



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

Board of County Commissioners Meeting

December 17, 2019
9:30 A.M.
Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor
Office of the Commission Auditor (OCA)
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Miami, FL 33128
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**BCC Meeting: December 17, 2019
Research Notes**

**Item No. 3A1
File No. 192915**

Researcher: CB Reviewer: TD

RESOLUTION APPROVING THE TOWN OF MEDLEY CODESIGNATION OF NW 79TH AVENUE BETWEEN NW 74TH STREET AND NW SOUTH RIVER DRIVE AS “ARGENTINA”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Jose “Pepe” Diaz, District 12.
Department/Requester:**

ANALYSIS

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

OCA determined that there are no prior Board of County Commissioners (BCC) codesignation for “Argentina”

APPLICABLE LEGISLATION

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

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

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

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Research Notes**

**Item No. 3A2
File No. 192904**

Researcher: CB Reviewer: TD

RESOLUTION APPROVING THE CITY OF MIAMI CODESIGNATION OF THAT PORTION OF SW 25TH AVENUE FROM W FLAGLER STREET TO SW 3RD STREET AS “STINGAREE BOULEVARD”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Eileen Higgins, District 5.
Department/Requester:**

ANALYSIS

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

OCA determined that there are no prior Board of County Commissioners (BCC) codesignation for “Stingaree”

APPLICABLE LEGISLATION

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

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

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

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**Item No. 3A5
File No. 192959**

Researcher: CB Reviewer: TD

RESOLUTION APPROVING THE CITY OF MIAMI CODESIGNATION OF THAT PORTION OF NW 4th STREET FROM NW 47TH AVENUE TO 52ND AVENUE AS “JULIO BALSERA WAY”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Vice Chairwoman Rebecca Sosa, District 6.
Department/Requester:**

ANALYSIS

OCA completed the required background research on “Julio Balsera” noting no adverse findings.

OCA determined that there are no prior Board of County Commissioners (BCC) codesignation for “Julio Balsera”

OCA has verified that “Julio Balsera” is deceased.

APPLICABLE LEGISLATION

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

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

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

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Item No. 8N1
File No. 192278

Researcher: JFP Reviewer: PGE

RESOLUTION AWARDING CONSTRUCTION SERVICES FOR THE STATE ROAD 836 EXPRESS BUS SERVICES – PARK AND RIDE/BUS TERMINAL (TAMIAMI STATION), CONTRACT NO. CIP097-DTPW18-CT1; BETWEEN MIAMI-DADE COUNTY AND JVA ENGINEERING CONTRACTOR, INC. IN AN AMOUNT OF \$10,914,740.76, INCLUSIVE OF CONTINGENCY ALLOWANCE ACCOUNT FOR \$517,391.23; FOR A TERM OF 570 DAYS; AUTHORIZING THE USE OF PEOPLE’S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR SUCH PURPOSES; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should award *Contract No. CIP097-DTPW18-CT1* to JVA Engineering Contractor, Inc. in the amount of \$10,914,741 for construction services for the State Road (SR) 836 Express Bus Service Park and Ride/Bus Terminal Project (Tamiami Station) for a term of 570 days and authorize the use of People’s Transportation Plan Bond Program funds for this purpose.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item was forwarded to the BCC with a favorable recommendation by the Transportation and Finance Committee at its October 24, 2019 meeting. It was subsequently deferred at the November 19, 2019 BCC meeting and heard as a discussion item at the December 3, 2019 BCC meeting (see December 3, 2019 BCC Agenda Item 6B1 – File No. 192848). Prior to the November 19, 2019 deferral, the following discussion transpired:

- Commissioner Jordan: The concern that I have is that the awardee has three Small Business Development violations in the past three years, all of them closed. However, the total number of violations that they have had is 15, including failure to achieve Community Workforce Program requirements in July 2016, unpaid penalties in August 2016, and underpayment of employees in March 2019. I want staff to provide the amount of SBD violations this vendor has had to date and the nature of the violations.
- Gary Hartfield, Director (Small Business Development (SBD)): The firm in question has 15 violations in total. Eight wage violations that are closed. Four of the eight were for underpayment of employees, totaling \$115,500, which was paid. The firm currently has five Community Workforce Program violations which are closed, and one SBE Goods violation, which SBD is currently reviewing to see what the violation will be. The firm also has one Employ Miami-Dade commitment to meet requirements on a change order that was passed through, which SBD is reviewing as well. SBD continues monitoring of all firms. SBD monitors about 52% of County contracts; those which have SBE measures on them. SBD monitors all Water and Sewer, Seaport, Airport, and Jackson Memorial Hospital contracts. If there are four or more violations, especially in the wage area, the firm can be debarred.
- Commissioner Jordan: How many of JVA’s violations are wage violations?
- Gary Hartfield, Director (SBD): Eight.
- Commissioner Jordan: Why haven’t they been debarred?

