



**OFFICE OF THE COMMISSION AUDITOR  
MIAMI-DADE BOARD OF COUNTY COMMISSIONERS**

**COMMISSION AUDITOR'S  
INFORMATIONAL RESEARCH**

**BOARD OF COUNTY COMMISSIONERS MEETING**

**May 19, 2020**

**9:30 A.M.**

**Virtual Meeting**

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Commission Auditor

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**Item No. 8F1  
File No. 200448**

**Researcher: MF   Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01071 TO OUTFRONT MEDIA GROUP, LLC. FOR PURCHASE OF BUS PASSENGER SHELTER PROGRAM FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS WITH AN ESTIMATED FISCAL IMPACT TO THE COUNTY IN AN AMOUNT OF \$9,491,920.00 FOR THE FIFTEEN-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should approve award of *Contract No. RFP-01071* to Outfront Media Group, LLC, for the purchase of a bus passenger shelter program with a fiscal impact of up to \$9,491,920 for a term of 15 years for the Department of Transportation and Public Works (DTPW).

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Internal Services Department

This item was heard at the Chairwoman's Policy Council meeting of April 20, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is for the County to award a long-term replacement contract for its Bus Passenger Shelter Program. The recommended item awards *Contract No. RFP-01071* to Outfront Media Group, LLC (Outfront) for the vendor to administer the bus passenger shelter program, including installing new bus shelters and bicycle racks, for a 15-year term with a fiscal impact to the County of \$9,491,920. The current contract, *RFP-01071B*, was effective on November 1, 2019 and expires on May 31, 2020. The current contract was executed as a temporary measure for the continuation of bus passenger shelter program services while the procurement and award process for this item was being finalized.

Metrobus serves approximately 8,000 bus stops countywide. About 3,000 of the bus stops are in UMSA, and 1,047 of the bus stops in UMSA have a bus passenger shelter. The designs of the County's existing bus shelters are full-size model and slim-size model as follows:

- DTPW owns and maintains 998 full-size shelters and 46 slim-size shelters throughout the County. The shelters require routine maintenance and repairs. The County intends to enhance the bus passenger and convenience experience by installing additional shelters in compliance with the Americans with Disabilities Act (ADA).

Figure 1 below shows the number of bus shelters by model in UMSA and their advertising capacity.

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**Figure 1**

Bus Shelter Model		Total Bus Shelters	Total Number of Advertising Panels
Full-Size	Shelters with Advertising Box (2 sides)	850	1,700
	Shelters without Advertising Box (back panel available for advertising)	148	148*
Slim-Size	Back panel available for advertising	49	49*
<b>TOTAL</b>		<b>1,047</b>	<b>1,897</b>

*Figures marked with a \* denotes subject to County approval. Bus shelter data provided by DTPW as of May 2018.*

Per the contract, the awardee shall perform ongoing cleaning, maintenance and repair of all existing bus shelters in Miami-Dade County. The contract's specific scope of work is bulleted below:

- Cleaning, maintaining and repairing of all existing bus shelters, enhanced full-size shelters and new bus shelters installed under this contract, as located in UMSA, to ensure that the bus shelters are in a safe, repaired, and operational condition at all times with a safe and attractive appearance and with safe and proper illumination at night.
- Expanding the bus passenger shelter program through the design, manufacturing and installation, of an innovative, cost-effective, and aesthetically pleasing cantilever, bus shelter/bus stop protective roof structure model.
- Expanding the bus shelter program through the design, manufacturing, and retrofit of existing full-size shelters with partial coverage and all four walls when possible as directed by the County. Bus shelter design shall be for outdoor public spaces in tropical climate.
- Furnishing and installing bicycle racks with concrete pads at 200 bus shelter sites in UMSA. Each site/location consists of one concrete pad and four bicycle racks (total 800 racks).
- Creating a business plan for generation of revenue. This will be considered as the Contractor's sole compensation for performing the work.

The fiscal impact is \$9,491,920 for a 15-year term. The County's financial responsibility consists of paying \$12,705,720 to furnish and install new shelters and bicycle racks; nonetheless, of that amount, it is estimated the County will have a net gain of approximately \$3,213,800 in income from the Annual Participation Revenue provision of the contract. Notwithstanding, the fiscal impact may be greater than the \$9,491,920 should the projected income from the Annual Participation Revenue be lower than anticipated. The mayor's memo is silent on the revenue that has been generated under the current and prior long-term contracts. Figure 2 below shows the unit price schedule for the furnishing and installing of new shelters and bicycle racks.

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**Figure 2**

<b>Cost Per Unit to Furnish Bus Shelters and Bicycle Racks</b>					
<b>Item No.</b>	<b>Item Description (Price to Furnish)</b>	<b>Unit</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Total</b>
1.1	Model 1 (Full Size w/ advertising panel)	EA	5	\$26,437	\$132,185
1.2	Model 2 (Full Size w/o Advertising Panel)	EA	5	\$23,937	\$119,685
1.3	Model 2 (Slim Size)	EA	10	\$18,104	\$181,040
1.4	Model 3 (Cantilever Bus Stop Protective Roof Structure)	EA	330	\$13,640	\$4,501,200
1.5	Model 4 (Enhanced Full Size Model)	EA	10	\$29,066	\$290,660
1.6	Bicycle Rack	EA	800	\$124	\$99,200
<b>Cost to Install New Bus Shelters</b>					
<b>Item No.</b>	<b>Item Description (Price to Install)</b>	<b>Unit</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Total</b>
2.1	Civil Work-Model 1 Full Size	EA	10	\$19,107	\$191,070
2.2	Civil Work-Model 2 Slim Size	EA	10	\$15,721	\$157,210
2.3	Civil Work-Model 3 Cantilever/Bus Stop Protective Roof Structure	EA	330	\$18,855	\$6,222,150
2.4	Civil Work-Model 4 (Enhanced Full Size Model)	EA	10	\$19,107	\$191,070
2.5	Civil Work-Bicycle Racks (where concrete pad)	EA	150	\$3,975	\$596,250
2.6	Civil Work-Bicycle Racks (using existing concrete surface)	EA	50	\$480	\$24,000
<b>TOTAL AMOUNT: \$12,705,720</b>					

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The contractor shall pay the County an Annual Participation Revenue, as a percentage of gross advertising revenue for advertising on the bus shelters or a Minimum Annual Guarantee, whichever is greater, for each year of the agreement. Figure 3 below sets forth the revenue schedule under the contract.

**Figure 3**

<b>Term</b>	<b>Minimum Annual Guarantee (MAG)</b>	<b>Quarterly MAG Payment</b>	<b>% of Gross Revenue for Annual Participation Revenue</b>	<b>Project Gross Revenue</b>	<b>Projected Annual Participation Revenue (APR) Payment to the County</b>
Year 1	\$100,000	\$25,000	5%	\$3,210,000	\$160,000
Year 2	\$102,000	\$25,500	5%	\$3,338,000	\$166,900
Year 3	\$104,000	\$26,000	5%	\$3,472,000	\$173,600
Year 4	\$106,000	\$26,500	5%	\$3,611,000	\$180,550
Year 5	\$108,000	\$27,000	5%	\$3,755,000	\$187,750
Year 6	\$110,000	\$27,500	5%	\$3,905,000	\$195,250
Year 7	\$112,000	\$28,000	5%	\$4,062,000	\$203,100
Year 8	\$114,000	\$28,500	5%	\$4,224,000	\$211,200
Year 9	\$116,000	\$29,000	5%	\$4,393,000	\$219,650
Year 10	\$118,000	\$29,500	5%	\$4,569,000	\$228,450
Year 11	\$120,000	\$30,000	5%	\$4,752,000	\$237,600
Year 12	\$122,000	\$30,500	5%	\$4,942,000	\$247,100
Year 13	\$124,000	\$31,000	5%	\$5,139,000	\$256,950
Year 14	\$126,000	\$31,500	5%	\$5,345,000	\$267,250
Year 15	\$128,000	\$32,000	5%	\$5,559,000	\$277,950
<b>TOTAL</b>	<b>\$1,710,000</b>	<b>\$427,500</b>	<b>TOTALS:</b>	<b>\$64,276,000</b>	<b>\$3,213,800</b>

The Request for Proposals (RFP) for this award was advertised on December 21, 2018; the solicitation closed on March 29, 2019. Two proposals were received: one from Outfront and the other from Focus Media Group, LLC. However, the proposal from Focus Media Group, LLC was deemed non-responsive by the County Attorney's Office. The non-responsiveness determination is based on the submitted proposal, which outlined the establishment of a separate entity through Focus Media; as such, this could not be evaluated for qualifications and experience when the entity is not yet formed. The Competitive Selection Committee then completed its evaluation on the proposal submitted by Outfront and determined the vendor demonstrated the ability to provide the necessary services for the Bus Passenger Shelter Program. Among the factors taken into consideration: Outfront has previous advertising experience in metropolitan areas working with Atlanta's MARTA transit system, PalmTran in West Palm Beach, TARC in Louisville, SamTrans in San Mateo (California) and Golden Gate Transit in San Francisco. Moreover, Outfront is the incumbent vendor and has provided program services since 2014 per the item's Market Research.

The awardee is responsible for installing various full-size and slim-size bus shelters along with bicycle racks. Figure 4 below shows the existing units and total units to be furnished and installed by Bus Shelter Model/Bicycle Racks.

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**Figure 4**

<b>Bus Shelter Model</b>	<b>Total Existing Units</b>	<b>Total Units to be Installed</b>
Model 1 (Full-size)	998	10
Model 2 (Slim-Size)	49	10
Model 3 (Cantilever/Bus Stop Protective Roof Structure)	0	330
Model 4 (Enhanced Full-Size Model)	0	10
<b>TOTAL</b>	<b>1,047</b>	<b>360</b>
Concrete Pads with Four Bicycle Racks	0	200
<b>TOTAL</b>	<b>0</b>	<b>200</b>

The proposed contract between the County and the vendor also provides provisions restricting certain types of advertising from being displayed on bus shelters and bicycle racks. Those limitations include the following:

- ❖ No advertising shall include such words as “STOP,” “LOOK” or “DANGER”
- ❖ Cannot include material that is deemed immoral, lascivious or obscene as defined by Florida Statutes
- ❖ Will exclude businesses engaged in activities that require the exclusion of minors, as per Florida Statutes
- ❖ Tobacco or e-cigarette advertising shall not be allowed
- ❖ Political or political campaigns are not allowed
- ❖ The advertising of alcoholic beverages is permitted only with restrictions, in compliance with Florida Statutes.

OCA conducted a search for Commodity Codes 15576 (Shelters, Bus Waiting) and 91504 (Advertising Services, Outdoor Billboard) on the Business Management Workforce System’s Certified Vendor Directory on April 13, 2020 and again on May 11, 2020. Listed below are the local SBEs identified.

- Bilmor with Advertising Specialties, Inc. Miami, FL SBE-G&S
- Impacten Communications, LLC, dba Impacten Media Miami, FL SBE-G&S
- Lex Promotions & Marketing Group LLC North Miami, FL SBE-G&S
- Stinghouse Advertising, LLC Miami Beach, FL SBE-G&S
- The M Network, Inc. Miami, FL SBE-G&S

Whether these vendors have the capacity to participate in any aspect of the contract’s scope of services is beyond the scope of this research note. None of the vendors listed above submitted proposals for the subject RFP.

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OCA performed due diligence on the awarded vendor, Outfront Media Group, LLC on April 14, 2020, April 21, 2020 and May 11, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Outfront Media Group, LLC	Foreign Limited Liability Company  Active  Principal Address: 405 Lexington Ave. New York, NY  Filed: February 25, 2014	Business Address: 8530 NW 23 St. Doral, FL 33172  Paid and Current	No account on file	No relevant litigation found.

**ADDITIONAL INFORMATION**

Based on information found on Outfront Media Group, LLC's website, the company has worked on programs in Washington D.C., Atlanta, Detroit and Miami, offering bus advertising services in urban areas.

<https://www.outfrontmedia.com/>

The illustration below is from Outfront Media Group LLC's website, depicting a moving billboard on a transit bus, as an example of the type of the work the company performs.





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**APPLICABLE LEGISLATION/POLICY**

**Section 2-11.16 of the Code of Miami-Dade County** (County Construction Contracts) In addition to the other elements of the term "responsible bidder" in law or in the discretion of the Board of Commissioners of Miami-Dade County, as applies to competitively bid County contracts in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration, and/or repair, including painting or decorating, of public buildings or public works, shall mean a bidder who provides documented proof in its bid that the various classes of laborers and mechanics will be paid no less than the specified overall hourly rates as set forth in the contract specifications. All leases and contracts entered into after the effective date of this ordinance which provide for privately funded construction, alteration or repair of buildings or improvements located on County-owned land shall require laborers and mechanics performing such work be paid no less than the overall hourly rates required on competitively bid County construction contracts under this Section unless specifically exempted below. Fees for monitoring compliance with this Section shall be charged as provided in the most current County-wide Budget as follows: for County construction contracts, the Small Business Development shall charge the using department therefor; for leases and contracts which provide for privately funded construction, alteration or repair of buildings or improvements on County owned land, the party contracting with the County shall be charged therefor. (b) The specifications for each competitively bid County contract in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration and/or repair, including painting or decorating, of public buildings or public works shall specify an initial overall per hour rate to be paid to each craft or type of employee necessary to perform the contract work as listed in local area nondiscriminatory negotiated contracts (hereinafter referred to for purposes of this subsection (b) as "negotiated contracts") between organizations which represent employees and contractors. In ascertaining the initial overall per hour rate to be paid, the minimum standard shall be the combined overall dollar value on an hourly basis of the wages (paid as set forth below) and of the hospitalization, medical, pension and life insurance benefits (paid as set forth below) for such craft or type of employee under negotiated contracts in effect as of January 1st of the calendar year in which said proposal bid is expected to be advertised, or, in the case of a lease or contract providing for privately funded construction on County-owned land subject to this Section, under the negotiated contracts in effect as of January 1st of the calendar year in which said proposed lease or contract is expected to be executed. Thereafter, the specifications shall provide that the overall per hour rate to be paid for work performed under the contract during each subsequent calendar year shall be the overall per hour rate in effect as of January 1st, of the year in which the work is performed. If a particular craft or type of employee is not listed in such negotiated contracts, in ascertaining the initial overall per hour rate to be paid those employees, the minimum standard shall be the combined overall dollar value on an hourly basis of the "basic hourly rate of pay" (as defined in 29 CFR 5.24) (paid as set forth below) and of the fringe benefits payments (paid as set forth below) for hospitalization, medical pension and life insurance benefits for such craft or type of employee under the Secretary of Labor's wage determination (made pursuant to the provisions of the Davis-Bacon Act) in effect for Miami-Dade County, Florida, as of the end of the calendar year in which the proposed bid is expected to be advertised. The foregoing and the provisions of Section 2-11.16(e) notwithstanding, where not otherwise precluded by state or federal law, the overall per hour rate shall be the higher rate under this Section 2-11.16 or the rate of wages to be paid under the requirements of the Davis-Bacon Act; provided, further, that the overall per hour rate shall not be the higher rate if the federal government requires the County as a condition of receiving federal funds for a project to pay no more than the wages as determined by the U.S. Department of Labor under the Davis-Bacon Act on project contracts.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.16COCOCO](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO)

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**Section 2-8.1 of the Code of Miami-Dade County** (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

**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 Miami-Dade County Code**, Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust. The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy) and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the Transportation Planning Organization ("TPO") process or made in accordance with the procedures specified in subsection (d) of this section. Expenditure of surtax proceeds for contracts procured by or on behalf of Miami-Dade Transit or for transit-related procurements shall be subject to the following limitations: No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust. (ii) 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. (iii) Where no surtax proceeds are used to fund a contract eligible for award under the County Mayor's delegated authority and where the

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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. (iv) 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=PTIIICOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**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>

**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. 8F2  
File No. 200544**

**Researcher: IL   Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01316 GROUP 1 FOR THE PURCHASE OF ORIGINAL EQUIPMENT MANUFACTURER, ORIGINAL EQUIPMENT SUPPLIER, AND AFTERMARKET PARTS, AND ESTABLISHING AN OPEN PREQUALIFICATION POOL FOR GROUPS 2 AND 3 OF CONTRACT NO. FB-01316 FOR THE PURCHASE OF ORIGINAL EQUIPMENT MANUFACTURER, ORIGINAL EQUIPMENT SUPPLIER AND AFTERMARKET PARTS, AND ORIGINAL EQUIPMENT MANUFACTURER SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS FOR THE INITIAL TWO YEARS OF A FIVE-YEAR TERM FOR GROUP 1 AND FOR THE INITIAL ONE YEAR OF A FIVE-YEAR TERM FOR GROUPS 2 AND 3 IN AN AMOUNT NOT TO EXCEED \$19,595,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF AWARD FOR GROUP 1, 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 COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING FOR GROUPS 2 AND 3, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve: (1) award of *Contract No. FB-01316*, Group 1, for the purchase of original equipment manufacturer, original equipment supplier, and aftermarket parts for a five-year term; (2) establishment of an open prequalification pool, Groups 2 and 3 of *Contract No. FB-01316*, for the purchase of original equipment manufacturer, original equipment supplier, aftermarket parts, and original equipment manufacturer services for a five-year term; and (3) award of Groups 1, 2 and 3 of *Contract No. FB-01316* for the initial two years of the five-year term for Group 1 and for the initial year of a five-year term for Groups 2 and 3 in an amount not to exceed \$19,595,000 for the Department of Transportation and Public Works (DTPW).

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item was brought before the Chairwoman's Policy Council on April 20, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to establish a long-term contract for DTPW to acquire original equipment manufacturer, original equipment supplier, and aftermarket parts to satisfy its operational requirements for bus parts and services needed to support its fleet of over 700 buses. The item approves a contract for Group 1 and establishment of a prequalification pool for Groups 2 and 3. The contract value is not to exceed \$19,595,000 for the initial two-years out of a five-year term for Group 1 and for the initial one-year out of a five-year term for Groups 2 and 3. There are 75 line items under this award, representing the department's most commonly used bus parts and services.

