



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

**COMMISSION AUDITOR'S  
INFORMATIONAL RESEARCH**

**INFRASTRUCTURE AND CAPITAL  
IMPROVEMENTS COMMITTEE MEETING**

**June 9, 2020**

**2:00 P.M.**

**Virtual Meeting**

Yinka Majekodunmi, CPA  
Commission Auditor

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## TABLE OF CONTENTS

### **DEPARTMENTAL ITEMS**

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#### **INTERNAL SERVICES**

3A (201017): Purchase of Manufactured Modular Buildings.....	3
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#### **TRANSPORTATION AND PUBLIC WORKS**

3N (200982): Bridge Replacement at North Miami Avenue.....	8
3O (200991): CSX Construction Agreement.....	15
3P (201011): NW 12th Street Bus Lanes.....	19

**ICI Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3A  
File No. 201017**

**Researcher: VW    Reviewer: PGE**

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$840,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00266 FOR PURCHASE OF MANUFACTURED MODULAR BUILDINGS FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the approval of additional expenditure of up to \$840,000 for *Prequalification Pool No. RTQ-00266* for the purchase of manufactured modular buildings for the Miami-Dade Water and Sewer Department.

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Internal Services

**ANALYSIS**

The purpose of this item is to approve increased spending of \$840,000 under *Prequalification Pool No. RTQ-00266* to enable the Miami-Dade Water and Sewer Department (WASD) to access the pool in order to secure the purchase, permitting, and installation of a 4500 square foot modular storage building. The modular building is to be used for the storage of products and chemicals, including but not limited to, CCTV sewer cameras, pumps, compactors, and other miscellaneous equipment, while the WASD collection staff relocates from the South District Blackpoint location to the South Miami Heights location. ‘Modular buildings’ refer to buildings which are composed of pre-fabricated building units or ‘modules’ that are delivered to sites and assembled as components of a larger building.

This pool was originally established on October 1, 2015 under the County Mayor’s delegated authority for \$500,000 for an eight-year term for use by the Aviation Department. The pool expires on September 30, 2023. Under Resolution No. R-1142-16, which was adopted on December 6, 2016, the Board approved additional expenditure in the amount of \$1,600,000 to add the Internal Services Department to the pool for the department to purchase two buildings for the Miami-Dade Public Safety Training Institute. As such, the current cumulative allocation of the pool is \$2,100,000.

With the approval of this request, the modified cumulative value will increase by \$840,000 to \$2,940,000, or 40% higher. OCA performed a review of the Bid Tracking System (BTS) on June 4, 2020. According to the information found on BTS, of the \$2,100,000 allocated to this pool, a total of \$1,645,902.37 has been released, leaving a balance of \$454,097.63.

There are seven prequalified vendors under this pool, none of which are local firms. Of those vendors, all of the purchase orders have been issued to Advanced Modular Structures, Inc., and Mardan Fabrication, Inc. A total of \$3,643,959.86 has been issued to Advanced Modular Structures, and a total of \$377,355 has been issued to Mardan Fabrication.

OCA performed a search for commodity codes 15546 (Guard and Watchman Huts) and 15580 (Shelters, Portable) on the Business Management Workforce System’s Certified Vendor Directory on June 4, 2020 and found the following local small businesses:

- O. R. Dean Construction, Inc.

**ICI Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3A  
File No. 201017**

**Researcher: VW   Reviewer: PGE**

OCA performed due diligence on the prequalified vendors on June 4, 2020; the results are shown below.

<b>Awarded Firm(s)</b>	<b>Corporate Registration</b>	<b>Tax Collectors Office</b>	<b>Florida DBPR</b>	<b>Westlaw</b>
Advance Modular Structures, Inc.	Florida Profit Corporation  Active  Principal Address: 1911 NW 15th St, Pompano Beach, FL 33069  Filed: March 13, 2001	Nothing Found	License Types: Certified Electrical Contractor; Construction Business Information; Electrical Business Information	Nothing Found
Concrete Modular Structures, Inc.	Florida Profit Corporation  Active  Principal Address: 6161 51st ST South St. Petersburg, FL 33715  Filed: March 17, 2000	Nothing Found	Nothing Found	Nothing Found
GFRC Acquisition, LLC	Foreign For Profit Corporation  Inactive  Principal Address: 8226 Douglas Ave Dallas, TX 75225  Filed: August 14, 2012	Nothing Found	Nothing Found	Nothing Found
Leesburg Concrete Company, Inc.	Florida Profit Corporation  Active  Principal Address: 1335 Thomas Ave Leesburg, FL 34748  Filed: February 24, 1984	Nothing Found	License Types: Certified Building Contractor; Construction Business Information	Nothing Found

