, represented by Commissioner Jose "Pepe" Diaz.

The fiscal impact to the County is \$185,522.24 for the three-year term plus the two, one-year renewal periods. This amount includes operating expenses of \$8,500 consisting of electricity and janitorial services, as well as a \$1,680 lease management fee. Per the agreement, the Landlord is responsible for the following services: water, waste disposal services, and maintenance of the building to include plumbing and electrical lines, fire equipment, the heating, ventilation, and air conditioning system, and the maintenance of the parking lot and landscaping.

The existing lease agreement expired on October 17, 2014 and the County continues to occupy the space per the lease's holdover provision. The County currently leases the spaces in the smaller Hialeah Gardens branch library on a temporary month-to-month basis, while construction of a new 13,500 sq. ft. replacement branch library is underway. Construction of the new library should be completed by late 2020.

**Table 1** shows the rent schedule for the Hialeah Gardens branch during the three-year lease period and potential successive renewal options. The Tenant will pay the Landlord \$2,800 per month for rent for the initial term of the



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**Researcher: MF    Reviewer: PGE**

Lease; on each subsequent year thereafter, the rent will increase by about 3%. It is important to note that Table 1 only provides the rent schedule and does not include other tenant obligation expenses such as operating and lease management fees.

**Table 1\***

Lease Year	Monthly Rent	Annual Rent
1	\$2,800	\$33,600
2	\$2,884	\$34,608
3	\$2,970.52	\$35,646.24
Renewal Option 1 (Year 1)	\$3,059.64	\$36,715.68
Renewal Option 2 (Year 2)	\$3,151.43	\$37,817.16

*\*Amounts shown were extracted from the lease agreement in the mayor's memo*

An aerial view of the subject property is illustrated below. The Hialeah Gardens branch library is located within Units 112 and 114 of a commercial building located at 11300 NW 87 Court in Hialeah Gardens (Folio No. 27-2033-006-0010).



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**File No. 192600**

**Researcher: MF    Reviewer: PGE**

OCA performed due diligence on the landlord, Biltmore 87 Court Plaza, LLC on November 13, 2019; the findings are shown below.

Landlord	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Biltmore 87 Court Plaza, LLC  Property Location: 11300 NW 87 Court Units 112 & 114 Hialeah Gardens, FL 33018	Florida Limited Liability Company  Active  Principal Address: 2087 W. 76 St. Hialeah, FL 33016  Filed: January 18, 2006	No account on file.	No account on file.	Nothing found

**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-1124-05**, adopted October 18, 2005, approved a lease agreement at 11300 NW 87 Court, Units 112 & 114, Hialeah Gardens, with JRC Enterprises Company, a Florida Corporation, for premises to be utilized by the Miami-Dade Public Library System for a mini-library.

<http://www.miamidade.gov/govaction/matter.asp?matter=052179&file=true&fileAnalysis=false&yearFolder=Y2005>

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

**Item No. 8F5**  
**File No. 192574**

**Researcher: VW Reviewer: PGE**

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$900,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00313 FOR PURCHASE OF MANAGEMENT CONSULTING SERVICES FOR THE OFFICE OF MANAGEMENT AND BUDGET.

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize additional expenditure authority in the amount of up to \$900,000 for *Prequalification Pool No. RTQ-00313, Management Consulting Services Pool*, for the Office of Management and Budget.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item was brought before the Transportation and Finance Committee on November 14, 2019 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to gain Board approval to increase spending authority by \$900,000 under *Prequalification Pool No. RTQ-00313, Management Consulting Services*, to ensure the continued receipt of consulting services by the Office of Management and Budget (OMB). The pool is administered by OMB on behalf of the County and used by multiple departments ranging from the Public Housing and Community Development Department (PHCD) to Port Miami.

The pool was established under delegated authority on June 15, 2016 for \$950,000 for a term of six years, expiring June 30, 2022. The pool is used by OMB to purchase management consulting services such as staffing, cost allocation, six sigma, market and industry analyses, policy and regulation development. When a need for services arises, the requester department will issue spot market quotations to the prequalified vendors for specified services.

Of the pool's current cumulative allocation of \$950,000, a total \$810,870 has been released, leaving a balance of \$139,130 per information seen in the Bid Tracking System on November 27, 2019. Note that the pool has 31 months still remaining in the term. The Miami-Dade Public Housing and Community Development Department (PHCD) has exhausted its \$400,000 allocation. If the request for increased spending of \$900,000 is approved, the pool will have a modified cumulative allocation of \$1,850,000.

OMB justifies this request for additional expenditure based on the number of work orders issued under the first three years of the pool, which total roughly \$935,000. The department explains that given the pool's expiration date in 2022, it is anticipated that additional funding will be needed to ensure that departments continue to have expedited access to management consulting services that will improve the County's efficiency and effectiveness and support management decision-making. For example, County departments have recently expressed needs for consulting services related to consolidated planning for CAHSD and construction and maintenance policies and procedures at Seaport.

There are 23 prequalified vendors in the pool, 11 have local addresses and 9 are certified Small Business Enterprise Firms. The Purchase Orders in BTS were issued for the following vendors: ISF, Inc. totaling \$269,627, Process Design & Development, LLC totaling \$16,244, Strategy Management Institute, LLC totaling \$125,000, and Tag Associates of

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**File No. 192574**

**Researcher: VW Reviewer: PGE**

Florida, LLC totaling \$ 400,000.00. The cumulative value of the purchase orders is \$810,871. Note that Process Design & Development, LLC is not in the Prequalified Vendors table attached to the mayor's memorandum.

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 pool's expiration date of June 30, 2022, the County will be required to commence planning for re-procurement no later than December 30, 2020.

**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](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-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 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. 8F6  
File No. 192576**

**Researcher: VW Reviewer: PGE**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01327 IN A TOTAL AMOUNT UP TO \$2,860,000.00 FOR THE PURCHASE OF CLOSED CIRCUIT TELEVISION AND VIDEO PIPELINE INSPECTION EQUIPMENT, COMPONENTS, REPAIR SERVICES AND SUPPLIES 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-01327, CCTV Camera Equipment, Maintenance and Repair Services*, for the Miami-Dade Water and Sewer Department in an amount not to exceed \$2,860,000 for a term of five years.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item was brought before the Infrastructure and Capital Improvements Committee on November 13, 2019 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to establish a long-term replacement prequalification pool for the purchase of equipment, parts, inspection, installation, maintenance, repair, training and software support services for closed circuit television camera equipment for the Water and Sewer Department (WASD). The total allocation for the five-year term is \$2,860,000. The CCTV camera equipment requested will replace the current inventory of camera equipment used by WASD to inspect pipes for possible leaks and to assess their overall integrity.

For purposes of this item, CCTV refers to devices used in an industrial environment to inspect and take pictures of the insides of pipes utilized to detect possible leaks. The requested pool will divide the services provided into two groups:

- Group 1: Purchase of Equipment, Software, Parts, and Accessories; to qualify for this group, the vendor shall be the Original Equipment Manufacturer, distributor or reseller of the brand being offered; and
- Group 2: Technical Support, Training, Maintenance, and Repair Services; to qualify for this group, the vendor shall provide documentation indicating that the vendor is authorized by the manufacturer to provide technical support, maintenance and repair services for the specified brands.

The following brands are currently being used by the County for both groups: Cues Co., EnviroSight LLC, Pearpoint Inc., Logiball Inc., and Deep Trekker Inc.

The current pool (No. 8913-3/14) became effective on August 1, 2009 and expires on January 31, 2020 and has a cumulative allocation of \$4,324,250 for a term of 10 years and six months. The awarded vendors under the current option term per the Company Awarded tab in BTS as of November 27, 2019 are:

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SPX Corporation, Aries Industries Inc, Elxsi Inc, Cues Inc., Logiball Inc., and Deep Trekker Inc.

The Request to Qualify for the proposed replacement pool was advertised on June 28, 2019. The following vendors are prequalified under the proposed pool: Aries Industries Inc, Cues, Inc, and Logiball Inc. These vendors are incumbents under the current pool.

The allocation under the replacement pool is higher than the current pool due to additional inventory required for newly purchased vehicles and the department's anticipated need to perform digital manhole inspections. The yearly allocation under the current pool is \$411,833 while the yearly allocation under the proposed pool is \$572,000, representing a 39% increase.

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 31, 2018.

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

Awarded Firms	Group(s)	Corporate Registration	Tax Collector	Florida DBPR	Westlaw
Aries Industries, Inc.	Groups 1 and 2	Foreign Profit Corporation  Principal Address: 550 Elizabeth Street Waukesha, WI 53186  Dated Filed: 08/01/2007	Nothing Found	Nothing Found	No relevant cases found
Cues, Inc.	Groups 1 and 2	Foreign Profit Corporation  Principal Address 3600 Rio Vista Ave Orlando, FL 32805  Date Filed: 07/19/2017	Nothing Found	License: (Registry)  Main Address: 3600 Rio Vista Ave Orlando, Florida 32805  Current/ No Complaints	EPS Inc. v. Aries Industries, Inc. Case No. 2018-035972-Ca-01; Filed in the U.S. District Court, Northern District of California (San Francisco) on December 4, 2013. Allegation: Defendants sold faulty equipment to the plaintiff, guaranteed to repair it, and failed to do so. Case Status: Closed

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**Researcher: VW Reviewer: PGE**

Logiball Inc.	Groups 1 and 2	Foreign Profit Corporation  440 Rue Papin, Québec City, QC G1P 3T9, Canada  Date Filed: 01/11/1991	Nothing Found	Nothing Found	No cases found
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A November 12, 2019 Business Management Workforce System search for the solicitation's commodity code, 65539: Cameras, Still, Specialized, Including Complete Systems for Medical and Dental Photography, Photomicrography, etc., yielded no certified local small business enterprises providing these services.

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

[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-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>

**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>

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**Researcher: VW Reviewer: PGE**

**Resolution No. R-920-09**, adopted on July 2, 2009, establishes Closed Circuit Television and Video Pipeline Inspection Equipment, Components, Repair Services and Supplies Prequalification Pool No. 8913-3/14 for period of five years with three one-year OTR periods with a cumulative value of \$1,625,000 to provide new parts, components, repair, calibration, inspection, supplies and maintenance services for various types of closed circuit television inspection equipment for the Miami-Dade Water and Sewer Department.

<http://intra/gia/matter.asp?matter=091840&file=true&yearFolder=Y2009>

**Resolution No. R-508-14**, adopted June 3, 2014, authorizes time extensions for contracts and prequalification pools, and additional expenditure authority in a total amount up to \$4,755,000.00 for purchase of CCTV pipeline inspection equipment, repair services, supplies.

<http://intra/gia/matter.asp?matter=141120&file=true&yearFolder=Y2014>

**Resolution No. R-985-18**, adopted October 2 2018, approves additional expenditure authority in a total amount up to \$750,000 for Prequalification Pool No. 8913-3/14-3 for purchase of closed circuit television pipeline inspection equipment, replacement parts, supplies, repairs, and refurbishment services for Miami Dade Water and Sewer Department.

<http://intra/gia/matter.asp?matter=182067&file=true&yearFolder=Y2018>

**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: December 3, 2019**  
**Research Notes**

**Item No. 8F7**  
**File No. 192577**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01299 IN A TOTAL AMOUNT UP TO \$2,379,000.00 FOR THE PURCHASE OF HOSES, CONNECTORS, FITTINGS, CLAMPS AND RELATED ITEMS 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 establishment of *Prequalification Pool No. RTQ-01299, Purchase of Hose, Connectors, Fittings, Clamps and Related Items*, for use by multiple County departments, in the amount of up to \$2,379,000 for a term of five years.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations Committee at its November 15, 2019 meeting.

**ANALYSIS**

The purpose of this item is to establish a replacement pool for the purchase of hoses, connectors, fittings, clamps, and related items by multiple County departments on an as needed basis. The total allocation for the five-year term is \$2,379,000, with the largest allocation being for Water and Sewer (\$1,417,000) which utilizes the pool to replace hydraulic houses and fittings used to transport chemicals. The following departments will utilize the pool to perform in-house repairs to support landscaping, fire suppression, housekeeping, and general maintenance projects (respective allocations in parenthesis): Fire Rescue (\$600,000), Aviation (\$275,000), Solid Waste Management (\$47,000), Transportation and Public Works (\$25,000), and PortMiami (\$15,000).