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**Item No. 8F2  
File No. 200544**

**Researcher: IL    Reviewer: PGE**

The solicitation was advertised on September 18, 2019 and closed on October 16, 2019, the “Bid Open Date.” Twenty-two bids were received. Of the 22 bids, 14 are being recommended for award under Group 1 and 19 are being recommended for inclusion in the pool under Groups 2 and 3. Note that the previous pool (*No. 5745-2/14*) included a total of 50 vendors. Although DTPW is the primary user of this pool, it is important to mention that other departments, such as MDFR and MDAD, have utilized the current pool to procure parts and services for other types of equipment (e.g., cars, trucks, construction and industrial equipment), which are often built with parts from the same OES that manufacturers bus parts.

The method of award, including bidder requirements, under the replacement award is as follows:

**Group 1 (Award of OEM, OES and Aftermarket Parts):** Awards will be made to the lowest priced responsive, responsible bidder on an item-by-item basis per year. Bidders shall provide proof with their bid submittal that they are the OEM, OES, or aftermarket manufacturers, or authorized resellers thereof. All responsive and responsible awarded bidders under Group 1 shall be deemed prequalified for Group 2.

**Group 2 (Prequalification of Vendors to Purchase Transit Bus Parts by Brand Name for Future Price Competition):** Vendors shall provide proof that they are OEM, OES, or aftermarket manufacturers, or authorized resellers of parts for listed transit buses.

**Group 3 (Prequalification of Vendors to Purchase Services for Future Price Competition):** Vendors shall provide proof they are the OEM capable of performing work, including work under warranty for listed transit buses.

The current pool, *Pool No. 5745-2/14*, is valued, cumulatively, at 285,770,511 for a term of 11 years and three months, effective on April 1, 2009 and expiring on June 30, 2020. The table below sets forth summary information regarding the initial and extension terms under the current pool, including annual allocation, and summary information for the proposed replacement award.

Category	Effective Date	Current Pool 5745-2/14	Approval Authority	Proposed FB-01316
Initial Allocation Amount	April 1, 2009	\$49,070,000	R-191-09	19,595,000
Extension Amount	April 02, 2009	\$ 22,850	Administrative	N/A
Extension Amount	February 2, 2010	\$ 25,000	Administrative	N/A
Extension Amount	September 8, 2010	\$ 90,000	Administrative	N/A
Option No.1	April 1, 2011	\$49,207,850	R-191-09	N/A
Option No.2	April 1, 2013	\$49,207,850	R-191-09	N/A
Extension Amount	September 16, 2014	\$112,686,000	R-806-14	N/A

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Extension Amount	September 16, 2014	\$ 450	R-806-14	N/A
Extension Amount	October 3, 2019	\$ 19,000,000	R-1040-19	N/A
Extension Amount	January, 29, 2020	\$ 6,460,510	Administrative	N/A
<b>Total</b>		\$285,770,510		\$120,000,000
Annual Allocation		\$25,979,137 (11year term)		\$24,000,000 (5year term)

As stated in the mayoral memorandum, the estimated annual allocation under the replacement contract is lower than the current pool because it is for less time and for approximately \$1,979,137 dollars less than the current project. The fiscal impact for this procurement is \$19,595,000. The amount will be divided in the following manner: \$9,595,00 for the initial two-years out of a five-year term for Group 1 and \$10,000,000 for the initial one-year out of a five-year term for Groups 2 and 3. Per the Bid Tracking System, as of May 13, 2020 , the award value for this procurement is \$120,000,000.

The current pool is in its extension term, which had an original expiration date of March 31, 2020. The pool was extended administratively by three months through June 30, 2020. Resolution No. 718-17 requires the Administration to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and pools for the purchase of goods and services. Accordingly, based on the current pool's original expiration date of March 31, 2020, re-procurement planning should have commenced on October 31, 2018 to ensure timely award of the replacement contract prior to the original expiration date.

**Figure 1:** OCA performed a due diligence analysis on the awarded firms on May 11, 2020

Vendor	Sunbiz	Local Vendor	Tax Collector	West Law
B & G Auto Parts Warehouse (Group 1 & 2)	Florida Profit Corporation Principal address: 2013 S.W. 1 Street, Miami, FL 33135 Date Filed: 04/15/1985	Yes	Business Address: 2013 SW 1 <sup>st</sup> Street, Miami, FL 33135 Current/Paid	No relevant cases
B&C Truck Electric Service Inc. (Group 2)	Registered in Missouri For Profit Corporation Principal address: 1600 Campbell Kansas City, MO 64108 Date Filed: 05/14/1999	Not Local	Nothing Found	No relevant cases
Central Turbos Corp. (Group 1 & 2)	Florida Profit Corporation Principal address: 1951 N.W. 97 Avenue, Doral, FL 33172 Date File: 07/11/2001	Yes	Business Address: 1951 N.W. 97 Avenue, Doral, FL 33172 Current/Paid	No relevant cases
Dartco Transmission Sales and Service, Inc.	Foreign Profit Corporation Principal address: 4390 Long Road, Columbus, IN 47203	Not Local	Nothing Found	No relevant cases



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(Group 1 & 2)	Date Filed: 03/05/2018			
Discount Diesel Truck Parts Inc.  (Group 1, 2 & 3)	Florida Profit Corporation Principal address: 9907 N.W. 116 Way, Units 112-114. Medley, FL 33178 Date Filed: 02/21/2007	Yes	Multiple Accounts:  Business Address: 9905/9907 N.W. 116 Way, Unit 105, Medley, FL 33178	No relevant cases
Eco-Tech Fleet Services LLC.  (Group 2)	Florida Limited Liability Company Principal address: 3601 N.W. 55 Street, Unit 106, Miami, FL 33142 Date Filed: 01/20/2015	Yes	Business Address: 3601 N.W. 55 Street, Unit 106, Miami, FL 33142	Corepointe Insurance Company Et Al vs. Eco-Tech Fleet Services, LLC, in the Eleventh Judicial Circuit Allegation: Tort/Negligence Case Status: Pending, Notice of Depositions 04/02/2020
Fraser Tool & Gauge LLC.  (Group 1 & 2)	Foreign Limited Liability Company Principal address: 1352 Harvard Road, Gross Pointe, MI 48230  Date Filed: 03/14/2018	Not Local	Nothing Found	No relevant cases
Gillig LLC  (Group 2)	Foreign Limited Liability Company Principal address: 451 Discovery Drive, Livermore, CA 94551 Date Filed: 01/06/2017	Not Local	Nothing Found	No relevant cases
J. David White Associates Inc.  (Group 1 & 2)	Registered in Massachusetts Domestic Profit Corporation Principal address: 43 Hull Street, Cohasset, MA Date Filed: 12/23/1982	Not Local	Nothing Found	No relevant cases
Mohawk MFG & Supply Co.  (Group 1 & 2)	Foreign Profit Corporation Principal address: 7200 N. Oak Park Avenue, Nile, IL 60714 Date Filed: 06/01/2011	Not Local	Nothing Found	No relevant cases
Muncie Reclamation and Supply dba Muncie Transit Supply  (Group 1 & 2)	Registered in the State of Missouri Principal address: 3720 S. Madison Street, Muncie, IN Date Filed: 06/08/1989	Not Local	Nothing Found	No relevant cases

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Natsco Transit Solutions, Inc. (Group 2)	Registered in the State of Georgia Principal address: 300 Colonial Center Parkway Ste 100N, Roswell, GA 30076 Date Filed: 04/13/2020	Not Local	Nothing Found	No relevant cases
Neopart Transit LLC. (Group 1 & 2)	Florida Limited Liability Company Principal address: 5 C Dutch Court, Reading PA 19608 Date Filed: 02/06/2018	Not Local	Nothing Found	No relevant cases
Rechtien International Trucks Inc. (Group 1 & 2)	Florida Profit Corporation Principal address: 7227 N.W. 74 Avenue, Miami, FL 33166 Date Filed: 12/08/1980	Yes	Business Address: 7227 N.W. 74 <sup>th</sup> Avenue, Miami, FL 33166 Current/Paid	No relevant cases
Reliable Transmission Service Inc. (Group 2 & 3)	Florida Profit Corporation Principal address: 6613 78 Street South, Riverview, FL 33578  Date Filed: 09/09/1983	Not Local	Nothing Found	No relevant cases
The Aftermarket Parts Company LLC. (Group 1 & 2)	Foreign Limited Liability Company Principal address: 3229 Sawmill Parkway, Delaware, OH 43015  Date Filed 11/01/2013	Not Local	Nothing Found	No relevant cases
Total Truck Parts Inc. (Group 1 & 2)	Florida Profit Corporation Principal address: 6545 Walls Road, West Palm Beach, FL 33413 Date Filed: 12/17/2001	Not Local	Business Address: 7270 N.W. 43 Street, Miami, FL 33166 Current/Paid	No relevant cases
Truckpro LLC (Group 1 & 2)	Foreign Limited Liability Company Principal address: 1900 Charles Bryan Road, Suite 100, Cordova, TN 38016  Date Filed: 12/28/2011	Not Local	Nothing Found	No relevant cases
Vehicle Maintenance Program Inc. (Group 1 & 2)	Florida Profit Corporation Principal address: 3595 N. Dixie Highway, Bay 7, Boca Raton, FL  Date Filed: 12/12/2002	Not Local	Nothing Found	No relevant cases

As mentioned, all vendors awarded under Group 1 will be prequalified for Group 2. Groups 2 & 3 will remain open to allow additional vendors to participate meeting or exceeding minimum requirements.



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OCA performed a search for Commodity Code 060 (**Automotive Maintenance Items and Repair/Rep.**) on the Business Management Workforce System's Certified Vendor Directory on May 10, 2020. Listed below are the local SBEs identified:

AmeTrade, Inc., DBA AmePower	Miami, FL	<a href="#">SBE-G&amp;S</a>
GENERATING SYSTEMS, INC.	Miami, FL	<a href="#">SBE-G&amp;S</a>
GRUPO INPOWER, LLC, DBA INPOWER	Miami, FL	<a href="#">SBE-G&amp;S</a>
KM PEDERSEN ENTERPRISES, INC., DBA HOMESTEAD TIRE & AUTO SERVICE CENTER	Homestead, FL	<a href="#">SBE-G&amp;S</a>
P. S. Systems, Inc.	Miami, FL	<a href="#">SBE-G&amp;S</a>
PER CAR INC., DBA NATIONAL SUNSHINE AUTO PARTS	Miami, FL	<a href="#">SBE-G&amp;S</a>
STEIN PAINT COMPANY	Miami, FL	<a href="#">SBE-G&amp;S</a>
THE TOOL PLACE CORP.	Miami, FL	<a href="#">SBE-G&amp;S</a>

**ADDITIONAL INFORMATION:**

Pursuant to Resolution No. R-300-20 purchase of 140 CNG low floor 40-foot buses. This purchase includes a maintenance plan according to DTPW that aligns with the statement in the current item concerning the lower cost of this contract, due to the purchase of new buses under warranty.

<http://intra/gia/matter.asp?matter=200176&file=true&yearFolder=Y2020>

**APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami -  
dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIINGE S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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

**Resolution No. R-806-14, adopted September 16, 2014**, authorized additional expenditure authority in a total amount up to \$133,936,000.00 for prequalification pool contracts to purchase air compressors, parts and accessories.

<http://www.miamidade.gov/govaction/matter.asp?matter=141812&file=true&fileAnalysis=false&yearFolder=Y2014>

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**Resolution No. R-140-15**, adopted February 3, 2015, directs the mayor or designee to conduct a full review, prior to the re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current need of the County, to include information recommendations to the Board.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

**Resolution No. R-1011-15**, adopted November 3, 2015, directs the mayor or his designee to require that vendors provide addresses of all local branch offices and headquarters and the number of percentage of local residents such as vendors employ.

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

**Resolution No. R-718-17**, adopted July 6, 2017, directs the mayor or his designee to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods or services and directing the county mayor or his designee on a quarterly basis to identify in writing to the commission auditor those contracts that prequalification pools that are set to expire no later than 18 months prior to expiration.

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

**Resolution No. R-477-18**, adopted May 1, 2018, Directing The County Mayor or County Mayor's Designee To Disclose To Board Reasons Goods and Services are not being procured through local businesses when recommendation is to award contract to non-local vendor or establish a prequalification pool of vendors where less than 75% of the pool members are local businesses.

<http://www.miamidade.gov/govaction/matter.asp?matter=180822&file=true&fileAnalysis=true&yearFolder=Y2018>

**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>

**Implementing Order 2-13**, (Guidelines and Procedures Regarding Legal Opinions with Respect to County Competitive Processes), authorizes the County Mayor or designee to issue a written request for a Responsiveness Opinion when an issue of responsiveness is identified in response to a solicitation that will affect the ultimate award of the solicitation. Requires responsiveness opinions to be presented to the Board with agenda item.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf>

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

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

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**Item No. 8F3  
File No. 200563**

**Researcher: JFP   Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01180 FOR GROUPS 1,3,5,6,7,9,10,11,13,14 AND 15 FOR THE PURCHASE OF HAZARDOUS AND NON-HAZARDOUS WASTE SERVICES TO TRIUMVIRATE ENVIRONMENTAL SERVICES, INC., US ECOLOGY TAMPA, INC., AND WORLD PETROLEUM CORP. FOR MULTIPLE DEPARTMENTS WITH AN AMOUNT NOT TO EXCEED \$4,043,880.00, 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

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the award of *Contract No. FB-01180, Hazardous and Non-Hazardous Waste Services*, for use by multiple County departments in the amount of up to \$4,043,880 for a term of five years.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

The item was forwarded to the BCC with a favorable recommendation by the Chairwoman's Policy Council at its April 20, 2020 meeting.

**ANALYSIS**

The purpose of this item is to establish a replacement contract for the purchase of recycling and disposal services for hazardous and non-hazardous materials. The recommended awardees for various groups are Triumvirate Environmental Services, Inc., US Ecology Tampa, Inc., and World Petroleum Corp. The total allocation for the five-year term is \$4,043,880, with the largest allocations being for the Department of Transportation and Public Works (\$1,364,298) and the Department of Solid Waste Management (\$1,091,438). Ten other County departments also have allocations for purchases under the contract, detailed as follows: Internal Services (\$477,504); Water and Sewer (\$301,952); Regulatory and Economic Resources (\$254,442); Aviation (\$170,537); Medical Examiner (\$170,537); Parks, Recreation and Open Spaces (\$64,122); Fire Rescue (\$51,161); Police (\$51,161); PortMiami (\$34,107); and Corrections and Rehabilitation (\$12,620).

The solicitation calls for the bidder to furnish all labor, equipment, materials, transportation, and supervision necessary for the legal recycling or disposal of various types of hazardous and non-hazardous waste items for the following groups:

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- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Group 1: Waste Petroleum, Sludge, and Petroleum Absorbents</li> <li>• Group 2: Used Oil Filters</li> <li>• Group 3: Paint Wastes</li> <li>• Group 4: Drums and Pails</li> <li>• Group 5: Pesticides</li> <li>• Group 6: Used Antifreeze</li> <br/> <li>• Group 7: Photographic Chemical Waste</li> <br/> <li>• Group 8: Waste Batteries</li> <li>• Group 9: Characteristic Hazardous Wastes</li> </ul> | <ul style="list-style-type: none"> <li>• Group 10: Hazardous Lab Packs</li> <br/> <li>• Group 11: Compressed Gases</li> <li>• Group 12: Non-Hazardous Bulbs</li> <li>• Group 13: Ammunition (MDPD)</li> <li>• Group 14: Hazmat Emergency Response</li> <li>• Group 15: Oil/Water Separator Cleaning and Pressure Washing of Diesel/Petroleum Storage Tanks and Sheds at County Facilities</li> <li>• Group 16: Household Hazardous Waste Disposal Services</li> <li>• Group 17: Collection disposal of soil contaminated with hydrocarbon products like hydraulic oil, gasoline, diesel, etc.</li> </ul> |
|---|--|

The current contract, 7224-1/19-1, established by Resolution No. R-804-13 on October 1, 2013 for a three-year term with one, three-year option to renew has a cumulative amount of \$10,198,031. The contract, which was effective on October 14, 2013 and expires on April 30, 2020, is currently in its last month of the option term. The cumulative value of the option term of the contract is currently \$5,285,031. However, as of May 11, 2020, the contract's Blanket Purchase Order shows that of the \$5,178,513.08 allocated to it, a total of \$4,458,106.76 has been released, leaving a balance of \$720,406.32. The replacement contract's allocation of \$4,043,880 is significantly lower than that of the current contract due to awards not being recommended for six groups. Groups 2, 4, 8, 12, 16 and 17 will be resolicited after revision of licensing requirements.

The current contract has an expiration date of April 30, 2020, after approval of two three-month administrative extensions. The original expiration date was October 13, 2019. Pursuant to Resolution No. R-718-17, the County is required to commence planning for re-procurement of contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration. Given the current pool's original expiration date, the County is required to have commenced planning for re-procurement no later than April 13, 2018.

Resolution No. R-515-19 establishes a deadline to seek Board approval for award of successor contracts or extensions of existing contracts at 60 days prior to expiration of the contract. Given that the current contract expired on April 30, 2020, the item should have been brought before the Board by March 1, 2020.

This item necessitates approval by the Citizens' Independent Transportation Trust (CITT), as prescribed by County Code Section 29-124(f)(ii) due to its award value of over \$1,000,000. The item was approved by the CITT on April 30, 2020.