**ICI Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3A  
File No. 201017**

**Researcher: VW    Reviewer: PGE**

Mardan Fabrication, Inc.	Foreign For Profit Corporation  Active  Principal Address: 41249 Irwin Dr Harrison Township, MI 48045  Filed: June 26, 2013	Nothing Found	Nothing Found	Nothing Found
McGrath Rent Corp	Foreign Profit Corporation  Principal Address: 5700 Las Positas Rd Livermore CA 94551  Filed: March 27, 1979	Nothing Found	License Types: Construction Business Information	Nothing Found
VFP, Inc.	Foreign Profit Corporation  Principal Address: 5410 Fallowater Lane Roanoke, VA 24018  Filed: February 13, 2007	Nothing Found	License Types: Registry	Nothing Found

**ADDITIONAL INFORMATION**

Modular buildings and modular homes are prefabricated buildings or houses that consist of repeated sections called modules. "Modular" is a construction method that involves constructing sections away from the building site, then delivering them to the intended site.

**ICI Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3A  
File No. 201017**

**Researcher: VW    Reviewer: PGE**



**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>

**Resolution No. R-1142-16**, adopted December 6, 2016, authorizes additional expenditure authority in a total amount up to \$1,600,000.00 for Prequalification Pool No. RTQ-00266 for purchase of manufactured modular buildings for the Internal Services Department.

<http://intra/gia/matter.asp?matter=162390&file=true&yearFolder=Y2016>

**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>

**ICI Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3A**

**File No. 201017**

**Researcher: VW   Reviewer: PGE**

**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-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>

**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3N**  
**File No. 200982**

**Researcher: MF   Reviewer: PGE**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 BETWEEN MIAMI-DADE COUNTY AND DOUGLAS N. HIGGINS, INC. FOR THE PROJECT ENTITLED BRIDGE REPLACEMENT AT NORTH MIAMI AVENUE OVER THE LITTLE RIVER CANAL (BRIDGE NO. 874127), EXTENDING THE CONTRACT DURATION BY 292 NON-COMPENSABLE CALENDAR DAYS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize non-compensable Change Order No. 1 between the County and Douglas N. Higgins, Inc. for the North Miami Avenue Over the Little River Canal Bridge Replacement Project, extending the original 790 calendar day deadline by 292 calendar days for the Department of Transportation and Public Works (DTPW).

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** DTPW

There is no procedural history for this item currently.

**ANALYSIS**

The proposed resolution requests Board approval to execute Change Order No. 1 pertaining to *Contract No. 20160165* between the County and Douglas N. Higgins, Inc. for the North Miami Avenue Over the Little River Canal Bridge Replacement Project to extend the work by 292 non-compensable calendar days. The requested extension of time is the result of unexpected utility relocation requirements by the South Florida Water Management District, thereby leading to permitting and approval delays. The project is located in District 3, represented by Commission Chairwoman Audrey M. Edmonson.

The original item was approved by the Board pursuant to Resolution No. R-702-17 on July 6, 2017, awarding a design-build services contract for the Bridge Replacement at N. Miami Avenue over the Little River Canal to Douglas N. Higgins, Inc. in the amount of \$2,925,350 for a contract period of 790 calendar days. Under that contract, the work to be performed consisted of the following:

- Roadway approaches
- Geotechnical work
- Surveys
- Permits
- Other design services (to include construction documents, engineering plans, public involvement plan, et al)

The original contract provides for a resilience aspect in order to adhere to sea level rise considerations, being that the new bridge will impact the canal's water elevation.

Per the original award memorandum, the bridge has a sufficiency rating of less than 70, which requires for work to be performed within two years. OCA researched the sufficiency rating by consulting the U.S. Department of Transportation's Federal Highway Administration (FHWA) guide regarding specifications for the country's bridges. According to the FHWA, the sufficiency rating is a numerical rating between 0 and 100 given to each highway bridge. The value is based



**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3N**  
**File No. 200982**

**Researcher: MF   Reviewer: PGE**

on the bridge's structural adequacy and safety, essentiality for public use, and its serviceability and functional obsolescence. The life expectancy of the Little River Canal Bridge is approximately 75 years.

