



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

**Infrastructure and Capital Improvements
Committee (ICI) Meeting**

March 10, 2020
2:00 P.M.
Commission Chambers

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**ICI Committee Meeting:
March 10, 2020
Research Notes**

**Item No. 3A
File No. 200377**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01058 TO SIEMENS MOBILITY, INC. FOR PURCHASE OF ADVANCED TRAFFIC MANAGEMENT SYSTEM FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS IN A TOTAL AMOUNT NOT TO EXCEED \$160,173,671 FOR THE NINE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS CONTAINED IN EXHIBIT 1 OF THE PEOPLE'S TRANSPORTATION PLAN SECTION MAJOR HIGHWAY AND ROAD IMPROVEMENTS

ISSUE/REQUESTED ACTION

Whether the Board should approve award of *Contract No. RFP-01058* to Siemens Mobility, Inc. for the purchase of an Advanced Traffic Management System (ATMS) in the amount of \$160,173,671 for a term of nine years for the Department of Transportation and Public Works (DTPW), authorizing the use of Charter County Transportation Surtax funds for such purpose.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

There is no procedural history for this item currently.

ANALYSIS

The purpose of this item is for the County to contract with Siemens Mobility, Inc. to modernize the existing ATMS and traffic controllers and to provide miscellaneous engineering implementation of traffic engineering solutions. The proposed resolution requests Board authorization to award *Contract No. RFP-01058* to Siemens Mobility, Inc., in the amount of \$160,173,671 for a nine-year term for DTPW. This project will ultimately alleviate traffic congestion by upgrading the County's existing 2,900 traffic signal controllers. Note that, according to the mayoral memorandum, this improvement to the County's traffic signalization system is both part of the original People's Transportation Plan and on the ballot presented to the electorate in November 2002.

Under the contract, the work to be conducted impacts operationally active signalized intersections. The design and construction services rendered are intended to result in a complete, functional and operable state of a modernized traffic signal system. Such services include the associated engineering design, technical specifications, permitting, device installation, infrastructure construction, system integration, operational support, training and acceptance testing.

The fiscal impact is \$160,173,671 for a nine-year term. Per the contract's Price Schedule, payment is apportioned into three task groups: (1) Group 1, *ATMS and Traffic Signal Controller Migration*, totaling \$47,627,585; (2) Group 2, *Full Actuation of Signalized Intersections*, totaling \$92,211,343.33; and (3) Group 3, *Miscellaneous Engineering*

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Implementation, totaling \$5,773,500. Moreover, the Price Schedule details a contingency allowance of \$9,913,992.67 as well as an allowance of \$4,647,250 for nighttime work. The contract will be funded by DTPW operating, road impact fees, surtax and bond proceeds, state and federal sources. The mayoral memorandum does not specify the amount of surtax dollars that will be designated for this contract.

Approximately 2,600 intersections are controlled using the McCain D170E controller. The remaining intersections are controlled by the Econolite Safetran Model 2070C controller. The intersections with D170E controllers are managed using the Kimley-Horn KITS software; the remaining are managed by the Econolite Centrac ATMS. The current KITS ATMS owned by the County does not include support for the Caltrans Model 2070LX controller. This contract facilitates upgrading the McCain D170E controller to the 2070LX technology. Among the benefits of the 2070LX Controller are the enhanced platform that allows additional vehicle (including bicycles) and pedestrian detection at signalized intersections and vehicle detection zones to support Transit Signal Priority and Adaptive Signal Timing operations.

Pursuant to Resolution No. R-658-17, adopted on July 6, 2017, the Board awarded a contract for \$11,134,917 to Econolite Control Products, Inc. to purchase traffic signal system modernization services for DTPW for an initial two-year term plus one, one-year option to renew. The mayoral memorandum is silent as to the interplay between this contract award and the Econolite contract. More recently, the Board approved an amendment to the County's contract with Kimley-Horn and Associates through Resolution No. R-208-20 on February 19, 2020, providing the firm additional funding of \$2,500,000 for it to assist in the ATMS modernization efforts.

The solicitation for this award was advertised on October 4, 2018. Four proposals were received. On October 30, 2019 an award recommendation was approved. On November 4, 2019, the second-ranked proposer, Horsepower Electric, Inc. filed a protest with the Clerk of the Board based on three grounds:

- 1) The RFP's terms were modified after the submission of proposals in a manner that provided an unfair competitive advantage to only one proposer (Siemens);
- 2) Arbitrarily and capriciously disregarded and ignored the material assumptions and conditions that the Siemens proposal was expressly based on conditioned upon, per Siemens own written confirmation, such that the County has knowingly recommended an award to Siemens based upon an initial Siemens proposals that it knows was illusory; and
- 3) Arbitrarily gifting Siemens an extra \$4,647,250 over its proposed price for an unspecified amount of night work that Siemens had already expressly assumed in its initial proposals that it would have to complete.