The solicitation was advertised on August 21, 2019. Six vendors responded by the Bid Open Date, September 18, 2019. The method of award under the replacement contract was to the lowest-priced responsive and responsible bidder by group in the aggregate. Of the six respondents, three are being recommended for award as two others were deemed non-responsible for collusive behavior. Additionally, one local, incumbent vendor, Environmental Management Conservation Oil Corp. (dba EMC Oil Corp.), submitted an offer to seven different groups that was higher than the

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**File No. 200563**

**Researcher: JFP Reviewer: PGE**

lowest bid in those groups and is thus not being recommended for award. Of the three vendors being recommended for award, two vendors (Triumvirate Environmental Services, Inc. and World Petroleum Corp.) are incumbents. None of the vendors being recommended for award hold local addresses.

The department's justification for not procuring these services through local vendors, provided pursuant to Resolution No. R-477-18, is the determination made through market research that a limited number of vendors are capable of providing these highly regulated services.

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

<b>Awarded Firm</b>	<b>Awarded Group</b>	<b>Corporate Registration</b>	<b>Tax Collector's Office</b>	<b>Florida DBPR</b>	<b>Litigation (Westlaw)</b>
Triumvirate Environmental Services, Inc.	1, 9, 10 and 13	Florida Profit Corporation  Active  Principal Address: 3701 SW 47th Avenue, #109 Davie, FL 33314  Filed: January 18, 1985	No account on file.	License Type: Restricted Rx Drug Distributor-Destruction	No relevant cases.
US Ecology Tampa, Inc.	3, 5, 7 and 11	Foreign Profit Corporation  Active  Principal Address: 101 S. Capitol Blvd., Suite 1000 Boise, ID 83702  Filed: December 4, 2003	Doing Business in Miami-Dade County.  Status: Paid and Current.	License Type: Restricted Rx Drug Distributor-Destruction	<i>Hill v. US Ecology Inc.</i> (Case No. 3:19-CV-00322). Filed on September 23, 2019 in U.S. District Court, Southern District of Ohio (Dayton). Allegations: Defendant harassed and discriminated against plaintiff based on race and religion and subjected plaintiff to disparate treatment, ultimately wrongfully terminating plaintiff's employment. Case Status: Open; Jury Trial set for December 7, 2020.

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					<i>Taylor, Billie v. US Ecology Inc.</i> (Case No. 201945755). Filed on July 5, 2019 in Harris County District Court. Allegation: Defendant negligently operated the toxic waste disposal facility, knowingly violating state and federal regulations and unsafely exposing plaintiff's decedent, an employee working at US Ecology Inc.'s facility, to chemical substances, causing plaintiff's decedent's contraction of leukemia and subsequent death. Case Status: Open; Order of Partial Nonsuit signed on April 13, 2020.
World Petroleum Corp.	6, 14 and 15	Florida Profit Corporation  Active  Principal Address: 4100 SW 47th Ave. DAVIE, FL 33314  Filed: June 7, 2002	No account on file.	License Type: Construction Business Information (Application in Progress)	No relevant cases.

A May 11, 2020 search on the Business Management Workforce System for the contract's Commodity Codes—40587 (Recycled Petroleum Products), 96240 (Hazardous Material Services), 96258 (Oil Removal Services, Used), and 96270 (Recycling Services)—yielded the following local certified Small Business Enterprise firm:

- Total Connection Inc.

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**Researcher: JFP Reviewer: PGE**

**APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Section 29-124(f) of the Code of Miami-Dade County**, (Citizens' Independent Transportation Trust (CITT)) requires CITT review of contracts funded by the People's Transportation Plan or for contracts with a Transit allocation that exceeds \$1 million.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIIICOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**Resolution No. R-804-13**, adopted October 1, 2013, awards *Contract No. 7224-1/19-1* for the delivery of recycling and disposal of hazardous and non-hazardous waste services for various County departments at an amount of up to \$4,536,000 for the initial three-year term, with a cumulative value of \$8,447,000 if the County chooses to exercise the one, three-year option to renew.

<http://intra/gia/matter.asp?matter=131538&file=true&yearFolder=Y2013>

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

**Resolution No. R-1011-15**, adopted November 3, 2015, directs the mayor or his designee to require that vendors provide addresses of all local branch offices and headquarters and the number of percentage of local residents such as vendors employ.

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

**Resolution No. R-716-12**, adopted September 4, 2012, requires identification of small business enterprise firms in any procurement item submitted for Board approval.

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

**Resolution No. R-140-15**, adopted February 3, 2015, directed the County Mayor to conduct a full review prior to the re-procurement of replacement contracts for goods and services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County and include such information in recommendations to the Board.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

**Resolution No. R-718-17**, adopted July 6, 2017, directed the Administration to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services.

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

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**Researcher: JFP   Reviewer: PGE**

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

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

**Resolution No. 515-19**, adopted May 7, 2019, changed the deadline to seek approval for award of successor contracts or extensions of existing contracts from 30 days to 60 days prior to expiration.

<http://intra/gia/matter.asp?matter=190943&file=true&yearFolder=Y2019>

**Implementing Order 3-38** sets forth the County's policies and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

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



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Research Notes**

**Item No. 8F4  
File No. 200805**

**Researcher: VW Reviewer: PGE**

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$7,406,000.00 FOR PREQUALIFICATION POOL NO. RTQ-1298-1/21-1 FOR PURCHASE OF PLANT MATERIAL AND TREE SERVICES FOR MULTIPLE DEPARTMENTS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve additional expenditure authority in a total amount up to \$7,406,000 for Prequalification Pool No. RTQ-1298-1/21-1 for purchase of plant material and tree services for multiple County departments.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item was brought before the Chairwoman's Policy Council on May 7, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to grant additional expenditure authority in the amount of \$7,406,000 for the purchase of plant materials and ground coverings as well as to contract for services such as tree trimming. Tree services and plantings are to be used for future parks capital improvement projects and various beautification projects while tree trimming is to be done in anticipation of hurricane season in order to mitigate potential damages that can be caused by hurricanes.

The pool was established on February 7, 2012 pursuant to Resolution No. R-131-12 in the amount of \$5,186,000 for the initial term of five years, and \$5,186,000 for the five-year option to renew term, for a cumulative allocation of \$10,372,000 before modifications. After modifications were made, the existing cumulative allocation of the pool is \$38,319,600. The users of the pool include Aviation, Community Action and Human Services, Corrections and Rehabilitation, Cultural Affairs, Fire Rescue, Internal Services, Library System, Parks, Recreation and Open Spaces, Police, PortMiami, Public Housing and Community Development, Regulatory and Economic Resources, Solid Waste Management, Transportation and Public Works, Vizcaya Museum and Gardens and Water and Sewer. The pool's option to renew term is set to expire on February 28, 2022. Several modifications were made during the initial pool term. The pool modifications are detailed below.

	Amount	Percentage Increase
Initial Pool	\$5,186,000	↑ 205%
Initial Pool after Modifications	\$15,845,038.44	
Option to renew term (OTR)	\$18,850,561.56	↑ 19%
OTR after Modifications	\$22,474,561.56	
Additional Allocation Requested	\$7,406,000	
<b>Existing Cumulative Allocation</b>	\$38,319,600	↑ 19%
<b>Modified Cumulative Allocation</b>	\$45,725,600	

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**Researcher: VW Reviewer: PGE**

The pool's Blanket Purchase Order (BPO) shows that \$15,798,461.32 of the option to renew term's current cumulative allocation of \$22,474,561.56 has been released (as of May 12, 2020), leaving a balance of \$6,676,100.24 with one-year, nine months, and nine days still remaining until the OTR's expiration on February 28, 2022. In other words, 70% of the OTR's allocation has been slated for expenditure with almost two years remaining until the OTR's expiration date.

Detailed below are the remaining balances of the departments requesting additional expenditure authority. The three largest users of the pool are the Parks, Recreation and Open Spaces, Public Housing and Community Development, and Aviation Departments in that order.

Department	Allocation Amount	Released Amount	Balance
AV	\$2,218,670.00	\$1,002,332.44	\$1,216,337.56
CO	\$355,000.00	\$10,815.00	\$344,185.00
CR	\$55,000.00	\$49,860.00	\$5,140.00
CU	\$100,000.00	\$60,137.00	\$39,863.00
FR	\$70,375.00	\$37,208.00	\$33,167.00
HD	\$2,242,237.74	\$1,976,946.95	\$265,290.79
ID	\$106,625.00	\$91,878.50	\$14,746.50
LB	\$289,000.00	\$157,064.95	\$131,935.05
MT	\$143,884.70	\$7,793.00	\$136,091.70
PD	\$25,000.00	\$0.00	\$25,000.00
PE	\$1,033,000.00	\$321,614.35	\$711,385.65
PR	\$13,161,395.43	\$11,067,834.70	\$2,093,560.73
SP	\$59,000.00	\$0.00	\$59,000.00
SW	\$993,755.85	\$98,968.71	\$894,787.14
VZ	\$212,617.84	\$208,179.75	\$4,438.09
WS	\$1,409,000.00	\$707,827.97	\$701,172.03
<b>Total Amount</b>	<b>\$22,474,561.56</b>	<b>\$15,798,461.32</b>	<b>\$6,676,100.24</b>

The three departments using the additional expenditure authority being requested are: the Internal Services Department (ISD) with \$100,000, the Parks, Recreation, and Open Spaces Department (PROS) with \$6,516,000, and the Public Housing and Community Development Department (PHCD) with \$790,000. ISD is requesting the additional expenditure authority to purchase plant material and tree services and to trim all trees in preparation for hurricane season. If the requested expenditure authority were approved the total modified pool value would increase to \$45,725,600.

PROS is requesting the additional expenditure authority to: replace trees, plant materials, and tree services as a result of Hurricane Irma in 2017 including the replacement of the tree canopy in the Special Taxing District; to complete beautification projects for various roadways, parks and golf courses; to hire Neat Street volunteer events and to fund the recent expansion of the Florida exhibit at the Miami Zoo. Additionally, ISD will not be renewing contract 7661-5/19-5 which expired on February 28, 2020 and thus the annual allocation under 7661-6/19-5 is being requested for contract 1298-1/21-1. PHCD is requesting the additional expenditure authority to purchase plant materials and services including tree trimming, pruning, resetting, and relocation for various housing facilities that were damaged by Hurricane Irma in 2017. There are 32 prequalified vendors under this pool. These vendors provide spot market quotes for the

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File No. 200805**

**Researcher: VW Reviewer: PGE**

purchase of various types of plant material and tree services. OCA conducted a due diligence review of the 32 prequalified vendors and found no issues to report.

A May 11, 2020 search on the Business Management Workforce System for the pool's Commodity Codes, NIGP 59510: Bedding Plants and Cuttings; NIGP 59515: Bulbs and Seeds, Including Flower Seeds; NIGP 59535: Groundcovers and Vines; NIGP 59540: Nursery, Greenhouse and Floral Supplies: Labels, Planters, Pots, Tags, Trellises, etc.; NIGP 59565: Shrubbery, Evergreen; NIGP 59566: Shrubbery, Flowering; NIGP 59570: Trees, Fruit and Nut; NIGP 59575: Trees, Ornamental and Shade; NIGP 59577: Tropicals; NIGP 96888: Tree and Shrub Removal Services; NIGP 98836: Grounds and Roadside Maintenance: Mowing, Edging, Plant, Not Tree Trimming, etc.; NIGP 98888: Tree Trimming and Pruning Services, yielded 60 certified local small business enterprise firms.

**APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Resolution No. R-131-12**, adopted February 7, 2012, established a Prequalification Pool for groups 1, 2 and 3 of Contract No. 1298-1/21, Plant Material and Tree Services, and awarded group 4 of the same to A Native Tree Service, Inc., Arazoza Brothers Corp., Crodon, Inc., Groundkeepers, Inc., And Thomas Maintenance Service, Inc., in a total amount of up to \$5,186,000 for the initial term of five years with a five year option to renew of \$5,186,000.

<http://intra/gia/matter.asp?matter=112690&file=true&yearFolder=Y2011>

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

**Resolution No. R-716-12**, adopted September 4, 2012, requires identification of small business enterprise firms in any procurement item submitted for Board approval.

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

**Resolution No. R-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 nonlocal vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

**Implementing Order 3-38** sets forth the County's policies and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

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

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**Item No. 8F5  
File No. 200807**

**Researcher: MF   Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01336 TO ADVOCATE PROGRAM, INC. AND COURT OPTIONS, INC. FOR PURCHASE OF MISDEMEANOR DIVERSION SERVICES FOR THE MIAMI-DADE STATE ATTORNEY, ELEVENTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA FOR THE FIVE-YEAR TERM, WITH AN ESTIMATED TOTAL REVENUE TO BE GENERATED OF UP TO \$10,000,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the award of *Contract No. RFP-01336* to Advocate Program, Inc. and Court Options, Inc. for the purchase of misdemeanor diversion services in the amount of up to \$10,000,000 for a term of five years for the Miami-Dade State Attorney, Eleventh Judicial Circuit Court.

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Internal Services Department

This item was heard at the Chairwoman's Policy Council meeting of May 7, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is for the County to award replacement *Contract No. RFP-01336* to incumbent providers Advocate Program, Inc. and Court Options, Inc. for the purchase of misdemeanor diversion services to eligible offenders in the Criminal and Traffic Divisions of the Eleventh Judicial Circuit Court, encompassing the following divisions: 1) Regular Misdemeanor Crimes; 2) DUI Criminal Traffic; and 3) Miscellaneous Criminal Traffic.

The purpose of the diversion program is to afford certain criminal offenders the opportunity for alternative ways to repay the community for their crimes – in lieu of facing criminal prosecution. By agreeing to the diversion program, participants sign a contract with the Miami-Dade State Attorney's Office (SAO) and waive their right to a trial, thereby acceding compliance with program requirements. The offenders are supervised anywhere from six to 12 months and once they complete the program successfully, the State drops the criminal charges.

The fiscal impact is approximately \$10,000,000 in revenues generated for the five-year term. The costs associated with this program are covered via payment of fees, which are paid by offenders to the providers (refer to Tables 1 and 2 for fee schedule). This replacement contract supplants current *Contract No. RFP-851*, effective March 1, 2014 and valued at \$12,500,000 for a 78-month term expiring August 31, 2020. An itemization of the revenues generated since the contract's inception in 2014 is not provided in the mayor's memo.

Resolution R-718-17 directs the County Mayor to commence planning for reprocurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods or services. Based on the contract's original expiration date of February 28, 2020, re-procurement planning should have commenced no later than August 2018 to ensure award of this replacement contract prior to that expiration date. According to the project timeline found in the Bid Tracking

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System, the requisition for this replacement contract was posted August 14, 2019, and the RFP solicitation began November 27, 2019.

For this solicitation, five firms responded and two are recommended for award. Both selected (incumbent firms) are local. Regarding the other three firms – one is local and deemed non-responsive, while the other two are non-local but were ranked and scored lower than the awarded firms.

The exact number of offenders that will be assigned to each firm will be chosen by the SAO. The awarded providers serve as liaison among the County, SAO, and Program offenders; as such the providers are responsible for delivering a host of services to offenders. Per the contract's scope, both providers – Advocate Program, Inc. and Court Options, Inc. – are tasked with carrying out the following services:

- ❖ Provide management and supervision services for eligible offenders diverted from prosecution and be able to manage up to 1,000 cases per month;
- ❖ Provide adequate office space within Miami-Dade County, equipment, and supplies to provide diversion services as requested herein;
- ❖ Comply with all federal and state laws, as well as applicable court orders, necessary to provide program services;
- ❖ Provide an annual financial disclosure of all owners or partial owners of the Provider's firm/entity;
- ❖ Include an initial budget and financial statement showing that the Provider has sufficient finances on hand to provide the program services for six months after the contract award;
- ❖ Have the capability to access the Internet and electronically transmit documentation as may be required by the SAO;
- ❖ Maintain written policies and procedures that direct the operation of the misdemeanor diversion program that shall include at a minimum the following:
  - Mission statement
  - Intake and evaluation procedure
  - Termination policy
  - Record keeping and reporting procedure
  - Fee collections and remittance procedure
  - Acceptance of indigents procedure
  - Non-discrimination policy
  - Accessibility to persons with disabilities policy
  - Other topics that may in the future be required by the SAO
  - Maintain security and document protection

Offenders in the program are required to pay fees, which are collected and distributed by the providers. Table 1 below depicts the case type, fee schedule and designated disbursement for each of the offenses covered under the misdemeanor diversion services for this item.

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**Table 1**

<b>Diversion Program</b>	<b>Cost of Diversion Program</b>	<b>Disbursement</b>
Misdemeanor cases	Max. \$225 for offenders who agree to program participation prior to arraignment.  Max. \$250 for offenders who agree to program participation at or post arraignment.	To the Provider supervising the offender
Traffic cases	Max. \$125 and \$25 for each additional case to a max. of \$175 per defendant	To the Provider supervising the offender
Back on Track (BOT)	Max. \$500 for Tier 1 supervision (offenders with a breath or blood alcohol level of 0.15)  Max. \$600 for Tier 2 supervision (offenders with a blood alcohol level of 0.15 or above or have refused a breathalyzer test)	To the Provider supervising the offender
Treatment Program	Amount to be determine by Treatment Program provider	To the Treatment Program provider
Restitution	Amount to be determined by SAO (or by the Court and part of the referral)	To the victims of the offender
Denise Moon Memorial Fund	For misdemeanor referrals per the SAO chart – *refer to Table 2 of this note	To the Denise Moon Memorial Fund
Fund for a Healthier and Safer Community	BOT Tier 1, \$300; BOT Tier 2, \$500	To the Fund for a Healthier and Safer Community
Victims' Crimes Compensation Trust Fund	\$25	To the Office of the Attorney General Crimes Compensation Trust Fund
Case Processing Fee	\$50	SAO

Table 2 below shows the donation schedule for misdemeanor referrals applicable to the Denise Moon Memorial Fund. According to the Miami Foundation, the SAO established the Denise Moon Memorial Fund in 2009 for 11<sup>th</sup> Judicial Circuit to honor Ms. Moon, a longtime leader and advocate for victim services in the County.