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- Gary Hartfield, Director (SBD): SBD cannot initiate debarment. The department must initiate debarment.
- Commissioner Jordan: This contract is for \$10,914,740. The firm has 15 violations. Debarment procedures may be initiated by the department after four, and yet, the department did not. Move for deferral to no date certain.
- Commissioner Levine Cava: What is the consequence of deferring this item?
- Deputy Mayor Moon: The consequence of not proceeding with this item now would be the delay of something that is necessary for the East/West Express Route. This is one of the SMART Plan projects.
- Commissioner Jordan: When looking at the funding stream, FDOT is providing \$3.4 million, FTA is providing \$1.1 million, and the County is providing \$6.3 million, and we have a County department that is not even paying attention to these violations. That is the problem I have: when our own departments don't key in on the mistakes or issues that impact small businesses. Until we get a commitment from Administration to make sure they are following through on our rules and regulations when they have been cited, we are going to continue to have small businesses struggle. I will change my deferment motion to the December 17, 2019 BCC, with discussion on the item at the December 3, 2019 BCC where the directors of the relevant departments will address the concerns regarding these violations.
- Commissioner Sosa: In order to not prevent something that is needed, could we bring the item on December 3, 2019 after the report is done, with the ability of deferral to December 17, 2019?
- Commissioner Jordan: I would rather bifurcate the discussion from actual voting.
- Commissioner Levine Cava: I am satisfied with the approach Commissioner Jordan is proposing.
- Commissioner Moss: I can support the deferral, but there is also a flipside. There are small businesses having issues with being unable to perform because as-built drawings are not correctly reflecting the projects for completion. There is some sense that some of these actions are being done intentionally in order to not have these small businesses continue to participate in the process.
- Commissioner Jordan: I appreciate those comments because I want to address issues specifically taking place in Water and Sewer where small businesses are going out of business because of the kinds of actions that are being taken. It seems to be an attack on small business, and gives the impression that we're working with them, but we are putting a lot of obstacles in the way so they are not able to perform. That is why I want to bifurcate the discussion on this item from voting.

During the December 3, 2019 Board meeting, the following discussion on this item transpired:

- Commissioner Jordan: My concerns with this organization were the number of violations over the period of time.

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- Gary Hartfield, Director (SBD): The database that SBD utilizes to track the compliance issues is a management tool which was shared with the Commission Auditor. That working tool indicated 15 records in the database. Not all of those records are violations. In reviewing JVA's responsible wage violations (eight of the 15 records), three resulted in an actual violation. According to the Responsible Wages legislation, it takes four or more to be considered for debarment. JVA is therefore currently not in line to be considered for debarment. The three violations are all under the Responsible Wages Program. Each one of the different programs—Responsible Wages Program, Community Workforce Program, Employ Miami-Dade Program, Small Business Enterprise Program—carries its own violation report and own consequences based on the number of violations received. The three that lead towards debarment or suspension are the Responsible Wages Program, Employ Miami-Dade Program, and the Small Business Enterprise Program.
- Commissioner Jordan: The thing that also impressed me and made me realize that companies need to have time for growth and development is that this company started out as a small business firm and has since graduated and applied as a prime. In the process of applying as a prime, you have to prep yourself and be ready to report appropriately and get staffing together in order to do that. The concern that I still have, and have asked Gary (SBD) to make sure that they work with these firms in order to capture any early warning signals so they don't get into this position, because this company is one step away—a fourth violation and they are eligible to be debarred from doing business with the County. I would like for us to make sure that we prevent that and not have, especially new graduates from our Small Business Program, be in a position where they get to this point. Having 15 violations is one thing, but having three in the category that could cause them to be recommended for debarment, to me sends an early warning signal that we need to be doing more in terms of holding the hands of small businesses when they are in the program to make sure they are ready to move out of the program and respond appropriately. With that, I have no other issues with this organization.
- Commissioner Bovo: My understanding is that JVA has done substantial work with the County—over 200 contracts with the County if I'm not mistaken. The 15 violations were whittled down to almost nothing. We're talking about three possible violations which involved no malicious intent. I don't know what internal mechanisms we have, but I would hope that there is an intervention if we suspect there is an issue before we go down the path of putting something down in writing that there is a violation. If a company is starting to graduate to a different level, there is a ramp-up that is involved, and our intent is to help and foster those who want to do business with the County. My understanding, in talking to Public Works and the ports, is that there are no issues with this company—their work is good. So, this concerns me. This could be devastating to a company, so I would hope that we are being proactive before we even get to the level of putting something down in writing that could be a blemish on a company that may or may not be undeserved.

