

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

Transportation and Finance (TAF) Committee Meeting

January 15, 2020 2:00 P.M. Commission Chambers

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

Item No. 3A File No. 192989

RESOLUTION APPROVING AWARD OF CONTRACT FOR CONSTRUCTION SERVICES FOR THE LEHMAN YARD PERIMETER SECURITY FENCE; CONTRACT NO. IRP278-DTPW19-CT; BETWEEN MIAMI-DADE COUNTY AND GOMEZ & SON FENCE CORP. IN AN AMOUNT OF \$5,302,524.61, INCLUSIVE OF CONTINGENCY ALLOWANCE ACCOUNT OF \$459,320.42 FOR A TERM OF 540 DAYS; AUTHORIZING

Researcher: JFP Reviewer: TD

THE USE OF PEOPLES' TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR THIS PROJECT WHICH WAS ADDED TO THE PEOPLES' TRANSPORTATION PLAN FISCAL YEAR 2019-2024 FIVE-YEAR IMPLEMENTATION PLAN ON JANUARY 22, 2019

ISSUE/REQUESTED ACTION

Whether the Board should award *Contract No. IRP278-DTPW19-CT* to Gomez & Son Fence Corp. in the amount of \$5,302,524.61 for construction services for the Lehman Yard Perimeter Security Fence for a term of 540 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 has no procedural history.

ANALYSIS

The purpose of this item is to award a contract to the SBE-Con firm, Gomez & Son Fence Corp. (Gomez), for the construction of the Lehman Yard Perimeter Security Fence for the William Lehman Facility, an active railroad maintenance facility that houses Metrorail cars on an energized track. The facility, located at 6601 NW 72nd Avenue, Miami, FL 33166 in District 12, represented by Commissioner Jose "Pepe" Diaz, is currently surrounded by a chain link fence and gates that have not been effective in preventing security breaches. Trespassers have scaled or cut through the fence to commit acts of vandalism, namely the spray painting of graffiti on Metrorail cars, in so doing exposing themselves to the danger of the energized rail.

The contracted firm will furnish, deliver, and install a new high security perimeter fence and gates intended to better prevent unauthorized access to the facility. The contract value of \$5,302,524.61 includes a base contract amount of \$4,593,204.19, a 10% contingency allowance of \$459,320.42 and Dedicated Allowance Accounts for the following: Environmental Changes (\$100,000), Florida East Coast Railway (\$100,000), and Permits (\$50,000). The contract term is 540 days. The item authorizes the use of People's Transportation Plan (PTP) Bond Program funds to fully fund the construction of the security fence, thus necessitating Citizens' Independent Transportation Trust (CITT) approval, which is currently pending. The project (Capital Budget Project No. 2000000993) was added to the PTP's Fiscal Year 2019-2020 Five-Year Implementation Plan on January 22, 2019.

DTPW advertised the solicitation through the County's Miscellaneous Construction Contract (MCC) 7360 Plan on April 4, 2019. There were four respondents with base bids ranging from \$5,352,720 to \$6,404,112, all exceeding the Engineer of Record (EOR)'s estimate of \$3,776,858 for the project. Gomez submitted the lowest base bid of \$5,352,720—an amount 41.72% higher than the EOR's estimate. Negotiations between the County and Gomez resulted in Gomez providing a credit of \$759,5415.81, lowering its base bid to \$4,593,204.19—now 21.61% higher than the EOR's base estimate. The EOR provided a justification for the difference between its base estimate and Gomez's base bid, citing discrepancies between the bid line items due to contractor's means and methods, market

Item No. 3A
File No. 192989
Researcher: JFP Reviewer: TD

conditions, and intensive labor efforts due to the project's proximity to the existing energized rail tracks. DTPW proceeded with recommending Gomez for award, despite its bid being above the Engineer of Record's estimate, after finding the firm to be responsive and responsible. Pursuant to Section 2.81(b) of the County Code, Board approval of this MCC 7360 Plan contract award is required given that the award amount is greater than 5,000,000.