**\*Table 2**

<b>Crime Description</b>	<b>Donation Amount</b>
Assault	\$50
Battery	\$50
Carrying a Concealed Weapon	\$50
Child Abuse/Neglect	\$50
Contracting without a License	\$50
Credit Card Theft	\$50
Criminal Mischief	\$50
Cruelty to Animals	\$50

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Culpable Negligence	\$50
Defrauding an Innkeeper	\$25
Disorderly Conduct	\$25
Disorderly Intoxication	\$25
DERM Violations	\$50
Dumping	\$50
Exposure of a Sex Organ/Lewd and Lascivious	\$100
Fare Evasion	\$25
Fuel Transportation	\$50
Gambling	\$25
Graffiti	\$50
Improper Exhibition of a Weapon	\$50
Loitering and Prowling	\$25
Marine and Wildlife Violations	\$50
Minimum Housing	\$50
Obscene/Harassing Phone Calls	\$50
Possession of a Legend Drug	\$50
Possession of Marijuana and Paraphernalia	\$50
Possession of Wildlife or Exotic Pets	\$50
Practicing a Licensed Profession without a License	\$50
Prostitution/Obstruction of a Highway with Intent to	\$150
Solicit	\$25
Quality of Life Crimes	\$50
Resisting without Violence	\$25
Sale of Alcohol/Tobacco to a Minor	\$50
Stalking	\$50
Theft – Petit or Retail	\$25
Trespass	\$50
Utility Theft	\$50
Vehicle for Hire/Jitney Cases Violation of a Repeat	\$50
Violence Injunction	\$50
Voyeurism	\$50
Worthless Check	\$50

OCA conducted a search for the procurement’s Commodity Code, 95223 (Court Intervention Services) on the Business Management Workforce System’s Certified Vendor Directory on May 2 and 11, 2020. There were no SBEs identified for the respective commodity code pertaining to this item.

OCA performed due diligence on the awarded firms on May 3 and 11, 2020; below are the findings.

<b>Awarded Firms</b>	<b>Corporate Registration</b>	<b>Tax Collector’s Office</b>	<b>Florida DBPR</b>	<b>Westlaw</b>
Advocate Program, Inc.	Florida Not For Profit Corporation	Business Address: 1150 NW 72 Ave.	No account on file	No relevant litigation

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	Active  Principal Address: 1150 NW 72 Ave. Ste. 200 Miami, FL  Filed: December 31, 1975	Ste. 200 Miami, FL  Status: Paid and Current		
Court Options, Inc.	Florida Profit Corporation  Active  Principal Address: 17891 S. Dixie Hwy Ste. 201 Palmetto Bay, FL  Filed: June 14, 2004	Business Address: 17891 S. Dixie Hwy Ste. 201 Palmetto Bay, FL  Status: Paid and Current	No account on file	No relevant litigation

**ADDITIONAL INFORMATION**

OCA reached out to the State Attorney's Office on May 14, 2020 and inquired on the information below; no response had been received as of May 15, 2020.

- Pertaining current Contract No. RFP-851, indicate the total annual program participants, including gender and race/ethnicity data, program category and completion status.
- Of those that completed the program versus those who did not – can you quantify the program's success rate from the current aforementioned contract? This would be for the current contract period spanning March 2014 through August 2020.

OCA conducted Internet searches on the selected firms on May 3 and 11, 2020; below is a summary of the information from their respective websites.

- ❖ Advocate Program, Inc. – The provider offers serves several programs to at risk populations through a wide-array of services.  
[https://advocateprogram.org/?gclid=EA1aIQobChMI25PTh\\_uX6QIVA9VkCh34TwqiEAAYASAAEgJR6\\_D\\_BwE](https://advocateprogram.org/?gclid=EA1aIQobChMI25PTh_uX6QIVA9VkCh34TwqiEAAYASAAEgJR6_D_BwE)
- ❖ Court Options, Inc. – The provider has seven offices and has more than 40 years of experience in the criminal justice field. Classes are offered in English and Spanish.  
<http://www.courtoptions.org/>



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Regarding the Denise Moon Memorial Fund, the entity's goal is to support efforts that assist victims of crime and reduce the effect that crime has in the community, by promoting job placement and educational opportunities.

Additional information regarding the Fund may be accessed here: <http://miamifoundation.org/wp-content/uploads/2018/02/2018-Denise-Moon-Memorial-Fund-Guidelines.pdf>

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the Code of Miami-Dade County** (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

**Section 2-8.1.5 of the Code of Miami-Dade County** (Nondiscrimination) applies to entities with annual gross revenues in excess of five million dollars (\$5,000,000.00) seeking to contract with the County shall, as a condition of receiving a county contract, have: i) a written affirmative action plan which sets forth the procedures the entity utilizes to assure that it does not discriminate in its employment and promotion practices; and, ii) a written procurement policy which sets forth the procedures the entity utilizes to assure that it does not discriminate against minority- and women-owned businesses in its own procurement of goods, supplies and services. Such affirmative action plans and procurement policies shall provide for periodic review to determine their effectiveness in assuring the entity does not discriminate in its employment, promotion and procurement practices. The foregoing notwithstanding, corporate entities whose boards of directors are representative of the population make-up of the nation shall be presumed to have non-discriminatory employment and procurement policies, and shall not be required to have written affirmative action plans and procurement policies in order to receive a county contract. The foregoing presumption may be rebutted. The requirements of this section may be waived upon written recommendation of the County Manager that it is in the best interests of the County to do so and approval of the County Commission by majority vote of the members present.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1.5NO](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.5NO)

**Section 2-8.8 of the Code of Miami-Dade County** (Fair sub-contracting practices) applies to (1) *Policy*. It is the policy of this County to promote diversity in the use of Subcontractors on Miami-Dade County projects and to allow opportunities for subcontracting to as many qualified Subcontractors as possible. (2) *Definitions*. As used in this section: (a) The term *bid* means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letter of interest or offer for a contract. (b) The term *contract* means an agreement proposed by County or Public Health Trust staff, or approved by the County Commission or Public Health Trust in any of the following classes: (1) Procurement of goods and services not included in the classes 2, 3 and 4 below; (2) Construction of a public improvement; (3) Professional services subject to Section 287.055, Florida Statutes, and Section 2-10.4 of the Code of Miami-Dade County; or (4) Other professional services including but not limited to accounting, legal, health care, consulting and management services. (5) Contract does not mean an agreement to purchase, lease or rent real property; grant licenses, permits or franchises; operate concessions; or make grants.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.8FASUPR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.8FASUPR)

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**Researcher: MF   Reviewer: PGE**

**Section 2-1076 of the Code of Miami-Dade County** (Office of the Inspector General) applies to the creation and establishment of the Office of a Miami-Dade County Inspector General. The Inspector General shall head the Office. The organization and administration of the Office of the Inspector General shall be sufficiently independent to assure that no interference or influence external to the Office adversely affects the independence and objectivity of the Inspector General.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTLXXVIIIICOETPUTR\\_S2-1076OFINGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTLXXVIIIICOETPUTR_S2-1076OFINGE)

**Section 2-8.9 of the Code of Miami-Dade County** (Living Wage Ordinance for County Service contracts and County employees) applies to Covered employees, meaning anyone employed by any Service Contractor, as further defined in this Chapter either full or part time, as an employee with or without benefits that is involved in providing service pursuant to the Service Contractor's contract with the County.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTINGE\\_S2-8.9LIWAORCOSECOEM](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-8.9LIWAORCOSECOEM)

**Section 10.38 of the Code of Miami-Dade County** (Debarment of Contractors from County Work) applies to: (1) The County shall solicit offers from, award contracts to, and consent to subcontracts with responsible contractors only. To effectuate this policy, the debarment of contractors from County work may be undertaken; (2) The serious nature of debarment requires that this sanction be imposed only when it is in the public interest for the County's protection, and not for purposes of punishment. Debarment shall be imposed in accordance with the procedures contained in this ordinance; and (3) Debarment is intended as a remedy in addition to, and not in substitution of, the evaluation of the responsibility of County bidders and contractors, and the rejection or termination of County bidders and contractors based on findings of non-responsibility on a case by case basis.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH10CO\\_ARTIIBIPUPR\\_S10-38DECOCOWO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-38DECOCOWO)

**Section 2-2113 of the Code of Miami-Dade County** (First Source Hiring Referral Program) applies to the Referral Agency shall be the first source for employees to fill jobs created to satisfy the requirements of County Contracts. The following requirements shall be included in all County Contracts, except those covered under the Community Workforce Program ("CWP"), and except those covered under programs intended to encourage and assist in the employment of the blind and other severely handicapped persons such as described in Sections 413.032—413.037, Florida Statutes (2011): 1. The Contractor, prior to hiring to fill each vacancy arising under a County Contract, shall first notify the Referral Agency of the vacancy and list the vacancy with the Referral Agency. The listing shall contain a detailed description of the job responsibilities and qualifications, and be posted during the Referral Period. The Referral Agency shall provide a list of qualified candidates, if such candidates are available, to Contractor within twenty-four (24) hours of receiving notice of vacancy. Thereafter, Contractor shall (a) review the resumes and qualifications of the candidates, and (b) make a good faith effort as determined by the County, to fill a minimum of fifty percent (50%) of its employment needs under the County Contract from the First Source Register. Notwithstanding the foregoing, if after the Referral Period a suitable employee is not found from the Referral Agency, the Contractor is free to fill its vacancies from other sources. 2. A good faith effort to employ candidates from the Referral Agency shall constitute, at a minimum, evaluating the qualification of such candidates, and conducting interviews with those candidates who satisfy the minimum competency requirements. The Contractor is not required to hire any individual candidate referred. However, Contractors shall not commit to fill vacancies in any other manner until after the end of the Referral Period, unless the Referral Agency notifies the Contractor in writing prior to the end of the Referral Period that qualified candidates are not available in sufficient numbers to fill the vacancies. Upon such notification, the Contractor may immediately fill vacancies using other sources. 3. In determining whether a

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**Researcher: MF    Reviewer: PGE**

Contractor has made good faith efforts, the County may consider, among other criteria to be set forth in the Implementing Order: (a) the number, skills and composition of the Contractor's labor force ultimately hired; (b) whether minimum requirements were established for available positions beyond reasonable requirements to complete the job; (c) the number of referred candidates interviewed for the position; and (d) the Contractor's use of the First Source Register to satisfy its labor needs in contracts other than County Contracts. The County's determination as to whether a Contractor has made such good faith efforts is final and binding. 4. All competitive solicitations for County Contracts, except those covered under CWP, shall set forth the requirements of this Section.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTCXLIIFISOHIREPR\\_S2-2113FISOHIREPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTCXLIIFISOHIREPR_S2-2113FISOHIREPR)

**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>

**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-515-19**, adopted May 7, 2019, changed the deadline to seek approval of successor contracts or extensions of existing contracts from 30 to 60 days prior to expiration.

<http://intra/gia/matter.asp?matter=190943&file=true&yearFolder=Y2019>

**Resolution No. 919-18**, adopted September 5, 2018, directs all contractors and tiered subcontractors on County contracts to provide written notice and disclosures to all workers on how to report any suspected workers' compensation fraud to appropriate State of Florida agency.

<http://intra/gia/matter.asp?matter=181917&file=true&yearFolder=Y2018>

**Resolution No. R-477-18**, adopted 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>

**Resolution No. 1072-17**, adopted November 7, 2017, requires persons or entities contracting with Miami-Dade County to demonstrate compliance with the Equal Pay Act of 1963, Section 448.07 of the Florida Statutes, certain County ordinances, and other laws prohibiting wage rate discrimination based on sex as a condition of being awarded a County contract and directing the County Mayor to require potential vendors and contractors to provide an affidavit attesting to such compliance prior to contract award, revise the vendor affidavit form to include a separate section listing specified provisions and provide a report to the Board within 60 days.

<http://intra/gia/matter.asp?matter=171926&file=true&yearFolder=Y2017>

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**Researcher: MF   Reviewer: PGE**

**Resolution No. 718-17**, adopted July 7, 2017, directs the County Mayor to commence planning for reprourement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods or services; and directs the County Mayor on a quarterly basis to identify in writing to the Commission Auditor those contracts and prequalification pools that are set to expire no later than 18 months prior to expiration.

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

**Resolution No. 140-15**, adopted February 3, 2015, directs the County Mayor to conduct a full review prior to reprourement of replacement contracts for goods and services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County, to include information in recommendations to the Board, and to consult with the Small Business Development Division regarding solicitation and contract language.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

**Resolution No. 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-40-14**, adopted January 22, 2014, authorized execution of agreements with Advocate Program, Inc and Court Options, Inc. for misdemeanor diversion services for the 11<sup>th</sup> Judicial Circuit of the State of Florida in an amount not to exceed \$30,000,000, authorizing the County Mayor to execute contracts on behalf of the County, including cancellation and renewal provisions for Contract Nos. RFP851A and RFP851B.

<http://intra/gia/matter.asp?matter=132413&file=true&yearFolder=Y2013>

**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-716-12**, adopted 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. 8F6  
File No. 200808**

**Researcher: MF   Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01462 TO AIRGAS SPECIALTY PRODUCTS, INC. FOR THE PURCHASE OF AQUEOUS AMMONIA FOR THE MIAMI DADE WATER AND SEWER DEPARTMENT FOR A FIVE YEAR TERM IN AN AMOUNT NOT TO EXCEED \$2,670,300.00; 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, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should approve award of *Contract No. FB-01462* to Airgas Specialty Products, Inc. for the purchase of aqueous ammonia in the amount of up to \$2,670,300 for a term of five years for the Water and Sewer Department (WASD).

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Internal Services Department

This item was heard at the Chairwoman's Policy Council meeting of May 7, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is for the County to approve award of replacement *Contract No. FB-01462* to incumbent vendor Airgas Specialty Products, Inc. ("Airgas") for the purchase of aqueous ammonia – a critical substance used in the treatment of drinking water to provide clean water to the County. The current contract (*FB-00301*) is valued at \$2,849,625 for a four-year and three-month term and it is in its option to renew term. The proposed replacement contract, which is valued at \$2,670,300 for a term of five years, is \$11,700 less expensive – or 0.43 percent less – than the current contract.

Pursuant to Resolution No. R-718-17 regarding repurchase planning, the current contract has an original expiration date of May 31, 2020; it was extended administratively under delegated authority, for three months, now expiring August 31, 2020 with the extension valued at \$167,625. The original value of the option to renew (OTR) is \$1,341,000; with the administrative extension and prorated value of \$167,625, brings the current OTR value to \$1,508,625.

Table 1 below shows the values of the initial contract and the subsequent option to renew since the contract's inception.

**Table 1**

Terms	Dates	Value
Initial Term (years 1 through 3)	6/1/16 – 5/31/18	\$1,341,000
Option to Renew (years 4 and 3 months)	6/1/18 – 8/31/2020	\$1,508,625
<b>TOTAL</b>		<b>\$2,849,625</b>

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Note: The original OTR value is \$1,341,000 – the administrative extension and proration brings the value to \$1,508,625.

An Invitation to Bid was issued under full and open competition on February 12, 2020. Four bids were received from the solicitation – including two “No Bids.” The recommended (incumbent) vendor, Airgas, submitted the lowest priced bid and was deemed the most responsive and responsible vendor. The competing vendor, Tanner Industries, Inc., is not being recommended for award, because the vendor submitted a higher bid than the incumbent vendor, by a difference of \$5,160 annually (totaling \$25,800 for five years). Table 2 below shows a tally of both vendors’ Bid submittal for this item.

**Table 2**

Vendor	Quantity	Unit Price	Bid Submitted
Airgas Specialty Products, Inc. (incumbent & selected)	4,300,000 lbs.	0.1242	\$534,060  <b>Total for five years: \$2,670,300</b>
Tanner Industries, Inc.	4,300,000 lbs.	0.1254	\$539,220  <b>Total for five years: \$2,696,100</b>

Under this replacement contract, Airgas shall provide the aqueous ammonia – ammonia dissolved in water – for the following WASD operations:

- Alexander Orr Jr. Water Treatment Plant
- John E. Preston Water Treatment Plant
- Hialeah Water Treatment Plant

The Hialeah and Preston Water Treatment Plants serve residents who live north of SW 8<sup>th</sup> Street up to the Miami-Dade/Broward line. The Alexander Orr Plant serves residents south of SW 8<sup>th</sup> Street to SW 248<sup>th</sup> Street (Source: WASD).

OCA conducted a search for the procurement’s Commodity Codes (per the Bid Tracking System), 18012 (Ammonium Hydroxide-Aqua Ammonia and Amines), 1809 (Quaternary Ammonium Derivatives-for Antistats), 48501 (Ammonia-Household plan), and 74005 (Ammonia Refrigeration) on the Business Management Workforce System’s Certified Vendor Directory on May 1 and 11, 2020. Listed below are the local SBEs identified.

- Allied Paper Co. dba Allied Paper & Chemical Co. Miami, FL SBE-G&S
- Glocecol, LLC Medley, FL SBE-G&S
- Maintenance Services 360 LLC Cutler Bay, FL SBE-G&S
- N & K Enterprises Inc. Coral Gables, FL SBE-G&S
- Pancar Industrial Supply Corporation Miami, FL SBE-G&S
- Rock Int’l Distributors, Inc. Miami, FL SBE-G&S



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None of the SBEs listed herein submitted bid proposals for this item. Whether the SBEs on this list have the performance capability to fulfill the contract requirements is outside the scope of this research note.

OCA performed due diligence on the awarded vendor, Airgas Specialty Products, Inc. on May 2 and 11, 2020; below are the findings.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Airgas Specialty Products, Inc.  Business Address: 2530 Sever Rd. Ste 300 Lawrenceville, GA	Foreign Profit Corporation  Active  Principal Address: 2530 Sever Rd. Ste 300 Lawrenceville, GA  Filed: May 6, 2005	No account on file	No account on file	No relevant litigation

**ADDITIONAL INFORMATION**

Based on information found on Airgas Specialty Products, Inc.'s website, the Georgia-based company was established 120 years ago, beginning in 1891 distributing ammonia to supply slaughterhouses.