On January 6, 2020, the Hearing Examiner upheld the County's decision – excepting a provision of the final contract that differed from both the RFP and Siemens' proposal. The aforementioned provision pertained to the inclusion in the negotiated agreement of a 10-working day timeframe for the County to review and return design submittals was deemed an improper advantage to Siemens, thereby resulting in an improper award recommendation. Per the mayoral memo, after consultation with the County Attorney's Office, the award recommendation was rescinded on January 22, 2020; at that point, the County's Negotiation Team was instructed to negotiate a revised final agreement consistent with the RFP and the initial proposal. Subsequently, on January 29, 2020, negotiations resumed with Siemens pertaining to the submittal review timeframe and both parties reached an agreement, giving the County a minimum of 21 days as a review period.

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Table 1 depicts the procurement timeline.

Table 1

Date	Action
October 4, 2018	Request for Proposals advertised
October 30, 2019	Award recommendation was approved
November 4, 2019	Protest filed by Horsepower Electric Inc. (2 nd ranked proposer)
January 6, 2020	Hearing Examiner upheld all actions of the County, excepting one provision pertaining to the inclusion in the negotiated agreement of a 10-working day timeframe for the County to return design submittals constituted a material advantage to Siemens.
January 22, 2020	Award recommendation was rescinded; direction given to the County Negotiation Team to negotiate revised final agreement consistent with the RFP and initial proposal
January 29, 2020	County negotiations with Siemens resumed to discuss submittal review timeframe, to which the parties reached an agreement
March 10, 2020	Item to be heard by ICI Committee
April 7, 2020	Item to be heard by BCC

Table 2 shows the scoring breakdown of the Competitive Selection Committee and the price differentials.

Table 2

Ranking	Proposer	Technical Score	Price Score	Total Combined Score	Price/Cost Submitted	Price Difference
1	Siemens Mobility, Inc.	3545	1000	4545	\$152,221,049	↓ - \$86,388,142 (compared to 2 nd ranked proposer) ↓ - \$108,198,288 (compared to 3 rd ranked proposer)
2	Horsepower Electric Inc.	3649	638	4287	\$238,609,191	----
3	TransCore ITS, LLC	3539	585	4124	\$260,419,337	----

Figure 1 shows a photo of the current controller and Figure 2 shows a photo of the replacement upgraded controller (Model 2070LX).

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Figure 1



Figure 2



OCA conducted a search for commodity code 55080 (Traffic Controls and Equipment, Electric Systems) on the Business Management Workforce System’s Certified Vendor Directory on March 5, 2020. Listed below is the local SBE identified:

- Precision Power and Control Corp. Hialeah, FL SBE-G&S.

Whether this vendor has the capacity to participate in any aspect of the contract’s scope of work is beyond the scope of this research note.

OCA performed due diligence on the awarded vendor, Siemens Mobility, Inc. on March 5, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
Siemens Mobility, Inc.	Foreign Profit Corporation Active Principal Address: One Penn Plaza Suite 1100 New York, NY Filed: March 8, 2018	No account on file	Active Licensed for: Electrical Business Information	<i>Nunery v. Siemens Mobility Inc., et al.</i> Case No. 2:20-CV-00311, filed in the U.S. District Court, Eastern District of California (Sacramento) on February 10, 2020. Allegation: Class Action suit; Defendant is in violation of labor code - failed to pay minimum wages for all hours worked to provide meal and rest period, failed to pay overtime wages to plaintiff and class members. Case status:

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				<p>The suit was originally filed in the Sacramento Superior Court (Case No. 34-2019-00271992) in 2019 and was transferred to the District Court. As of February 11, 2020, an initial pretrial scheduling order was issued.</p>
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ADDITIONAL INFORMATION

Based on information found on Siemens Mobility, Inc.’s website, the vendor is a global market provider of smart traffic management solutions to improve traffic flow, reduce environmental pollution caused by traffic and increase road safety.