To participate in the Miscellaneous Construction Contract Program, a firm must:

- Be a licensed Construction Contractor (hold a valid State of Florida or Miami Dade County Certificate of Competency)
- Be registered and active in the Florida Department of State Division of Corporation
- Be a registered vendor with Miami Dade County, Internal Services Department, Procurement Management Services
- Complete the MCC Registration online through the Vendor Portal and attach all required documents
- Provide proof of Insurance coverage for:
 - General Liability
 - Worker's Compensation as required by Florida Statutes Chapter 440
 - Automobile Liability Owned, Non-owned & Hired Vehicle

Gomez has held 25 contracts with the County in the last three years—all awarded through the County's 7040 and 7360 MCC Programs—at a total value of \$968,970.94, including \$1,567.50 in Change Orders. Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System (CIIS) on January 8, 2020, finding that Gomez has 72 evaluations with an average rating of 3.5 points out of a possible 4.0. Gomez has one issued SBD violation issued nearly 20 years ago, and no open violations.

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

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Gomez & Son	Florida Profit	Business address:	License type:	No relevant cases.
Fence Corp.	Corporation	10805 NW 22	Certified	
		Street	General	
	Active	Doral, FL 33172	Contractor	
			(expires August	
	Principal Address:	Status: Paid and	31, 2020)	
	10805 NW 22	Current		
	Street			
	Doral, FL 33172			
	Filed: October 19,			
	2016			

ADDITIONAL INFORMATION

Miscellaneous Construction Contracts Program

https://www.miamidade.gov/smallbusiness/miscellaneous-construction-contracts.asp

Item No. 3A File No. 192989

File No. 192989 Researcher: JFP Reviewer: TD

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.

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dade_county/codes/code_of_ordinances?nodeId=PTIIICOOR_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=PTIIICOOR 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.

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

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dade county/codes/code of ordinances?nodeId=PTIIICOOR CH2AD ARTIINGE S2-11.16COCOCO

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_or

inances?nodeId=PTIIICOOR CH29TA ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551

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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.

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dade county/codes/code of ordinances?nodeId=PTIIICOOR CH10CO ARTIIBIPUPR S10-34LISURE

Item No. 3A File No. 192989

File No. 192989 Researcher: JFP Reviewer: TD

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

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

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

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

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

Item No. 3B

File No. 193054 Researcher: MF Reviewer: TD

RESOLUTION APPROVING CONTINUATION OF SPENDING AUTHORITY BEYOND MARCH 7, 2020 FOR AN ADDITIONAL YEAR FOR WORK ORDERS RELATED TO THE STRATEGIC MIAMI AREA RAPID TRANSIT (SMART) PLAN THROUGH THREE EXISTING PROFESSIONAL SERVICES AGREEMENTS FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS: 1) CONTRACT NO. CIP142-TR-15-PE1 WITH WSP USA, INC., FORMERLY KNOWN AS PARSONS BRINCKERHOFF, INC.; 2) CONTRACT NO. CIP142-1-TPW16-PE1(1) WITH PARSONS TRANSPORTATION GROUP, INC.; AND 3) CONTRACT NO. CIP142-1-TPW16-PE1(2) WITH AECOM TECHNICAL SERVICES, INC. (AECOM)

ISSUE/REQUESTED ACTION

Whether the Board should approve a continuation of Professional Services Agreements (PSA) between the County and WSP USA Inc., Parsons Transportation Group, Inc., and AECOM Technical Services for work orders related to the Strategic Miami Area Rapid Transit (SMART) Plan for one additional year.

PROCEDURAL HISTORY

Prime Sponsor: N/A

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

There is no procedural history for this item currently.