<https://airgasspecialtyproducts.com/>



According to the Journal of Chemical Education, aqueous ammonia is a colorless alkaline liquid with a strong odor. The substance is used as a cleaning agent and sanitizer. Exposure to this agent may produce irritation of skin and eyes, which can be severe; additionally, it may cause sore throat, abdominal pain, nausea if ingested as well as coughing and labored breathing if inhaled.

<file:///s0143234/BCCVDI/OCA/FERNAM/Downloads/clip-aqueous-ammonia.pdf>

**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.

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

**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>

**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-515-19**, adopted May 7, 2019, changed the deadline to seek approval of successor contracts or extensions of existing contracts from 30 to 60 days prior to expiration.

<http://intra/gia/matter.asp?matter=190943&file=true&yearFolder=Y2019>

**Resolution No. R-477-18**, adopted 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>

**Resolution No. 718-17**, adopted July 7, 2017, directs the County Mayor to commence planning for reprocurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods or services; and directs the County Mayor on a quarterly basis to identify in writing to the Commission Auditor those contracts and prequalification pools that are set to expire no later than 18 months prior to expiration.

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

**Resolution No. 140-15**, adopted February 3, 2015, directs the County Mayor to conduct a full review prior to reprocurement of replacement contracts for goods and services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County, to include information in recommendations to the Board, and to consult with the Small Business Development Division regarding solicitation and contract language.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

**Resolution No. 383-16**, adopted May 17, 2016, approved award of Contract No. FB-00301 for purchase of Aqueous Ammonia for the Water and Sewer Department in a total amount not to exceed \$2,682,000 for a two-year term and one two-year option to renew.

<http://intra/gia/matter.asp?matter=160626&file=true&yearFolder=Y2016>



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**Item No. 8F6**

**File No. 200808**

**Researcher: MF    Reviewer: PGE**

**Resolution No. 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 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 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. 8F7  
File No. 200809**

**Researcher: VW Reviewer: PGE**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY AND THIRTEEN MONTHS OF ADDITIONAL TIME IN AN AMOUNT UP TO \$5,711,947.00 FOR A MODIFIED CONTRACT AMOUNT OF \$22,959,947.00 FOR CONTRACT NO. 43211500-WSCA-15-ACS1 FOR THE PURCHASE OF COMPUTER EQUIPMENT PERIPHERALS AND SERVICES FOR THE MIAMI-DADE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should approve additional expenditure authority of up to \$5,711,947 and 13 months additional time for *Contract No. 43211500-WSCA-15-ACS1* for the purchase of computer equipment peripherals and services for the Miami Dade Information Technology Department (ITD).

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item was brought before the Chairwoman's Policy Council on May 7, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to grant additional expenditure authority in the amount of \$5,711,947 and additional time of 13 months for the purchase of desktops, laptops, tablets, servers, storage, ruggedized devices, and related peripheral services from various original equipment manufacturers (Panasonic, EMC, and Hewlett Packard) to support the County's information technology needs. If the request is approved the modified contract will expire on July 30, 2021.

The current contract, which is in its option term, was accessed on October 3, 2017 pursuant to Resolution No. R-843-17 in the amount of \$5,517,000 for a term of 35 months. On December 11, 2018 additional expenditure authority was approved in the amount of \$8,240,000 pursuant to Resolution No. R-1301-18 and \$1,874,000 was approved under delegated authority. The contract is set to expire on June 30, 2020.

The contract's Blanket Purchase Order (BPO) shows that \$14,350,719.88 of the term's current cumulative allocation of \$17,248,000 has been released (as of May 11, 2020), leaving a balance of \$2,897,280.12 with a little under two months left in the contract term. Below is a table comparing the monthly allocation of the existing contract with the monthly allocation of the additional allocation requested for the extended term:

Allocation type	Allocation	Term	Monthly Allocation
Existing Cumulative Allocation	\$17,248,000	33 months	\$522,666.67
Additional Allocation Requested	\$5,711,947	13 months	\$439,380.54

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Note that the monthly allocation for the additional requested funding is approximately 16% lower than the monthly allocation under the current contract.

The fiscal impact to the County for this request is \$5,711,947. Below is a chronology of *Contract No. 43211500-WSCA-15-ACS* and *Contract No. 43211500-WSCA-15-ACS1*:

Contract Name	Effective Date	Expiration Date	Type	Dollar Amount
43211500-WSCA-15-ACS (original access)	October 25, 2016	Mach 31, 2017	Established the Contract	\$990,000
43211500-WSCA-15-ACS1 (option term)	October 16, 2017	June 30, 2020	Established Second Contract	\$17,248,000
			<b>Total</b>	\$18,238,000
<b>File No. 200809</b>	TBD		Proposed Additional Expenditure	\$5,711,947
			<b>Total</b>	\$23,949,947  31.31%

The requested additional expenditure is being requested due to the recent need to expand County employee remote access as well as to secure the acquisition of ruggedized devices (electronic devices that are designed to operate in rough usage environments), storage, internet servers, and maintenance for Hewlett Packard Enterprise (HPE) devices which will support the proposed expansion of remote access for all County departments.

There are 12 prequalified vendors under this pool. The below table summarizes OCA's due diligence review of the prequalified vendors on May 11, 2020, documenting only firms for which issues were found.

Awarded Firms	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Agilant Solutions, Inc.	Foreign Profit Corporation  Principal Address: 3 Seaview Boulevard Port Washington, NY 11050  Date Filed: 04/27/2017	N/A	N/A	<i>Simmons v. Gartner, Inc.</i> , Case No. 3:20-CV-00098 filed in the U.S. District Court, Northern District of California (San Francisco) on January 03, 2020. Allegation: Defendant discriminated against Plaintiff on the basis of race by failing to provide accurate and complete wage statements and constructive discharge of his employment in retaliation in violation of public policy. Labor Code-Case Status: Removed from State Court to Federal Court, pending

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				<p>litigation, last motion filed was for leave to appear in Pro Hac Vice entered on January 29, 2020.</p> <p><i>Selwyn Simmons v. Gartner, Inc.</i>, Case No. CGC-19-579904 filed in the Superior Court, San Francisco County on December 04, 2019. Allegation: Defendant performed race discrimination, retaliation, failed to prevent such discrimination and performed constructive discharge as well. Case Status: Pending litigation, last motion filed was for proof of service on December 06, 2019. The Case Management Conference has been scheduled for March 11, 2020.</p>
International Business Machines Corp.	<p>Foreign Profit Corporation</p> <p>Principal Address: New Orchard Road Armonk, NY 10504</p> <p>Date filed: 02/12/1934</p>	N/A	N/A	<p><i>Degnan v. International Business Machines Corporation.</i>, Case No. 2:20-CV-02055 filed in the U.S. District Court, Eastern District of Pennsylvania (Philadelphia) on April 29, 2020. Allegation: Defendant wrongfully terminated plaintiff's employment on the basis of her gender and pregnancy and in retaliation for requesting maternity leave she was discharged. Case Status: Complaint against International Business Machines Corporation filed on April 29, 2020.</p> <p><i>McCormick v. International Business Machines Inc.</i>, Case No. 1:20-CV-00327 filed in the U.S. District Court, Southern District of Ohio (Cincinnati) on April 24, 2020. Allegation: Defendant discriminated against the plaintiff on the basis of disability, failed to provide</p>

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reasonable accommodation, and terminated the employment in retaliation for engaging in protected activities in violation of ADAAA. Case Status: Complaint with jury demand against International Business Machines Inc. filed on April 24, 2020.

*Cahey et al v. International Business Machines Corporation.*, Case No. 1:20-CV-00781 filed in the U.S. District Court, District of Colorado (Denver). Allegation: Defendant intentionally and willfully failed and refused to timely pay plaintiff the full and complete amount of commissions she earned from the deals she closed. Case Status: Order by Magistrate Judge Nina Y. Wang on March 30, 2020 Setting Scheduling/Planning Conference and Setting Deadline for Filing of Consent/Nonconsent Form.

*Sheppard II et al v. International Business Machines et al.*, Case No. 1:20-CV-00959 filed in the U.S. District Court, Northern District of Georgia (Atlanta) Allegation: Defendants discriminated against plaintiff, constructively discharged him from employment and denied him compensation, based on his race and in retaliation for his attempt to use leave under the Medical Leave Act to provide care to his family. Case Status: Amended General Order 20-01 re court operations under the exigent circumstances created

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				by Covid-19 and related Corona virus on April 1, 2020.
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**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.

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

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

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

**Resolution No. R-140-15**, adopted February 3, 2015, authorizes replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

**Resolution No. R-843-17**, adopted October 3, 2017, authorizes access of the western states cooperative alliance contract through the State of Florida Contract No. 43211500-WSCA-15-ACS through March 31, 2020 for the purchase of computer equipment and peripheral services, for the Miami-Dade Information Technology Department in the amount of \$5,517,000.00.

<http://intra/gia/matter.asp?matter=171602&file=true&yearFolder=Y2017>

**Resolution No. R-1301-18**, adopted December 18, 2018, authorizes additional expenditure authority in a total amount up to \$8,240,000.00 for the accessed, competitively procured and awarded western states cooperation alliance Contract No. 43211500-WSCA-15ACS1 for the purchase of additional computer equipment peripherals and services for the Information Technology Department.

<http://intra/gia/matter.asp?matter=182652&file=true&yearFolder=Y2018>

**Implementing Order No. 3-38** sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department (ISD); the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

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

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Research Notes**

**Item No. 8F8  
File No. 200827**

**Researcher: IL Reviewer: PGE**

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$7,243,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00959 FOR PURCHASE OF MARINE PATROL BOATS AND WATERCRAFT VESSELS FOR MULTIPLE DEPARTMENTS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve additional expenditure authority for *Prequalification Pool No. RTQ-00959* for the purchase of marine patrol boats and watercraft vessels in the amount of \$7,243,000, for various County departments.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item was brought before the Chairwoman's Policy Council on May 7, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of the proposed item is to gain Board authorization for additional funds for *Prequalification Pool No. RTQ-00959* in the amount of \$7,243,000 for the Fire Rescue, Parks, Recreation and Open Spaces, Police and Regulatory and Economic Resources departments to purchase marine patrol boats and watercraft vessels to support their operational needs. Some of the potential brands that can be purchased under this pool are Metal Shark Aluminum boats and Boston Whalers. The County has historically purchased boats and other types of watercraft through one-time purchases or by accessing competitively-established contracts from other governmental entities as needed.

The pool was established pursuant to Resolution No. R-40-19 on January 23, 2019 for the Fire Rescue, Police and Parks, Recreation and Open Spaces departments for a value of \$3,361,000 for a five-year term. The Police Department has the biggest allocation (\$1,600,000) under the pool. The Parks, Recreation and Open Spaces Department was added to the pool on May 03, 2019 with an allocation of \$380,000.

The pool was established with an allocation of \$3,361,000, which was modified by \$380,000 on April 24, 2019 and \$120,000 on January 31, 2020, resulting in the current cumulative allocation of \$3,861,000. This request for increased spending of \$7,243,000, if approved, brings the pool's modified cumulative allocation to \$11,104,000. The user departments indicate that the additional allocation requested will satisfy their needs through the duration of the pool, which expires in three-years and seven months on February 29, 2024.

OCA reviewed the Blanket Purchase Order in the Bid Tracking System on May 10, 2020 for this pool and found the following per user departments as summarized in the table below; the justification provided by the departments for the increased spending is also included in the table:

Department	Allocation Amount	Released Amount	Balance	Requested Additional Expenditure	Allocation Percent Increase	Justification
Fire Rescue	\$1,520,000	\$811,831	\$708,169	\$5,000,000	328%	To procure two 38' – 39' rapid response boats and

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						one 32' - 35' open console vessel.
Parks, Recreation and Open Spaces	\$380,000	\$361,436	\$18,564	\$ 95,000	25%	Will be used to replace a 1992 utility boat and a 1989 work boat that are aged and damaged beyond repair.
Police	\$1,600,000	\$803,269	\$796,731	\$2,000,000	125%	To purchase two new emergency response boats, and a new center console vessel.
Regulatory and Economic Resources	\$361,000	0	\$361,000	\$ 148,000	41%	To replace an aged vessel that is now beyond repair. The department will purchase a new 22' boat to facilitate the Environmental Resources Management Division's biological monitoring and regulatory operations
<b>Total:</b>	<b>\$3,861,000</b>	\$1,976,536	\$1,884,464	\$7,243,000	187%	N/A
<b>Total if Proposed legislation is approved</b>	<b>\$11,104,000</b>	N/A	N/A	N/A	N/A	N/A

The pool has a five-year term with a forecasted average spend rate of \$772,200 dollars per year. The pre-qualification pool is in its 2<sup>nd</sup> year (the remaining duration of the contract is three-years and seven months), yet 48 % of its current cumulative allocation has been released. That amount of money was expected to be spent in year 3. The burn rate illustrates that the original estimate for these boats was not adequate.

OCA conducted due diligence on May 10, 2020, for the prequalified vendors set forth in the mayor's memo; the results are seen in the table below.

Vendor	Corporate Filing	Tax collector	West Law
Brunswick Commercial and Government Products, Inc.	Foreign Profit Corporation  Principal Address: 420 Megan Z Avenue Edgewater, FL  Date Filed: January 29, 2004	None	None
Eric's Outboard Marine Service, Inc.	Florida For Profit Corporation  Principal Address: 8755 SW 129 Street Miami, FL  Date Filed: January 31, 1996	One account Business Address: 8755 SW 129 Street Miami, FL  Paid and Current	None



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Gravois Aluminum Boats, LLC dba Metal Shark Boats	Incorporated in Louisiana Limited Liability Company  Principal Address: 6814 E. Admiral Doyle Drive Jeanerette, LA 70544  Date Filed: October 26, 2006	None	None
Inventech Marine Solutions, LLC	Incorporated in Washington State Limited Liability Company  Principal address: 5626 Imperial Way SW Bremerton, WA 98312  Date Filed: March 3, 2014	None	None
Lake Assault Boats, LLC	Incorporated in Wisconsin Foreign Limited Liability Company  Principal Address: 310 E. Superior Street, Suite 250 Duluth, MN 55802	None	None
SAFE Boats International, LLC	Incorporated in Washington State Limited Liability Company  Principal Address 8800 SW Barney White Road Bremerton, WA 98312  Date Filed: December 23, 1996	None	None

Of the six firms on this pool, one is a local firm. Pursuant to Resolution No. R.-477-18, the department must disclose reasons why fewer than 75 percent of vendors recommended are nonlocal. This pool remains open for additional firms to be awarded. An SBE set-aside applies for spot market competition up to \$100,000 where permitted by the funding source when there are three or more SBE-certified firms available. However, the set-aside will not apply as only one vendor is local.

OCA performed a search for commodity code 12090 (Trailers, Boat) on the Business Management Workforce System's Certified Vendor Directory on May 10, 2020. The search yielded no local SBEs.

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### **ADDITIONAL INFORMATION**

Information found on Brunswick Commercial and Government Products, Inc.'s website shows the vendor designs Boston Whalers for search and rescue and law enforcement applications.

<http://brunswickcgp.com/about-us/>

Information found on Eric's Outboard Marine Service, Inc.'s website shows sales of Yamaha outboard motors and has a service shop with positive reviews.

<https://www.ericsoutboard.com/testimonial>

Information found on Gravois Aluminum Boats, LLC dba Metal Shark Boats website shows the vendor designs different boat models for law enforcement and fire rescue in the United States and Internationally.

<http://www.metalsharkboats.com/law-enforcement/>



Based on information found on Lake Assault Boats, LLC's, website, this company specializes in making search and rescue and law enforcement boats.

<http://www.lakeassault.com/styles/fireboats/>



### **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

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**Researcher: IL Reviewer: PGE**

be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

**Resolution No. R-187-12**, adopted 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-395-12**, adopted by the Board on May 1, 2012, requires vendors added to open pool contracts to be subject to bi-annual ratification by the Board of County Commissioners.

<http://www.miamidade.gov/govaction/matter.asp?matter=120561&file=true&yearFolder=Y2012>

**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>

**Resolution No. R-140-15**, adopted by the Board on February 3, 2015, directs the Mayor to conduct a full review of the scope, prior to the re-procurement of replacement contracts for goods or services to ensure such contracts reflect the current needs of the County, to include information in recommendations to the Board, and to consult with the Small Business Development Division regarding solicitation contract language.

<http://www.miamidade.gov/govaction/matter.asp?matter=150090&file=true&fileAnalysis=false&yearFolder=Y2015>

**Resolution No. R-477-18**, adopted by the Board 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>

**Resolution No. R-40-19**, adopted January 23, 2019, authorizing establishment of Prequalification Pool RTQ-00959 in a total amount up to \$3,361,000.00 for the purchase of marine patrol boats and watercraft vessels for multiple departments for a five-year term.

<http://intra/gia/matter.asp?matter=182500&file=true&yearFolder=Y2018>

**Implementing Order No. 3-38** sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department (ISD); the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

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

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**Item No. 8F9  
File No. 200803**

**Researcher: JFP Reviewer: PGE**

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE TWO, ONE-YEAR OPTIONS TO RENEW TERMS AND AN INCREASE OF THE CONTRACT AMOUNT BY AN ADDITIONAL \$722,726.00 FOR A MODIFIED CONTRACT AMOUNT OF \$1,033,976.00 FOR CONTRACT NO. EPP-RFP701B FOR THE PURCHASE OF HYDRAULIC WATER AND WASTEWATER MODELING SOFTWARE FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize, by a two-thirds vote of the members present, a designated purchase for the exercise of two, one-year option to renew terms under *Contract No. EPP-RFP701B, WASD Hydraulic Water & Wastewater Modeling*, for the Water and Sewer Department in the amount of \$722,726, for a modified contract amount of \$1,033,976.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item was forwarded to the BCC with a favorable recommendation by the Chairwoman's Policy Council at its May 7, 2020 meeting.

