



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

Transportation and Finance (TAF) Committee Meeting

March 11, 2020
2:00 P.M.
Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor
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**TAF Committee Meeting:
March 11, 2020
Research Notes**

**Item No. 3A
File No. 200176**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01356 TO NEW FLYER OF AMERICA, INC. FOR THE PURCHASE OF 140 LOW-FLOOR HEAVY DUTY 40-FOOT COMPRESSED NATURAL GAS BUSES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS WITH AN AMOUNT NOT TO EXCEED \$74,548,600.00, FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT 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 FOR THIS PROJECT WHICH WAS IN THE ORIGINAL EXHIBIT 1 OF THE PEOPLE'S TRANSPORTATION PLAN

ISSUE/REQUESTED ACTION

Whether the Board should approve an award of *Contract No. FB-01356* to New Flyer of America, Inc. for the purchase of 140 low-floor, heavy duty 40-foot compressed natural gas (CNG) buses in a total amount up to \$74,548,600 for the Department of Transportation and Public Works (DTPW) for a five-year term, authorizing the use of Charter County Transportation Surtax funds for such purpose.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

There is no procedural history for this item.

ANALYSIS

The purpose of this item is for the County to acquire 140 CNG-powered low-floor 40-foot buses from New Flyer of America, Inc. (New Flyer) to replace buses that have exceeded their useful life. This item is specifically requesting \$74,548,600 to cover this purchase for the five-year term. Charter County Transportation Surtax and Lease Financing funds are the funding sources; however, the item is silent as to the exact portion of the purchase that will be funded by surtax dollars.

Under the solicitation, the method of award was to the responsible and responsive bidder for either Option 1 (i.e., award of 140 buses to the lowest bidder who delivers all buses no later than August 31, 2020 when the total bid price is lower by \$1 million or more when compared to the lowest combined bid prices for Option 2) or Option 2 (i.e., award of 140 buses to the lowest two bidders for 70 buses each who deliver all buses no later than June 30, 2020). Additionally, the solicitation sets forth that awarded prices shall be fixed and firm for the term of the contract with no price adjustments. Relating to technical specifications, the solicited buses shall have a minimum expected life of 12 years or 500,000 miles.

On June 18, 2019, an item recommending the purchase of 140 CNG buses in an amount of \$80,938,454 via accessing a Commonwealth of Virginia contract was 4-day ruled by the BCC. Under the proposed contract, Gillig would provide 40 buses, and New Flyer would provide 100 buses (see Legistar File No. 191268). The County sought to access this contract to capitalize on economy of scale pricing and an accelerated delivery schedule to meet DTPW's needs.

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Ultimately, the item was removed from the July 10, 2019 BCC agenda (Item 8F21) due to a lack of motion or second. As such, the purchase was not approved.

In lieu of the above access contract as an avenue to purchase 140 CNG buses, the County advertised *Contract No. FB-01356* on July 26, 2019 as an open and competitive solicitation. The bids were due on September 11, 2019. Three firms responded to the solicitation: Gillig, New Flyer and Nova Bus Co. (Nova). Nova submitted a No Bid proposal. The price breakdown per bus under each option as well as a comparison to the original prices under the Commonwealth of Virginia Contract are illustrated below.

Note that the County has had a commercial history with both of these firms. The County has previously purchased 120 CNG-powered buses from Gillig pursuant to Resolution No. R-1262-18 (Lynx Contract) and the County has also previously purchased 64 hybrid buses from New Flyer pursuant to Resolution No. R-564-15.