The current pool, 4627-1/19-1, established by Resolution No. R-225-10 on March 2, 2010 for a five-year term with one, five-year option to renew in the cumulative amount of \$2,114,000, is currently in the last year of its option term. Accounting for modifications, the cumulative value of the pool, including the option term, is currently \$3,033,000. The pool's Blanket Purchase Order shows a current value for the option term of \$1,776,000, of which \$1,534,281 has been released, leaving a balance of \$241,219 (as of November 20, 2019). The replacement pool's allocation of \$2,379,000 is higher on an annual basis than that of the current pool due to the replacement pool's expanded scope, including new items that may be purchased that were not included in the current pool, and increased estimated usage by the departments.

The current pool expires on April 30, 2020. 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 pool's expiration date, the County is required to have commenced planning for re-procurement no later than October 30, 2018.

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**Researcher: JFP Reviewer: TD**

A Request to Qualify was issued and advertised, with 79 vendors viewing the solicitation and nine vendors responding. Of the nice respondents, three indicated that they will not be providing an offer and were therefore deemed “no bids”. Three of the respondents are being recommended for inclusion of the pool, two of which are local vendors (66.7%), which is lower than the 75% local vendor threshold prescribed by Resolution No. R-477-18. Vendors may be added to the pool at any time, and additional outreach is being conducted to encourage participation.

The current pool has 22 prequalified vendors, 11 of which are local and three are certified Small Business Enterprise firms. Only one prequalified vendor under the replacement pool is an incumbent vendor.

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

<b>Awarded Firm</b>	<b>Corporate Registration</b>	<b>Tax Collector’s Office</b>	<b>Florida DBPR</b>	<b>Litigation (Westlaw)</b>
<b>Best Plumbing Specialties, Inc.</b>	Foreign Profit Corporation  Active  Non-local  Principal Address: 3039 Ventrie Court Myersville, MD 21773  Filed: June 1, 1999	No account on file.	No account on file.	No relevant cases.
<b>Jobbers’ Equipment Warehouse, Inc.</b>	Florida Profit Corporation  Active  Local  Principal Address: 5440 NW 78th Avenue Miami, FL 33166  Filed: June 29, 1962	Business Address: 5440 NW 78th Avenue Miami, FL 33166  Status: Paid and Current	License Type: Certified Pollutant Storage System Contractor	No relevant cases.
<b>Nova Water and Sewer Supplies LLC (Incumbent Vendor)</b>	Florida Limited Liability Company  Active	Business Address: 4680 NW 74th Avenue Miami, FL 33166	No account on file.	No relevant cases.

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	Local	Status: Paid and Current		
	Principal Address: 4680 NW 74th Avenue Miami, FL 33166			
	Filed: July 20, 2018			

A November 14, 2019 search on the Business Management Workforce System for the pool's Commodity Codes—65933 (Couplings), 460 (Hose, Accessories, and Supplies: Industrial, Commercial, and Garden), and 460-10 (Air Hoses and Fittings)—yielded the following 17 certified local Small Business Enterprise firms:

- A & B Hardware, Inc., dba A & B Hardware - Lumber, Inc.
- A & B Pipe and Supply, Inc
- Ametrade, Inc., dba Amepower
- B & R Electronics Supply, Inc.
- Bax International, Corp., dba Bravo Plumbing and Mechanical Supply
- Corcel Corp.
- Electropower Utility Sales Company
- Generating Systems, Inc.
- Javan Lumber, Inc.
- Lehman Pipe and Plumbing Supply Inc.
- Paramount Electric and Lighting, Inc.
- Pro-Grounds Products, Inc.
- Rock International Distributors, Inc.
- Safety Source International, Inc.
- Stein Paint Company
- The Tool Place Corp.
- Total Connection 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](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)



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**Resolution No. R-225-10**, adopted March 2, 2010, established a prequalification pool for the purchase of hoses, nozzles, couplings and related items for various County departments in the amount of \$1,057,000 for the initial five-year term and at a cumulative value of \$2,114,000 if the County chooses to exercise the one, five-year option to renew term.

<http://intra/gia/matter.asp?matter=100654&file=false&yearFolder=Y2010>

**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-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>

**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 nonlocal 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 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>



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

**Item No. 812  
File No. 192569**

**Researcher: MF   Reviewer: PGE**

RESOLUTION APPROVING THE MUTUAL AID AGREEMENT BETWEEN MIAMI-DADE COUNTY, BY AND THROUGH THE MIAMI-DADE POLICE DEPARTMENT, AND PARTICIPATING LAW ENFORCEMENT AGENCIES FROM MONROE TO PALM BEACH COUNTIES, FOR THE MULTI-AGENCY MARINE THEFT TASK FORCE; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a Mutual Aid Agreement between Miami-Dade County and participating law enforcement agencies from Monroe to Palm Beach Counties for the Marine Theft Task Force for a term of five years with an option to renew for an additional five-year term.

**PROCEDURAL HISTORY**

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

**Department/Requester:** Miami-Dade Police Department (MDPD)

This item was heard at the Public Safety and Rehabilitation Committee meeting of November 13, 2019 and forwarded to the BCC with a positive recommendation.

**ANALYSIS**

The purpose of this item is to request the Board's approval of a Multi-Agency Marine Theft Task Force Mutual Aid Agreement between MDPD and participating law enforcement agencies for a period of five years, expiring on November 30, 2024. There is an option to extend the agreement by five years. The specific participating agencies are: Palm Beach Sheriff's Office, Broward Sheriff's Office, Monroe County Sheriff's Office, Miami Police Department, Fish and Wildlife Conservation Commission, and Miami-Dade County. The agreement will facilitate a multi-jurisdictional partnership to combat watercraft and related equipment thefts.

The intent of this mutual aid agreement is for MDPD to partner with the aforementioned South Florida agencies to receive investigative assistance, such as manpower and tracking devices, in order to successfully apprehend and prosecute individuals involved in watercraft theft activity within the region. Under the agreement, watercraft theft activity includes, but is not limited to, vessel/title fraud investigations, dealership fraud investigations, identity theft, and the import/export of vessels and equipment. Key provisions of the agreement have been arrowed below.

- Each agency will provide necessary personnel equipment, resources and facilities and render services to each other party to the agreement;
- A participating agency that provides equipment must bear the cost of loss or damage to that equipment and pay any expense incurred in the operation and maintenance of that equipment;
- The participating agency will pay the salary, benefits and overtime and other compensation to its officers assigned to the Task Force, including any amounts as a result of personal injury or death; and
- The same privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, worker's compensation, salary, death and other benefits that apply to the activity of an employee of an agency serving on the Task Force apply to the same degree and extent while engaged in this agreement.

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File No. 192569**

**Researcher: MF   Reviewer: PGE**

In rendering law enforcement assistance, the participating agencies will assign law enforcement officers as needed to the task force in a joint effort to address such criminal activity. MDPD's Kendall District will monitor compliance with this Mutual Aid Agreement.

The mayor's memo states that there is no fiscal impact to the County with this item. The item is silent on how many MDPD officers will be assigned to the Task Force and the associated costs of such staffing. The Agreement has a liability provision that states each party agrees to assume responsibility for the acts, omissions, or conduct of such party's own employees while participating, subject to the provisions of Section 768.28 of the Florida Statutes.

Pursuant to Florida Statutes Chapter 23 (Section 23.12), the Florida Mutual Aid Act allows law enforcement agencies to enter into a combined mutual aid agreement for law enforcement services, promoting voluntary cooperation across jurisdictional lines and establishing joint operations to combat law enforcement problems. Through the agreement, the participating agencies are authorized to investigate, apprehend, and arrest individuals involved in task force operations.

**ADDITIONAL INFORMATION**

According to a Miami Herald article from August 20, 2019, the Miami-Dade State Attorney's Office in conjunction with MDPD disbanded a boat theft ring with the assistance of a Task Force comprised of law enforcement officers from Broward, Monroe and Palm Beach Counties. Two suspects were arrested on several charges in "Operation Knot Yours." The charges included: racketeering, grand theft, and burglary. Authorities believe the father and son duo (William Baez-Cartalla, 48, and William Baez-Valdes, 22) led a criminal organization that stole more than \$1,000,000 in boats and equipment. According to the report, the suspects would steal pickup trucks and use those to steal boats. Five other suspects were arrested for their role in allegedly transporting the stolen boats, while the father and son followed in separate vehicles.

<https://www.miamiherald.com/news/local/crime/article234175477.html>

**DEPARTMENTAL INPUT**

OCA sent the following questions to MDPD on November 18, 2019; the Department responded November 26, 2019 and the answers are shown below in bold.

- Provide data relating to the number of boat thefts in the affected jurisdictions that led to the creation of this Mutual Aid agreement. **In April 2018, the National Insurance Crime Bureau conducted a study of 4,499 boat theft insurance claims. The study revealed that the state of Florida has the highest reported incidents, with Miami-Dade and Broward being the top two Counties seeking restitution. Additionally, Boat U.S. published a report that spanned across a five-year study where they found that the state of Florida was responsible for 47% of all boat thefts in the United States. Furthermore, the report revealed that Miami-Dade County was the leading county in Florida with an alarming 78% of the reported thefts, followed by Broward County with 13% and Palm Beach County with 9%.**
- Provide data with the number of arrests pertaining to boat thefts in the affected jurisdictions. **Since its inception in April 2019, the Kendall District's Marine Theft Unit has been involved in 50 investigations spanning from Monroe to Palm Beach Counties. These investigations included surveillances, the execution of warrants, and shop inspections, to name a few. They resulted in the arrest of 24 subjects and the closure of 27 Miami-Dade Police Department investigative cases; and 12 investigative cases belonging to other agencies. The most notable marine theft investigation titled "Knot Yours," resulted in the arrest of seven**

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**individuals who were involved in a racketeering operation, due to the combined efforts of various agencies.**

Miami-Dade County, under Chapter 23 of the Florida Statutes, has entered into numerous Mutual Aid Agreements since 1996. Several are listed below:

**Resolution No. R-259-19** adopted February 5, 2019 establishes a Mutual Aid Agreement between Palm Beach County and MDPD to combat auto theft.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190151min.pdf>

**Resolution No. R-129-19** adopted February 5, 2019 establishes a Mutual Aid Agreement with Monroe County for the rehabilitation of aviation facilities following an emergency.

<http://www.miamidade.gov/govaction/matter.asp?matter=182721&file=true&fileAnalysis=false&yearFolder=Y2018>

**Resolution No. R-444-18** adopted May 1, 2018 establishing a Money Laundering Task Force between Miami-Dade County and Broward County.

<http://www.miamidade.gov/govaction/matter.asp?matter=180828&file=true&fileAnalysis=true&yearFolder=Y2018>

**Resolution No. R-984-17** adopted November 7, 2017 establishes a Mutual Aid Agreement with Key Largo for emergency medical support during catastrophic event.

<http://www.miamidade.gov/govaction/matter.asp?matter=172028&file=true&fileAnalysis=false&yearFolder=Y2017>

**APPLICABLE LEGISLATION/POLICY**

**Florida Statutes Chapter 23**, “Florida Mutual Aid Act,” allows the creation of state law enforcement mutual aid plans providing for the command and coordination of law enforcement planning, operations, and mutual aid to provide for a system for receipt and dissemination of information, data, and directives pertaining to activities among law enforcement agencies and to preplan distribution and allocation of state resources in support of the overall law enforcement mission.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0000-0099/0023/0023.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0023/0023.html)

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**Research Notes**

**Item No. 8J1, 8J2 & 8J3**

**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 was forwarded to the BCC with a favorable recommendation by the Tourism and the Ports Committee at its November 14, 2019 meeting after correction of the following Scrivener's error: on handwritten page 2 of the Memorandum, the amended language of the references should read "Port Miami Cruise Terminals and Ropax Facilities" rather than Marine Infrastructure Engineering Services.

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**Research Notes**

**Item No. 8J1, 8J2 & 8J3**

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

**Researcher: JFP Reviewer: TD**

**ANALYSIS**

The purpose of this item is to establish PSAs with Berenblum Busch Architecture, Inc. (BCC Agenda Item 8J1 – File No. 192595), BEA Architects (BCC Agenda Item 8J2 – File No. 192597), and Bermello Ajamil & Partners, Inc. (BCC Agenda Item 8J3 – File No. 192610) for professional architectural, engineering and construction administration 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. All three firms have the five years of experience in similar work required and meet 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 20, 2019, with the following findings.