**ANALYSIS**

The purpose of this item is to approve the exercise of, and additional expenditure authority for, two, one-year options to renew for the Water and Sewer Department's continued purchase of licenses and upgrades for modeling software to conduct requisite analyses of the County's wastewater collection and transmission system. The computer-modeling software facilitates hydraulic analysis (the analysis of how water and wastewater move from one point to another) and hydrologic analysis (the analysis of the rate of precipitation, quantity of water, rate of surface runoff, rate of use, and timing of the water's arrival at specific points), as well as evaluations, system improvements, and the development of master planning alternatives to meet projected growth in the County. The analyses of the County's water and wastewater collection and transmission system the software enables are required by Section 24-42.2(7) and (8) of the County Code, WASD standards, and the Environmental Protection Agency Consent Decree Article 18(c). The requested additional allocation for the contract's first two option terms in the amount of \$722,726 will allow the continued use of this proprietary software originally purchased from Innovyze, Inc. (Innovyze) in 2010.

The current contract was awarded as a Bid Waiver under delegated authority on March 29, 2019 for a period of one year with six, one-year option to renew terms, and was intended to serve as a bridge contract from *Contract No. EPP-RFP701-3(3)*, which was competitively awarded under delegated authority on February 28, 2010 with an effective date of June 9, 2010 for a period of eight years and six months, inclusive of the three option to renew terms. The previous contract expired on December 31, 2018. It is unclear from the Mayoral Memorandum and the County's Bid Tracking system how these services were provided during the interim three-month period between the expiration of the previous contract and the execution of this bridge contract on March 29, 2019.

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File No. 200803**

**Researcher: JFP Reviewer: PGE**

The current bridge contract was awarded at an amount of \$249,000. A three-month proration was approved on February 12, 2020 in the amount of \$62,250, which is congruent with the contract's monthly value. The proration extended the contract until June 30, 2020 and increased the cumulative value to \$311,250. If the requested modification is approved for the first two option terms, the modified contract amount will be \$1,033,976.

The contract's allocation history is detailed in the table below.

	Approval Date	Approval Authority	Amount
Original Bridge Contract	March 29, 2019	Delegated Authority	\$249,000
Three-Month Proration	February 12, 2020	Delegated Authority	\$62,250
Requested Modification for OTRs 1 & 2	Pending	BCC	\$722,726
<b>TOTAL MODIFIED CONTRACT AMOUNT:</b>			<b>\$1,033,976</b>

The contract's Blanket Purchase Order shows that \$245,146.89 of the \$311,250 allocated has been released (as of May 12, 2020), leaving a balance of \$66,103.11. The requested additional expenditure authority and authorization of the first two option terms for this bridge contract will allow WASD to continue purchasing Innovyze's computer modeling software and services through June 2022.

The department's justification for the establishment of the bridge contract, and for the present requested modification, was to continue these services and ensure there is no gap in service delivery for WASD while market research is being validated to determine the appropriate long-term solution. The justification for the designated purchase is the software's proprietary nature making competition impracticable, as it would require the replacement of the existing system and may cause an interruption in service delivery.

The below table summarizes OCA's due diligence review of Innovyze, Inc.

Awarded Firms	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Innovyze, Inc.	Foreign Profit Corporation  Active  Principal Address: 6720 SW Macadam Ave., Suite 150 Portland, OR 97219  Filed: March 19, 2019	No account on file.	License Type: Professional Engineer; Engineers CE Course; Continuing Education Provider - Approved	No relevant cases.

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**Researcher: JFP Reviewer: PGE**

A May 15, 2020 search on the Business Management Workforce System for the pool's Commodity Code, 92045 – Software Maintenance and Support Services, yielded the following seven certified local Small Business Enterprise firms:

- A. L. Jackson & Company P.A.
- Amiritech Group LLC
- Computer Based Associates, Inc.
- Insinet Group LLC
- Meridian Partners, LLC
- Speedyittech, LLC, dba 360TechGroup
- Teckpert, LLC, dba Teckpert

It is unknown whether these firms are able to perform the scope of services required.

**APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami - dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Section 2-8.1(b)(3) of the County Code** prescribes that formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable.

[https://library.municode.com/fl/miami - dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Section 24-42.2** (Sanitary Sewer Collection and Transmission Systems) prescribes that all utility owned or operated sanitary sewer collection systems shall participate in a County-wide, regional computerized collection and transmission system model or models.

[https://library.municode.com/fl/miami - dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR\\_ARTIIWASOQU\\_DIV1WAQUWASASEPRST\\_S24-42.2SASECOTRSY](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIIWASOQU_DIV1WAQUWASASEPRST_S24-42.2SASECOTRSY)

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

**Resolution No. R-716-12**, adopted September 4, 2012, requires identification of small business enterprise firms in any procurement item submitted for Board approval.

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



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**Researcher: JFP   Reviewer: PGE**

**Resolution No. 98-12**, adopted January 26, 2012, directed the County Mayor to negotiate better prices on all awarded contracts for the purchase of goods and services and prior to the exercise of any options-to-renew, and delegated authority to the County Mayor to amend contracts to provide better prices for the County.

<http://intra/gia/matter.asp?matter=112444&file=true&yearFolder=Y2011>

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

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

**Implementing Order 3-38** sets forth the County's policies and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

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

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**Item No. 8F10  
File No. 200833**

**Researcher: IL Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01376 GROUP A TO DFC, INC., DBA ADVANCED HELICOPTER SERVICES AND ROTORTECH SERVICES, INC. AND CONTRACT NO. FB-01376 GROUP B TO BELL TEXTRON, INC. FOR THE PURCHASE OF ORIGINAL EQUIPMENT MANUFACTURER PARTS, SCHEDULED INSPECTIONS, MAINTENANCE, REPAIRS AND OVERHAUL, AND ESTABLISHING AN OPEN PREQUALIFICATION POOL FOR GROUP C OF CONTRACT NO. FB-01376 FOR THE PURCHASE OF HELICOPTER ACCESSORIES, COMPONENTS, CONSUMABLES, EQUIPMENT, PARTS, REPAIRS AND RELATED SERVICES FOR MULTIPLE DEPARTMENTS FOR A THREE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$5,178,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THESE AWARDS FOR GROUP A TO DFC, INC., DBA ADVANCED HELICOPTER SERVICES AND ROTORTECH SERVICES, INC. AND GROUP B TO BELL TEXTRON, INC. 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 COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING FOR GROUP C, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize: (1) the award of *Contract No. FB-01376* Group A to DFC, Inc., dba Advanced Helicopter Services and Rotortech Services, Inc., and *Contract No. FB-01376* Group B to Bell Textron, Inc., for the purchase of original equipment manufacturer parts, scheduled inspections, maintenance, repairs and overhaul for a three-year term; (2) the establishment of an open prequalification pool for Group C of *Contract No. FB-01376* for the purchase of helicopter accessories, components, consumables, equipment, parts, repairs and related services for multiple departments for a three-year term; and (3) the award of Groups A, B and C of *Contract No. FB-01376* in an amount not to exceed \$5,178,000.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item was brought before the Chairwoman's Policy Council on May 7, 2020 and forwarded to the BCC with a favorable recommendation. Commissioner Esteban Bovo inquired if this item was related to the helicopter procurement brought forth in the fall of 2019 concerning helicopters for the Fire Department (MDFR). The ISD Director advised that that item had already been approved several months ago and deferred the inquiry as to the delivery status of said helicopters to the MDFR Chief. The Chief explained that the helicopters are on schedule to be delivered timely, with the first delivery set for September so long as the pilots have been trained. The Chief clarified that this item is however for the department's existing helicopter fleet until it transitions to the new aircraft contract.

**ANALYSIS**

The purpose of this resolution is to authorize the award of *Contract No. FB-01376*, divided into three separate groups, for the purchase of original equipment manufacturer parts, scheduled inspections, maintenance, repairs and overhaul



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**Researcher: IL Reviewer: PGE**

services to support the operational needs of the Police and Fire Rescue departments' helicopter fleet. The item approves both a contract and prequalification pool for maintenance of the user departments' existing helicopter fleet for a three-year term valued at up to \$5,178,000. The method of award per group is as follows:

- Group A (Airbus Helicopters OEM Parts, Inspection Maintenance, Repair and Overhaul for Police) – award of this group was made to up to three lowest priced responsive and responsible bidders on a line item basis;
- Group B (Bell Helicopters OEM Parts, Inspection, Maintenance, Repair and Overhaul for Fire Rescue) – award of this group will be made to up to three lowest priced responsive and responsible bidders on a line item basis; and
- Group C (Helicopter Accessories, Components, Consumables, Equipment, Parts, Repairs and Related Services Open Prequalification Pool for Police and Fire Rescue) – bidders must meet the qualification criteria for placement in the pool and subsequent invitation to participate in future spot market quotes.

The scope of work covers a fleet of eight helicopters, i.e., MDPD's fleet of four Airbus/Eurocopter helicopters and MDRF's fleet of four Bell helicopters.

The County advertised an Invitation to Bid under full and open competition on December 20, 2019. The Bid Open date was January 17, 2020. A total of eight vendors responded, of which two were "No Bids." Of the six bids received, one vendor is local; however, none are Certified Small Business Enterprises. As indicated in the mayor's memo, the lack of local vendors being recommended for award is due to a limited number of FAA vendors that provide helicopter parts and services and the majority of them do not operate within Miami-Dade County.

The current contract, *FB-00086*, effective from February 17, 2015 to August 31, 2020, and is valued at \$8,605,000 for the five-year and six-month term. The contract's original expiration date was February 29, 2020. However, the contract was administratively extended by six months through August 31, 2020. Resolution No. R-718-17 requires that planning for re-procurement commence no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods or services. Accordingly, reprocurement activities for this contract should have begun on June 29, 2018 based on the original expiration date of February 29, 2020 to ensure timely award of the replacement contract prior to the contract's original expiration date.

As mentioned, the contract is valued at \$8,605,000 for the five-year and six-month term. The fiscal impact for the proposed contract is \$5,178,000 for the three-year term. The funds will be allocated in the following manner: \$1,428,000 for Groups B and C (MDRF) and \$3,750,000 for Groups A and C (MDPD). The annual allocation under the current contract is \$1,564,545 per year, in comparison to the proposed contract which has an annual allocation of \$1,726,000, an increased difference of \$161,455, representing a percent increase of 10%. The reason for the increase in annual allocation is due to the Police departments projected use and demand.

**Figure 1** - OCA conducted a due diligence review of the awarded firms as summarized in the table below.

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**Researcher: IL Reviewer: PGE**

Vendor	Corporate Registration	Tax Collector	Westlaw	Group(s) Awarded/ Prequalified
AeroComputers, Inc.	Incorporated in California  Domestic Stock Principal Address: 2889 W 5 Street Suite 111 Oxnard, CA 93030 Date Filed: June 07, 1994	None	None	C
Bell Textron, Inc.	Foreign Profit Corporation  Principal Address: 3255 Bell Flight Boulevard Fort Worth, TX 76118  Date Filed: May 20, 1982	None	<p><b>Baker v. Bell Textron</b>; Case No. 3:20-CV-00292; Allegation: Class Action Suit against Bell Textron for manufacturing defective Bell 505 X helicopter, engine, and its pods products, which failed to warn of unreasonable dangers; Status: As of March 17, 2020, Jury review</p> <p><b>Horsley v. Bell Textron, Inc.</b> Case No. 4:19-CV-00772; Allegation: Bell Textron Inc., breached the implied warranty and failed to design the helicopter free from defects which resulted in a crash. Status: As of March 25, 2020, Expert witnesses were being heard.</p> <p><b>Walter Troy Foster v. Bell Helicopter Textron Inc.</b>; Case No. 141-284743-16; Allegation: Plaintiff was subjected to sexual harassment by defendant, defendant failed to remedy hostile work environment; Status: As of May 26, 2016 case was scheduled for Trial.</p> <p><b>Thao Le Tran v. Bell Helicopter Textron, Inc.</b>; Case No. 017-281108-15; Allegation: Defendant discriminated against plaintiff based on his age and race and terminated his employment in violation of labor code.; Status: As of October 23, 2015, the case was scheduled for a trial conference.</p>	B

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**Researcher: IL Reviewer: PGE**

Centerline Services, LLC	Florida Limited Liability Company  Principal Address: 3311 NW 74 Avenue Unit 3311 Miami, FL 33122 Date Filed: June 15, 2009	One account, paid and current.	None	C	
DFC, Inc. dba Advanced Helicopter Services	Incorporated in California  Domestic Stock 17986 County Road 94B Woodland, CA 95695  Date Filed: April 27, 2001	None	None	A and C	
Hurricane Electronics dba Hurricane Aerospace Solutions	Florida Profit Corporation Principal Address: 1480 SW 3 Street C-10 Pompano Beach, FL  February 27, 2007	None	None	C	
Rotortech Services, Inc.	Florida Profit Corporation  Principal Address: 4095 Southern Boulevard West Palm Beach, FL 33406	None	None	A and C	

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	Date Filed: June 23, 2010		
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OCA performed a search for Commodity Code 03590 (Tools, Helicopter) on the Business Management Workforce System's Certified Vendor Directory on May 19, 2020. Zero local SBE-G&S certified firms were found on the Business Management Workforce System under the code.

**ADDITIONAL INFORMATION:**

MDFR is in the process of purchasing a new fleet of Augusta Westland Helicopters via *Contract No. RFP-01424* and delivery is expected to start in September 2020. As part of the transaction, Augusta will purchase the existing fleet of helicopters and lease the helicopters back to the County until the County receives and accepts the new fleet of AW139's. Augusta staff will provide support and training to the County during the delivery of the four helicopters. The proposed maintenance agreement will support the Bell aircraft during the transition to the new fleet. RFP-01424 does not impact MDPD.

<http://www.miamidade.gov/govaction/matter.asp?matter=192814&file=true&fileAnalysis=false&yearFolder=Y2019>

**APPLICABLE LEGISLATION/POLICY**

**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-140-15**, adopted February 3, 2015, directs the County Mayor to conduct a full review, prior to re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County, to include information in recommendations to the board, and to consult with the Small Business Development Division regarding solicitation and contract language.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

**Resolution No. R-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://www.miamidade.gov/govaction/matter.asp?matter=152271&file=true&fileAnalysis=false&yearFolder=Y2015>

**Resolution No. R-718-17**, adopted July 6, 2017, Directs the Mayor to commence planning for re-procurement no later than 18 months PRIOR to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services; and directs the Mayor or their designee, on a quarterly basis to identify in writing to the Office of Commission Auditor those contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration.

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

**Resolution No. R-205-18**, adopted March 6, 2018, authorized the additional expenditure authority in a total amount up to \$2,065,000 for Contract No. FB-00086 (Groups A-D) and an amount up to \$610,000 for Prequalification Pool No. FB-00086 (Groups E-F) for the purchase of helicopter parts, services and supplies for MDPD.

<http://intra/gia/matter.asp?matter=180111&file=true&yearFolder=Y2018>

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**Researcher: IL Reviewer: PGE**

**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-515-19**, adopted May 7, 2019, requires that the award of successor contracts be presented to the Board at least 60 days prior to expiration of the existing contract.  
<http://intra/gia/matter.asp?matter=190943&file=true&yearFolder=Y2019>

**Resolution No. R-1182-19**, adopted November 19, 2019, approved a Contract Award of Contract No. RFP-01424 for the purchase of four new AgustaWestland AW139 aircrafts for the Miami-Dade Fire Rescue Department in an amount not to exceed \$67,888,048.52; authorizing the purchase of additional services for the new aircrafts for an amount not to exceed \$3,053,039.74; authorizing agreement for full components plan to service the new aircrafts for an initial term of five years and two five year options to renew in a total amount not exceed \$22,284,228.00; authorizing sale and leaseback agreements for the existing aircrafts for payments to the county of approximately \$12,120,510.00;  
<http://intra/gia/matter.asp?matter=192814&file=true&yearFolder=Y2019>

**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; 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 Nos. 8F11  
File No. 200927**

**Researcher: MF   Reviewer: PGE**

RESOLUTION REJECTING ALL PROPOSALS RECEIVED IN RESPONSE TO RFP-01058 FOR THE PURCHASE OF ADVANCED TRAFFIC MANAGEMENT SYSTEM FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO COMPLETE AN EXPEDITED PROCUREMENT WITHIN 45 DAYS FOR THE DESIGN AND CONSTRUCTION OF THE ADVANCED TRAFFIC MANAGEMENT SYSTEM WITH A CLEAR SCOPE OF WORK WHICH WOULD PROHIBIT CHANGE ORDERS [SEE ORIGINAL ITEM UNDER FILE NO. 200377]

**ISSUE/REQUESTED ACTION**

Whether the Board should approve rejection of all proposals received under *Contract No. RFP-01058* for the purchase of an Advanced Traffic Management System (ATMS) for the Department of Transportation and Public Works (DTPW) and direct the Administration to complete an expedited procurement within 45 days for the design and construction of the ATMS, consisting of a clear scope of work which would prohibit change orders.

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Internal Services Department

This original item (Legistar File No. 200377, RFP contract award to Siemens Mobility, Inc.) was heard at the Chairwoman's Policy Council meeting of May 7, 2020 and was forwarded to the BCC with the following amendment: *Reject all bids and direct the Administration to issue an expedited solicitation (to be accomplished in 45 days) for the design and construction of the ATMS with a clear scope of work, which would prohibit any change orders.* Prior to the CPC meeting, this item was deferred at the Infrastructure and Capital Improvements Committee (ICI) meeting of March 10, 2020. At that meeting, the committee requested for this item to return to it for review within 90 days with the Administration's recommendation.

Below is a synopsis of the discussion that transpired at the CPC meeting of May 7, 2020.