<https://new.siemens.com/us/en/products/mobility/road-solutions/traffic-management.html>

Based on information retrieved online pertaining to McCain’s (the manufacturer of the new traffic controller system), the 2070LX Controller is the newest in the market. It allows users to upgrade existing intersections to a higher performance platform without replacing cabinet hardware and supports a variety of applications through modular design.

<https://www.mccain-inc.com/products/controllers/2070-controllers/2070lx-controller>

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

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>

Section 29-124(f) of the Code of Miami-Dade County (Special fund created use of surtax proceeds), sets forth the guidelines for the use of surtax proceeds. No surtax proceeds may be used to pay the costs of a contract unless the

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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. Where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars (\$1,000,000.00) unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a majority vote. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust. Where no surtax proceeds are used to fund a contract eligible for award under the County Mayor's delegated authority and where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at one million dollars (\$1,000,000.00) or less, the Trust shall be provided with a Semi-Annual Report detailing all such contract awards. If the Trust takes exception with a contract award the County Mayor or County Mayor's designee will provide the Trust with any additional information necessary to resolve any outstanding issue and, if necessary and appropriate, work in collaboration with the Trust to take any corrective action that may be available. The Trust shall, in consultation with the County Mayor or County Mayor's designee, schedule Trust meetings monthly so as to ensure that a Trust recommendation is provided to the Commission with the Commission's agenda package.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR-CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR

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

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

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Resolution 1011-15, adopted November 3, 2015, directs the County Mayor or designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ.

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

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

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

Resolution No. R-716-12, adopted by the Board on September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

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**Item No. 3F
File No. 200114**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING AMENDMENT NO. 1 TO GRANT AGREEMENT NO. LP13029 BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE SOUTH MIAMI-DADE CARD SOUND ROAD SALT INTRUSION BARRIER PROJECT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, TO EXERCISE ANY TERMINATION PROVISIONS AND ALL OTHER RIGHTS CONTAINED THEREIN; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ADDITIONAL AMENDMENTS FOR EXTENSIONS OF TIME

ISSUE/REQUESTED ACTION

Whether the Board should approve Amendment No. 1 to a Grant Agreement between the County and the Florida Department of Environmental Protection (FDEP), allowing for a time extension and revision to the Grant Work Plan to utilize grant funds for an additional year in order to complete Phase 1 of the South Miami-Dade Card Sound Road Salt Intrusion Barrier Project.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Regulatory and Economic Resources

This item was scheduled to be heard at the February 11, 2020 Infrastructure and Capital Improvements committee, which was cancelled. It will now be heard in this committee on March 10, 2020.

ANALYSIS

The purpose of this item is to allow for the primary amendments of additional time to utilize state grant funds for the South Miami-Dade Salt Intrusion Barrier Project (Project) located in the Card Sound Road Canal in Commission District 9, and adoption of a Revised Grant Work Plan reflecting the time extension and altering the budget amounts for design and permitting and construction. The Board ratified the execution of the original agreement with FDEP (No. LP13029) on June 19, 2018 through Resolution No. R-635-18, providing that \$600,000 appropriated by the 2017 Florida State Legislature for the Project would be granted to the County for Project completion. The agreement specified a task end date of December 31, 2019 and agreement expiration date of June 30, 2020. This item extends the task end date until December 31, 2020 and agreement expiration date to June 30, 2021, and alters the budget allocations as follows:

Task No.	Task Title	Budget Category	Budget Amount (Original Agreement)	Budget Amount (Amendment No. 1)
1	Design and Permitting	Salaries	\$100,000	\$60,000
2	Construction	Contractual Services	\$500,000	\$540,000
Total:			\$600,000	\$600,000

Other effects of the proposed Amendment are as follows:

- Allows the refund of unobligated funds or excess payments from the County to FDEP;

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Researcher: JFP Reviewer: PGE

- Requires the County to certify that it is not on the Scrutinized Companies that Boycott Israel List, or engaged in a boycott of Israel;
- Further revises the Grant Work Plan's detailing of design and permitting requirements, and construction requirements;
- Updates the email address for the FDEP Custodian of Public Records; and
- Provides a website to obtain a revised Payment Request Summary Form.

The Project aims to improve water management in the Card Sound Road Canal, which currently allows saltwater to intrude into and contaminate portions of the Biscayne Aquifer near wellfields used as a source of drinking water for Miami-Dade and Monroe Counties. Phase 1 of the Project involves the design and construction of the southernmost sheet pile barrier in the Card Sound Road Canal to reduce saltwater intrusion at the base of the Biscayne Aquifer. The Project will also have the added benefit of reducing unintended drainage of publicly owned wetlands acquired by Miami-Dade County's Environmentally Endangered Lands Program and located adjacent to Card Sound Road, increasing wetland quality for fish and wildlife. Other phases will include design and construction of additional barriers upstream of the Phase I sheet pile barrier.