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**Researcher: JFP Reviewer: TD**

<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. (BCC Agenda Item 8J1 – 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. (BCC Agenda Item 8J2 – 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. (BCC Agenda Item 8J3 – 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>
<b>Berenblum Busch Architecture, Inc.</b> (BCC Agenda Item 8J1 – File No. 192595)	BCC Engineering U.S., Inc.  Gardiner & Theobald, Inc.  GSLA Design Inc.  Langan Engineering Inc.  Louis Berger U.S., Inc.  Manuel G. Vera & Associates, 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 peer review. Defendant

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	Ross & Baruzzini Inc.  NV5  The Spinnaker Group Management, Inc.  Transystems Corporation				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. Case Status: Awaiting court action.
<b>BEA Architects, Inc. (BCC Agenda Item 8J2 – File No. 192597)</b>	PMM Consulting Engineers Corporation  Universal Engineering Science, Inc.  Gartek Engineering Corporation  Manuel G. Vera and Associates, Inc.  Laura Llerena & Associates, Inc.  Premiere Design Solutions, Inc.	Florida Profit Corporation  Active  Principal Address: 3075 NW South River Drive Miami, FL 33142  Filed: May 26, 2000	Business Address: 3075 NW South River Drive Miami, FL 33142  Status: Paid and Current	License Types: Registry; Architect Business	<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. Case Status: Awaiting court action.  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 testing, failure analysis,



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**Researcher: JFP Reviewer: TD**

					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. Case Status: Awaiting court action.
<b>Bermello Ajamil &amp; Partners, Inc. (BCC Agenda Item 8J3 – File No. 192610)</b>	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. Case Status: Awaiting court action.

**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)



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

**Item No. 8J1, 8J2 & 8J3**

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

**Researcher: JFP Reviewer: TD**

**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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**Item No. 8J1, 8J2 & 8J3**

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

**Researcher: JFP Reviewer: TD**

**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>

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**Research Notes**

**Item No. 8N2**

**File No. 192417**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING THE CONTRACT FOR PROFESSIONAL SERVICES AGREEMENT WITH 10 CONSULTING FIRMS TO PROVIDE MISCELLANEOUS CONSTRUCTION ENGINEERING AND INSPECTION AND RESIDENT COMPLIANCE SPECIALISTS FOR FEDERALLY FUNDED PROJECTS (PROJECT NO. E18-DTPW-02; CONTRACT NO. 20170307); WITH A CEILING OF \$15,000,000.00; EACH NON-EXCLUSIVE PSA WILL HAVE A TOTAL MAXIMUM LIMITING AMOUNT NOT TO EXCEED \$1,500,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ATTACHED AGREEMENTS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve non-exclusive Professional Services Agreements (PSAs) between the County and 10 consulting firms for miscellaneous Construction Engineering and Inspection (CEI) and Resident Compliance Specialist (RCS) services for various federally funded projects in an amount not to exceed \$15,000,000 (\$1,500,000 maximum per PSA) for a term of five years.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Transportation and Public Works**

This item was forwarded to the BCC with a favorable recommendation by the Infrastructure and Capital Improvements committee at its November 13, 2019 meeting.

**ANALYSIS**

The purpose of this item is to establish a prequalified pool of consultants, through 10 PSAs via *Contract No. 20170307*, to provide CEI and RCS services for Florida Department of Transportation (FDOT) Local Agency Program (LAP) projects. The pool will be managed by the Department of Transportation and Public Works (DTPW) and utilized by various County departments, including Water and Sewer, Parks, Recreation and Open Spaces, and PortMiami, on an as needed basis during the five-year term. Additional selections for assignment of task work orders will be based on firm expertise and consultant staff availability to perform the task, taking into account tasks already assigned.

Each non-exclusive PSA will be limited to a maximum amount of \$1,500,000, resulting in a total approval amount of \$15,000,000 for ISD A&E Project Number E18-DTPW-02, with no contingency allowance. The department that is requesting the services for a specific project is to provide the funding source at the time a work order is issued, with eventual reimbursement by FDOT.

The PSAs are necessary in order to be eligible for Federal Highway Administration (FHWA) funds allocated by FDOT through LAP Agreements. FDOT contracts with other local agencies in these LAP Agreements to plan, develop, design, acquire right of way, and construct transportation facilities, reimbursing these local agencies for services provided to the public with federal funds administered by the FHWA.

The solicitation was advertised on October 16, 2018, with 22 firms responding and ten being recommended for award. The Notice to Professional Consultants did not include a specific Disadvantaged Business Enterprises (DBE) contract goal—despite the requirement prescribed by 49 CFR 26.21 that the County follow the FDOT DBE goal of 10.65% on FHWA-assisted contracts—as the County will likely achieve the overall DBE percentage through ordinary procurement methods. The following four criteria were used in the selection process:

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Criterion 1A: Qualifications of Firms Including the Team Members Assigned to the Project, (1 point min. / 50 point max.)

Criterion 2A: Knowledge and Past Experience of Similar Type Projects (1 point min. / 25 point max.)

Criterion 3A: Past Performance for the Firms (1 point min. / 20 point max.)

Criterion 4A: Ability of the Team Members to Interface with the County (1 point min. / 5 point max)

Negotiations with the 10 selected firms commenced on May 15, 2019 and concluded on May 17, 2019.

Pursuant to Resolution No. R-421-16, OCA conducted a performance record verification in the Capital Improvements Information System on November 20, 2019, with the following findings.

<b>Awarded Firm</b>	<b>No. of Evaluations</b>	<b>Average Evaluation Rating (out of a possible 4.0)</b>
A2 Group, Inc.	1	2.2
A&P Consulting Transportation Engineers Corp.	30	3.8
Atkins North America, Inc.	36	3.8
The Corradino Group, Inc.	9	3.5
Gannett Fleming, Inc.	9	3.7
Louis Berger US, Inc.	1	4.0
Rummel, Klepper & Kahl, LLP (dba RK&K)	0	N/A
SRS Engineering, Inc.	13	3.8
T.Y. Lin International	7	4.0
Metric Engineering, Inc.	5	3.9

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

<b>Awarded Firm</b>	<b>Corporate Registration</b>	<b>Tax Collector's Office</b>	<b>Florida DBPR</b>	<b>Litigation (Westlaw)</b>
<b>A2 Group, Inc.</b>	Florida Profit Corporation  Active  Principal Address (local): 12915 SW 132nd Street, Suite 5 Miami, FL 33186  Filed: February 8, 1994	Business Address: 12915 SW 132nd Street, Suite 5 Miami, FL 33186  Status: Paid and Current	License Types: Certified Underground Utility and Excavation Contractor; Certified General Contractor; Architect Business; Landscape Architect Business	No relevant cases.

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<b>A&amp;P Consulting Transportation Engineers Corp.</b>	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address (local): 8935 NW 35 Lane, Suite 200 Doral, FL 33172</p> <p>Filed: January 17, 1995</p>	<p>Business Address: 8935 NW 35 Lane, Suite 200 Doral, FL 33172</p> <p>Status: Paid and Current</p>	<p>License Type: Registry; Architect Business</p>	<p><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. Allegations: Defendant provided labor and services on the FIU pedestrian bridge project, including expertise in traffic engineering, traffic operations, work zone management, traffic studies, maintenance of traffic, rerouting, signalization, and foresight as to public safety risks. Defendant allegedly breached its duty of care and was negligent in its operations relative to the FIU pedestrian bridge construction, resulting in its collapse and damages to plaintiff. Case Status: Awaiting court action.</p>
<b>Atkins North America, Inc.</b>	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 4030 West Boy Scout Boulevard, Suite 700 Tampa, FL 33607</p> <p>Filed: February 29, 1960</p>	<p>Business Address (distinct from that listed in the Mayoral Memorandum): 800 Waterford Way Suite 700 Miami, FL 33126</p> <p>Status: Paid and Current</p>	<p>License Type: Registry; Architect Business; Landscape Architect Business; Certified General Appraiser</p>	<p><i>Henderson v. Atkins North America, Inc.</i> (Case No. 3:14-CV-00824); Filed on March 24, 2014 in U.S. District Court, Middle District of Tennessee (Nashville). Allegation: Defendant failed to pay Plaintiff's overtime compensation. Case Status: Closed; settled and dismissed.</p>
<b>The Corradino Group, Inc.</b>	<p>Foreign Profit Corporation</p>	<p>Business Address: 4055 NW 97th Avenue, Suite 200</p>	<p>License Type: Registry;</p>	<p><i>Jenna Mendez v. Munilla Construction Mangt LLC et al</i> (Case No. 2018-</p>

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	<p>Active</p> <p>Principal Address (local): 4055 NW 97th Avenue Miami, FL 33178</p> <p>Filed: January 13, 1997</p>	<p>Miami, FL 33178</p> <p>Status: Paid and Current</p>	<p>Certified General Contractor; Architect Business</p>	<p>035972-CA-01); Filed on October 19, 2018 in the 11<sup>th</sup> Judicial Circuit, Miami-Dade County. Allegations. Defendant provided labor and services on the FIU pedestrian bridge project, including construction engineering, inspection and management services and consulting; defendant allegedly breached its duty of care and was negligent for failing to appreciate the risks associated with the cracks found to the bridge and also deviated from the prevailing professional standard of care in construction and engineering of the bridge, resulting in its collapse and damages to Plaintiff. Case Status: Awaiting Court action.</p>
<p><b>Gannett Fleming, Inc.</b></p>	<p>Foreign Profit Corporation</p> <p>Active</p> <p>Principal Address: 207 Senate Avenue Camp Hill, PA 17011</p> <p>Filed: October 30, 1989</p>	<p>Business Address: 800 NW 62nd Avenue, Suite 490 Miami, FL</p> <p>Status: Paid and Current</p>	<p>License Type: Registry; Architect Business; Geology Business; Landscape Architect Business</p>	<p>No relevant cases.</p>
<p><b>Louis Berger US, Inc.</b></p>	<p>Foreign Profit Corporation</p> <p>Active</p> <p>Principal Address:</p>	<p>Business Address: 7270 NW 12th Street, Suite 860 Miami, FL 33126</p>	<p>License Type: Registry</p>	<p><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,</p>

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**Researcher: JFP Reviewer: TD**

	412 Mount Kemble Avenue Morristown, NJ 07960  Filed: July 27, 1992	Status: Paid and Current		Miami-Dade County. Allegations: Defendant was 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 peer review; defendant breached its duty of care and was negligent in its secondary check of the bridge resulting in its collapse and damages to plaintiff; and Case Status: Awaiting Court action.
<b>Rummel, Klepper &amp; Kahl, LLP (dba RK&amp;K)</b>	No account on file.	Business Address: 701 Waterford Way, Suite 780 Miami, FL 33126  Status: Paid and Current	License Type: Registry; Geology Business	No relevant cases.
<b>SRS Engineering, Inc.</b>	Florida Profit Corporation  Active  Principal Address (local): 5001 SW 74th Court, Suite 201 Miami, FL 33155  Filed: September 14, 1995	Business Address: 5001 SW 74th Court, Suite 201 Miami, FL 33155  Status: Paid and Current	License Type: Registry	No relevant cases.
<b>T.Y. Lin International</b>	Foreign Profit Corporation  Active  Principal Address:	Business Address: 201 Alhambra Circle, Suite 900 Coral Gables, FL 33134	License Type: Registry; Architect Business; Landscape Architect	<i>Tucharski Edyta v. TY Lin International</i> (Case No. 2017-L-008009); Filed on August 8, 2017 in Circuit Court, Cook County. Allegations:



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	345 California Street, Suite 2300 San Francisco, CA 94104  Filed: June 12, 1975	Status: Paid and Current	Business; Geology Business	Plaintiff's husband's head collided with the newly installed concrete sewer pipe when the trench shield caved in and collapsed on him while he was working in the trench dug of Defendants' sewer improvement project, resulting in the decedent being buried alive under the collapsed portion of the trench dug, and his wrongful death; and Case Status: Awaiting court action.
<b>Metric Engineering, Inc.</b>	Florida Profit Corporation  Active  Principal Address (local): 13940 SW 136th Street, Suite 200 Miami, FL 33186  Filed: July 27, 1976	Business Address: 13940 SW 136th Street, Suite 200 Miami, FL 33186  Status: \$5,253.03 due (2019)	License Type: Registry	No relevant cases.

A November 20, 2019 search of the County's Business Management Workforce System produced a finding of 101 local certified Small Business Enterprises (SBEs) for the solicitation's project technical certification requirement code 17.00 – Engineering Construction Management. It is unknown whether these firms are capable of performing the scope of work specific to this solicitation.

**DEPARTMENTAL INPUT**

OCA posed the following questions to the Department of Transportation and Public Works. The responses are depicted in bold.

- What FDOT Local Agency Program projects will be utilizing the CEI and RCS services being contracted with these 10 PSAs?  
**These 10 Professional Service Agreements will be utilized in future (Unknown) Federally Funded Contracts administered by FDOT and are to be used Countywide as needs arrives. Theses continuous service agreements were requested by FDOT to be placed in advance as a condition of County LAP Certification**
- What was the criteria used to select the 10 prequalified firms?