- Commissioner Sosa inquired as to the March 10, 2020 ICI meeting, as to what the Administration was instructed to do regarding the negotiations. She asked the County Attorney whether this item is still under the Cone of Silence – to which County Attorney Abigail Price-Williams answered in the affirmative.
- Commissioner Sosa then stated, in her view, the process had been incorrect since the beginning and that there are lingering questions; notwithstanding, the process should not be delayed and there should be an expedited process to analyze several allegations involving legal cases regarding Siemens Mobility, Inc. (Siemens).
- Commissioner Joe Martinez issued a point of order, stating the ICI committee's instruction was to renegotiate with all three firms.
- Chairwoman Edmonson expressed her concern about changing work orders, pointing out she has seen these scenarios in the past when things appear to be too good to be true. She supports the idea of rejecting all bids and drafting a new scope of work that is clear.
- Commissioner Sosa concurred with adding a provision to not allow a change in work orders and having background checks on the companies from their work across the world.

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- Commissioner Esteban Bovo expressed his concern with ongoing procurement issues and questioned how it was that the County had reached this level – as there is a substantial price differential submitted by the companies.
- Commissioner Barbara Jordan reminded the CPC that this issue had been before the ICI Committee and because there was a tie repeatedly at committee, the item was brought to the CPC for consideration.
- Commissioner Javier Souto said he agreed with Chairwoman Edmonson pertaining to the notion that when something is too good to be true – that is usually the case. He also indicated he supports local firms and the local economy, which is very important during these uncertain times.
- Commissioner Sally Heyman inquired as to the procedural posture of this item and whether it was correctly before the CPC.
- Assistant County Attorney Oren Rosenthal responded in the affirmative; he stated the item was indeed properly before the CPC for consideration. At the last CPC meeting (April 20, 2020), the Policy Council had decided to place this item on the May 2020 agenda. The item would be moved to the BCC to resolve the bid protest filed in the current solicitation. As such, the CPC can amend the item accordingly to reject and rebid in an expeditious manner.
- Commissioner Heyman stated the bid difference is substantial and inquired whether the company would be able to increase prices as it pertains to timeframe and penalties.
- Assistant County Attorney Bruce Libhaber stated this item's contract is for a duration of four years; for each day that the contractor fails to meet a deadline, that vendor is assessed a certain amount per day. The contract is a fixed price; like any contract, if there are additions or modifications to the scope – that would be a substantive change order; however, that applies to this or any other contract.
- Commissioner Heyman inquired about the qualifications of the vendors and whether the vendors properly meet the criteria to be awarded and meet the needs of the request.
- Mr. Libhaber answered in the affirmative, confirming the vendors were in adherence with the respective RFP.
- Commissioner Dennis Moss said he supported getting this item completed quickly, pointing out that now is a good time to perform this work locally. He referenced legislation at the federal level regarding infrastructure that could benefit the County. In his view, it is important to have these projects completed and ready so the County may take advantage of potential federal funding.
- Mayor Carlos Gimenez said he wanted to discuss the item thoroughly. He expressed his frustration at the process, stating the bottom line is that one bid was \$86 million cheaper. While other firms submitted bids that were based on budgeted amount estimates, Siemens – a respectable German company with a local workforce in the County – submitted the best value. The protest (by Horsepower Electric, Inc.) centers upon the 21 days that it would have taken the County to review and the change of days. Mayor Gimenez explained that when the protest went to the Hearing Examiner, it was determined the change of days was a material change, which altered the entire scope of the work. As a result, the Administration decided to revert back to the 21 days and nothing changed. Additionally, he said, language was to be added that any change order requests would require Board approval. Mayor Gimenez pointed out that Siemens is a long-standing company known for its technology and innovation and that funding for this project is from impact fees. He indicated he has instructed County staff that moving forward the company will do exactly what is requested in the RFP.

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**ANALYSIS**

The purpose of this item is for the County to reject all proposals received under *Contract No. RFP-01058* for the purchase of an Advanced Traffic Management System (ATMS), in addition to completing an expedited procurement process with a clear scope of work, forbidding change orders, within 45 days for the design and construction of the ATMS. The project entails modernizing the existing ATMS and traffic controllers and to provide miscellaneous engineering implementation of traffic engineering solutions.

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.

Under the previous item (Legistar No. 200377) that went before the CPC to award the contract to Siemens Mobility Inc., the fiscal impact was \$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 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's 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.



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The solicitation for the Siemens 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 conditions that Siemens' proposal was expressly based on, 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 proposal 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 provision pertained to the inclusion in the negotiated agreement of a 10-working day timeframe for the County to review and return design submittals; this was deemed as an improper advantage to Siemens. 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.

Table 1 depicts the procurement timeline under the original Item, Legistar No. 200377.

**Table 1**

<b>Date</b>	<b>Action</b>
October 4, 2018	Request for Proposals advertised
October 30, 2019	Award recommendation was approved
November 4, 2019	Protest filed by Horsepower Electric Inc. (2 <sup>nd</sup> 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 deferred at the ICI Committee meeting
May 7, 2020	Amended item forwarded to the BCC
May 19, 2020	Item to be heard by the BCC

Table 2 shows the scoring breakdown of the Competitive Selection Committee and the price differentials under the initial RFP pertaining to Legistar File No. 200377.

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**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 <sup>nd</sup> ranked proposer)  ↓ - \$108,198,288 (compared to 3 <sup>rd</sup> ranked proposer)
2	Horsepower Electric Inc.	3649	638	4287	\$238,609,191	----
3	TransCore ITS, LLC	3539	585	4124	\$260,419,337	----

Figures 1 and 2 show a photo of the current controller and the replacement upgraded controller (Model 2070LX), respectively, under this request.

**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 and May 1 and 12, 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.

Per the original item's request (Legistar No. 200377), OCA performed due diligence on the awarded vendor, Siemens Mobility, Inc. on March 5, 2020 and again on May 1 and 12, 2020; below are the findings.

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<b>Awarded Firm(s)</b>	<b>Corporate Registration</b>	<b>Tax Collectors Office</b>	<b>Florida DBPR</b>	<b>Westlaw</b>
Siemens Mobility, Inc.	<p>Foreign Profit Corporation</p> <p>Active</p> <p>Principal Address: One Penn Plaza Suite 1100 New York, NY</p> <p>Filed: March 8, 2018</p>	No account on file	<p>Active</p> <p>Licensed for: Electrical Business Information</p>	<p><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: 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 April 9, 2020, there was a motion to remand the case back to Superior Court; a motion hearing has been set for July 23, 2020</p>

**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>

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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](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 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

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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\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**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>

**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. 8K1  
File No. 200692**

**Researcher: IL Reviewer: PGE**

RESOLUTION APPROVING THE PROFESSIONAL SERVICES AGREEMENTS BETWEEN MIAMI-DADE COUNTY AND TSAO DESIGN GROUP, INCORPORATED, AND CSA CENTRAL, INC., PROJECT NO. A19-PHCD-01, FOR PROJECT SCHEMATIC DESIGN FOR VARIOUS PUBLIC HOUSING SITES, NOT TO EXCEED \$500,000.00, INCLUSIVE OF A TEN PERCENT CONTINGENCY ALLOWANCE OF \$45,455.00; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENTS AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the award and execution of Non-Exclusive Professional Services Agreements with TSAO Design Group, Incorporated and CSA Central Inc., *Project No. A19-PHCD-01*, to provide schematic design services for various public housing sites in an amount not to exceed \$500,000 inclusive of a 10 percent contingency allowance in the amount of \$45,455 for a contract period of two-years, with two, one-year options to renew for the Miami-Dade Public Housing and Community Development department (PHCD).

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Public Housing and Community Development (PHCD)**

This item was brought before the Chairwoman's Policy Council on April 20, 2020 wherein Commissioner Joe Martinez invoked the 3-day rule. The item returned to the Chairwoman's Policy Council on May 7, 2020. During the meeting, Commissioner Barbara Jordan inquired as to how the redevelopment will proceed and maintain HUD compliance and certification. PHCD Director Michael Liu responded that this item covers various redevelopments and will give the County stability and capacity to develop designs in consultation with commissioners rather than as in the past where private sector developer partners had a blank slate to design project sites. Commissioner Barbara Jordan also inquired if the developments will be privately managed. Director Liu advised that the item makes it possible for the County to have a more flexible and proactive role in other areas of development, such as where surtax and other resources are used, in order to be more engaged with residents and district stakeholders.

**ANALYSIS**

The purpose of this item is to request that the Board approve Professional Services Agreements with TSAO Design Group, Incorporated (TSAO) and CSA Central Inc., (CSA) to provide schematic design and related services for PHCD. The department requires these services for the design of housing developments that include two-story townhouses, three-story walk-ups, mid-rise and high-rise buildings inclusive of studios, one-bedroom, two-bedroom, three-bedroom, four-bedroom and five-bedroom units as well as a community center or club house, gym, laundry rooms, library, parking site and common areas. These services will support PHCD rehabilitation of its aged housing developments.

Under the agreements, the consultants agree to provide complete conceptual and schematic design as well as planning and related services for various building types provided by PHCD. The awarded firms will provide a design for several Public Housing, and/or Rental Assistance Demonstration (RAD) units, workforce housing, affordable housing, and/or market rate units. Potential sites will be evaluated for design, planning, zoning requirements, height restriction, density reports describing the design concept, number and types of units, infrastructure amenities, zoning information, and description of how the design and planning concept address the requirements based on the neighborhood. Site plans should be inclusive of ingress and egress for the site, floor plans, building elevations and color rendering(s) as well as site plans for multi-use facilities such as office, commercial, educational, library, retail and grocery stores.

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**Researcher: IL Reviewer: PGE**

No service is to be delivered pursuant to the PSAs without the consultants' receipt of a Service Order from PHCD. Finally, project services shall be performed via a phased approach. The project phases are as follows:

- Phase 1A – Programming and/or Studies
- Phase 1B – Schematic Design
- Phase 2 – Design Development
- Phase 3A – 30% Contract Documents
- Phase 3B – 75% Contract Documents
- Phase 3C – 100% Contract Documents
- Phase 3D – Bid Documents
- Phase 4 – Bidding & Award of Contract
- Phase 5 – Construction Administration Services

The total fiscal impact to the County is \$500,000 for a two-year term with two, one-year options to renew. The project location spans across various sites and has a potential countywide impact. The funding source for this project are Capital Funds Program (Federal Funds) Capital Budget page 112 FY 2018-19, Project No. 807910 of the adopted budget book. The budget book describes the project as “Architectural and Inspection Services” and shows funding totaling \$8,176,000 for the cited Fiscal Year. Each PSA recommended for award (one for TSAO and the other for CSA) is valued at \$250,000. Note that due to the federal funding for this project, SBD determined that no SBE goal could be assigned.

Additionally, the compensation section of both PSAs sets forth the base services fee structure. Payment for the services can be rendered in any of the following methods:

- Fixed Sum
- Multiple of Direct Salary Expense (with a 2.9 multiplier)

Below is a table of the maximum hourly rates per classification for the Consultant and Subconsultant concerning both PSAs:

Position	Hourly Rate	Job Responsibility	Category Title as Defined in the agreement
Principal/Senior Project Manager (PM)	\$140.00	QA/QC LEED	Quality Assurance Officer
Architect/Registered/PM	\$135.00	Architecture	Sr. Architect
Mechanical Engineer/Registered/PM	\$135.00	HVAC/FP	Sr. Engineer
Civil Engineer/Registered/PM	\$135.00	Civil	Sr. Engineer
Landscape Architect/Registered/PM	\$135.00	Not established	Sr. Architect
Estimator/Scheduler	\$120.00	Not established	Estimator
Junior Architect	\$90.00	AutoCAD/Arch	Jr. Architect



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Position	Hourly Rate	Job Responsibility	Category Title as Defined in the agreement
Junior Engineer	\$90.00	AutoCAD/Elec	Jr. Engineer
Junior Engineer	\$90.00	AutoCAD/HVAC	Jr. Engineer
Junior Architect	\$80.00	AutoCAD Revit Operator/Electrical Media	CADD/Revit
Clerical Administration	\$35.00	Not Established	Not Established

In no case shall the maximum billable hourly (including multipliers) rate exceed \$140.00 per hour for the Prime and Subconsultant.

PHCD will utilize a rotational method when assigning work to the awarded Architectural Engineering (A/E) firms for this project. The factors that will be utilized by the Division Director of PHCD are as follows:

- A. Workload,
- B. Capabilities of the team,
- C. Schedule, and
- D. Familiarity with the location and infrastructure.

A Notice to Professional Consultants was advertised on June 13, 2019, under full and open competition. On July 26, 2019, the Clerk of the Board received five proposals in response to the solicitation. Modis Architects, LLC was amongst the five proposals received and was deemed non-responsive by the County Attorney's Office because the firm did not meet prequalification/technical requirements established in the Notice to Professional Consultants (NTPC). Furthermore, two other firms Mateu Architecture Inc., and Diaz, Carreno, Scotti & Partners Inc., were deemed non-responsive by the County Attorney's Office due to a violation of Section 1.6 of the NTPC. Section 1.6 of the NTPC states that respondents must select between submitting as a prime consultant or sub-consultant when responding to a specific solicitation. All affected proposals, wherein the respondent is in violation of this condition, shall not be considered:

a) Consultants electing to submit as a prime consultant may only respond once to a solicitation, limited to participation on a single team. If submitting as a prime consultant, said consultant may not participate as a sub-consultant on the same solicitation. In the event of specific industry requirements, the County Mayor or County Mayor's designee may make exceptions.

b) A/E sub-consultants may only participate on three teams when responding to a solicitation, due to the availability of firms in each of the specified A/E technical certification categories.

c) A/E sub-consultants may participate on more than three teams for the technical certification category denoted below, due to the limited availability of firms to provide said service:

19.14 – Value Analysis and Life Cycle Costing – Architecture If a prime consultant or sub-consultant fails to adhere to the restrictions stated herein and participates in more than the outlined maximums, then all affected proposals shall be found non-responsive.

A formal opinion was not rendered due to the solicitation's amount being under 1 million dollars.

The first-tier meeting was held on September 24, 2019, and two firms were evaluated, TSAO Design Group, Inc. and CSA Central Inc. The competitive selection committee voted to forego the second-tier process and recommended both firms for award. Negotiations concluded on October 17, 2019.



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Below is the list of respondents for the advertised project and their final ranking after the first-tier meeting.

Firm	Principal Address per Sunbiz	Final Ranking
TSAO Design Group Inc.	160 Pine Street, San Francisco, CA 94111	1
CSA Central Inc.	8200 N.W. 41 Street, Miami, FL 33166	2

OCA conducted a review of the technical certifications associated with the project on the Business Management Workforce System (BMWS) on May 1, 2020. See findings in the table below.

Prime/Other	Code	Description	Number of SBE Firms
Prime	14.00	Architecture	None
Other	11.00	General Structural Engineering	None
Other	12.00	General Mechanical Engineering	None
Other	13.00	General Electrical Engineering	None
Other	11.00	General Structural Engineering	None
Other	12.00	General Mechanical Engineering	None
Other	13.00	General Electrical Engineering	None
Other	16.00	General Civil Engineering	None
Other	19.14	Value Analysis and Life Cycle Costing – Architecture	6 firms were identified as SBE Firms under this technical certification
Other	20.00	Landscape Architecture	None
Other	22.00	ADA Title II Consultant	None

Note that TSAO Design Group was identified in the BMWS system as a certified SBE firm.

OCA conducted a review of the two awarded firms on May 10, 2020. The table below summarizes OCA's review of the selected firm.

Firm Name	Sunbiz	DBPR	Tax Collector	West Law
TSAO Design Group, Inc	Foreign Profit Corporation  Principal Address: 160 Pine Street 6 <sup>th</sup> Floor, San Francisco, CA 94111.  Date Filed: 02/12/2002	License type: Architect Business  Active: No complaints on file.	One on file. Business Address: 7610 N.E. 4 <sup>th</sup> Ct, Suite 101 Miami, FL 33138  Paid/Current	No cases

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Prime/Other	Code	Description	Number of SBE Firms	Prime/Other
CSA Central Inc.	Foreign Profit Corporation  Principal Address: 8200 N.W. 41 <sup>st</sup> Street, Suite 305 Doral, FL 33166  Date Filed: 02/23/2006	License type: Architect Business  Active: No Complaints on file.	Two accounts on file. Business Address: 1001 N. America Way Ste 203, Miami, FL 33132  Paid/Current	No cases

OCA conducted a due diligence review of the awarded firms' subconsultants on May 1, 2020.

**TSAO Design Group, Inc. Sub-consultants**

Awarded Subconsultants	Sunbiz	Florida DBPR	Tax Collectors Office	Westlaw
TLC Engineering Solutions Inc.	Florida Profit Corporation  Principal Address: 255 South Orange Ave. Orlando, FL 32801  Date Filed: 12/31/1968	License type: Registry  Active: No Complaints on File	One Account:  Business Address: 5757 Blue Lagoon Dr., Suite 400, Miami, Florida 33126  Paid/Current	No relevant cases
305 Consulting Engineers LLC	Florida Limited Liability Company  Principal Address: 13944 S.W. 8 Street, Miami, FL 33184  Date Filed: 03/11/2013	License type: Registry  Active: No Complaints on File	One Account:  Business Address: 13944 S.W. 8 <sup>th</sup> Street, Suite 21, Miami, FL 33184  Paid/Current	No relevant cases

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Savino & Miller Design Studio, P.A.	Florida Profit Corporation  Principal Address: 12345 N.E. 6 Ave, #A North Miami, FL 33161  Date Filed: 04/16/1993	License type: Landscape Architect Business  Active: No Complaints on File	None	No relevant cases
Biscayne Engineering Co.,	Florida Profit Corporation  Principal Address: 529 West Flagler Street., Miami, FL 33130  Date Filed: 01/12/1914	License type: Registry  Active: No Complaints on File	One Account:  Business Address: 529 W. Flagler St., Miami, FL 33130  Status: Paid and Current	No relevant cases
H.P. Consultants Inc.	Florida Profit Corporation  Principal Address: 10220 S.W. 107 Street, Miami, FL 33176  Date Filed: 05/20/2002	License type: Registry  Active: No Complaints on File	None	No relevant cases
Langan Engineering & Environmental Services, Inc.	Foreign Profit Corporation  Principal Address: 300 Kimball Drive,	License Type: Asbestos Consultant, Asbestos Business, and Geology Business Active:	One account:  Business Address: 15150 N.W. 79 Court, Suite 200	No relevant cases

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	4 <sup>th</sup> Floor. Parsippany, NJ 07054  Date Filed: 03/16/1993	No Complaints	Miami Lakes, FL 33016  Paid/Current	
Laura Llerana & Associates Inc.,	Florida Profit Corporation  Principal Address: 13170 S.W. 128 Street, Suite 207, Miami, FL 33186  Date Filed: 04/22/1980	None	None	No relevant cases
TJJA Architects P.A.	Florida Profit Corporation  Principal Address:  14 Westward Drive, Miami Springs, FL 33166  Date Filed: 03/21/ 2001	None	None	No relevant cases

Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on May 1, 2020. The verification revealed two performance evaluations in the Capital Improvements Information Systems Database for TSAO Design Group Inc., yielding an average evaluation rating of 3.5 out of 4.0 and three performance evaluations for CSA Central Inc., yielding an average evaluation rating of 3.5 out of 4.0.