In administering the Project, the County encountered delays in receiving construction permits from regulatory agencies, and thus applied for a time extension from FDEP on July 29, 2019. The County has since received all required permits from the South Florida Water Management District, the Miami-Dade County Water Control Section, and the United States Army Corps of Engineers, but is in need of additional time to allow for construction of the sheet pile barrier.

The graphic below depicts the location of the Card Sound Road Canal.



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File No. 200114**

Researcher: JFP Reviewer: PGE

ADDITIONAL INFORMATION

Miami-Dade County Department of Regulatory and Economic Resources – Wetfield Protection Areas

<https://www.miamidade.gov/environment/wetfields.asp>

APPLICABLE LEGISLATION

Resolution No. R-635-18, adopted June 19, 2018, ratified and approved Agreement No. LP13029 between the County and FDEP for the South Miami-Dade Card Sound Road Salt Intrusion Barrier Project, providing up to \$600,000 to the County in State of Florida funds.

<http://intra/gia/matter.asp?matter=181401&file=true&yearFolder=Y2018>

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**Item No. 3N
File No. 200234**

Researcher: IL Reviewer: PGE

RESOLUTION AWARDING A DESIGN-BUILD CONTRACT TO POOLE & KENT COMPANY OF FLORIDA WITH A CONTRACT AMOUNT NOT TO EXCEED \$195,555,440.00 WITH A TOTAL CONTRACT TERM OF ONE THOUSAND TWENTY-NINE (1,029) DAYS FOR THE SOUTH DISTRICT WASTEWATER TREATMENT PLANT (SDWWTP) AND ONE THOUSAND EIGHTY-SIX (1,086) DAYS FOR THE CENTRAL DISTRICT WASTEWATER TREATMENT PLANT (CDWWTP) FOR A PROJECT ENTITLED DESIGN-BUILD SERVICES FOR THE CONSTRUCTION OF THE SDWWTP AND THE CDWWTP SLUDGE THICKENING AND DEWATERING BUILDINGS; PROJECT NO. DB18-WASD-02; CONTRACT NO. 19PKCOF002; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS OF SECTION 2-8.2.12(4)(D) AND (E) RELATED TO ACCELERATION OF CERTAIN WATER AND SEWER DEPARTMENT CONTRACTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE DESIGN-BUILD CONTRACT AND TO EXERCISE THE TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve an award for a Design-Build contract to Poole & Kent Company of Florida (Poole and Kent), with a contract amount not to exceed \$195,555,440, for a total contract term of 1,029 calendar days for the South District Wastewater Treatment Plant (SDWWTP) and 1,086 days for the Central District Wastewater Treatment Plant (CDWWTP) for a project entitled "Design-Build for the Construction of the SDWWTP and CDWWTP Sludge Thickening and Dewatering Buildings."

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Water & Sewer Department

There is no procedural history for this item.

ANALYSIS

Miami-Dade County has entered into a Consent Decree (United States District Court for the Southern District of Florida, Case No. 1:12-cv-24400-FAM) with the United States Environmental Protection Agency, the State of Florida, and Florida Department of Environmental Protection to remediate its aging wastewater infrastructure.

The purpose of this award is intended to satisfy the requirements identified in the Consent Decree as CD Project 2.27. This item requests Board approval of an award for a Design-Build contract to Poole & Kent Company of Florida, with a contract amount not to exceed \$195,555,440, for a total contract term of 1,029 days for the South District Wastewater Treatment Plant (SDWWTP), and 1,086 days for the Central District Wastewater Treatment Plant (CDWWTP) for design-build services for the construction of the SDWWTP and CDWWTP sludge thickening and dewatering buildings. This project was not approved under the WASD Acceleration Ordinance because the base value of the bid exceeds the base estimate by more than 10%. The base bid from Poole and Kent is approximately 15.6% higher than the base estimate. As a result Board approval is required for this contract.