As this is a non-compensable time extension, there is no additional fiscal impact to the County. The project is funded via Road Impact Fees funds. The proposed time extension of 292 days – which will bring the total to 1,161 days (i.e., 790 days under original award plus 79 days of contingency time and the current 292-day request). DTPW did not provide a schedule of the needed 292-day extension of time with the detailed work to be performed nor the status of the work completed thus far.

According to the FY2019-20 Adopted Budget and Multi-Year Capital Plan, this item falls under Project # 2000000534. The Capital Plan describes the project as to *construct, rehabilitate and/or provide improvements to bridges countywide*. For FY 2019-20, the total expenditures are \$4,791,000, which is broken down as follows: \$2,361,000 for construction, \$2,255,000 for planning and design and \$175,000 for project administration.

Pursuant to Resolution No. R-421-16, contract awards of \$1,000,000 or more shall require a summary of work evaluations of the recommended contractor. According to the Capital Improvements Information System, there are no evaluations on file for Douglas N. Higgins, Inc. The contractor was awarded \$2,925,350, inclusive of a contingency allocation of \$158,350, for the existing contract for a total contract period of 790 days in 2017. According to the firm history, prior to the 2017 contract award, the company had not performed any prior work for Miami-Dade County.

Figure 1 depicts the Little River Canal Bridge Replacement Project site.

**Figure 1**



Source: Village of El Portal

**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3N  
File No. 200982**

**Researcher: MF   Reviewer: PGE**

OCA consulted the Occupational Safety and Health Administration's (OSHA) website, which revealed the contractor, Douglas N. Higgins Inc., received several fines during 2017. Table 1 provides a breakdown of said violations.

**Table 1**

OSHA Violations		
Date	Violations/Fine Amount	Total Fines
December 7, 2017	Serious violation - \$18,295 Repeat violation - \$365	\$18,659
November 6, 2017	Serious violation - \$12,934 Willful violation - \$129,336 Repeat violation - \$20,326	\$162,596
July 21, 2017	Serious violation - \$12,549	\$12,549
January 16, 2017	Serious violation - \$119,507	\$119,507
		<b>TOTAL: \$313,311</b>

The aforementioned OSHA reports may be accessed here:

[https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1281864.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1281864.015)

[https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1277394.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1277394.015)

[https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1249047.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1249047.015)

[https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1243748.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1243748.015)

OCA performed due diligence on the contractor, Douglas N. Higgins, Inc., on June 2, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Douglas N. Higgins, Inc.	Foreign Profit Corporation  Active  Principal Address: 3390 Travis Pointe Rd. Suite A Ann Arbor, MI  Filed: August 1, 1973	No account on file	Active  Licensed for: General Contractor; Business Information;	No relevant litigation

**ADDITIONAL INFORMATION**

OCA conducted an Internet search on the contractor, Douglas N. Higgins Inc., on June 2, 2020. According to the contractor's website, the company was founded 54 years ago in Michigan and provides underground utility and municipal infrastructure industry services. The company has worked on several high-profile projects across Florida including:

- Hurricane Irma repairs in Monroe County

**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3N  
File No. 200982**

**Researcher: MF   Reviewer: PGE**

- Picayune Strand restoration project in Collier County
- Turtle Rock reclaimed water main, Sarasota County
- Pump station modifications in Miami-Dade County
- Imperial Harbor water main replacement in Bonita Springs (Lee County)

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

**DEPARTMENTAL INPUT**

OCA requested the following information from DTPW on June 2, 2020; the Department responded June 3, 2020 and the answers are noted below in Italics.

- Per the mayor's memo, the extension of time for the company is necessary due to unexpected utility relocation requirements by the South Florida Water Management District. Please provide details of the specific work that will be conducted during the time extension period.  
*The contractor will continue with the bridge replacement and approach roadway reconstruction that were delayed by the requirements of South Florida Water Management District.*
- Can the company confirm that this additional proposed extension of time will be the last one for this project or are there anticipated extensions in the future?  
*There may be other time extension requests as construction activities are in the beginning stages and unforeseen field conditions may cause delays to the completion of the project.*

**APPLICABLE LEGISLATION/POLICY**

**Administrative Order 3-39** sets forth the standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting. Established the County's standard procedures for the implementation, classify, track, monitor and report capital construction projects.