ANALYSIS

The purpose of this item is for the Board to authorize the continuation of a professional services contract for another year, beyond March 7, 2020, for three existing PSAs related to the SMART Plan. The contracts and respective firms are as follows:

- Contract No. CIP142-TR-15-PE1 WSP USA, Inc. (formerly known as Parsons Brinckerhoff, Inc.)
- Contract No. CIP142-1-TPW16-PE1(1) Parsons Transportation Group, Inc.
- Contract No. CIP142-1-TPW16-PE1(2) AECOM Technical Services, Inc.

There is no fiscal impact for this item currently. The Board approved an increase in contract amounts for each PSA and authorized work orders for an additional year (beyond March 7, 2019) for the SMART Plan on February 5, 2019, pursuant to Resolutions Nos. R-151-19, R-152-19 and R-153-19. The present request will allow the firms to continue to work for another year under the previously approved allocated amounts from the 2019 legislation. The scope of work consists of designing six rapid transit corridors and a network of Bus Express Rapid Transit (BERT) routes. This item requires review by the Citizens Independent Transportation Trust (CITT).

Table 1 shows a summary of the PSAs awarded to WSP USA Inc., Parsons Transportation Group, Inc., and AECOM Technical Services from 2017 through 2019, respectively.

Researcher: MF Reviewer: TD

Item No. 3B File No. 193054

Table 1

Awarded Firms	2017 Approvals (R-256-17, R-257-17, R-258-17)	2018 Approval (R-226-18)	2019 Approvals (R-151-19, R-152-19, R-153-19)	Total Contracts Amount to Date (including contingencies)
WSP USA Inc. (formerly Parsons Brinckerhoff, Inc.)	\$11,000,000	1-year Extension of Time	\$10,780,000 (contract increase amount)	\$21,780,000
Parsons Transportation Group, Inc.	\$11,000,000	1-year Extension of Time	\$9,130,000 (contract increase amount)	\$20,130,000
AECOM Technical Services	\$11,000,000	1-year Extension of Time	\$7,590,000 (contract increase amount)	\$18,590,000

The requestor Department also submitted a status update on four of the six SMART Plan corridors, as well as the BRT Network component. Below is a brief synopsis of each one.

- **❖** East-West Corridor 11 miles (FIU-Miami Intermodal Center, MIA)
 - ➤ The project team will coordinate with the Federal Transit Administration (FTA) after the selection of the Locally Preferred Alternative (LPA). The final National Environmental Policy Act (NEPA) document should be completed in early 2020.
- ❖ *South Corridor* 20 miles (Florida City-Dadeland South Metrorail Station)
 - ➤ The project team submitted a Small Starts Package to the FTA, requesting \$100 million FTA Capital Investment Grant Program funding in August 2019, and is expecting a grant agreement with FTA in April 2020.
- **❖** *Beach Corridor* − 11.5 miles (Miami Design District-Downtown Miami-MacArthur Causeway-Miami Beach Convention Center)
 - ➤ The County issued an RFP for a Rapid Mass Transit Solution for the Beach Corridor Trunk Line in September 2019 and is expected to receive proposals in March 2020. DTPW initiated the environmental, geotechnical and utility explorations to provide data to potential proposers.
- ❖ *North Corridor* 10 miles (MLK Metrorail Station-NW 215th Street along NW 27 27th Avenue)
 - ➤ The BCC directed County staff to issue an RFP to design, build, operate and maintain an elevated fixed guideway transit system for the North Corridor.
- ❖ Bus Rapid Transit (BERT) Network (Routes: Flagler Corridor, South Miami-Dade Express, NW Miami-Dade Express, SW Miami-Dade Express, Florida's Turnpike Express North, Florida's Turnpike Express South, Beach Express North, Beach Express Central and Beach Express South)
 - > Three public meetings are scheduled for 2020; The BERT study is slated to be completed by the end of 2020.

Item No. 3B File No. 193054

Researcher: MF Reviewer: TD

OCA conducted due diligence on January 10 and 13, 2020 pertaining all three firms: WSP USA, Inc.; Parsons Transportation Group, Inc.; and AECOM Technical Services, Inc. Below are the findings.