Under the design-build contract, the awardee shall provide all resources and professional services to perform the planning, engineering design, coordination with Water and Sewer Operations, permitting, construction code compliance inspections, concrete, soil and other materials testing, fabrication and installation, labor and equipment necessary for the construction of all civil/site, process mechanical, architectural, structural, electrical, instrumentation, plumbing, HVAC, fire protection, odor control components and all other necessary components to facilitate successful design, construction and commissioning of the new sludge

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Researcher: IL Reviewer: PGE

thickening and dewatering building located at 3989 Rickenbacker Causeway, Miami, Florida (CDWWTP) and at 8950 SW 232 Street, Miami, Florida (SDWWTP). The projected districts that will be impacted are Commission District 7, represented by Xavier L. Suarez and Commission District 8, represented by Daniella Levine Cava.

The Fiscal Impact of this project is not to exceed an amount of \$195,555,440. The base bid was 15.6% higher than the cost estimate provided by the Design Criteria Professional (DCP), Stantec Consulting, Inc. The DCP conducted an evaluation to identify possible factors for the discrepancy between the values. **Two factors influenced the variance;** the **first factor** was that the DCP's estimate was largely based on an Advancement of Cost Consulting (AACE) class 4 estimate (the design-build portion was a class 4, the construction-ready components has a Class 2). These level estimates have an expected accuracy range of: Low-15% to-30% to High +20% to+50%. The **second factor** is that only one bid was received. The DCP based its estimate on a competitive bidding environment with a minimum of 3+ bidders. Having only two bidders can increase the cost from 20% to 30%. The number of bidders that will ultimately propose on a given project is typically affected by the project size, scope and complexity, by the availability of local contractors meeting the required project qualifications and the availability of a local pool of qualified personnel and tradesmen.

The RDBS was advertised on November 13, 2018. Two proposals were received in response to the solicitation. One of the two (Garney Companies Inc.) withdrew from the competitive selection process for the following reasons: Garney Companies Inc. was not in agreement with the inclusion of a local preference stipulation in this procurement.

The key specific services to be provided by the awardee, Poole and Kent, has been bulleted below:

- A combined Sludge Thickening and Dewatering Building to house the sludge thickening system, the digested sludge dewatering system, and other engineering features to support the thickening and dewatering process. Support systems to include dry polymer feed and storage (for both thickening and dewatering sludge), polymer dosage optimization system, dewatered cake pumping and storage, cake conveyance, Thickened Waste Activated Sludge (TWAS) pumping, thickening and dewatering centrate pumping, mono-rails, bridge crane, truck load-out facilities for dewatered cake, provisions for future cake transfer to proposed biosolids management facilities (provided by others), plant service water and sewer systems, other ancillaries required for a completely functional facility.
- The building shall be cast-in-place lower level, with precast upper-level walls, and shall be designed to meet all local and state building code requirements. The building shall be two (2) stories high, the finished floor elevation shall comply with WASD "Design Guide for Hardening Wastewater Treatment Facilities against Flooding from Surge, Sea Level Rise and Extreme Rainfall," and the footprint shall be approximately 150 feet by 140 feet. Features of the building shall include operations and control room, break room, locker rooms and bathrooms, industrial facility freight elevator, electrical room, mechanical room, loading and unloading areas, chemical storage and feeding area, storage areas, and operator parking area. The building's exterior should include architectural features and themes like the adjacent facilities onsite. The roof shall be double tee and hollow core construction. The building foundations shall be based on spread footers and Wet-wells associated with the building shall be installed "at-grade."
- Thickening system consisting of six (6) centrifuges (4 operational, 2 standby). Centrifuges should be suitable for un-manned operations.
- Thickened Waste Activated Sludge pumping via (6) transfer pumps. Each thickening sludge transfer pump will receive TWAS directly from its corresponding Centrifuge without the utilization of TWAS Wet-wells.

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File No. 200234**

Researcher: IL Reviewer: PGE

The following SBE measures were set for this project:
SBE-Architectural/Engineering 14.00 % I.O. 3-32
SBE – Goods and Services 2.00% I.O. 3-41
SBE- Construction 9.43% I.O. 3-22

OCA performed a search of the technical certifications on the Business Management Workforce System on March 6, 2020, the SBE A&E firms found are listed in the table below:

Technical Certification	Description	SBE A/E Firms
6.03 (Prime)	Water and Sanitary Sewer Systems – Water and Sanitary Sewage Treatment Plants	22 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
11.00 (Prime)	General Structural Engineering	Non-identified
16.00 (Prime)	General Civil Engineering	Non-identified
17.00 (Prime)	Engineering Construction Management	Non-identified
9.02 (Other)	Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	11 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
9.03 (Other)	Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	4 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.05 (Other)	Contamination Assessment and Monitoring	15 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
12.00 (Other)	General Mechanical Engineering	Non-identified
13.00 (Other)	General Electrical	Non-identified
14.00 (Other)	Architecture	Non-identified
15.01 (Other)	Surveying and Mapping – Land Surveying	15 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification