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**Selection was performed in a maximum of 100 points using the following 4 criteria:**

**Criterion 1A: Qualifications of Firms Including the Team Members Assigned to the Project, (1 point min. / 50 point max.)**

**Criterion 2A: Knowledge and Past Experience of Similar Type Projects (1 point min. / 25 point max.)**

**Criterion 3A: Past Performance for the Firms (1 point min. / 20 point max.)**

**Criterion 4A: Ability of the Team Members to Interface with the County (1 point min. / 5 point max)**

- For the prequalified firms with prior County contracts, please provide the number of County contracts and cumulative award value for the last three years.

**Criterion 4A was modified, since FHWA does not allow to take into consideration workload or local preferences. The only information available is past performance.**

**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)

**49 CFR 26.21** outlines who must have a Disadvantaged Business Enterprise program, specifying that all FHWA primary recipients receiving funds authorized by a statute must have a DBE program.

<https://www.govinfo.gov/content/pkg/CFR-2018-title49-vol1/xml/CFR-2018-title49-vol1-part26.xml#seqnum26.21>

**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)

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[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)

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**Item No. 8N2**  
**File No. 192417**

**Researcher: JFP Reviewer: TD**

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[https://library.municode.com/fl/miami\\_miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami_miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

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

**BCC Meeting  
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**Item No. 8N3  
File No. 192528**

**Researcher: MF   Reviewer: PGE**

RESOLUTION APPROVING THE AMENDED AND RESTATED LEASES FOR THE DEVELOPMENT OF PROPERTY AND AIR RIGHTS AT THE SOUTH MIAMI METRORAIL STATION AND THE ASSIGNMENT OF THE LEASES TO TSS PHASE I LLC AND TSS PHASE II LLC, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AMENDED AND RESTATED LEASES FOR AND ON BEHALF OF THE COUNTY TO EXERCISE ALL PROVISIONS AND ALL RIGHTS CONTAINED THEREIN AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the assignment of restated and amended ground leases to TSS Phase I LLC and TSS Phase II LLC for joint development of property at the South Miami Metrorail Station and releasing Hometown Station Ltd. from obligations under the original ground lease agreement.

**PROCEDURAL HISTORY**

**Prime Sponsor:** Housing, Social Services & Economic Development Committee

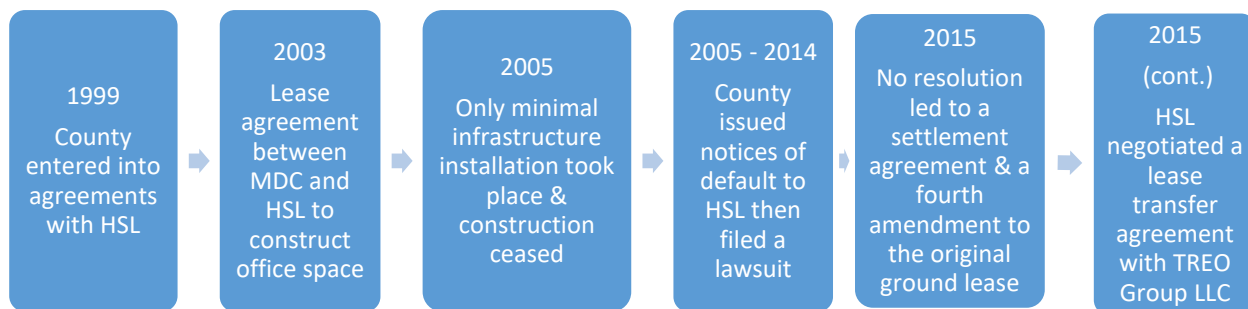
**Department/Requester:** Department of Transportation and Public Works (DTPW)

The item was heard at the Housing, Social Services and Economic Development Committee meeting of November 13, 2019 and forwarded to the BCC with a positive recommendation.

**ANALYSIS**

The purpose of this item is to authorize amended and restated leases to develop property and air rights at the South Miami Metrorail Station and the assignment of said leases to TSS Phase I LLC and TSS Phase II LLC. According to DTPW, this project has been stalled since 1999 due to a variety of delays and issues between the County and Hometown Station, Ltd (HSL), the company that was originally selected for the joint development project at the South Miami Metrorail Station and the air rights of one of the two parking garages adjacent to the station.

Below is a timeline of what has transpired thus far under this lease.



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The project is located in Commission District 7, represented by Commissioner Xavier Suarez; notwithstanding the project's impact is countywide.

There is no fiscal impact, as the developer has agreed to finance the entire project. There is a positive fiscal impact to the County from rent that will be generated during the 90-year term of the lease, of approximately \$100,000,000. Under the terms of the amended and restated leases, the developer will provide an additional \$250,000 in improvements to the South Miami Metrorail Station, for such things as signage and landscaping of entrances.

Subsequent to the negotiated lease transfer from HSL to TREO Group LLC, TREO created two separate entities, TSS Phase I LLC and TSS Phase II LLC, both of which are owned by TREO. Under the proposed amended and restated leases, both TREO entities are expected to develop distinct phases of the project. Phase I of the project consists of the construction of student housing and an office building. This proposed restatement of the lease agreement also includes the following changes:

- Base rent is apportioned between the two leases; the base rent of the two leases is 100% of the base rent established in the fourth amendment, pursuant to Resolution No. R-943-15;
- The requirement for completion of 100,000 sq. ft. of development may be extended by up to three years with the payment of additional rent payments;
- Participation Rent at a rate of 0.7% of gross income will remain the same in both leases;
- TSS Phase I LLC agrees to contribute up to \$250,000 in services to design and replace the existing canopy connecting the transit parking garage at the South Miami Metrorail Station.

According to DTPW, the proposed agreements establish the following provisions:

- DTPW will retain ownership and control of the property;
- There will be no interference with transit operations; and
- The contemplated uses are compatible with transit uses and will serve to enhance the County's Metrorail system and increase ridership throughout the transit system.

OCA performed due diligence on the awarded companies, TSS Phase I LLC and TSS Phase II LLC. Below are the findings.

Awarded Vendor	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
TSS Phase I LLC	Florida Limited Liability Company  Active  Principal Address: 2950 SW 27 Ave Ste. 100 Miami, FL  Mailing Address: 2950 SW 27 Ave Ste. 100 Miami, FL	No account on file	No account on file	No cases found

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**Item No. 8N3  
File No. 192528**

**Researcher: MF   Reviewer: PGE**

TSS Phase II LLC	Filed: January 3, 2019 Florida Limited Liability Company  Active  Principal Address: 2950 SW 27 Ave Ste. 100 Miami, FL  Mailing Address: 2950 SW 27 Ave Ste. 100 Miami, FL  Filed: January 3, 2019	No account on file	No account on file	No cases found
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**ADDITIONAL INFORMATION**

According to TREO's website, the company's portfolio includes the following: Offices at Somi Station, a TOD in South Miami; Regatta Harbour, a waterfront redevelopment in Coconut Grove; Douglas Station, a mixed-use development in Miami; and ARC TREO 216, a mixed-use development in Cutler Bay.

<http://treogroup.com/portfolios/>

**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-943-15**, adopted October 20, 2015, approved a settlement agreement between Miami-Dade County and Hometown Station Ltd. approving amendment No. 4 to a lease agreement between Miami-Dade County and Hometown Station, Ltd; terminating the South Miami Metrorail Parking Garage operating and management agreement and the hometown station space lease agreement; declaring surplus and including in the fourth amendment to the lease agreement approximately 15,434 sq. ft. of County-owned land located at the intersection of SW 72 Street and SW 59 Place in the City of South Miami as an economic development conveyance under Section 125.045 of Florida Statutes.

<http://intra/gia/matter.asp?matter=152348&file=true&yearFolder=Y2015>

**Resolution No. R-168-06**, adopted February 7, 2006, approved amendment No. 3 to the South Miami Metrorail lease between Miami-Dade County and Hometown Station, Ltd.

<http://intra/gia/matter.asp?matter=060414&file=false&yearFolder=Y2006>

**Resolution No. R-1313-03**, adopted December 4, 2003, approved amendment No. 2 to the South Miami Metrorail Lease between Miami-Dade County and Hometown Station, LTD.

<http://intra/gia/matter.asp?matter=033376&file=true&yearFolder=Y2003>

**Resolution No. R-1198-01**, adopted October 23, 2001, ratified the County Manager's action executing amendment No. 1 to the South Miami Metrorail Lease between Miami-Dade County and Hometown Station Ltd.

<http://intra/gia/matter.asp?matter=012225&file=false&yearFolder=Y2001>

**Resolution No. R-1375-99**, adopted December 16, 1999, awarded lease to Hometown Station, Ltd. to develop portions of the property adjacent to the South Miami Metrorail Station and Parking Garage.

<http://intra/gia/matter.asp?matter=000451&file=false&yearFolder=Y2000>

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File No. 192528**

**Researcher: MF   Reviewer: PGE**

**Resolution No. R-1443A-81**, adopted September 28, 1981, reaffirmed the Board's previous joint use policy for commercial development in conjunction with the Metrorail Rapid Transit System and approved the guidelines. (The link for this item is not available via Legistar).

**Section 2.11.15 of the Miami-Dade County Code** (Works of Art in Public Places), *Applicability and Jurisdiction over County facilities*. Subject to the provisions of paragraph (2)(e) below, this section is intended to, and shall, govern art in public places in the incorporated and unincorporated areas of the County. County facilities located, or intended to be located, within the boundaries of a municipality shall be governed solely and exclusively by the Miami-Dade Art in Public Places Ordinance with respect to matters covered in this section, including with respect to the collection, payment, and allocation of funds for the acquisition and display of works of art relating to said County facilities, and shall not be within the jurisdiction of the municipality for such purposes. *Appropriation for construction to include amount for works of art*. Miami-Dade County and each municipality in Miami-Dade County shall provide for the acquisition of works of art equivalent in value to not less than one and one-half (1½) percent of the construction cost of new governmental buildings, provided that no funds may be appropriated for this purpose from the ad valorem tax operations fund. To the extent the total appropriation is not used for the acquisition of works of art for said buildings, the remainder may be used for:

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.15WOARPUPL](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.15WOARPUPL)

**Administrative Order 3-11**, Art in Public Places Program Implementation Fund Transfer Procedure. Pursuant to County Code, it is the County's policy to appropriate not less than 1 1/2 percent of the construction cost of new governmental buildings for the purpose of acquiring works of art. The purpose of this administrative order is to establish the necessary procedures to implement the Art In Public Places (AIPP) ordinance and for the transfer of funds from departmental capital budgets to the AIPP Trust Fund in a manner which ensures the self-sufficiency of the Program without any dependency on the ad valorem tax operating fund.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-11.pdf>

**Section 255.05 Florida Statutes**, governs bond of contractor constructing public buildings form, and states that a person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority or private entity, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work or before recommencing the work after a default or abandonment, to execute and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. A public entity may not require a contractor to secure a surety bond under this section from a specific agent or bonding company.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0255/Sections/0255.05.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0255/Sections/0255.05.html)



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

**Item No. 8N4  
File No. 192708**

**Researcher: IL Reviewer: TD**

RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT NO. 1 TO MASTER DEVELOPER AGREEMENT BETWEEN TRILLIUM TRANSPORTATION FUELS, LLC AND MIAMI-DADE COUNTY FOR THE COMPRESSED NATURAL GAS (CNG) PROGRAM FOR MIAMI-DADE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, CONTRACT NO. 00096; INCREASING CONTRACT AMOUNT BY \$47,587,277.00 BY EXERCISING THE OPTION FOR DEVELOPMENT OF THE NORTHEAST BUS DEPOT AND TERMINATING THE LEASE FOR THE CNG PUBLIC ACCESS STATION FOR THE CENTRAL BUS DEPOT; AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR SUCH PURPOSES; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO APPROVE UTILITY EASEMENTS TO SERVICE THE NORTHEAST BUS DEPOT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve supplemental agreement number one to the master development agreement (Contract No. 00096) between Miami-Dade County and Trillium Transportation Fuels, LLC. (Trillium), which increases the contract amount by \$47,587,277, authorizes the use of the Peoples Transportation Plan (PTP) Bond Program funds and authorizes the County Mayor to approve utility easements to service the Northeast Bus Depot for the Department of Transportation and Public Works (DTPW).