ANALYSIS

The purpose of this item is to award a contract to JVA Engineering Contractor, Inc. (JVA) for the construction of Tamiami Station, a new Park and Ride/Bus Terminal facility along the SR 836 express bus service route located in unincorporated Miami-Dade County in District 11, represented by Commissioner Martinez, at the southwest quadrant of SW 8th Street and SW 147th Avenue. The contract is valued at \$10,914,741 for a term of 570 days. The item authorizes the use of People's Transportation Plan Bond Program funds to support the construction of the station.

The project scope of work is to construct a Park and Ride lot with over 450 parking spaces, a bus terminal with eight bays and associated roadway improvements including lane widening along SW 8th Street and SW 147th Avenue. The scope also encompasses a continuous canopy over the passenger walking area, a pedestrian canopy leading to the

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parking lot and an Operator Relief Lounge. The awardee will be required to furnish all supervision, labor, materials, equipment, tools, services and incidentals necessary for the construction of the Tamiami Station. The completed project will provide express bus service from the new station towards the Miami Intermodal Center via SW/NW 107th Avenue and SR 836, as well as provide a terminal for several bus routes serving western portions of the County.

The proposed Tamiami Station is included in the Transportation Planning Organization's 2040 Long Range Transportation Plan and 2017 Transportation Improvement Plan, and the Florida Department of Transportation 2017 State Transportation Improvement Program. The contract award is in the amount of \$10,914,741, including a 5% contingency allowance of \$517,391 and a Dedicated Allowance Account for Art in Public Places for \$49,525, for a term of 570 calendar days, with a contingency period of 57 calendar days.

The \$10,914,740.76 total value of the contract will be paid with the following funding sources: Florida Department of Transportation (\$3,397,640), Federal Transit Administration Section 5307/5309 Formula Grant (\$1,180,744), and People's Transportation Plan Bond Program (\$6,336,356.76), thus necessitating CITT approval, which occurred on October 23, 2019. An 18% Disadvantaged Business Enterprise (DBE) goal has been assessed to the overall project.

Pursuant to 33-303 of the County Code, the Board approved Tamiami Station as a Government Facility on March 20, 2018 via Resolution R-272-18, authorizing the use, construction, and operation of the facility after its identification as a priority need for Miami-Dade County to help mitigate traffic congestion and provide the public with transit alternatives. The County currently owns the Tamiami Station property, which has a covenant to ensure that hazardous materials are not disposed of, discharged, or stored on a portion of the subject property.

The Tamiami Station consists of approximately eight acres and will provide the following amenities:

- Elevated platform for passenger loading and unloading to ensure it can accommodate the Autonomous Rail Rapid Transit (ART) bus;
- Accessible and convenient parking including long-term, short-term, drop-off/pick-up areas and designated parking for ADA, strollers, and electric vehicles, totaling approximately 493 spaces;
- Bus bays and layover bays;
- Continuous weather-protection canopies over loading/unloading bus area;
- Pedestrian canopies from west/east parking lots to bus bay area;
- A break lounge for drivers;
- Ticket vending machines;
- Motorcycle parking areas;
- Bicycle racks;
- Perimeter fencing and/or privacy wall to buffer the residential area to the south;
- Parking lot/site lighting;
- Under canopy lighting; and
- Drought-tolerant landscaping.