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Researcher: IL Reviewer: PGE

OCA conducted a due diligence analysis of the awarded firm and the sub-consultants as well as a verification of the sub-consultants that were satisfying SBE goals on March 6, 2020:

Firm	Sunbiz	Tax Collector	DBPR	West Law	SBE G&S	SBE A/E	SBE Cons
Poole and Kent (PRIME)	Foreign Profit Corporation Principal Address: 1781 N.W. North River Drive, Miami, FL 3325 Date Filed: 07/01/2004	None	License Location: 1781 N.W. North River Drive, Miami, FL 3325 No License Complaints	No Relevant Cases	N/A	N/A	N/A
A.D.A. Engineering, Inc.	Florida for Profit Corporation Principal Address: 8550 N.W. 33 Street, Suite 202, Miami, FL 33122 Date Filed: 02/17/1981	Multiple Accounts Business Address: 8550 N.W. 33 Street, Suite 202, Miami, FL 33122 Paid/Current	License Location: 8550 N.W. 33 Street, Suite 101, Miami, FL 33122 No License Complaint	No Relevant Cases	N/A	2.0%	N/A
Axioma 3, Inc.	Florida for Profit Corporation Principal Address: 7418 S.W. 48 Street, Miami, FL 33155 Date Filed: 02/23/1988	Business Address: 7418 S.W. 48 Street, Miami, FL 33155 Paid/Current	License Location: 7418 S.W. 48 Street, Miami, FL 33155 No License Complaint	No Relevant Cases	N/A	3.5%	N/A

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Researcher: IL Reviewer: PGE

Firm	Sunbiz	Tax Collector	DBPR	West Law	SBE G&S	SBE A/E	SBE Cons
Bello and Bello Land Surveying Corporation	Florida for Profit Corporation Principal Address: 12230 S.W. 131 Avenue, Suite 201, Miami, FL 33186 Date Filed: 03/30/2010	Business Address: 12230 S.W. 131 Avenue, Suite 201, Miami, FL 33186 Paid/Current	None	No Relevant Cases	N/A	.50%	N/A
Carollo Engineers, Inc.	Foreign Profit Corporation Principal Address: 2700 Ygnacio Valley Road, Suite 300, Walnut Creek, CA 94598 Date Filed: 07/13/2010	Business Address: 703 Waterford Way, Suite 560, Miami, FL 33126 Paid/Current	License Location: 2056 Vista Parkway Suite 400 West Palm Beach, Florida 33411 No License Complaint	No Relevant Cases	N/A	N/A	N/A
Chen Moore and Associates, Inc.	Florida for Profit Corporation Principal Address: 500 West Cypress Creek Road, Suite 630, Ft Lauderdale, FL 33309 Date Filed: 01/15/2019	Business Address: 2103 Coral Way Suite 401, Miami, FL 33145 Paid/Current	License Location: 500 West Cypress Creek Road, Suite 630, Fort Lauderdale, FL 33309 No License Complaint	No Relevant Cases	N/A	N/A	N/A

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Firm	Sunbiz	Tax Collector	DBPR	West Law	SBE G&S	SBE A/E	SBE Cons
Corcel Corp	Florida for Profit Corporation Principal Address: 2461 N.W. 23 Street, Miami, FL 33142 Date Filed: 08/09/2013	Business Address: 2461 N.W. 23 Street, Miami, FL 33142 Paid/Current	None	No Relevant Cases	1.65%	N/A	N/A
Dodec, Inc.	Florida for Profit Corporation Principal Address: 3140 W. 84 Street, Bay #2, Hialeah, FL 33018 Date Filed: 10/20/2004	Multiple Accounts Business Address: 3140 W. 84 Street, Bay #2, Hialeah, FL 33018 Paid/Current	License Location: 3140 W. 84 Street, Bay #2, Hialeah, FL 33018 No License Complaint	No Relevant Cases	N/A	N/A	3.288%
Eli's Mechanical Corp.	Florida for Profit Corporation Principal Address: 16172 S.W. 2 Drive, Pembroke Pines, FL 33027 Date Filed: 09/06/2012	None	License Location: 16172 S.W. 2 Drive, Pembroke Pines, FL 33027 No License Complaint	No Relevant Cases	N/A	N/A	1.096%