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Barbara J. Jordan, Commission District 1  
Department/Requester: Department of Transportation and Public Works**

This item was brought before the Transportation and Finance Committee on November 14, 2019 and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is for the Board to approve supplemental agreement number one to the master development agreement in the following areas:

1. Increasing the contract amount by \$47,587,277 by exercising the contract's option for development of the Northeast Bus Depot and terminating the lease for the CNG Public Access Station for the Central Bus Depot
2. Authorizes the usage of the PTP Bond Program funds
3. Authorizes the County Mayor to approve utility easements to services the Northeast Bus Depot

The fiscal impact to the County is an increase to the contract amount by \$47,587,277 inclusive of a one-time cost up of \$18,495,365, to build the County's Northeast Bus Depot, a ten percent contingency allowance account of \$1,849,537, and a dedicated allowance account of \$277,430 intended for Art in Public Places. Additionally, \$20,032,740 of the \$47,587,77 will be used to purchase natural gas and \$6,932,205 to operate and maintain the CNG equipment at the Northeast Bus Depot. PTP Bond Program funds will be utilized to cover the expense of construction for the new facility at the Northeast Bus Depot. The CITT held a meeting on November 20, 2019 and voted 9-0 for the approval of this item under CITT Resolution No. 19-066, Item 5F. (See attached)

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**Researcher: IL Reviewer: TD**

On January 24, 2017 pursuant to Resolution No. R-35-17 the Board awarded a Master Developer Agreement, Contract No. 00096, to Trillium Transportation Fuels, LLC., (Trillium) to implement the CNG program for DTPW for a term of ten years with one ten-year option to renew at a cost of \$428,773,000. The scope consisted of:

- Financing
- Developing
- Constructing
- Operate
- and Maintain CNG fueling stations at the Central and Coral Way Bus Depots.

The Master Agreement contained an option to construct a CNG fueling station and maintenance facility at the Northeast Bus Depot. On December 4, 2018 pursuant to Resolution No. R-1258-18 the Board directed to the Mayor to exercise the option to construct a CNG fueling facility at the Northeast Bus Depot and purchase CNG buses to be operated from all three CNG facilities (Coral Way Depot, Central Bus Depot and Northeast Bus Depot). As a result, the County and Trillium mutually agreed to terminate the existing lease agreement for CNG Public Access Station at the Central Bus Depot. Moreover, the amount of \$585,590 was released by Trillium which is the difference between the value of the temporary fueling costs received from Trillium (\$915,590) and the monthly minimum rent due to the County by Trillium for the ten-year term of the Lease Agreement for the CNG Public Access Station at the Central Bus Depot (\$330,000).

OCA conducted a review of the Blanket Purchase Order for Contract No. RFP-00096 on November 27, 2019.

Resolution No.	Allocation Amount	Released Amount	Balance
R-35-17	\$321,660,000	\$182,392,641	\$139,267,359
File No.192708 (subject to be approved at December 3, 2019 BCC)	\$ 47,587,277	\$0.00	\$0.00
<b>Total</b>	\$369,247,277		

DTPW explains that for several months, 26 CNG buses have been operating out of the Northeast Depot. The fueling of these buses takes place at the Central Depot, which consists roughly of a 27-mile round-trip. The cost to fuel the 26 buses is \$60,480 a month, due to the transportation to and from the Central Depot. Building the Northeast Bus Depot facility should result in a savings of \$725,760 annually. This item is related to File No. 192709 requesting an approval for an agreement with People Gas to install a gas pipeline that will service DTPW's CNG Program including the installation of gas meters that will monitor the consumption of gas at the Northeast Bus Depot and will cover a 13-year volume of gas commitment for the Northeast Bus Depot.

OCA conducted an analysis of the CNG Program for Miami-Dade County and has a timeline in the table below:

Approval Date	Resolution or Authority	Subject	Term	Approved Value
12/04/14	Approved under County Mayor's delegated authority	Five CNG tractors for DSWM	1 year	\$973,000
05/05/15	R-388-15	Five additional CNG tractors for DSWM	1 year	\$973,000

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05/17/16	R-343-16	DSWM-City of N. Miami Fuel Services Agreement	1 year plus 3 additional 1-year OTRs	\$275,000
01/24/17	R-35-17	DTPW CNG Program with Trillium	10 years plus one 10-year OTR	\$428,773,000
04/04/17	R-333-17	FDOT JPA for 3 CNG buses for Beach Corridor Project	1 year and 8 months	\$800,000
10/17/17	R-951-17	Renewing DSWM-City of N. Miami Fuel Services Agreement	3 years	\$825,000
01/23/19	R-99-19	Purchase 120 CNG buses from Gillig for DTPW	2 years and 8 months	\$69,210,520
03/05/19	R-234-19	FDOT Public Transit Grant Agreement for 7 CNG buses for Beach Corridor Project	1 year and 9 months	\$1,866,563
10/03/2019	R-1041-19	Purchase of up to 75 battery-electric buses for DTPW	5 years	\$72,176,322
N/A	Legistar File No. 191268**	Access of Virginia Contract to purchase 140 CNG buses for DTPW	1 year	\$80,938,454
12/03/2019	Legistar File No. 192708**	Supplemental Agreement No.1 for the Construction of CNG Fueling facility in at the Northeast Depot	N/A	\$47,587,277
<b>Total:</b>				\$704,398,136

\*\*These procurement items are pending BCC approval.

OCA conducted a due diligence review Trillium on November 26, 2019; the results are depicted in the table below:

<b>Firm</b>	<b>Sunbiz</b>	<b>DBPR</b>	<b>Tax Collector</b>	<b>West Law</b>
Trillium Transportation Fuels, LLC	Foreign Limited Liability Company  Principal Address: 10601 N. Pennsylvania Avenue, Oklahoma City, OK  Date Filed: January 4, 2013	Main Address: 2929 Allen Parkway, Suite 4100, Houston, TX  License Type: Construction  Status: Current/ No Complaints	Business Address: 10601 N. Pennsylvania Avenue, Oklahoma City, OK  Status: Paid and Current	No Relevant Cases found

On October 3, 2019, the Board approved the purchase of 33 Battery Electric Buses from and charging stations at a rate of \$72 million dollars. Furthermore, in response to publicly expressed concerns regarding the safety of CNG buses, the Office of Inspector General (OIG) released a report (The Report) stating that the dangers associated with CNG gas leaks on buses were unfounded. Section 7 of the OIG report urges the County administration to suspend the Invitation to Bid for 140 CNG buses and that Supplemental Agreement No.1 should be temporarily held in abeyance while a long-term strategy is developed. OCA inquired as to whether or not the future for the County's Buses is shifting toward electric and if so, should we continue investing in CNG Buses and CNG Infrastructure. DTPW has not provided a reply

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as of the publishing date of this note. Note that OCA is aware that the Board directed the County Mayor to increase the purchase of Electric Buses pursuant to R-1034-18.

OCA conducted a targeted analysis on the expenditure of alternative energy infrastructure for CNG and Electric:

<u>Location</u>	<u>CNG Infrastructure</u>	<u>Electric Infrastructure</u>	<u>Total Infrastructure Cost</u>
Central Bus Depot	\$19,840,000	\$1,363,238	
Coral Way Bus Depot	\$19,840,000	\$1,363,238	
Northeast Bus Depot	\$20,622,332	\$1,363,238	
Total	\$60,302,332	\$4,089,715	\$64,382,047

**ADDITIONAL INFORMATION**

The Board approved the purchase of Battery Electric Buses and Charging stations on October 3, 2019 demonstrating an exploration of electric power transit buses.

<http://intra/gia/matter.asp?matter=191770&file=true&yearFolder=Y2019>

The Miami-Herald published an article on November 23, 2019, depicting the evolution of CNG buses have undergone in Miami-Dade County. The article also quoted the Director of Transit as saying that “the existing natural-gas fleet needs more fueling options, and therefore, we will be forwarding the option to modify the Trillium contract to the Board of County Commissioners for consideration.”

<https://www.miamiherald.com/news/local/community/miami-dade/article237530099.html>

The OIG’s report posed 8 policy questions with follow-up comments OCA has highlighted 7 of the 8 below:

1. When the upstream environmental impacts of natural gas and diesel fuel production are included, what is the comparative differential in greenhouse gas emissions between a CNG bus fleet and a clean diesel bus fleet? If the goal is to reduce greenhouse emissions, does a cost-benefit environmental analysis warrant additional investment in CNG? To address the near-term bus replacement needs of DTPW, could new clean diesel buses remain an option?

**DTPW Response:** Upstream fuel emissions “Well-to-Wheels” (WTW) are based on the extraction, refining, transport and distribution of fuels. Upstream Fuel Emissions Indirect emissions are not generally included in the calculation, as they are fraught with difficulty. However, based on a 2013 study by MJ Bradley “the total wells-to-wheels Green House Gas (GHG) emissions (g CO<sub>2</sub>-e/mi) are generally slightly higher for CNG buses than for diesel buses, due primarily to the “upstream” impact of methane emissions from natural gas production and processing. The annual GHG emissions from operating new CNG buses instead of new diesel buses could be as high as 1000 lbs. of CO<sub>2</sub>-e per bus.” A 2015 study from the Environmental Defense Fund found that “burning natural gas as compared to diesel results in an approximate 30% climate benefit at combustion due to a reduction in carbon dioxide emissions, the advantage is closer to 20% once the fact that natural gas engines are less efficient is taken into account.” Overall Diesel and CNG Buses emit very similar levels of CO<sub>2</sub> from the tailpipe, however, natural gas buses have lower carbon content and lower Nitrogen Oxide (NOX) emissions from the tailpipe than diesel buses. As such, CNG bus operations are preferable to clean diesel buses. It is important to note that per the contract, the vendor is required to provide twenty percent of the CNG from renewable gas sources.

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**OIG Comment:** DTPW notes that studies have found the greenhouse gas emissions are higher for CNG than diesel buses when upstream production impacts are considered, but then declares CNG bus operations are preferable to clean diesel buses. The OIG encourages the BCC to explore this issue further, before eliminating the possibility of clean diesel buses from the bus replacement plan.

2. The County now has years of experience with hybrid diesel-electric buses. All the 89 articulated 60-foot buses and 48 of the 40-foot buses are hybrids. Does the professional staff of DTPW see an advantage to investing in more hybrid buses? What does the cost-benefit environmental analysis of hybrid buses tell us?

**DTPW Response:** As noted above, natural gas buses have lower carbon content and lower Nitrogen Oxide (NOX) emissions from the tailpipe than diesel buses. Total wells-to-wheels GHG emissions are generally lower for hybrid buses than from diesel or CNG buses due to their higher miles per gallon. However, there is a significant cost savings associated with CNG buses.

Technology	Purchase Cost	Infrastructure Cost	Battery or Engine Replacement	12-Year Fuel Cost	12-Year Maintenance Cost	Total
Diesel	\$550,000	\$ 28,840	\$ 50,000	\$432,899	\$868,800	\$1,930,539
CNG	\$561,000	\$103,000	\$ 50,000	\$199,968	\$768,000	\$1,681,968
Hybrid	\$685,000	\$ 28,840	\$100,000	\$409,041	\$1,118,400	\$2,341,281

**OIG Comment:** Hybrid buses apparently have the lowest emissions of greenhouse gas but are more expensive than CNG or diesel over a 12-year period. Additionally, prices from the aforementioned Virginia contract seem to indicate that the price difference between diesel and CNG buses is significantly more than the \$11,000 depicted in the table above.

3. Does DTPW plan to have the ability at each depot to provide diesel fuel, CNG, and electrical charging? Is the footprint at each location large enough to accommodate the fueling/charging and maintenance for each bus-type? Are there plans to acquire or develop new depot locations, consistent with pending changes to the route configurations?

**DTPW Response:** Yes [as to each depot having all three fueling abilities]. Yes [as to the footprint]. Additional equipment will be installed to improve the efficiency of maintenance work. Yes [as to acquiring or developing new depots]. [A]s the need arises the Department will look to acquire locations. Also, if there is an increase in the fleet there may be a need for an increased footprint. DTPW has been considering potential sites for expansion in the southern part of the County.

**OIG Comment:** The OIG encourages the BCC to examine the proposed fueling configurations at each depot to better assess the capacity to accommodate diesel, CNG, and battery-electric fueling stations.

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4. Should the County make another multi-million-dollar investment for another CNG fueling facility at the Northeast depot? How many years of paying fuel surcharges will it take for DTPW to break even on this investment? Is the estimated annual fuel surcharge per bus to pay off the CNG fueling station more than \$10,000 a year?

**DTPW Response:** Yes, the additional facility will allow for the fueling and maintenance of CNG buses assigned to the Northeast Depot. Currently, the bus routes from the Northeast depot are served primarily by non-CNG buses, which are older and less reliable. Construction of the a [sic] CNG fueling facility will allow for these routes to benefit from a more modern fleet of buses.