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

**Section 2.8.1.1.1.2 of the Miami-Dade County Code (Small Business Enterprise Goods Program)** provides definitions and eligibility for participation in SBE Goods program, establishes criteria for contract measures (set-asides, subcontract goals, bid preference, selection factor); provides for sanctions and penalties for vendor non-compliance.

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

[\\_dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1.1.1.2SMBUENGOPR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.2SMBUENGOPR)

**Section 2-1701 of the Code of Miami-Dade County (Community Workforce Program)** applies to the establishment of local workforce goal. *Establishment of local workforce goal:* A local workforce goal may be applied to a Capital Construction Contract/Work Orders subject to review under this section based on the Scope of Work the relative local unemployment rate, and an estimate of the trades and workforce necessary to perform construction trades work and labor under the contract. The RC is responsible for recommending to the Mayor or the Mayor's Designee whether a workforce goal should be applied to a Capital Construction Contract/Work Order. The contract language for a Capital Construction Contract/Work Order to which a local workforce goal is applied shall specify that a certain percentage of the workforce performing construction trades and labor work under such contract be residents of Designated Target Areas as provided herein. *Workforce Plan:* Bid and proposal documents for Capital Construction Contracts/Work Order to which a local workforce goal has been applied shall require the contractor, to develop and submit to the County, within fifteen (15) days of notification of award of the contract, a Workforce Plan outlining how the goal will be met

**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3N  
File No. 200982**

**Researcher: MF   Reviewer: PGE**

and containing all of the information and elements required by this Section. The Plan shall specify the total number of persons that will be used by the contractor (as well as by all subcontractors) to perform all of the construction trades and labor work of the contract, broken down by trade and labor category, minimum qualifications for each category, and the number of persons to be utilized in each category. The Plan shall identify by name, address and trade category of all persons proposed to perform work under the contract currently on the contractor's (or on any proposed subcontractor's) payroll who reside in any Designated Target Area. The Plan shall also indicate the number of positions shown on the work, trade categories and minimum qualifications therefore of the positions to be hired by the contractor (or by any proposed subcontractors) to perform the construction trades and labor work under the contract. The County will not enter into the contract until it receives the contractor's Workforce Plan and deems the Plan acceptable. The contract language of a contract subject to a local workforce goal shall provide that in the event that at contract completion, the contractor fails to comply with the established local workforce goal, liquidated damages equal to a minimum of \$3,000.00 per position or the salary that would be payable for such position had the person(s) been hired for the position as listed on the approved workforce plan to include all approved revisions to the workforce plan, whichever is greater shall be withheld from the contractor's final payment as liquidated damages and be applied to pay part of the costs of the Community Workforce Program under this ordinance. In calculating the salary, a minimum of eight (8) hours per day times (i) the position's wage rate or (ii) the applicable Responsible Wages and Benefits Schedule wage rate will be used. An updated Plan shall be submitted to SBD on a monthly basis. In the event that during the contract time a new hire or a person identified in the Plan as already on the contractor's (or any proposed subcontractor's) payroll to meet the local workforce goal is replaced, Miami-Dade County will require the contractor to immediately contact SBD identifying the replacement. Notwithstanding anything to the contrary above, the contractor may be relieved from the requirements of this ordinance, in part or in whole, if such contractor can demonstrate to SBD that it has utilized its best efforts to achieve the goal in accordance with the prescribed Implementing Order. *Goal compliance:* The following shall count towards compliance with a local workforce goal. Within 15 days of approval of the Workforce Plan, the contractor shall complete and submit a Job Order Request Form (in the form attached to Resolution No. R-1145-99, the Clearinghouse for posting of job opportunities) to the Employee Relations Department for each position designated in the approved Workforce Plan for recruitment. The employer/contractor Information portion of the Job Order Request Form shall provide the relevant information for the contractor or subcontractor who will employ the new hire. Persons designated in the approved Workforce Plan as already on the contractor's (or on any proposed subcontractor's) payroll at the time of bid submittal who reside in the DTA in which the public improvement is located and who perform any construction trades work or labor of the contract shall count towards meeting the local workforce goal. Each New Hire residing in the DTA where the public improvement project is located who is hired to any position designated in the approved Workforce Plan who performs construction trades or labor work of the contract for a minimum duration of one hundred twenty (120) days or the length of the job whichever is less, shall also count towards meeting the goal. Persons that reside in a DTA other than the DTA in which the public improvement is located, may be counted towards meeting the goal provided the first priority in hiring for such position was given to persons residing in the Designated Target Area in which the public improvement is located, and when the hiring party as well as the WDOs and WROs have demonstrated to SBD that they have been unable to identify a qualified resident of the Designated Target Area in which the public improvement is located. In the event that at contract completion, goal compliance cannot be determined due to the contractor's failure to submit and obtain SBD approval for a revised Workforce Plan, \$10,000.00 shall be withheld from the contractor's final payment as liquidated damages, and applied to pay costs of the Community Workforce Program. *Exceptions:* Due to the regional significance of Airport and Seaport public improvement projects as sources of employment, contractors performing work at the Airport and Seaport may hire residents of DTAs other than the DTA where the project is located and are not required to give first priority to persons residing in the DTA where the project is located. Persons designated in the approved Workforce Plan as already on the Airport or Seaport contractor's (or on any proposed subcontractor's) payroll at the time of bid submittal who