The solicitation was advertised on March 19, 2019. Five bids were received, with JVA submitting the lowest bid at a base price of \$10,347,825. DTPW proceeded with recommending JVA for award, despite JVA's bid being 8.16% above the Engineer of Record's estimate, after finding JVA to be responsive and responsible.

JVA has held six contracts with the County in the last three years, at a total value of \$31,042,474, including \$521,229 in Board-approved Change Orders. Pursuant to Resolution No. R-421-16, a performance record verification was

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conducted in the Capital Improvements Information System (CIIS) on December 12, 2019, finding that JVA has 53 evaluations with an average rating of 3.6 points out of a possible 4.0. Note, however, an interim evaluation rating of 2.6, dated May 24, 2016, was found for Contract No. 269541 (Northeast Transit Hub Enhancements). On the rating form, JVA received a 2.0 under the following criteria categories: Accuracy and Technical Skills, Responsiveness, Completeness and Management.

JVA has eight wage compliance issues recorded in SBD's database, three of which are closed SBD violations. The applicable legislation for Responsible Wages and Benefits, Section 2-11.16 of the County Code, states that "a fourth violation, shall constitute a default of the subject contract and *may* be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County." Concern about JVA's violations, and whether the firm did, in fact, have four or more violations, incited the deferral at the November 19, 2019 BCC meeting and the subsequent discussion item at the December 3, 2019 BCC meeting (see December 3, 2019 BCC Agenda Item 6B1 – File No. 192848 and above summary of the discussion under Procedural History). Detailed below are the eight wage compliance issues recorded in SBD's database, as reported by SBD, supporting the finding that only three of the eight wage compliance issues are underpayment violations which could trigger Responsible Wages and Benefits debarment procedures.

- 1) Underpayment complaint that had to be closed due to insufficient evidence.
- 2) Underpayment complaint closed because complainant pursued matter with private attorney through litigation.
- 3) \$1,405.21 in underpayment to one employee at Marlins project. Back wages paid. Closed June 21, 2012. (First Violation)
- 4) JVA found in non-compliance for not collecting payrolls from subcontractor.
- 5) \$3,140.43 in underpayment to 21 employees on Water and Sewer Department project. Back wages and penalty paid. Closed June 8, 2016. (Second Violation).
- 6) \$91,193.26 in underpayment to 52 employees on DTPW project. Back wages and penalty paid. Closed April 3, 2019. (Third Violation)
- 7) JVA found in non-compliance for not allowing SBD Compliance Officer to interview employees on site.
- 8) SBD informed JVA of underpayment complaints on Port Project. JVA reviewed payrolls and took corrective action by paying 23 employees \$19,747.66 in underpaid wages.

In addition, detailed below is a summary of OCA's due diligence performed on JVA, including relevant litigation.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
JVA Engineering Contractor, Inc.	Florida Profit Corporation Active Principal Address: 6600 NW 32 nd Avenue, Miami, FL 33147 Filed: September 26, 2002	Business address: 6600 NW 32 nd Avenue, Miami, FL 33147 Status: Paid and Current	License type: Certified General Contractor (expires August 31, 2020); Certified Underground Utility and Excavation Contractor	<i>Jorge Martinez vs. JVA Engineering Contractor, Inc. et al</i> (Case No. 2019-006049-CA-01); Filed on February 25, 2019 in the 11 th Judicial Circuit, Miami-Dade County; Allegations: plaintiff was not paid at the proper overtime rate for hours worked in excess of 40 hours per week and plaintiff was paid at a rate below the applicable hourly wage rate as

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			(expires August 31, 2020)	<p>set forth under federal law for some of his hours; Case Status: Removed to federal court.</p> <p><i>Herbert Morales vs. JVA Engineering Contractor, Inc.</i> (Case No. 2019-006584-CA-01); Filed on March 1, 2019 in the 11th Judicial Circuit, Miami-Dade County; Allegation: defendant breached its duty of care and was negligent in failing to warn of the existence or presence of the danger and/or hazardous condition created by an uncovered hole on the premises where plaintiff and others would walk, causing plaintiff to slip and fall into the uncovered hole, resulting in plaintiff being severely, significantly and permanently injured, incurring significant and permanent loss of bodily function; Case Status: Awaiting court action.</p> <p><i>Rivera et al v. TJ Pavement Corp. et al</i> (Case No. 1:12-CV-22359); Filed on June 26, 2012 in U.S. District Court, Southern District of Florida (Miami); Allegation: defendant and co-defendant breached the terms of the contracts with the County by not paying the plaintiff the specified hourly wage and overtime rate for his position as a dump truck driver; Case Status: Closed – Settled and dismissed with prejudice.</p>
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Proposed Tamiami Station at SW 8th Street and SW 147th Avenue



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Researcher: JFP Reviewer: PGE

DEPARTMENTAL INPUT

The following questions were posed to the Department of Transportation and Public Works. Responses are below in bold.