**OIG Comment:** DTPW's response did not reveal the anticipated capital cost of the CNG fueling facility or provide the expected number of CNG buses that would be assigned to the Northeast Depot. This factor is important as DTPW earlier answered that each depot would be outfitted with all three fueling options. The BCC should be apprised of the approximate number of CNG buses that would be stationed and fueled at the Northeast Depot. The BCC should seek clarification of this from DTPW. (OCA Note: The Mayoral memo referenced 26 buses).

5. Does the construction of CNG facilities at Northeast preclude a future electrical charging station?

**DTPW Response:** No, the stationary electric charging station will be positioned within the facility away from the CNG fueling area. In addition, this will allow for future CNG power generation as a back up to the FPL electrical supply.

**OIG Comment:** What distance away from the CNG fueling facilities is it considered safe to position an electrical charging station?

6. For a major transit agency like Miami-Dade, is there an optimal mix of bus-types by energy source to minimize the impact to the County from market spikes in the price of diesel, CNG, and electricity? Has DTPW determined the ideal bus fleet composition for Miami-Dade County?

**DTPW Response:** DTPW monitors the availability of resources and it maintains a reserve of fuel at each facility for the short term. Determining the ideal bus fleet is an ongoing process as we implement and evaluate new technologies.

**OIG Comment:** DTPW explained the process but did not answer the question pertaining to the ideal fleet composition. Based on past fuel pricing trends, what would be the ideal fleet mix today?

7. Has the County considered satellite electric charging stations and centralized maintenance facilities? Is there any possibility of charging buses from the existing power supply along the Metrorail corridor? Could an electric charging operation be co-located with a new waste-to-energy plant?

**DTPW Response:** DTPW responded affirmatively that it has considered satellite charging stations. As to the possibility of charging buses from the existing power supply, DTPW explained: The power required to charge the buses may exceed that which is currently available from the Metrorail traction power substations. The



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Department will need to determine excess capacity and assess available space. Last as to co-location with a new waste to energy plant, DTPW responded that it is “not aware of any of waste-to-energy plants being within reasonable proximity to any of our routes.”

**OIG Comment:** While there may not currently exist any waste-to-energy plants in the vicinity, would the County be amenable to exploring future options for constructing a waste-to-energy plant that could supply power for other County uses?

**DEPARTMENTAL INPUT**

The following questions were asked to the department on November 25, 2019, as of the publishing date of this note no response had been received:

1. Is DTPW heading towards battery electric buses long-term? If so, why continue investing in CNG infrastructure?
2. How long will the construction of the new fuel infrastructure take?
3. Can the new fuel infrastructure fuel other heavy fleet vehicles such as refuse trucks?

**APPLICABLE LEGISLATION/POLICY**

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

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0125/Sections/0125.012.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.012.html)

**Section 2-8.1of the Code of Miami-Dade County**, (*Contracts and Purchases, Generally*) Requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; provides that procurement procedures shall be established by I.O. and approved by the Board.

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

**Section 2-11.15 of the Code of Miami-Dade County**, (*Works of Art in Public Places*) this section is intended to, and shall, govern art in public places in the incorporated and unincorporated areas of the County. County facilities located, or intended to be located, within the boundaries of a municipality shall be governed solely and exclusively by the Miami-Dade Art in Public Places Ordinance with respect to matters covered in this section, including with respect to the collection, payment, and allocation of funds for the acquisition and display of works of art relating to said County facilities, and shall not be within the jurisdiction of the municipality for such purposes.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.15WOARPUPL](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.15WOARPUPL)



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**Section 29-124(f) of the Code of Miami-Dade County**, (*Citizens' Independent Transportation Trust (CITT)*) 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=PTIIICOOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**Resolution No. R-187-12**, adopted February 21, 2012, Directs the 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-35-17**, adopted January 24, 2017 awarding a Master Developer Agreement to Trillium Transportation Fuels, LLC (Trillium) for a CNG Program for DTPW in an amount not to exceed \$428,773,000 for an initial 10-year term plus an option to renew for an additional 10 years.

<http://intra/gia/matter.asp?matter=162416&file=true&yearFolder=Y2016>

**Resolution No. R-1181-18**, adopted November 8, 2018, directing the County Mayor to consider safety records of prospective contractors and first-tier subcontractors for public construction projects; 2. Confirm the safety records of recommended contractors and first-tier subcontractors were considered and report any instance where the safety record may adversely affect a finding of contractor responsibility in award..

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

**Resolution No. 1034-18**, adopted October 2, 2018, directing the County Mayor to increase the purchase of electric buses, establishing a goal that the transit bus fleet have at least 50 percent battery electric powered buses by 2035.

<http://www.miamidade.gov/govaction/matter.asp?matter=182156&file=true&fileAnalysis=false&yearFolder=Y2018>

**Resolution No. R-1258-18**, adopted December 4, 2018, determined that it was in the County's best interest to construct another CNG fueling facility at the Northeast Bus Depot. Accordingly, the Board exercised the option in the Trillium Master Developer Agreement to construct a third CNG fueling facility. Moreover, the County Mayor was directed to procure additional CNG buses for operation from the Northeast Bus Depot. The rationale behind this directive was that constructing this CNG fueling station, along with the Central Bus and Coral Way Bus depots, promoted countywide operation of the new CNG bus fleet.

<http://intra/gia/matter.asp?matter=182862&file=true&yearFolder=Y2018>

**Implementing Order 3-38**, adopted March 18, 2016 (*Purchasing of Goods and Services*) Governs the County's processes and procedures for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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



## Memorandum



**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Javier A. Betancourt, Executive Director *JS*

**Date:** November 21, 2019

**Re: CITT AGENDA ITEM 5F:**  
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST  
RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) APPROVE  
SUPPLEMENTAL AGREEMENT NO. 1 TO MASTER DEVELOPER AGREEMENT  
BETWEEN TRILLIUM TRANSPORTATION FUELS, LLC AND MIAMI- DADE COUNTY  
FOR THE COMPRESSED NATURAL GAS (CNG) PROGRAM FOR MIAMI-DADE  
DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, CONTRACT NO.:  
00096; INCREASING CONTRACT AMOUNT BY **\$47,587,277.00** BY EXERCISING THE  
OPTION FOR DEVELOPMENT OF THE NORTHEAST BUS DEPOT AND  
TERMINATING THE LEASE FOR THE CNG PUBLIC ACCESS STATION FOR THE  
CENTRAL BUS DEPOT; AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION  
PLAN BOND PROGRAM FUNDS, IN AN AMOUNT NOT TO EXCEED **\$20,622,332.00**,  
FOR SUCH PURPOSES; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY  
MAYOR'S DESIGNEE TO APPROVE UTILITY EASEMENTS TO SERVICE THE  
NORTHEAST BUS DEPOT; AND AUTHORIZING THE COUNTY MAYOR OR THE  
COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE ALL  
PROVISIONS CONTAINED THEREIN (**DTPW – BCC Legislative File No. 192708**)  
**SURTAX FUNDS REQUESTED**

On November 20, 2019, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 19-071. The vote was as follows:

Joseph Curbelo, Chairperson – Aye  
Alfred J. Holzman, 1<sup>st</sup> Vice Chairperson – Aye  
Oscar J. Braynon, 2<sup>nd</sup> Vice Chairperson – Aye

Glenn J. Downing, CFP® – Aye  
Prakash Kumar – Aye  
Jonathan Martinez – Absent  
Marilyn Smith – Absent  
Robert Wolfarth – Aye

Jose Jimenez – Aye  
Hon. Anna E. Lightfoot-Ward, Ph.D. – Absent  
Miles E. Moss, P.E. – Aye  
L. Elijah Stiers, Esq. – Aye

c: Jennifer Moon, Deputy Mayor  
Bruce Libhaber, Assistant County Attorney

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

**Item No. 8N5  
File No. 192607**

**Researcher: VW Reviewer: PGE**

RESOLUTION APPROVING AWARD OF MISCELLANEOUS CONSTRUCTION CONTRACT 7040 PLAN - RPQ NUMBER 368881 FOR THE TRACTION POWER CABLE REPLACEMENT PROJECT TO STATEWIDE ELECTRICAL SERVICES, INC., IN THE AMOUNT OF \$290,400.00 AND AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR SUCH PURPOSES.

**ISSUE/REQUESTED ACTION**

Whether the Board should award Miscellaneous Construction Contract 7040 Plan – RPQ Number 368881 for the replacement of traction power cables to Statewide Electrical Services, Inc. in the amount of \$290,400 for a term of 182 calendar days, authorizing the use of People's Transportation Plan Bond Program funds for such purposes.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Transportation and Public Works**

This item was brought before the Transportation and Finance Committee on November 14, 2019 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to award (Construction Contract 7040 Plan – RPQ Number 368881) to Statewide Electrical Services, Inc. for the replacement of traction power cables, with a contract award value of \$290,400 for a total contract period of 182 calendar days. The solicited construction services will be used to replace high voltage damaged traction cables and wiring on the Metromover System located from the Park West Substation to the 11<sup>th</sup> Street Gap Station. Pursuant to Section 29-124(f) of the Code of Miami-Dade County, the award request may only be considered by the Board if the Citizen's Independent Transportation Trust (CITT) has forwarded a recommendation for the contract to the Board.

On April 12, 2019, DTPW contacted contractors through the MCC 7040 Plan for construction services to replace high voltage damaged traction cables and wiring on the Metromover System. The description on the Bid Form read – *Replacement of existing set of three phase 600 Volt cables that run between the Park West Substation and the 11<sup>th</sup> Street Gap Station.* The submittal date was May 9, 2019. DTPW received four bids, with the lowest bidder initially being Canseco Electrical Contractors, Inc., who eventually withdrew its bid as it was unable to perform the scope of services as outlined in the contract documents. DTPW had a meeting with the next lowest bidder, Statewide Electric Services, Inc., on September 3, 2019 to confirm its ability to perform the project's scope of services at a bid price of \$264,000, which is 7.52% lower than DTPW's in-house estimate.

The total value of the award is \$290,400. That sum is comprised of the following: a base contract amount totaling \$264,000 plus a contingency allowance totaling \$26,400.

Pursuant to Resolution No. R-421-16, OCA conducted a review of the Capital Improvement Information System on November 25, 2019 and found that out of 42 evaluations for Statewide Electrical Services, Inc., the firm had an average rating of 3.8 out 4.0. Two evaluations (1. MT-20160046 Interim evaluation on June 15, 2017 and 2. PR-75755 Project conclusion or closeout evaluation on April 13, 2006) of the 42 evaluations had a rating under 3.0. This firm has been awarded 30 "7040" contracts totaling \$13,458,001 according to the firm history report from 9/26/2007 through 5/7/2019. The firm has performed similar work to the contract of interest in the past: electrical work involving Metromover traction

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**Researcher: VW Reviewer: PGE**

cables in October 15, 2014 under RPQ-282588 and electrical work for the Metromover Park West Station April 13, 2017 under RPQ-349124. Both contracts listed a contract status of 100% completed.

Pursuant to Resolution No. R-1181-18, a report of the awarded firm's safety records needs to accompany the agenda item. OCA did find said report attached to the memo as Attachment 2 titled OSHA's Form 300 (Log of Work-Related injuries and illnesses). One injury case was reported.