**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3N  
File No. 200982**

**Researcher: MF   Reviewer: PGE**

reside in any DTA and who perform any construction trades work or labor of the contract shall count towards meeting the local workforce goal. Each New Hire residing in any DTA who is hired to any position designated in the approved Workforce Plan who performs construction trades or labor work on the Airport or Seaport Capital Construction Contract for a minimum duration of one hundred twenty (120) days or the length of the job whichever is less, shall also count towards meeting the goal. *WDO and WRO Registration.* SBD shall register WDOs and WROs, and shall maintain and publish an updated list of WDOs and WROs, identifying areas of expertise and services. SBD shall collect, assemble, and verify information needed to establish eligibility for such registration. *Training.* The County Manager or designee may initiate the development of a training program for construction related trades. *Monitoring.* The County shall maintain staff for the purpose of monitoring compliance with this ordinance. Assigned individuals will be on site quarterly to review the progress towards meeting the local workforce goal. The contractor, WDO, WRO, and all subcontractors performing work on a contract to which a local workforce goal has been applied shall maintain, and make readily available, all records pertaining to employment by the contractor and subcontractors on the contract. The contractor shall submit monthly reports itemizing, by trade, all new hires performing work under the contract including, but not limited to the trade, the time period the work was performed and the permanent residence. *Incentives.* It is the County's plan to encourage contractors to access incentives available in Designated Target Areas. Included are incentives established for Enterprise/Empowerment Zones, and Targeted Urban Areas such as the Work Opportunity Tax Credit, Business Registry Incentives, and Qualified Targeted Industries Incentives (QTI), and any other applicable incentives. A contractor, WDO or WRO, is responsible for applying for any incentive for which they may be eligible.

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

[\\_dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTCXIICOWOPR\\_S2-1701COWOPR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

**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, establishes 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>

**Resolution No. R-1181-18**, adopted November 8, 2018, directs the Mayor to consider 1) safety records of prospective contractors and first-tier sub-contractors for public construction projects; 2) confirm the safety records of recommended contractors and first-tier sub-contractors; and 3) provide a report to the Board within 60 days.

<http://intra/gia/matter.asp?matter=182536&file=true&yearFolder=Y2018>

**Resolution No. R-702-17**, adopted July 6, 2017, approved the contract award to Douglas N. Higgins, Inc. in the amount of \$2,925,350, for design-build services for the project entitled "Bridge Replacement at North Miami Avenue over the Little River Canal" (Bridge No. 874127).

<http://www.miamidade.gov/govaction/matter.asp?matter=171316&file=true&fileAnalysis=false&yearFolder=Y2017>

**Resolution No. R-421-16**, adopted May 17, 2016, requires the County Mayor or 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

**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3N**

**File No. 200982**

**Researcher: MF   Reviewer: PGE**

contractor's work and requiring all County departments to complete contractor evaluations before closing out a contract and making final payment to a contractor.

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

**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>

**ICI Meeting:  
June 9, 2020  
Research Notes**

**Item No. 30  
File No. 200991**

**Researcher: IL Reviewer: PGE**

RESOLUTION AUTHORIZING THE APPROVAL OF A CONSTRUCTION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CSX TRANSPORTATION, INC. FOR THE REPLACEMENT OF THE RAILROAD CROSSING SURFACE AT NORTH WATERWAY DRIVE IN THE VICINITY OF SW 72 AVENUE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a construction agreement between Miami-Dade County and CSX Transportation, Inc. (CSX) for the replacement of the railroad crossing surface at North Waterway Drive in the vicinity of S.W. 72 Avenue in the amount of \$436,037 for the Department of Transportation and Public Works (DTPW).