Figure 1: Option 1 delivery by August 1, 2020

Manufacturer	Commonwealth of Virginia (CWOV) Price Per Bus	Miami-Dade County (MDC) Procurement Price Per Bus	The variance between CWOV and MDC
Gillig	\$576,987.00	\$547,414	\$ 29,573
New Flyer	\$578,589.74	\$532,490	\$ 46,099.74
Nova Bus Co.	\$577,254.00	No Bid	Not Applicable

Figure 2: Option 2 delivery by June 30, 2020

Manufacturer	Commonwealth of Virginia (CWOV) Price Per Bus	Miami-Dade County (MDC) Procurement Price Per Bus	The variance between CWOV and MDC
Gillig	\$576,987.00	\$565,795	\$ 11,192
New Flyer	\$578,589.74	\$547,440	\$ 31,149
Nova Bus Co.	\$577,254.00	No Bid	Not Applicable

The County elected option 1 as the most cost efficient and delivery effective option and recommended New Flyer as the awarded firm. The difference between the total price of the Commonwealth of Virginia Contract (\$80,938,454) and FB-01356 (74,548,600) is \$6,389,854 in savings.

As mentioned above, this procurement will replace buses that have exceeded their useful life. DTPW has confirmed that fueling capabilities exist at County depots to accommodate all CNG buses being purchased. The fiscal impact for this purchase is \$74,548,600, covering 140 CNG buses that are scheduled for delivery to the County on August 31, 2020.

CNG Procurement History

On May 6, 2014, Resolution No. R-419-14 authorized the County Mayor to advertise a Request for Proposals (RFP), establishing a CNG Program. The resolution authorized the advertisement of two solicitations inviting qualified proposers to deliver CNG programs. The first advertisement concerned the Transit Department (currently the Department of Transportation and Public Works). The second related to the Internal Services Department (ISD), the former Public Works and Waste Management Department (currently the Department of Solid Waste Management), and

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the Water and Sewer Department (WASD). The selected proposer for each RFP would be required to negotiate a Master Developer Agreement to design, build, finance, operate, and maintain CNG facilities and infrastructure. In the case of the Transit Department, the selected proposer would be required to convert the diesel bus fleet to CNG and build two CNG fueling facilities. Each RFP sought a single developer for implementation. The mayoral memorandum accompanying the resolution noted that fully implemented public-private partnerships would provide a positive fiscal impact for long-term fuel cost reductions and generate new revenue from CNG sales to private and public sector entities.

On December 4, 2018, through Resolution R-1258-18, the Board directed the County Mayor to exercise the option in the Master Developer Agreement to construct a third CNG Fueling Facility at the Northeast Bus Depot and procure additional CNG buses. On December 13, 2019, through Resolution R-1316-19, the Board directed the County Mayor to approve supplemental agreement 1, for Contract No. 00096, increasing the contract amount by \$47,587,277 for the development of the Northeast Bus Depot.

On July 15, 2019, an award for the purchase of up to 75, 40-foot battery-electric buses, and the installation of depot chargers for a total cost of \$72,176,322 came before the Transportation and Finance Committee. The procurement for battery-electric buses had originally been advertised On October 21, 2016, via a Request for Proposals. The item was removed by the administration at the Transportation and Finance Committee meeting. The item was ultimately approved by the BCC on October 3, 2019, through Resolution No. R-1041-19, awarding the contract to Proterra, Inc. for a five-year term. The subject contract included the installation of depot chargers at DTPW's three maintenance garages.

Accordingly, DTPW is pursuing two distinct energy types to power its bus fleet – CNG and electric.

Board-Approved CNG Buses Chronology

- On January 2017, the contract with Trillium LLC established the purchase of 300 CNG buses via Resolution No. R-35-17.
- On January 23, 2019, a purchase order through the Lynx contract for 120 CNG buses was approved via Resolution No. R-99-19.
- DTPW's current Board-approved CNG bus fleet totals 420.
- On January 22, 2020, a transportation grant agreement for eleven CNG Buses for a total project amount of \$6,000,000.
- With the approval of this item, DTPW's CNG bus fleet would total 560 CNG buses. The full delivery of the buses is anticipated by August 31, 2020.