The following due diligence was conducted for Statewide Electrical Services, Inc:

<b>Awarded Firm</b>	<b>Corporate Registration</b>	<b>Tax Collector's Office</b>	<b>Florida DBPR</b>	<b>Westlaw</b>
Statewide Electrical Services, Inc.	Florida Profit Corporation  Active  Principal Address: 12905 W Okeechobee Rd Bay #4 Hialeah, Fl 33018  Filed: 01/25/1999	Current and Paid  Business Address: Statewide Electrical Services Inc 12905 W Okeechobee Rd Bay4 Hialeah Gardens, Fl 33018	License type: Certified Electrical Contractor (expires 08/31/2020)  License type: Certified General Contractor (expires 08/31/2020)  License type: Construction Financial Officer (current)	Yonel Hernandez v. Statewide Electrical Services Inc Et Al (Case No. 2019-029508-CA-01); Filed on October 7 <sup>th</sup> , 2019 in the 11 <sup>th</sup> Judicial Circuit, Miami-Dade County; Allegation: Defendants failed to pay overtime wages and compensation to Plaintiff at the rate of one and one half rate of pay for all hours worked by them in excess of 40 hours per week and all other unpaid compensation to the plaintiff and wrongfully terminated from the employment in violation of the FLSA; Case Status: Pending court decision

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**Researcher: VW Reviewer: PGE**

**APPLICABLE LEGISLATION/POLICY**

**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](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR)

**Section 29-124(f) of the County Code** sets forth the role of 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 (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\\_S29-124SPFUCRUSSUPRROCIINTRR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRR)

**Administrative Order 3-39** establishes the standard procedures for user departments to implement, classify, track, monitor and report capital construction projects unless specifically exempted by State or federal law.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-39.pdf>

**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 on May 17, 2016, requires the County Mayor or County Mayor's designee to attach to all items recommending design and/or construction contract awards of \$1,000,000.00 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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**Researcher: VW Reviewer: PGE**

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

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Research Notes**

**Item No. 8N7  
File No. 192510**

**Researcher: IL   Reviewer: TD**

RESOLUTION RATIFYING THE ACTION OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE APPROVING AWARD OF EMERGENCY MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN - RPQ NUMBER 399883-A-R2 FOR THE EMERGENCY METROMOVER CONCRETE REMOVAL AND SAFETY NETTING INSTALLATION – BRICKELL TO GOMEZ CONSTRUCTION CO. IN THE AMOUNT OF \$2,550,978.00; AND AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should ratify the award to Gomez Construction Co. for a Miscellaneous Construction Contract Services Contract No. RPQ No. 399883-A-R2 in the amount of \$2,550,978 for the Miami-Dade Transportation and Public Works (DTPW).

**PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

**Department/Requester:** DTPW

This item was brought before the Transportation and Finance Committee on November 14, 2019 and was forwarded to the BCC with a favorable recommendation.

Commissioner Daniella Levine Cava asked why PTP funds were being used for these repairs with Deputy Mayor Jennifer Moon advising that there is no limitation on how these funds can be used for this specific function.

**ANALYSIS**

The purpose of this item is to ratify the award to Brickell Gomez Construction RPQ No. 399883-A-R2 for the emergency Metromover concrete removal and safety netting installation to remedy the unexpected damage creating an immediate danger to public safety. The MCC program allows DTPW to retain a General Contractor (GC) that will perform the requested construction work.

The fiscal impact of this RPQ is in the amount of \$2,550,978, inclusive of the base amount of \$2,309,980 and a 10% contingency allowance account of \$230,998 and a dedicated allowance account of \$10,000. The project is funded with the People's Transportation Plan funds from Capital Budget Project No. 677200 – Infrastructure Renewal Plan of the FY 2018-19 adopted Budget and Multi-Year Capital Plan.

A scheduled inspection of the Omni Loop and Brickell Loop concrete running pads was conducted between March and April 2019. The inspection revealed deficiencies and areas of concerns (spalling and delamination) on the running pads. This information was communicated to DTPW staff for immediate repair action. A follow-up inspection was scheduled for September 19, 2019. Structural inspections are required for Metromover elevated guideway structures pursuant to Florida Statute 335.074 *Safety Inspection of Bridges* as well compliance with the Federal Highway Administration's National Bridge Inspection Standards and the Florida Department of Transportation requirements.

On July 25, 2019, the Metromover Brickell Loop was briefly closed due to non-structural concrete fragments falling from the overhead Metromover guideway within proximity of the Fifth Street Station. DTPW visually inspected the affected area and determined that a non-structural piece of concrete had fallen from the running pad edge. DTPW had



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recently conducted an inspection of this area on May 2019 and DTPW had previously performed repairs in this vicinity.

DTPW determined that based on the findings from the April 2019 Omni Loop inspection and the July 25, 2019 Brickell Loop closure, in an abundance of caution and to safeguard the public, DTPW engaged in an emergency procurement process through the County's Emergency Response Team Pool under MCC 7360 Plan and requested quotes. DTPW determined that Brickell Gomez Construction was the lowest responsive and responsible bidder.

Implementing Order 3-53 section 2(D) and Florida Statutes Section 255.20 allow exceptions to competitive bidding, allowing for emergency procurement under unforeseen or unanticipated urgent and immediate needs for construction services for the protection of life, health, safety, welfare of the community or the preservation of public property. The Department approved this contract under the delegated authority pursuant to Section 2-8.2.7.01 of the Code of Miami-Dade County.

The scope of the work involves:

1. Removal of existing bottom outside corner of the concrete running pads along the Brickell Loop at all locations deemed necessary;
2. Protection of the structure from further corrosion where accessible; and
3. Installation of additional mesh systems to prevent recurrences.

This work is to be completed within 150 days from the issuance of the Notice to Proceed.

OCA was unable to locate Gomez Construction in Sunbiz, but a review of other sites revealed that Gomez Construction and HTG Gomez Construction are potentially the same firm:

<b>Awarded Firm(s)</b>	<b>Sunbiz</b>	<b>Tax Collectors Office</b>	<b>Florida DBPR</b>	<b>Westlaw</b>
<b>Gomez Construction Co.</b>	Nothing found on Sunbiz with the name Gomez Construction, Co.  Florida Limited Liability Company  HTG Gomez Construction, LLC was found with the same address.  FEIN No. 82-1714881  Principal Address 7100 SW 44 Street, Miami, FL  Active	Nothing Found under Gomez Construction  HTG Gomez Construction LLC has an active account  Business address: 7100 SW 44 Street, Miami, FL  Paid/Current	HTG Gomez Construction, LLC (DBA)  Main Address: 7100 SW 44 Street, Miami, FL  General Contractor License/ No Complaints	Nothing Found

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**Researcher: IL    Reviewer: TD**

	Filed on: May 22, 2019			
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OCA reviewed the Capital Improvements and Information System on November 22, 2019 for evaluations of Gomez Construction Co. Two evaluations were observed with an average rating of 4.0 out of 4.0.

On November 21, 2019, pursuant to Section 29-124 of the Code of Miami-Dade County, the CITT voted 9-0 approving both RPQ No. 399883-A-R2 and RPQ No. 399883 B-R2 and forwarding these items with a favorable recommendation to the BCC for approval. (See attached CITT Agenda Item 5A and 5B)

**DEPARTMENTAL INPUT**

The following questions were asked to the department on November 22, 2019, as of the publishing date of this note no response had been received:

1. Why were two emergency contracts issued with similar scopes as oppose to just having one?
2. What is the guarantee or lifetime of the work being done by Brickell Gomez Construction?
3. What were the results of the September 19, 2019 inspection mentioned in the Mayoral memo?

**ADDITIONAL INFORMATION:**

When inspections and pro-activity are not conducted on bridges catastrophes can result. See link below)

<https://www.usatoday.com/story/news/nation/2019/10/22/design-error-blamed-florida-international-university-pedestrian-bridge-collapse/2449316001/>

OCA acknowledges DTPW's aggressive stance on public safety and pro-activity on inspecting the Transit departments bridges and bypasses in an effort to reduce injury or loss of life.

**APPLICABLE LEGISLATION/POLICY**

**Chapter 335.074 of the Florida Statutes** (*Safety Inspection of Bridges*) governs those bridges having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches or extreme ends of openings for multiple boxes and those bridges consisting of multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening are subject to inspection in accordance with the provisions of this section.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0300-0399/0335/Sections/0335.074.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0335/Sections/0335.074.html)

**Chapter 212.055 of the Florida Statutes** governs discretionary sales surtaxes; each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under Chapter 343 or Chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county. The rate shall be up to 1 percent.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0212/Sections/0212.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0212/Sections/0212.055.html)

**Chapter 212.055 of the Florida Statutes** governs discretionary sales surtaxes; each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each

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county that is within or under an interlocal agreement with a regional transportation or transit authority created under Chapter 343 or Chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county. The rate shall be up to 1 percent.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0212/Sections/0212.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0212/Sections/0212.055.html)

**Section 2-8.2.7.01 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 an 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](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR)

**Section 29-124 of the County Code** sets forth the role of the Citizens' Independent Transportation Trust (CITT) and the proper use of surtax proceeds. Under this Code Section, 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 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\\_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)

**Section 2-1421 of the County Code** relates to the creation of the Citizens' Independent Transportation Trust and the trust's powers over expenditure and use of proceeds of proposed Charter County transit system surtax.

[https://library.municode.com/fl/miami -  
dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXCVIICIINTRTR\\_S2-  
1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXCVIICIINTRTR_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU)

**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.

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

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

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

**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-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-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. 3-53** sets forth policies and procedures for the administration of the MCC Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-53.pdf>



## Memorandum



**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Javier A. Betancourt, Executive Director *JB*

**Date:** November 21, 2019

**Re:** **CITT AGENDA ITEM 5A:**  
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST  
RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) RATIFY THE  
ACTION OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE APPROVING  
AWARD OF EMERGENCY MISCELLANEOUS CONSTRUCTION CONTRACT 7360  
PLAN - RPQ NUMBER 399883-A-R2 FOR THE EMERGENCY METROMOVER  
CONCRETE REMOVAL AND SAFETY NETTING INSTALLATION - BRICKELL TO  
GOMEZ CONSTRUCTION CO. IN THE AMOUNT OF **\$2,550,978.00**; AND AUTHORIZE  
THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR  
SUCH PURPOSES (**DTPW - BCC Legislative File No. 192510**) **SURTAX FUNDS  
REQUESTED**

On November 20, 2019, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 19-066. The vote was as follows:

Joseph Curbelo, Chairperson – Aye  
Alfred J. Holzman, 1<sup>st</sup> Vice Chairperson – Aye  
Oscar J. Braynon, 2<sup>nd</sup> Vice Chairperson – Aye

Glenn J. Downing, CFP® – Aye  
Prakash Kumar – Aye  
Jonathan Martinez – Absent  
Marilyn Smith – Absent  
Robert Wolfarth – Aye

Jose Jimenez – Aye  
Hon. Anna E. Lightfoot-Ward, Ph.D. – Absent  
Miles E. Moss, P.E. – Aye  
L. Elijah Stiers, Esq. – Aye

c: Jennifer Moon, Deputy Mayor  
Bruce Libhaber, Assistant County Attorney

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

**Item No. 8N8  
File No. 192512**

**Researcher: IL   Reviewer: TD**

RESOLUTION RATIFYING THE ACTION OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE APPROVING AWARD OF EMERGENCY MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN - RPQ NUMBER 399883-B-R2 FOR THE EMERGENCY METROMOVER CONCRETE REMOVAL AND SAFETY NETTING INSTALLATION – BRICKELL TO GOMEZ CONSTRUCTION CO. IN THE AMOUNT OF \$2,529,979.00; AND AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should ratify the award to Gomez Construction Co. for a Miscellaneous Construction Contract (MCC) Services Contract No. RPQ No. 399883-B-R2 in the amount of \$2,529,979 for the Miami-Dade Transportation and Public Works (DTPW).

**PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

**Department/Requester:** Department of Transportation and Public Works

This item was brought before the Transportation and Finance Committee on November 14, 2019, the item was forwarded to the BCC with a favorable recommendation.

During committee Commissioner Daniella Levine Cava asked why PTP funds were being used for these repairs with Deputy Mayor Jennifer Moon advising there is no limitation on how these funds can be used for this specific function.

**ANALYSIS**

The purpose of this item is to ratify the Award to Brickell Gomez Construction RPQ No. 399883-B-R2 for the emergency Metromover concrete removal and safety netting installation to remedy the unexpected damage that created an immediate danger to public safety. The MCC program allows DTPW to retain a General Contractor (GC) to perform the requested construction work.

The fiscal impact of this RPQ is in the amount of \$2,529,979, inclusive of a base amount of \$2,290,890 and a 10% contingency allowance account of \$229,089 and a dedicated allowance account of \$10,000. The project is funded with the People's Transportation Plan funds from Capital Budget Project No. 677200 – Infrastructure Renewal Plan of the FY 2018-19 adopted Budget and Multi-Year Capital Plan.

Structural inspections are required for Metromover elevated guideway structures pursuant to Florida Statute 335.074 *Safety Inspection of Bridges* as well compliance with the Federal Highway Administration's National Bridge Inspection Standards and the Florida Department of Transportation requirements.

A scheduled inspection of the Omni Loop and Brickell Loop concrete running pads was conducted between March and April 2019. The inspection revealed deficiencies and areas of concerns (spalling and delamination) on the running pads. This information was communicated to DTPW staff for immediate repair action. A follow-up inspection was scheduled for September 19, 2019.

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Research Notes**

**Item No. 8N8  
File No. 192512**

**Researcher: IL   Reviewer: TD**

On July 25, 2019, the Metromover Brickell Loop was briefly closed due to non-structural concrete fragments falling from the overhead Metromover guideway within proximity of the Fifth Street Station. DTPW visually inspected the affected area and determined that a non-structural small piece of concrete had fallen from the running pad edge. DTPW had recently conducted an inspection of this area on May 2019 and DTPW had performed repairs in this vicinity.