How many comparable construction projects are underway? How many comparable projects have been completed? For completed projects, please provide the details of such projects, as well as the ridership numbers of express bus route services.

The following are the comparable projects completed and performed through the Design and Engineering Division and contracted out by the County:

- 1. Park-and-Ride at SW 88 Street and SW 127 Avenue – It is located on the Southeast corner of Kendall Drive (SW 88 St.) and SW 127 Avenue. It was open for revenue services on June 2017 and has approximately 160 parking spaces. The Park and Ride is serviced by limited stop bus route 288 with approximately 127 total boarding.**
- 2. SW 344 Street Park-and-Ride and Bus Terminal – It is located at the Southern terminus of the South Miami-Dade Transitway at SW 344 Street. It was open for revenue services on June 2015 and has approximately 250 parking spaces. The Park and Ride is serviced by express bus route 34 with approximately 280 total boarding.**
- 3. Panther Station Bus Terminal – it is located on FIU property, along SW 8 Street between SW 109 Ave and SW 112 Avenue. The project is currently in the design phase. The expected revenue service date is in 2022.**

The following is an upcoming comparable project which is being completed through the Design and Engineering Division and is scheduled to be contracted out by the County:

- 1. Panther Station Bus Terminal – it is located on FIU property, along SW 8 Street between SW 109 Ave and SW 112 Avenue. The project is currently in the design phase.**
- JVA has held six contracts with the County in the last three years, at a total value of \$31,042,474, including \$521,229 in Board-approved Change Orders. Please provide the title, approval authority (Board, Mayor, Dept. Director, etc.), value, term, status and evaluation rating for these contracts over the last three Fiscal Years.

Attached is the three-year Firm History Report provided by the Division of Small Business Development with below summary of information as requested.

No.	Project No.	Title	Approval Authority	Value (inclusive of Change Orders)	Base Term (calendar days)	Status (In the Capital Improvement Information System)	Evaluation Rating
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1	2017-035.01	North Cruise Boulevard Extension – Phase 1	Mayor's Designee (Dept. level)	4,656,356.84	866 days	On Hold (due to ongoing adjacent construction)	4.0 (Interim)
2	2017-035.01B	North Cruise Boulevard Extension Phase 1B	Mayor's Designee (Dept. level)	\$3,836,180.00	SBD 3-Year Firm History Report flags project as closed/inactive.		
3	2017-035.01B	North Cruise Boulevard Extension Phase 1B	Mayor's Designee (Dept. level)	4,267,961.57	487 days	Behind Schedule	3.9 (Interim)
4	RPQ No. T2485	Emergency Work for Roadway Restoration Work at NW 41 St Between NW 115 and Fla. Turnpike	Mayor's Designee (Dept. level)	\$483,130.00	21 days	Work Complete: Pending Claim	None
5	2016-058.02	Seaboard Marine Cargo Terminal Redevelopment Phase II (5 of 5)	Board	\$5,578,699.26	240 days	On Schedule	None
6	20180089	People's Transportation Plan Roadway Improvements to SW 137 Ave From US-1 to SW 200 Street	Board	\$13,176,587.88	1095 days	None	None

- What accounted for the delay in advertising the solicitation (advertised on March 19, 2019) if Tamiami Station was Board-approved as a Government Facility a year prior (on March 20, 2018)? **The Governmental Facility process completed on 3/20/18 was at about 75% final design. The final design completed on 8/17/18**

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which included some redesign work per submittal approved by the Governmental Facility process. The procurement process for the Construction contract began on August 2018. The contract was advertised on 3/19/19.