Figure 3: Current DTPW Bus Fleet by Fuel Type

Diesel	CNG	Hybrid	Electric	Total
205	420	137	0	762

Figure 4: Due Diligence Review of Recommended Awardee

Vendor	Sunbiz	Tax Collector	West Law
New Flyer of America, Inc.	Foreign Profit Corporation: Principal Address: 6200 Glenn Carlson Dr., St. Cloud, MN 56301-8852 Date Filed: 03/27/2015	No profile	No Adverse cases

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ADDITIONAL INFORMATION

New Flyer of America has delivered nearly 13,000 CNG buses across North America and has been in the business of providing CNG buses for 25 years. Note that New Flyer of America also manufactures Battery-Electric Buses.



<https://www.newflyer.com/buses/xcelsior-chargeh2/>

<https://www.newflyer.com/buses/xcelsior-cng/>

APPLICABLE LEGISLATION/POLICY

Section 5.03(D) of the Home Rule Charter governs Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance.

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTICOAMCH_ART5ADORPR_S5.03FIAD](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTICOAMCH_ART5ADORPR_S5.03FIAD)

Section 2-1 of the Code of Miami-Dade County, (Rules of Procedure), Provides the Rules of Procedures for the Board of County Commissioners; provides that items approved at committee meetings recommending the award or rejection of contracts for public improvements and purchases of supplies, materials, and services (including professional services) shall not be subject to the four-day rule; establishes that approvals to exercise OTR terms do not require committee review.

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1RUPRCOCO](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1RUPRCOCO)

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

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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

Section 29-124 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.

[County Code Link](#)

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

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

Resolution No. R-477-18, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

Resolution No. R-419-14, adopted April 1, 2014, authorizing the County Mayor to advertise a Request for Proposals (RFP) for a compressed natural gas (CNG) program.

<http://www.miamidade.gov/govaction/matter.asp?matter=140812&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-564-15, adopted June 30, 2015, approved purchase of up to 64 hybrid buses from New Flyer of America Inc., in the amount of \$71,387,000 for a five-year term.

<http://www.miamidade.gov/govaction/matter.asp?matter=150352&file=true&fileAnalysis=false&yearFolder=Y2015>

Resolution No. 1011-15, adopted November 3, 2015, Directs the Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ, and directs the Mayor to include such information in the memorandum to Board pertaining to vendor being recommended for contract award.

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

Resolution No. R-9919, adopted January 23, 2019, approved Purchase Order No. POMT 1900555 with Gillig LLC in the amount of \$69,210,520.00 for the purchase of 120 Low-Floor 40-foot compressed Natural Gas (CNG) buses through the Central Florida Regional Transportation authority D/B/A/ Lynx Contract No. 14-C09.

<http://www.miamidade.gov/govaction/matter.asp?matter=190042&file=true&fileAnalysis=false&yearFolder=Y2019>

Resolution No. R-35-17, adopted January 24, 2017, approved an award of a master developer agreement, contract no. 00096, compressed natural gas program for DTPW to Trillium Transportation Fuels, LLC in a total amount not to exceed \$428,773,000.00 for an initial ten-year term with an option to renew up to ten(1) years.

<http://www.miamidade.gov/govaction/matter.asp?matter=162416&file=true&fileAnalysis=false&yearFolder=Y2016>

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Resolution No. R-1262-18, adopted December 4, 2018, directed the County Mayor to issue a purchase order pursuant to the Central Florida Regional Transportation Authority D/B/A Lynx Contract No.14-C09 for the purchase of compressed natural gas buses to replace metro buses that have reached their useful life span of 12 years and/or 500,000 miles of service in a number up to the maximum amount of available funds budgeted for this purpose in FY 2018-2019.
<http://www.miamidade.gov/govaction/matter.asp?matter=182875&file=false&fileAnalysis=false&yearFolder=Y2018>

Resolution No. R-1258-18, adopted December 4, 2018, directing the County Mayor to exercise the option subject to Board approval, in master developer agreement, Contract No. RFP-00096, with Trillium Transportation Fuels, LLC., to construct a compressed natural gas (CNG) fueling facility at the Northeast Bus Depot and to procure additional CNG buses in order to operate CNG buses from the Northeast Bus depot.
<http://www.miamidade.gov/govaction/matter.asp?matter=182862&file=true&fileAnalysis=false&yearFolder=Y2018>