DTPW determined that based on the findings from the April 2019 Omni Loop inspection and the July 25, 2019 Brickell Loop closure, in an abundance of caution and to safeguard the public DTPW engaged in the emergency procurement process through the County's Emergency Response Team Pool under MCC 7360 Plan and requested quotes. DTPW determined that Brickell Gomez Construction was the lowest responsive and responsible bidder. Implementing Order 3-53 section 2(D) and Florida Statutes Section 255.20 within its exceptions to competitive bidding, allow for emergency procurement under unforeseen or unanticipated urgent and immediate needs for construction services where the protection of life, health, safety, welfare of the community or the preservation of public property. The Department approved this contract under the delegated authority pursuant to Section 2-8.2.7.01 of the Code of Miami-Dade County.

The Scope of the work involves

1. Removal of the existing bottom outside corner of the concrete running pads along the Brickell Loop at all locations deemed necessary;
2. Protection of the structure from further corrosion where accessible; and
3. Installation of additional mesh systems to prevent recurrences.

This work is to be completed within 150 days from the issuance of the Notice to Proceed.

OCA performed a due diligence review of the selected firm on November 22, 2019; OCA was not able to find Gomez Construction in Sunbiz, but a review of other sites revealed that Gomez Construction and HTG Gomez Construction are potentially the same firm:

<b>Awarded Firm(s)</b>	<b>Sunbiz</b>	<b>Tax Collectors Office</b>	<b>Florida DBPR</b>	<b>Westlaw</b>
Gomez Construction Co.	Nothing found on Sunbiz with the name Gomez Construction, Co.  Florida Limited Liability Company  HTG Gomez Construction, LLC was found with the same address.  FEIN No. 82-1714881  Principal Address 7100 SW 44 Street, Miami, FL	Nothing Found under Gomez Construction  HTG Gomez Construction LLC has an active account  Business address: 7100 SW 44 Street, Miami, FL  Paid/Current	HTG Gomez Construction, LLC (DBA)  Main Address: 7100 SW 44 Street, Miami, FL  General Contractor License/ No Complaints	Nothing Found



**BCC Meeting:  
December 3, 2019  
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**Item No. 8N8  
File No. 192512**

**Researcher: IL Reviewer: TD**

	Active  Filed on: May 22, 2019			
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OCA reviewed the Capital Improvements and Information System on November 22, 2019 for evaluations of Gomez Construction Co. Two evaluations were observed with an average rating of 4.0 out of 4.0.

On November 21, 2019, pursuant to Section 29-124 of the Code of Miami-Dade County, the CITT voted 9-0 approving both RPQ No. 399883-A-R2 and RPQ No. 399883 B-R2 and forwarding these items with a favorable recommendation to the BCC for approval. (See attached CITT Agenda Item 5A and 5B)

**ADDITIONAL INFORMATION:**

When inspections and pro-activity are not conducted on bridges catastrophes can result. See link below.

<https://www.usatoday.com/story/news/nation/2019/10/22/design-error-blamed-florida-international-university-pedestrian-bridge-collapse/2449316001/>

OCA acknowledges DTPW's aggressive stance on public safety and pro-activity on inspecting the Transit departments bridges and bypasses in an effort to reduce injury or loss of life.

**APPLICABLE LEGISLATION/POLICY**

**Chapter 335.074 of the Florida Statutes** (*Safety Inspection of Bridges*) governs those bridges having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches or extreme ends of openings for multiple boxes and those bridges consisting of multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening are subject to inspection in accordance with the provisions of this section.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0300-0399/0335/Sections/0335.074.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0335/Sections/0335.074.html)

**Chapter 255.20 of the Florida Statutes**, a County must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$300,000. Exceptions to this provision are ripe if the project is undertaken to replace, reconstruct, or repair an existing public building, structure, or other public construction works damaged or destroyed where such damage or destruction creates an immediate danger to the public health or safety.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0255/Sections/0255.20.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0255/Sections/0255.20.html)

**Chapter 212.055 of the Florida Statutes** governs discretionary sales surtaxes; each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under Chapter 343 or Chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county. The rate shall be up to 1 percent.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0212/Sections/0212.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0212/Sections/0212.055.html)

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

**Item No. 8N8  
File No. 192512**

**Researcher: IL   Reviewer: TD**

**Section 2-8.2.7.01 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 an 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](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR)

**Section 29-124 of the County Code** sets forth the role of the Citizens' Independent Transportation Trust (CITT) and the proper use of surtax proceeds. Under this Code Section, 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 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\\_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)

**Section 2-1421 of the County Code** relates to the creation of the Citizens' Independent Transportation Trust and the trust's powers over expenditure and use of proceeds of proposed Charter County transit system surtax.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXCVIICIINTRTR\\_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXCVIICIINTRTR_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU)

**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

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**Researcher: IL   Reviewer: TD**

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

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

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

**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-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-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. 3-53** sets forth policies and procedures for the administration of the MCC Program.


<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-53.pdf>



## Memorandum



**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Javier A. Betancourt, Executive Director 

**Date:** November 21, 2019

**Re:** **CITT AGENDA ITEM 5B:**  
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST  
RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) RATIFY THE  
ACTION OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE APPROVING  
AWARD OF EMERGENCY MISCELLANEOUS CONSTRUCTION CONTRACT 7360  
PLAN - RPQ NUMBER 399883 B-R2 FOR THE EMERGENCY METROMOVER  
CONCRETE REMOVAL AND SAFETY NETTING INSTALLATION - OMNI TO GOMEZ  
CONSTRUCTION CO. IN THE AMOUNT OF \$2,529,979.00; AND AUTHORIZE THE  
USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR SUCH  
PURPOSES (DTPW - BCC Legislative File No. 192512) SURTAX FUNDS  
REQUESTED

On November 20, 2019, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 19-067. The vote was as follows:

Joseph Curbelo, Chairperson - Aye  
Alfred J. Holzman, 1<sup>st</sup> Vice Chairperson - Aye  
Oscar J. Braynon, 2<sup>nd</sup> Vice Chairperson - Aye

Glenn J. Downing, CFP® - Aye  
Prakash Kumar - Aye  
Jonathan Martinez - Absent  
Marilyn Smith - Absent  
Robert Wolfarth - Aye

Jose Jimenez - Aye  
Hon. Anna E. Lightfoot-Ward, Ph.D. - Absent  
Miles E. Moss, P.E. - Aye  
L. Elijah Stiers, Esq. - Aye

c: Jennifer Moon, Deputy Mayor  
Bruce Libhaber, Assistant County Attorney

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

**Item No. 801  
File No. 192604**

**Researcher: IL Reviewer: TD**

RESOLUTION AUTHORIZING THE WAIVER OF FORMAL COMPETITIVE BID PROCEDURES, PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY AND AS PROVIDED FOR IN SECTION 255.20 OF THE FLORIDA STATUTES BY A TWO-THIRDS (2/3) VOTE OF THE BOARD; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO MODIFY CONTRACT NO. 47457 BETWEEN MIAMI-DADE COUNTY AND E-BUILDER INC., A FLORIDA COMPANY; INCREASING TOTAL COMPENSATION FROM \$3,768,958.00 TO \$4,668,113.05; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a monetary modification in the amount of \$899,155 for *Contract No. 47457 -E-Builder Enterprise Construction Project Management System*, to purchase enterprise construction project management software for the Miami-Dade Water and Sewer Department (WASD).

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: WASD**

This item was brought before the Infrastructure & Capital Improvements Committee on November 13, 2019 and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is for WASD to gain Board authorization to increase spending by \$899,155 under *Contract No. 47457-E-Builder Enterprise Construction Project Management System*, to support operational requirements through the remainder of the term. E-Builder provides real-time, collaborative workflows for project lifecycle management and includes tools to measure and manage each step of the capital project process, including planning, design, contracting and operations. The County originally accessed the Minnesota State College and University System's competitively established contract under the County Mayor's delegated authority on May 16, 2017 pursuant to Resolution No. R-543-17. The contract was initially approved for 19 months with five, one-year options to renew in the total amount of \$3,601,326. WASD uses this contract to provide a method to better manage projects to meet the Consent Decree timeline. Additionally, the program is used to manage construction activities to successfully complete the multi-year capital improvement plan (CIP).

The initial allocation for this project was an amount of \$1,676,632 and each option to renew was originally slated a rate of \$385,000 per renewal totaling. The administration approved an additional amount of \$167,632 on February 5, 2018 bringing the initial total amount to \$1,843,958. On October 2, 2018, the first option to renew was executed and \$385,000 under the County Mayor's delegated authority. Below is a timeline of this project.

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December 3, 2019  
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**Item No. 801  
File No. 192604**

**Researcher: IL Reviewer: TD**

Amount	Date	Approval
\$1,676,326	March 1, 2017	BCC (R-543-17)
\$ 167,632	February 5, 2018	Procurement Administration
\$ 385,000 (OTR 1)	October 2, 2018	BCC (with original Resolution)
\$ 899,155 (OTR 2)	October 2, 2019	Bid waiver
Total \$3,128,113		

The Fiscal impact of this modification is \$899,155 to the County funded by Proprietary funds.

The dollar amount associated with this option to renew comes before the Board because the work contemplated during OTR No.2 was not contemplated in the original contract. That work includes:

- Annual software subscription and maintenance fees for added work to the CIP testing and development process;
- Custom development work within Capital Donations that automatically calculate the collections of fees (impact fees) for plans review, verification forms, ordinance letters, shop drawings, agreements and billing material forms to eliminate calculation errors and improve upon reporting;
- Custom development work within CIP to create detailed schedule of values that will facilitate the ability of contractors to submit invoices electronically, eliminating errors and mitigating process delays for payments; and
- The ability to create custom reporting and mail merge documents assisting in the task authorization and invoicing process.

The contract is in its 44th month of the 79-month potential term.

The contract has 1 active vendor, which does not have a local address. A November 22, 2019 search on the Business Management Workforce System (BMWS) for the pool's Commodity Code (20556, *Software, Application: Preprogrammed*) yielded 0 local certified small business vendor:

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

Awarded Firms	Corporate Registration	Tax Collector	Florida DBPR	Westlaw
E-Builder	Trademark  E-Builder  Principal Address: 1800 NW 69 Avenue Plantation, FL  Date Filed: February 10, 2015	Nothing found	Nothing found	No cases found

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December 3, 2019  
Research Notes**

**Item No. 801  
File No. 192604**

**Researcher: IL Reviewer: TD**

Pursuant to Resolution No. R-1078-19, the County Mayor was instructed to explore and study possible avenues for expediting the review process of permits specifically relating to affordable housing. At the Housing Social Services Committee on September 9, 2019, Commissioner Eileen Higgins referenced the importance of expediting development approvals and have an e-permitting system has quicker turnaround. WASD attributes improvements in their permitting process time to the document and project control afforded by the E-builder system. (View Item 2D on the link below) [https://miamidade.granicus.com/MediaPlayer.php?view\\_id=4&clip\\_id=5715](https://miamidade.granicus.com/MediaPlayer.php?view_id=4&clip_id=5715)

**ADDITIONAL INFORMATION**

E-Builder is currently utilized by Jackson Health System and the City of Miami-Beach.  
<https://www.e-builder.net/industries/government/>

**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)

**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-543-17**, adopted May 16, 2016, authorized to purchase from E-Builder the enterprise construction project management software for the department in a total amount of \$3,601,326.00 for an initial contract term of 19 months plus five (5) one-year options to renew.

<http://intra/gia/matter.asp?matter=171100&file=true&yearFolder=Y2017>

**Resolution No. R-1078-19**, adopted May 3, 2019, required the Mayor to study the permitting process for affordable housing projects, including the feasibility and advisability of streamlining permitting timeliness and instituting concurrent reviews; setting policy for prioritizing permitting review for affordable housing developments.

<http://www.miamidade.gov/govaction/matter.asp?matter=192170&file=true&fileAnalysis=false&yearFolder=Y2019>

**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>



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

**Item No. 11A6**  
**File No. 192636**

**Researcher: CB   Reviewer: TD**

RESOLUTION REAPPOINTING JAMES F. BUNYAN, KHALID SALAHUDDIN, AND LONNIE LAWRENCE  
AS TRUSTEES OF THE MIAMI-DADE ECONOMIC ADVOCACY TRUST

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Dennis C. Moss, District 9**  
**Department/Requester:**

**ANALYSIS**

OCA completed the required background research on “James F. Bunyan, Khalid Salahuddin and Lonnie Lawrence” 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).