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** DTPW

There is no procedural history for this item at this time.

**ANALYSIS**

The proposed item seeks approval for a construction agreement with CSX for the replacement of the railroad crossing surface at North Waterway Drive in the vicinity of S.W. 72 Avenue in the amount of \$436,037 for DTPW. Under the contract, all work is to be completed no later than one-year from the agreement's effective date. DTPW has received complaints from motorists transiting close to S.W. 72 Avenue concerning the condition of the railroad crossing surface. DTPW conducted an inspection of the crossing surface and concluded that the resurfacing of the crossing surface was needed. Pursuant to Resolution No. R-824-74, adopted July 30, 1974, approved agreements between Miami-Dade County and the Seaboard Coast Line Railroad (Present Day CSX) for the improvement of Railroad crossing at Bird Drive, S.W. 39<sup>th</sup> Street, and North Waterway Drive all in conjunction with S.W. 72<sup>nd</sup> Avenue. the County is responsible for costs associated with replacement of the railroad crossing surface. As such, DTPW contacted CSX to do the repair work.

The construction agreement includes an explanatory statement setting forth the construction project, i.e., *a crossing surface upgrade from timber and asphalt to concrete TUB-Platform, milling and paving of the roadway approach 10 feet beyond the saw cut, and Maintenance of Traffic and police protection, at North Waterway Drive in Miami.*

The fiscal impact is \$436,037, funded by Road Impact fees through resurfacing countywide improvements Project 2000000539, Site 3001112 FY-2019-2020 Adopted Multi-Year Capital Plan. The Capital Plan describes the project as to construct resurfacing improvements to include ADA ramps and connectors on arterial roads countywide. The total expenditures for the fiscal year are \$22,478,000, which is broken down as follows: \$19,618,000 for construction; \$1,430,000 for planning and design; and \$1,430,000 for project administration.

Per the Force Account Estimate accompanying the construction agreement, the project total is \$456,037 and is broken down in the following cost categories:

- \$20,000 for preliminary engineering;
- \$19,270 for construction engineering/inspection;
- \$6,662 for flagging service;



**ICI Meeting:  
June 9, 2020  
Research Notes**

**Item No. 30  
File No. 200991**

**Researcher: IL Reviewer: PGE**

- \$5,000 for signal and communications work;
- \$365,465 for track work; and
- \$39,640 for contingencies.

Under the contract, the payment terms are reimbursable expenses in the amounts and on the dates set forth in the payment schedule. CSX will submit invoices to agency and the agency will remit payment to CSX. Following the completion of the Project, CSX shall submit to the agency a final invoice that reconciles the total reimbursable expenses incurred by CSX against total payments received from the agency. If the agency fails to pay CSX any sums due under this agreement the agency will pay CSX an interest rate of no less than 1.0% per month or the maximum rate of interest permitted by applicable law.

The scope of the crossing resurfacing project consists of the following:

- ❖ Upgrade from timber and asphalt to a concrete TUB-Platform, milling and paving of the roadway,
- ❖ Maintenance of Traffic (MOT) inclusive of police protection,
- ❖ Saw cut of the roadway and removal of the existing surface,
- ❖ Thermal pavement striping,
- ❖ Removal and disposal of waste materials; clean-up of work site,
- ❖ Installation of two surface apply detectable warnings on existing sidewalks,
- ❖ All work to be in accordance with FDOT Indexes 830-T01 and 522-002, and
- ❖ Permits will be procured by DTPW and shall be provided to CSXT.

OCA Conducted a due diligence review on June 2, 2020 on the contracted firm.