Awarded Firms	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
WSP USA, Inc.	Foreign Profit Corporation Active Principal Address: One Penn Plaza New York, NY Filed: March 5, 1973	Business Address: 7250 NW 19 St. #300 Miami, FL Status: \$1,087.50 due	Active Licensed for: Architect Business; Geology Business, Registry	Anita Leilaind v. WSP USA, Inc., et al; Case No. 2:19-CV-07692, filed September 9, 2019 in U.S. District Court, Central District of California (Los Angeles). Allegation: Defendant discriminated the Plaintiff based on disability by failing to prevent discrimination, provide reasonable accomodation and retaliation in termination of plaintiff under the discrimination and other violations. Status: As of November 6, 2019, a judge ordered case to court mediation panel and a joint report regarding the settlement is due by August 21, 2020. Anita Leilaind v. WSP USA, Inc.; Case No. 19STCV20012, filed June 7, 2019 in Los Angeles County, Superior Court. Allegation: Defendants discriminaed against Plaintiff on the basis of short term health disability, failing to provide reasonable accomodations and terminated his employment on retaliation in violation of government code and

Item No. 3B File No. 193054

Researcher: MF Reviewer: TD

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				FEHA. Status: Pending court action.
Parsons Transportation Group, Inc.	Foreign Profit Corporation Active Principal Address: 100 M Street SE #1200 Washington, DC Filed: September 11, 1974	Business Address: 7600 NW 19 St. #104 Miami, FL Status: Paid and Current	Active Licensed for: Certified General Contractor; Construction Financial Officer; Construction Business Information; Architect Business; Registry	No cases found
AECOM Technical Services, Inc.	Foreign Profit Corporation Active Principal Address: 300 S. Grand Ave. 9th Floor Los Angeles, CA Filed: August 21, 1995	Business Address: 800 Douglas Rd. #200 Coral Gables, FL Status: Paid and Current	Active Licensed for: Geology Business; Real Estate Corporation; Certified General Contractor; Landscape Architect Business; Architect Business; Certified Building Contractor; Construction Financial Officer; Construction Business Information; Registry	Marie Hogan v. AECOM Technical Services, Inc.; Case No. 19STCV40072 filed November 7, 2019 in Los Angeles County Superior Court. Allegation: Class action complaint – Defendants failed to pay minimum overtime wages for all hours worked, to provide accurate wage statements, to provide meal and rest periods to plaintiff and other class members and engaged in unfair business practices in violation of Labor Code. Status: Pending court action via an upcoming initial status conference on January 17, 2020.

ADDITIONAL INFORMATION

A complete SMART Plan summary may be accessed via the Miami-Dade Transportation Planning Organization (TPO). http://www.miamidadetpo.org/smartplan.asp

OCA performed Internet searches regarding WSP USA, Inc., Parsons Transportation Group, Inc., and AECOM Technical Services, Inc. on January 13, 2020. Below is an overview of some of the projects the awarded firms have completed.

• WSP USA, Inc. – One World Trade Center, New York; Presidio Parkway, San Francisco, CA; Pearl Harbor Memorial Bridge, New Haven, CT https://www.wsp.com/en-US

Item No. 3B File No. 193054

Researcher: MF Reviewer: TD

- Parsons Transportation Group, Inc. I-80 SMART Corridor, San Francisco, CA; Houston METRO Light Rail Expansion, Houston, TX; Washington Metro, Washington, DC https://www.parsons.com/
- AECOM Technical Services, Inc. 3 Miami Central Miami, FL; 2016 Rio Olympic and Paralympic Games; Adolfo Suarez Madrid-Barajas Airport, Madrid, Spain. https://www.aecom.com/

APPLICABLE LEGISLATION/POLICY

Section 2-8.3 of the County Code, provides guidelines for whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Manager 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 ten (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 Manager that clearly identifies any and all delegations of Board authority contained in the body of the proposed contract. Those contracts covered by Section 2-8.2.7 for which no timely protest is filed, the County Manager's recommendation may be awarded by the County Manager in accordance with his recommendation. The Commission, by two-thirds (2/3) vote of the members present, may waive the requirements of this section. The foregoing notwithstanding, the requirements of this section shall not apply to contracts or purchases which the County Manager has the delegated authority to award under Section 2-8.1(b) of this Code.