Resolution No. R-1316-19, adopted December 3, 2020, approving supplemental agreement No. 1 to Master Developer agreement between Trillium Transportation Fuels, LLC and Miami-Dade County for the CNG program for DTPW, increasing the contract amount by \$47,587,277, exercising the option for development of the Northeast Bus Depot and terminating the lase for the CNG public access station for the Central Bus Depot.
<http://intra/gia/matter.asp?matter=200307&file=false&yearFolder=Y2020>

Resolution No. R-1041-19, adopted October 3, 2019, approving the award of Contract No. RFP00456 to Proterra, Inc. for the purchase of Batter Electric Buses and Charging System for DTPW in a total amount not to exceed \$72,176,322 for a five-year term.
<http://intra/gia/matter.asp?matter=191770&file=true&yearFolder=Y2019>

Implementing Order No. 3-38 provides 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, the methods of purchasing goods and services, the authority to award and modify contracts, and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

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**Item No. 3D
File No. 200370**

Researcher: VW Reviewer: JFP

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE UNDERLINE – DESIGN CRITERIA PACKAGE – 7 SEGMENTS, CONTRACT NO. CIP196-DTPW18-DE, IN AN AMOUNT NOT TO EXCEED \$1,999,801.16, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$99,933.06; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a Professional Services Agreement (PSA) between the County and Kimley-Horn and Associates, Inc. for engineering services for the Underline, *Contract No. CIP196-DTPW18-DE* in an amount not to exceed \$1,999,801.16, for a term of five-years with two three-year options to renew.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

This item has no procedural history.

ANALYSIS

The purpose of this item is to establish a PSA with County and Kimley-Horn and Associates, Inc. for engineering services for the Underline, a 10-mile multimodal corridor of repurposed space beneath the Metrorail intended to increase pedestrian and bicyclist safety and provide connectivity to public transportation. The PSA’s award amount of up to \$1,999,801.16 includes a contingency allowance of \$99,933.06 (5.26%). The award is for a five-year term, with two, three-year options to renew. Funding for the \$1,999,801.16 contract will come from Florida Department of Transportation (FDOT) funds in the amount of \$1,499,850.87 and Road Impact Fees in the amount of \$499,950.29. The item is currently pending approval by the Citizen’s Independent Transportation Trust (CITT).

The project consists of providing a Design Criteria Package (DCP) for the remaining seven segments of The Underline, extending from SW 19th Avenue to Dadeland Boulevard in Commission Districts 5 and 7, represented by Commissioners Eileen Higgins and Xavier L. Suarez respectively. Under the PSA, the consultant agrees to provide pre-design services to include topographic, tree, drainage and storm sewer surveys, civil engineering, construction cost services, specialty lighting consulting, value engineering coordination, and cost saving initiatives to assure the future design and construction of the seven segments of the Underline fall within the allocated budgets. The delineated tasks are as follows:

- Task 1 – Topographic Survey
- Task 2 – Geotechnical Engineering Services
- Task 3 – Cultural Assessment Services
- Task 4 – Environmental Engineering Services
- Task 5 – Site Ride-Through and Project Initiation
- Task 6 – Preliminary Design Criteria Package
- Task 6A – Preliminary Landscape Architecture Design Criteria
- Task 6B – Preliminary Civil Engineering Design Criteria
- Task 6C – Preliminary Conceptual Intersection Improvements

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- Task 6D – Coordination with Electrical Utility Company
- Task 7 – Final Design Criteria Package
- Task 7A – Final Landscape Architecture Design Criteria
- Task 7B – Final Civil Engineering Design Criteria
- Task 7C – Final Conceptual Intersection Improvements
- Task 7D – Coordination with Electrical Utility Company
- Task 8 – Meetings & Coordination with Private Sector & Public Agencies
- Task 9 – Site Lighting Design Criteria Package
- Task 9A – Preliminary Design Criteria Package
- Task 9B – Final Design Criteria Package
- Task 10 – Opinion of Probable Construction Costs
- Task 11 – Sub-Consultant Coordination and Management
- Task 12 – Assistance During Procurement of the Design-Build Contract
- Task 13 – Assistance During Design-Build Phase