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Firm	Sunbiz	Tax Collector	DBPR	West Law	SBE G&S	SBE A/E	SBE Cons
Fraga Engineers, LLC.	Florida Limited Liability Company Principal Address: 135 San Lorenzo Avenue, Suite 890 Coral Gables, FL 33146 Date Filed: 1/3/2006	Multiple Accounts Business Address: 135 San Lorenzo Avenue, Suite 890 Coral Gables, FL 33146 Paid/Current	License Location: 135 San Lorenzo Avenue, Suite 890 Coral Gables, FL 33146 No License Complaint	No Relevant Cases	N/A	5.00%	N/A
Gamboa Engineers, LLC.	Florida Limited Liability Company Principal Address: 17433 S.W. 65 Court, Southwest Ranches, FL 33331 Date Filed: 02/10/2012	Business Address: 7035 S.W. 47 Street, Unit B30, Miami, FL 33155 Paid/Current	License Location: 17433 S.W. 65 Court, Southwest Ranches, FL 33331 No License Complaint	No Relevant Cases	N/A	3.4%	N/A
Gresham Smith		Business Address: 2 Alhambra Plaza 1200, Coral Gables, FL 33134 Paid/ Current	License Location: 222 Second Ave South, Suite 1400 Nashville, Tennessee 37201 No License Complaint	No Relevant Cases			

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Firm	Sunbiz	Tax Collector	DBPR	West Law	SBE G&S	SBE A/E	SBE Cons
Lehman Pipe and Plumbing Supply, Inc.	Florida for Profit Corporation Principal Address: 3575 N.W. 36 Street, Miami, FL 33142 Date Filed: 10/26/2012	None	None	No Relevant Cases	.350%	N/A	N/A
Longitude Surveyors, LLC.	Florida Limited Liability Company Principal Address: 7769 N.W. 48 Street Suite 375 Doral, FL 33166 Date Filed: 11/19/2012	Business Address: 7769 N.W. 48 Street Suite 375 Doral, FL 33166 Paid/Current	License Location: 7769 N.W. 48 Street Suite 375 Doral, FL 33166 No License Complaint	No Relevant Cases	N/A	.500%	N/A
Mar's Contractors, Inc.		Business Address: 13303 SW 135 Avenue, Miami, FL 33186 Paid/Current	License Location: 13303 SW 135 Avenue, Miami, FL 33186 No License Complaint	No Relevant Cases	N/A	N/A	2.507%

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Firm	Sunbiz	Tax Collector	DBPR	West Law	SBE G&S	SBE A/E	SBE Cons
Nutting Engineers of Florida, Inc.	Florida for Profit Corporation Principal Address: 1310 Neptune Drive, Boynton Beach, FL 33426 Date Filed: 08/07/1992	Business Address: 2051 N.W. 112 Avenue, Suite 126, Sweetwater, FL 33172 Paid/Current	License Location: 1310 Neptune Drive, Boynton Beach, FL 33426 No License Complaint	No Relevant Cases	N/A	N/A	N/A
Sunshine State Air Conditioning, Inc.	Florida for Profit Corporation Principal Address: 4960 N.W. 165 Street, B-11, Miami, FL 33014 Date Filed: 08/28/2007	Business Address: 4960 N.W. 165 Street, Suite B11, Miami Gardens, FL 33014 Paid/Current	License Location: 4960 N.W. 165 Street, B-11, Miami, FL 33014 No License Complaint	No Relevant Cases	N/A	N/A	2.575%
Terracon Consultants, Inc.	Foreign Profit Corporation Principal Address: 10841 S. Ridgeview Road, Olathe, KS 66061 Date Filed: 12/31/2003	Business Address: 16200 N.W. 59 Ave, Suite 106, Miami Lakes, FL 33014 Paid/Current	License Location: 10841 S Ridgeview Rd, Olathe, Kansas 66061 No License Complaint	No Relevant Cases	N/A	N/A	N/A

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Firm	Sunbiz	Tax Collector	DBPR	West Law	SBE G&S	SBE A/E	SBE Cons
Vital Engineering, Inc.	Florida for Profit Corporation Principal Address: The Sunset Bldg., 7100 S.W. 99 Avenue, Suite 202, Miami, FL 33173 Date Filed: 11/13/2006	Business Address: 7100 S.W. 99 Avenue, Suite 202, Miami, FL 33173 Paid/Current	License Location: 7100 S.W. 99 Avenue, Miami, FL 33173 No License Complaint	No Relevant Cases	N/A	2.00%	N/A
Total					2.0%	16.9%	9.46%

Pursuant to Resolution No. R-421-16 a PERFORMANCE RECORD verification was conducted by OCA in the Capital Improvements Information System (CIIS) March 6, 2020: There are 60 performance evaluations in the Capital Improvements Information Systems Database with an average rating of 3.5 out of 4.0. The firm history report attached to the item states that Poole and Kent has received eight contracts totaling \$219,625,377, between December 1, 2016, and December 1, 2019. The item contains safety records from OSHA pursuant to R-1181-8.