**ADDITIONAL INFORMATION**

TSAO Design Group has conducted multiple projects across the United States. TSAO has done projects for the San Francisco Public Library, Miami-Dade County Public Housing and Community Development, City of Homestead, and City of Miami amongst others.  
<http://tsaodesign.com/clients-by-category>

**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

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

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

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Section 2-11.1 of the Miami-Dade County Code** creates a minimum standard of ethical conduct and behavior for all County officials, officers, and employees.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-11.1COINCOETOR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)

**Section 2-10.4 of the Miami-Dade 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=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

**Ordinance 00-65** adopted May 23, 2000 (involving the expenditures of more than \$500,000.00) any contract for the construction of public improvements and any professional service agreement involving the expenditure of more than \$500,000, an item shall be added to the advertisement recommendation memorandum presented by the County Manager to the Board of County Commissioners identifying (1) each proposed dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each, and (2) the corresponding percentage of each proposed dedicated allowance, contingency allowance and additional services allowance in relation to the estimated contract price.

<http://intra/gia/matter.asp?matter=001521&file=false&yearFolder=Y2000>

**Resolution No. R-451-14**, adopted May 6, 2014, setting policy for Miami-Dade County; directing the Mayor to require all county infrastructure projects to consider potential impacts of sea level rise during all project phases including but not limited to planning, design, and construction.

<http://intra/gia/matter.asp?matter=140804&file=true&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>

**Implementing Order (I.O.) 3-34** (Formation and Performance of Selection Committees) Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, this Implementing Order establishes procedures for the formation and performance of selection committees in the competitive procurement process of Miami-Dade County, including competitive

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selection committees utilized in the acquisition of architectural and engineering professional services under Section 287.055 of the Florida Statutes.

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&yearFolder=Y2012>

**Resolution No. R-421-16**, adopted May 17, 2016, requires the County Mayor to attach a list of all County Contracts awarded in the previous 3 years to the recommended contractor and summary of evaluations for Design and/or Construction Contract Awards of \$1,000,000.00 or greater.

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

**Resolution No. R-1204-05**, adopted October 18, 2005, directs the Mayor to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants.

<http://intra/gia/matter.asp?matter=052890&file=true&yearFolder=Y2005>

**Administrative Order 3-26**, effective August 4, 2000, projects with construction cost estimates below the Five Million Dollar threshold, are not mandated to have a formal Value Analysis/Engineering nor a feasibility study of alternative concepts.

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

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**Item No. 8N5  
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), *Contract No. CIP196-DTPW18-DE*, between the County and Kimley-Horn and Associates, Inc. for engineering services for the Underline 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 was brought before the Transportation and Finance Committee on March 11, 2020 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to establish a PSA with 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. On April 30, 2020, the CITT voted (11-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 20-010.

The project consists of providing a Design Criteria Package (DCP) for the remaining seven segments of The Underline, extending from SW 19<sup>th</sup> 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

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- Task 6B – Preliminary Civil Engineering Design Criteria
- Task 6C – Preliminary Conceptual Intersection Improvements
- 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

R-1204-05 directs the Administration to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants. The mayor's memo is silent as to whether that was done here.

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.



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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

OCA reviewed the Capital Improvements Information System on May 11, 2020 and found 30 evaluations for Kimley-Horn and Associates, Inc. with an average rating of 3.7 out of a possible 4.0.

OCA conducted due diligence on May 11, 2020 pertaining to Kimley-Horn & Associates, Inc., the firm being recommended for award, and the six subconsultants; the results are shown below.

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	No relevant cases found

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

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

**BCC Meeting: May 19, 2020  
Research Notes**

**Item No. 8N5**

**File No. 200370**

**Researcher: VW    Reviewer: JFP**

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-  
10.4.01SMBUENARENPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

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

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

**Implementing Order No. 3-32** 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>

**BCC Meeting: May 19, 2020**  
**Research Notes**

**Item No. 8N5**  
**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-1204-05**, adopted October 11, 2005, directs the County Mayor to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants.

<http://intra/gia/matter.asp?matter=052890&file=true&yearFolder=Y2005>

**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>

**BCC Meeting  
May 19, 2020  
Research Notes**

**Item No. 8N6  
File No. 200672**

**Researcher: JFP Reviewer: PGE**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A CONTRACT IN THE AMOUNT OF \$384,392.32 TO P & J STRIPING, INC. FOR THE PROJECT ENTITLED PEOPLE'S TRANSPORTATION PLAN PAVEMENT MARKINGS INSTALLATION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.2.7.01 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-53; 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 award the contract, *RPQ No. 20190306*, to P&J Striping, Inc. in the amount of \$384,392.32 for pavement markings installation for a one-year term, and authorize the use of People's Transportation Plan Bond Program (PTP) funds for this purpose.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item was approved by the Citizens' Independent Transportation Trust at its April 30, 2020 meeting.

This item was forwarded to the BCC with a favorable recommendation by the Chairwoman's Policy Council at its May 7, 2020 meeting. Prior to passage, the following discussion transpired:

- Commissioner Sosa questioned the use of PTP funds for this purpose and whether this project was included in the original language of the PTP ballot question, as well as how the project will be completed in light of the pandemic, imminent hurricane season, and surtax funding cuts.
- Commissioner Bovo echoed Commissioner Sosa's concerns about whether the PTP funds were approved for this purpose.
- Deputy Mayor Jennifer Moon responded that this contract is a part of larger projects that were included in the original PTP and have been approved as part of CITT's Five Year Plan. The pavement markings installation is for projects that will span longer than just the next few months and is something that needs to be in place in order for those projects to be completed.
- Commissioner Sosa requested from the Administration a district-by-district listing of street projects that have pavement markings installation as a component.
- Commissioner Martinez stated that he would support the use of PTP funds for this purpose given that pavement markings are needed for traffic safety.

**ANALYSIS**

The purpose of this item is to award a contract to the SBE-Con firm, P&J Striping, Inc. (P&J Striping), for the installation of pavement markings. The contract value of \$384,392.32 includes a base contract amount of \$297,636, a contingency amount of \$29,763.60, and dedicated allowances totaling \$56,992.72. The contract term is 365 days. The item authorizes the use of PTP funds to fully fund the pavement markings installation project, thus necessitating CITT approval, which occurred on April 30, 2020.

**BCC Meeting  
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**Item No. 8N6**

**File No. 200672**

**Researcher: JFP Reviewer: PGE**

The project (Project MCC 7040 Plan - CICC 7040-0/07) qualifies under the available work categories in the Neighborhood Improvements Section of the PTP Five-Year Plan, for which \$167 million is allotted, and is included in the FY 2019-20 Adopted Budget and Multi-Year Capital Plan under Volume 2, Department of Transportation and Public Works (Safety Improvements – Countywide, Project P2000000541).

DTPW advertised the solicitation through the County's Miscellaneous Construction Contract (MCC) 7040 Plan, forwarding the Request for Price Quotation (RPQ) to 66 prequalified firms. P&J Striping was the only respondent, responding on January 15, 2020 with a base bid of \$297,636—0.03 percent below the County's cost estimate. DTPW issued the recommendation for award, after finding the firm to be responsive and responsible, on January 23, 2020.

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 Corporations
- 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

In addition to the above requirements, all participants in the MCC 7040 Plan must be certified with the County's Small Business Enterprise Construction Program in their contracting trade, maintain a local office in Miami-Dade County, hold a Local Business Tax Receipt for one year prior to certification, and the license qualifier must own a minimum of 10 percent of the company.

Eleven MCC 7040 projects have been awarded to P&J Striping at award amounts totaling \$2,544,498.25. An additional two MCC 7360 projects have been awarded at amounts totaling \$2,243,619.80. Pursuant to Resolution No. R-421-16, OCA conducted a performance record verification in the Capital Improvements Information System (CIIS) on May 11, 2020, finding that P&J Striping has 17 evaluations with an average rating of 3.5 points out of a possible 4.0. Its lowest evaluation was a 3.0 rating on a \$2 million DTPW MCC 7360 project completed on June 11, 2019.

Resolution No. R-1181-1 requires the consideration of safety records of prospective contractors and first-tier subcontractors for public construction projects and the inclusion of confirmation that those safety records were considered, as well as reports of any instances where the safety record may adversely affect a finding of contractor responsibility, in award memorandum to the Board. Such information was absent from the Mayoral Memorandum.

Detailed below is a summary of OCA's due diligence performed on P&J Striping.

**BCC Meeting  
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Research Notes**

**Item No. 8N6  
File No. 200672**

**Researcher: JFP Reviewer: PGE**

<b>Awarded Firm</b>	<b>Corporate Registration</b>	<b>Tax Collector's Office</b>	<b>Florida DBPR</b>	<b>Litigation (Westlaw)</b>
P&J Striping, Inc.	Florida Profit Corporation  Active  Principal Address: 9800 NW South River Drive Medley, FL 33166  Filed: September 22, 2008	Business address: 9800 NW South River Drive Medley, FL 33166  Business Start Date: February 1, 2009.  Status: Paid and Current	License type: Certified General Contractor (expires August 31, 2020)	No relevant cases.

**ADDITIONAL INFORMATION**

Miscellaneous Construction Contracts Program

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

Five-Year Implementation Plan of the People's Transportation Plan

<http://www.miamidade.gov/citt/library/five-year-plan/2019/five-year-plan.pdf>

**APPLICABLE LEGISLATION/POLICY**

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

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

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

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



**BCC Meeting  
May 19, 2020  
Research Notes**

**Item No. 8N6  
File No. 200672**

**Researcher: JFP Reviewer: PGE**

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

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

**Section 2-8.2.7.01 of the Code of Miami-Dade County** governs the Miscellaneous Construction Contracts Program.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.7.01MICOCOP](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOP)

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

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.16COCOCO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_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\\_ordinances?nodeId=PTIICOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551  
FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**Section 10-33.02 of the Code of Miami-Dade County** governs the Small Business Enterprise Construction Services Program.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH10CO\\_ARTIIBIPUPR\\_S10-33.02SMBUENCOSEPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02SMBUENCOSEPR)

**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 involve the expenditure of \$100,000 or more.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH10CO\\_ARTIIBIPUPR\\_S10-34LISURE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE)

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

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

**BCC Meeting  
May 19, 2020  
Research Notes**

**Item No. 8N6**  
**File No. 200672**

**Researcher: JFP Reviewer: PGE**

**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>

**BCC Meeting:  
May 19, 2020  
Research Notes**

**Item No. 11A11  
File No. 200834**

**Researcher: CB   Reviewer: PGE**

RESOLUTION RETROACTIVELY APPOINTING MARILYN SMITH TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

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

**Department/Requester: None**

This item was forwarded to the BCC with a favorable recommendation by the Chairwoman's Policy Council at its May 7, 2020 meeting.

**ANALYSIS**

OCA completed the required background research regarding the reappointment of Marilyn Smith to the Citizens' Independent Transportation Trust, noting no adverse findings.

**APPLICABLE LEGISLATION**

**Resolution No. R-636-14**, adopted on July 1, 2014, requires OCA to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the BCC.

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

**BCC Meeting:  
May 19, 2020  
Research Notes**

**Item No. 15C1  
File No. 200876**

**Researcher: CB   Reviewer: PGE**

RECCOMENDATIONS FOR GUBERNATORIAL APPOINTMENTS TO THE CHILDREN'S TRUST

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Clerk of the Board

**ANALYSIS**

OCA completed the required background research regarding the recommendations for gubernatorial appointments to the Children's Trust. The candidates are: Marissa Leichter, Esq. (Incumbent), Brandy A. Ramirez, Benjamin A. Taormina, Aileen Vega, and Jeanine Verde, Ed.D. There are no adverse findings for these candidates.

**APPLICABLE LEGISLATION**

**Resolution No. R-636-14**, adopted on July 1, 2014, requires OCA to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the BCC.

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

**BCC Meeting  
May 19, 2020  
Research Notes**

**COVID-19 County Demographics Update**

**Researcher: JFP Reviewer: PGE**

**UPDATE: COVID-19 RACE & ETHNICITY DEMOGRAPHICS OF MIAMI-DADE COUNTY RESIDENTS**

**BACKGROUND**

On May 5, 2020, the Board adopted Resolution No. 431-20, directing the Mayor or his designee to prepare and submit a report that analyzes demographic data (age, race, ethnicity, and gender) pertaining to the number of individuals in the County who have tested positive for coronavirus disease 2019 (COVID-19). Pursuant to this resolution, the Administration is to prepare a plan to provide additional support and services to aid the affected population(s) upon determination of a demographic(s) being disproportionately impacted by COVID-19.

The following is an update on the analyses OCA prepared for the May 5, 2020 Board meeting showing current County-specific COVID-19 race and ethnicity demographic data. For this update, OCA researched current County-specific COVID-19 demographic data as provided by Florida's Departments of Health and produced a comparison with those populations' race and ethnicity demographic data obtained from the U.S. Census Bureau. The Florida Department of Health presented data using the same methodology as the U.S. Census Bureau, delineating Hispanic separately as an ethnicity, thus allowing OCA to perform a true comparison of COVID-19 demographic data against general population demographic data.

It should be noted that the vast majority of cases are reported by labs, and race and ethnicity information is often missing because it is not received on the test requisitions from providers. As such, race and ethnicity demographic data is not inclusive of all COVID-19 cases.

**ANALYSIS**

Since its last analysis, OCA observed a slight increase in the percentage of Black/African American Miami-Dade County residents who have tested positive for COVID-19 as well as a slight increase in the percentage of Hispanic County residents who have tested positive for COVID-19. The composition of race and ethnicity demographics of the County's residents infected with COVID-19 as compared to the race and ethnicity demographics of the County population as a whole is depicted below.

The data in the subsequent tables is current as of May 15, 2020.

**Race Demographics of COVID-19 Cases  
Miami-Dade County Residents**

	White/Caucasian		Black/African American		Other*		Number of COVID-19 Cases with no Race Demographic Data
	Number and % of COVID-19 Cases	% of Population	Number and % of COVID-19 Cases	% of Population	Number and % of COVID-19 Cases	% of Population	
<b>May 15, 2020</b>	7,835 (72.7%)	78.8%	2,331 (21.6%)	17.9%	611 (5.7%)	3.3%	3,793
<b>April 16, 2020</b>	3,648 (73%)		1,010 (20.2%)		337 (6.8%)		3,247

*\*Includes Asian, Native American/Alaska Native, Native Hawaiian/Pacific Islander, Two or More Races*

**BCC Meeting  
May 19, 2020  
Research Notes**

**COVID-19 County Demographics Update**

**Researcher: JFP Reviewer: PGE**

<b>Ethnicity Demographics of COVID-19 Cases Miami Dade County Residents</b>					
	<b>Hispanic</b>		<b>Non-Hispanic</b>		<b>Number of COVID-19 Cases with no Ethnicity Demographic Data</b>
	<b>Number and % of COVID- 19 Cases</b>	<b>% of Population</b>	<b>Number and % of COVID-19 Cases</b>	<b>% of Population</b>	
<b>May 15, 2020</b>	7,448 (70.5%)	69.1%	3,117 (29.5%)	30.9%	4,005
<b>April 16, 2020</b>	3,420 (69.7%)		1,484 (30.3%)		3,346

**SOURCES**

U.S. Census Bureau QuickFacts: Miami-Dade County, Florida

<https://www.census.gov/quickfacts/fact/table/miamidadecountyflorida/PST045219>

Florida's COVID-19 Data and Surveillance Dashboard

Florida Department of Health, Division of Disease Control and Health Protection

<https://experience.arcgis.com/experience/96dd742462124fa0b38ddedb9b25e429>

### **CONTRIBUTORS**

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Isidoro R. Lopez, Esq., Research Analyst  
Victor van der Weerden, MSc., Associate Research Analyst  
Cedric J. Brazle, Jr., Executive Secretary

### **The Office of the Commission Auditor, Miami-Dade Board of County Commissioners**

The Office of the Commission Auditor (OCA) was established in September 2002 by Ordinance 03-2 to provide support and professional analysis of the policy, service, budgetary and operational issues before the Miami-Dade Board of County Commissioners. The Commission Auditor's duties include reporting to the Board of County Commissioners on the fiscal operations of County departments, as well as whether the fiscal and legislative policy directions of the Commission are being efficiently and effectively implemented

These research notes, prepared in collaboration with the Miami Dade County departments as subject matter experts, is substantially less detailed in scope than an audit in accordance with the Generally Accepted Auditing Standards (GAAS). The OCA plans and performs the review to obtain sufficient, appropriate evidence to provide a reasonable basis for its findings and conclusions based on its objectives; accordingly, the OCA does not express an opinion on the data gathered by the subject matter expert(s).