- Please provide the details of JVA's SBD violations, particularly that of \$91,193.26 for underpayment of an employee.
 - **CMJPA-2014.01:** On July 21, 2016, Small Business Development (SBD) issued a Notice of Violation (NOV) to JVA Engineering Contractors, Inc. (JVA) for failing to meet the 10% Community Workforce Program (CWP) goal on a project no. CMJPA-2014.01, a Joint Participation Agreement (JPA) between Miami-Dade County and the City of Miami for Roadway Improvement which resulted in a deficit of two (2) employees and a penalty of \$3,000. On August 15, 2018, SBD received the \$3,000 penalty payment from the contract proceeds issued by the Department of Transportation and Public Works, which closed this matter.
 - **DB15-PWWM-01 (Build) (20150195):** On March 4, 2019, JVA Engineering Contractors, Inc. (JVA) was issued a Notice of Violation for the underpayment of \$91,193.26 to fifty-two (52) employees. A 40% penalty equal to \$36,477.31 also applied. JVA provided proof of payment of \$81,027.24 to employees, a check for payment of the penalty, and checks for \$10,149.50 to deposit in the SBD Trust Fund for 19 employees it could not locate. The SBD Trust Fund Account was established for employers to deposit unclaimed wages due to employees pursuant to the Responsible and Living Wages that cannot be located. SBD attempts to locate the employees to distribute wages due, which remain in the account for one year. If the wages are not claimed after one year they are transferred to the State of Florida. JVA also provided checks for deposit in the SBD Trust Fund for Enrique Garcia due \$11.52 and Pedro Rivera \$5.00, because we limit the use of the account to employee owed more than \$20.00, these checks were returned to JVA with instructions to forward to the State of Florida Bureau of Unclaimed Property pursuant to Florida Statutes Chapter 717. This matter was closed on April 3, 2019.

ADDITIONAL INFORMATION

Transportation Planning Organization's 2040 Long Range Transportation Plan

<http://www.miamidadetpo.org/library/plans/2040-long-range-transportation-plan-final-2014-10.pdf>

2017 Transportation Improvement Plan

<http://www.miamidadetpo.org/transportation-improvement-program.asp>

<http://www.interactip.com/>

Florida Department of Transportation 2017 State Transportation Improvement Program

<https://www.fdot.gov/workprogram/federal/stip.shtm>

SR 836 Express Bus -Project Fact Sheet

<https://www.miamidade.gov/transit/library/pdfs/misc/sr-836-fact-sheet.pdf>

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APPLICABLE LEGISLATION/POLICY

Section 2-8.1(h) of the Code of Miami-Dade County requires that the award recommendation memorandum presented to the Board identify each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each and the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

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

Section 2-8.1 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; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

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

Section 2-8.3 of the Code of Miami-Dade County (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

Section 2-11.16 of the Code of Miami-Dade County governs payment to laborers under construction contracts.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO

Section 33-303 of the Code of Miami-Dade County provides that, prior to the construction, erection or operation of a governmental facility in the unincorporated areas of Miami-Dade County, a favorable public hearing before the Board is required. The Board may only authorize the use, construction, erection and operation of such facilities in any zoning district after considering, among other factors, the public need for the facility, the type of function involved, existing land use patterns in that area and the nature of the impact of the facility on surrounding properties.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-303EXPRZOUNARWHCOREZOJUINAREXAPGOFA

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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH29ZO_ART124F

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Research Notes

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Researcher: JFP Reviewer: PGE

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FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR](#)

Section 2-11.15 of the Code of Miami-Dade County governs works of art in public places and specifies that the County and each municipality in the County shall provide for the acquisition of works of art equivalent in value to not less than one and one-half (1.5) 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.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.15WOARPUGL

Section 10-34 of the Code of Miami-Dade County requires the listing of subcontractors on county construction contracts in which a bidder may use a subcontractor which involves the expenditure of \$100,000 or more.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE

Implementing Order No. 3-34 establishes procedures for the formation and performance of selection committees in the competitive procurement process, including competitive selection committees utilized in the acquisition of architectural and engineering professional services.

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

Administrative Order No. 3-39 establishes the County's policies and procedures for user departments for the construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

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

Implementing Order No. 3-57 establishes a policy for the use of standard construction general conditions by all County departments.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-57.pdf>

Implementing Order No. 3-24 implements the responsible bidder ordinance and establishes an administrative procedure for resolution of complaints regarding underpayment of required hourly wages for County construction contracts.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-24.pdf>

Resolution R-272-18, adopted March 20, 2018, approved the proposed development of a Park And Ride/Bus Terminal Facility, known as Tamiami Station, to be located at the southwest corner of SW 8 Street and SW 147 Avenue, as a Government Facility in compliance with Section 33-303 of the Code of Miami-Dade County.