The solicitation was advertised on April 5, 2019, yielding four respondents . The proposals were received by the May 8, 2019 submittal deadline. After the First-Tier meeting. the Competitive Selection Committee decided to forgo Second-Tier proceedings and recommended that negotiations be conducted with the highest ranked firm, Kimley-Horn and Associates, Inc. The table below provides the ranking of the top firms and their total qualitative points.

Ranking	Firms	Points
1	Kimley-Horn and Associates, Inc.	267
2	Bermello, Ajamil & Partners, Inc.	259
3	305 Consulting Engineers, LLC	253
4	Chen Moore and Associates, Inc.	246

The PSA indicates that compensation will either be in lump sum, or direct salaries subject to a multiplier, or a combination thereof. In the event that a multiplier of direct salary cost and fixed hourly rate is used, the fee for engineering services rendered by the consultants personnel, principals excluded, is to be computed based on the direct salary cost, for the time of said personnel engaged directly in the work, times a 3.2295 multiplier for office personnel and a 3.0073 multiplier for field personnel, as specified below.

Office				Field		
Firms	Overhead Rates	Operating Profit Margin	Multiplier	Overhead Rates	Operating Profit Margin	Multiplier
Kimley-Horn & Associates	193.59%	10.00%	3.2295	173.39%	10.00%	3.0073

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OCA reviewed the Capital Improvements Information System on March 9, 2020 and found 25 evaluations for Kimley-Horn and Associates, Inc. with an average rating of 3.6 out of a possible 4.0.

OCA conducted due diligence on March 9, 2020 pertaining to Kimley-Horn & Associates, Inc. the firm being recommended for award, and the six subconsultants; the results are shown below. The firms marked with an asterisk (*) are listed as SBEs in the Business Management Workforce System.

Awarded Firm	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
Kimley-Horn & Associates, Inc.	Foreign Profit Corporation Active Principal Address: 421 Fayetteville Street, Suite 600 Raleigh, NC 27601 Filed: 04/24/1968	Business Address: 2151 Le Jeune Rd, Ste 202 Coral Gables, FL 33134 Status: \$175 Due (2020)	Status: Active Licensed for: Elevators, Geology Business, Landscape Architect Business, Engineers CE Course, Registry	<i>Michael Moore v. Kimley-Horn and Associates, Inc. et al</i> ; Case No. 4:16-CV-01824 filed in the U.S. District Court, Southern District of Texas (Houston) on June 24, 2016. Allegation: Defendant discriminated against and terminated against plaintiff on the basis of his age and disability. Status: Dismissed with prejudice.

Awarded Subconsultants	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
Avino & Associates, Inc.	Florida Profit Corporation Active Principal Address: 1350 S.W. 57th Avenue Suite 207 West Miami, FL 33144 Filed: 05/10/1988	Business Address: 1350 S.W. 57th Avenue Suite 207 West Miami, FL 33144 Status: Current and paid	Status: Active Licensed for: Architect Business, Registry	No relevant cases.