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dade county/codes/code of ordinances?nodeId=PTIIICOOR CH2AD ARTIINGE S2-8.3MARE

Resolution No. 151-19, adopted February 5, 2019, authorized supplemental agreement No. 1 to a professional services agreement between Parsons Transportation Group Inc. and the County for engineering services for DTPW's Capital Improvement Plan, increasing the amount by \$9,130,000 and authorizing the use of charter County transportation surtax funds for such purposes and authorizing the continuation of spending authorities for work orders related to the SMART Plan beyond March 7, 2019 for one additional year.

http://intra/gia/matter.asp?matter=190041&file=true&yearFolder=Y2019

Resolution No. 152-19, adopted February 5, 2019, authorized supplemental agreement No. 1 to a professional services agreement between AECOM Technical Services Inc. and the County for engineering services for DTPW's Capital Improvement Plan, increasing the amount by \$7,590,000 and authorizing the use of charter County transportation surtax funds for such purposes and authorizing the continuation of spending authorities for work orders related to the SMART Plan beyond March 7, 2019 for one additional year.

http://intra/gia/matter.asp?matter=190039&file=true&yearFolder=Y2019

Resolution No. 153-19, adopted February 5, 2019, authorized supplemental agreement No. 1 to a professional services agreement between WSP USA Inc. and the County for engineering services for DTPW's Capital Improvement Plan, increasing the amount by \$10,780,000 and authorizing the use of charter County transportation surtax funds for such purposes and authorizing the continuation of spending authorities for work orders related to the SMART Plan beyond March 7, 2019 for one additional year.

http://intra/gia/matter.asp?matter=190040&file=true&vearFolder=Y2019

Item No. 3B File No. 193054

Researcher: MF Reviewer: TD

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

 $\underline{\text{http://www.miamidade.gov/govaction/matter.asp?matter=190936\&file=true\&fileAnalysis=false\&yearFolder=Y2019936\&file=true\&yearFolder=Y2019936\&yearFolder=$

Resolution No. 226-18, adopted March 6, 2018, approved continuation of spending authorities beyond March 7, 2018 for an additional year for work orders related to the Strategic Miami Area Rapid Transit Plan (SMART) Plan through three existing professional services contracts for DTPW.

http://intra/gia/matter.asp?matter=180242&file=true&yearFolder=Y2018

Resolution No. 256-17, adopted March 7, 2017, approved award of a professional services agreement with Parsons Brinckerhoff, Inc. to provide professional engineering services for DTPW's Capital Improvement Plan in an amount not to exceed \$11,000,000 inclusive of contingency allowance account and authorizing the use of charter County transportation surtax funds for such purposes.

http://intra/gia/matter.asp?matter=170692&file=false&yearFolder=Y2017

Resolution No. 257-17, adopted March 7, 2017, approved award of professional services agreement with Parsons Transportation Group, Inc. to provide professional engineering services for DTPW's Capital Improvement Plan in an amount not to exceed \$11,000,000 inclusive of contingency allowance account and authorizing the use of charter County transportation surtax funds for such purposes.

http://intra/gia/matter.asp?matter=170491&file=true&vearFolder=Y2017

Resolution No. 258-17, adopted March 7, 2017, approved award of professional services agreement with AECOM Technical Services, Inc. to provide professional engineering services for DTPW's Capital Improvement Plan in an amount not to exceed \$11,000,000 inclusive of contingency allowance account authorizing the use of charter County transportation surtax funds for such purposes.

http://intra/gia/matter.asp?matter=170489&file=true&yearFolder=Y2017