<http://intra/gia/matter.asp?matter=180503&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://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-421-16, adopted May 17, 2016, requires (1) the County Mayor to attach to all items recommending design and/or construction contract awards of \$1,000,000 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended

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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>

Ordinance No. 07-65, adopted May 8, 2007, establishes the County's Sustainable Buildings Program.

<http://intra/gia/matter.asp?matter=070463&file=true&yearFolder=Y2007>

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

<http://intra/gia/matter.asp?matter=141211&file=true&yearFolder=Y2014>



MIAMI DADE COUNTY

Small Business Development

Firm History Report

From: 07/05/2016 To: 07/31/2019

FIRM NAME: JVA ENGINEERING CONTRACTOR, INC.
6600 NW 32nd Ave
Miami, FL 33147-0000

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
2017-035.01 (7360)	1	SP	GOAL CSBE 8.65%	01/25/2018	\$3,610,468.26
NORTH CRUISE BOULEVARD EXTENSION - PHASE I			GOAL SBE 3.18%		
Change Order # 1	MAR-25-19	157 days			\$521,229.08
					<hr/> \$4,131,697.34
* 2017-035.01B (7360)	1	SP	GOAL CSBE 10%	06/18/2018	\$3,836,180.00
NORTH CRUISE BOULEVARD EXTENSION PHASE 1B					
					<hr/> \$3,836,180.00
2017-035.01B (7360)	1	SP	GOAL SBE 2.95%	06/18/2018	\$3,836,180.00
NORTH CRUISE BOULEVARD EXTENSION - PHASE IB			GOAL CSBE 9.55%		
					<hr/> \$3,836,180.00
RPQ NO. T2485	1	WS	LEVEL 1 SET ASIDE CSBE 100%	08/13/2018	\$483,130.00
EMERGENCY WORK FOR ROADWAY RESTORATION WORK AT NW 41 ST BETWEEN NW 115 AVE AND FLA. TURNPIKE					
					<hr/> \$483,130.00

* Indicates closed or expired contracts

Disclaimer: Payments shown may not reflect current information

DBDR0210_E v.20150827

Friday, July 5, 2019

Ver: 1



MIAMI DADE COUNTY

Small Business Development

Firm History Report

From: 07/05/2016 To: 07/31/2019

FIRM NAME: JVA ENGINEERING CONTRACTOR, INC.
6600 NW 32nd Ave
Miami, FL 33147-0000

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
2016-058.02	1	SP	NO MEASURE	04/09/2019	\$5,578,699.26
SEABOARD MARINE CARGO TERMINAL REDEVELOPMENT PHASE II (5 OF 5)			GOAL CSBE 12.56%		
			NO MEASURE		
			NO MEASURE		
			GOAL SBE .63%		
					<hr/> \$5,578,699.26
20180089	1	MT	GOAL SBE .14%	05/07/2019	\$13,176,587.88
IMPROVEMENTS TO SW 137 AVE FROM US-1 TO SW 200 STREET			GOAL SBE 1.39%		
			GOAL CSBE 6.97%		
			GOAL CSBE 1.5%		
					<hr/> \$13,176,587.88
Total Award Amount				\$30,521,245.40	
Total Change Orders Approved by BCC				\$521,229.08	
				<hr/> \$31,042,474.48	

* Indicates closed or expired contracts

Disclaimer: Payments shown may not reflect current information

DBDR0210_E v.20150827

Friday, July 5, 2019

Ver: 1

**BCC Meeting: December 17, 2019
Research Notes**

**Item No. 15C1
File No. 192926**

Researcher: CB Reviewer: TD

APPOINTMENT OF ANTHONY R. GOMEZ AND MARCUS THERMES TO SERVE AS MEMBERS OF THE SMALL BUSINESS ENTERPRISE CONSTRUCTION (SBE-C) ADVISORY BOARD

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor:

Department/Requester: Clerk of the Board

ANALYSIS

OCA completed the required background research on “Anthony R. Gomez and Marcus Themes” 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).