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Archaeological and Historical Conservancy, Inc.	Florida Not For Profit Corporation Active Principal Address: 4800 SW 64th Avenue #107 Davie, FL 33314 Filed: 12/28/1979	No account on file.	No account on file.	No relevant cases.
C.M.S.- Construction Management Services, Inc.	Florida Profit Corporation Active Principal Address: 10 Fairway Drive Suite 301 Deerfield Beach, FL 33441 Filed: 03/14/1980	No account on file.	No account on file.	No relevant cases.
Horton Lees Brogden Lighting Design Inc.	Foreign Profit Corporation Active Principal Address: 38 E 32nd St 11th Floor New York, NY 10016 Filed: 03/10/2015	Business Address: 3250 NE 1st Ave 305 Miami, FL 33137 Status: Current and paid	No account on file.	No relevant cases.
Wingerter Laboratories Inc.	Florida Profit Corporation Active Principal Address: 1820 NE 144th Street North Miami, FL 33181 Filed: 01/18/1949	Business Address: 1820 NE 144th Street North Miami, FL 33181 Status: Current and paid	Status: Active Licensed for: Geology Business, Registry	No relevant cases.
Wood Environment &	Foreign Profit Corporation	Business Address: 5845 NW 158th St	Status: Active	<i>Panetta v. Wood Environment and Infrastructure Solutions,</i>

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Researcher: VW Reviewer: JFP

Infrastructure Solutions, Inc.	Active Principal Address: 1105 Lakewood Parkway Suite 300 Alpharetta, GA 30009 Filed: 08/03/2000	Miami Lakes, FL 33014 Status: Current and paid	Licensed for: Architect Business, Registry, Asbestos Business, Certified General Contractor, Geology Business, Construction Business Information, Construction Financial Officer	<i>Inc.</i> ; Case No. 2:19CV06028 filed in the U.S. District Court, Eastern District of Pennsylvania (Philadelphia) on December 20, 2019. Allegation: Defendant wrongfully terminated plaintiff's employment due to his disabilities and his need for unanticipated medical leave and other accommodations. Status: Demand for trial by jury by plaintiff on December 20, 2019.
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ADDITIONAL INFORMATION

Kimley-Horn & Associates

Kimley-Horn & Associates offers services in aviation consulting, community/infrastructure resilience, community planning, development services, energy consulting, environmental engineering/planning, forensics, landscape architecture, parking consulting, roadway bridge, structural engineering, surface water, sustainable/green design, technology, transit consulting services, transportation planning, transportation systems managements & operations, and water/wastewater utilities.

<https://www.kimley-horn.com/>

APPLICABLE LEGISLATION/POLICY

Section 287.055 of the Florida Statutes sets forth the Consultants' Competitive Negotiation Act, governing the processes for the acquisition of professional architectural, engineering, landscape architectural or surveying and mapping services.

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

Section 2-10.4 of the County Code governs the County's acquisition of professional architectural, engineering, landscape or land surveying mapping services.

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

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File No. 200370

Researcher: VW Reviewer: JFP

Section 2-10.4.01 of the County Code sets forth the County's Small Business Enterprise Architecture and Engineering Program.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR

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

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

Section 2-8.3 of the County Code (County Mayor's Recommendation) states that whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Mayor shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action. Such recommendation shall be in writing and shall be filed with the Clerk of the Board, with copies mailed to all participants in the competitive process, no later than 10 days prior to any Commission meeting at which such recommendation is scheduled to be presented. Such recommendation shall be accompanied by a memorandum from the County Mayor that clearly identifies any and all delegations of Board authority contained in the body of the proposed contract.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE

Implementing Order No. 3-32 sets forth procedures for the County's small business enterprise architecture and engineering program.

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

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

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

Implementing Order No. 8-8 sets forth the Sustainable Buildings Program, requiring the County to incorporate sustainable development building measures into the design, construction, renovation and maintenance of County-owned, County-financed and County-operated buildings.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO8-8.pdf>

Administrative Order No. 3-26 requires certain agreements for professional architectural and engineering services to include value analysis.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-26.pdf>

Administrative Order No. 3-42 sets forth procedures for the evaluation and suspension of contractors and consultants.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-42.pdf>

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Research Notes

Item No. 3D

File No. 200370

Researcher: VW Reviewer: JFP

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>

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

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

Resolution No. R-421-16, adopted by the Board on May 17, 2016, requires the County Mayor or the County Mayor's designee 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.

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

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.

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

Ordinance 14-79, adopted September 23, 2014, set forth the requirement 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.

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

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