ADDITIONAL INFORMATION

Poole and Kent Company has performed work as mechanical sub-contractor for the work performed at the Tampa Bay Water Treatment Plant. The plant uses high-rate ballasted flocculation, ozone, disinfection, and biologically active filtration to produce drinking water better than federal and state standards at just 53.9 center per 1,000 gallons.

<https://www.pkflorida.com/services/design-build>

APPLICABLE LEGISLATION/POLICY

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

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

Section 2-1701 of the County Code (Community Workforce Program) Bid and proposal documents for Capital Construction Contracts/Work Order to which a local workforce goal has been applied shall require the contractor, to develop and submit to the County, within fifteen (15) days of notification of award of the contract, a Workforce Plan outlining how the goal will be met and containing all of the information and elements required by this Section

[County Code Link](#)

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

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

Section 2-8.2.12 (4)(d) and (e) of the County Code (WASD Consent Decree) provides for the acceleration of Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Program projects, establishes policies and procedures for the approval of contracts related to those projects, specifically the right to amend contracts and extend the time for completion of any contract for construction, materials or professional services, including waivers of liquidated damages and other compensable and/or non-compensable time extensions as well as to negotiate and settle claims, and issue settlement agreement(s) or change orders for additional work under contracts and amendments where: the change order or claim does not exceed ten percent (10%) of the base contract amount; and the contingency allowance shall be utilized to ensure minimal disruption in work flow and shall be documented on the appropriate contingency authorization draw. Change orders shall be submitted to replenish the contingency account in a timely manner; and the limitations provided in (4)(e)(i) above shall not apply to any change order or amendment related to emergency actions impacting remediation, public safety, health requirements or recovery from a natural disaster.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR

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

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

Section 2-10.4(7) of the County Code provides, each contract for professional services shall contain a prohibition against contingent fees, as required by Chapter 287, Florida Statutes. For the breach or violation of this provision the County Commission may terminate the agreement without liability or, at its discretion, deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

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

Ordinance 00-65

Ordinance 14-79 (Sea Level Rise), adopted on September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require that in all agenda items related to planning, design, and construction of County infrastructure a statement be included that the impact of sea-level rise has been considered; providing severability, inclusion in the code, and an effective date.

<http://www.miamidade.gov/govaction/matter.asp?matter=141211&file=true&fileAnalysis=false&yearFolder=Y2014>

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

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

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

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

Implementing Order (I.O.) 3-22, (Small Business Enterprise Construction Services Program): Except where Federal or State laws or regulations mandate to the contrary, this Implementing Order governs construction services (including design-build, alteration, installation, painting, maintaining or repairing a public improvement), funded in whole or in part by County funds for all Miami-Dade County departments and agencies.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO03-22.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-281-14, adopted March 18, 2014, approving Mayor's recommendations relating to proposed Consent Decree with federal and state environmental enforcement agencies and authorizing the Mayor and County Attorney to modify proposed Consent Decree and advise the Court accordingly.

<http://www.miamidade.gov/govaction/matter.asp?matter=140568&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-421-16, adopted May 17, 2016, direction the Mayor or 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 contractors work.

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

Resolution No. R-790-18, adopted July 24, 2018, action by County Mayor related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance pursuant to Section 2-8.2.12 of the Code of Miami-Dade County, Florida specifically the rejection of all proposals for Design-Build Services for the construction of the South District Wastewater Treatment Plant and the Central District Wastewater Treatment Plant Sludge Thickening and Dewatering Buildings – Project No. DB16-WASD-01

<http://intra/gia/matter.asp?matter=181612&file=true&yearFolder=Y2018>

Resolution No. R-1181-18, adopted November 8, 2018, Adopted by the Board on 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://www.miamidade.gov/govaction/matter.asp?matter=182536&file=true&fileAnalysis=false&yearFolder=Y2018>