<u>Firm</u>	<u>Corporate Filing</u>	<u>Tax Collector</u>	<u>Westlaw</u>
CSX Transportation Inc.	Foreign Profit Corporation Principal Address: 500 Water Street, Suite C-160, Jacksonville, FL 32202 Date Filed: <u>March 6, 1946</u>	Multiple Accounts  Paid and Current	No relevant cases found



Item No. 30  
File No. 200991

Researcher: IL Reviewer: PGE

**Figure 1 illustrates the condition of the crossing surface:**



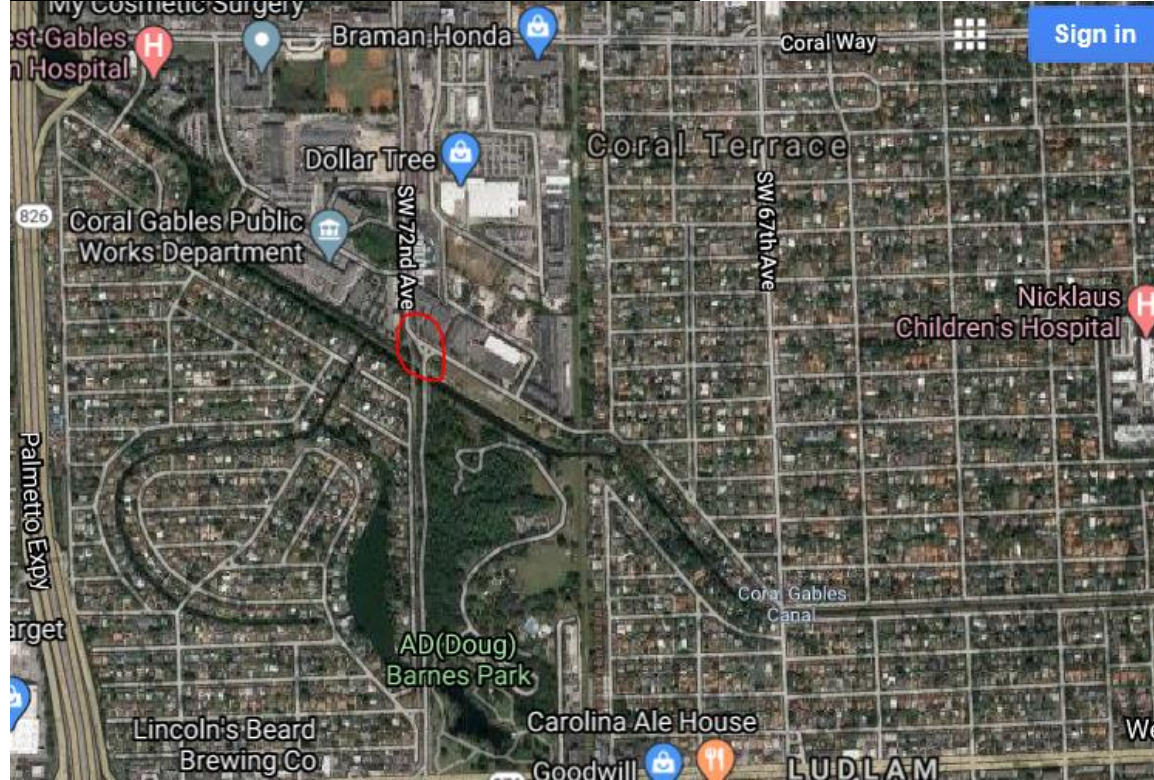
**Figure 2 Illustrates what the new crossing surface will look like:**



Item No. 30  
File No. 200991

Researcher: IL Reviewer: PGE

**Figure 3 Illustrates the location of the crossing surface:**



#### **ADDITIONAL INFORMATION**

CSX provides rail and intermodal service in 23 states, the District of Columbia and two Canadian Provinces. CSX operates more than 1,200 trains daily over 21,000 miles of track. CSX's Public Projects team is involved in a wide variety of projects initiated by government agencies, local businesses, and others.

<https://www.csx.com/index.cfm/library/files/about-us/property/public-project-manual/>

Seaboard Coast Line was the 1967 combination of the Seaboard Air Line and Atlantic Coast Line railroads. after the government approved the "merger of equals" (Chessie and Seaboard) in 1980, Hays T. Watkins, then chairman of Chessie, and Seaboard's chair, Prime T. Osborn, said that since it was truly a 50-50 deal and determined that C can stand for Chessie, S for Seaboard and X, the multiplication symbol, means that together we are so much more.

<https://trn.trains.com/railroads/2006/05/how-csx-got-its-name>

#### **APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-824-74**, adopted July 30, 1974, approved agreements between Miami-Dade County and the Seaboard Coast Line Railroad (Present Day CSX) for the improvement of Railroad crossing at Bird Drive, S.W. 39<sup>th</sup> Street, and North Waterway Drive all in conjunction with S.W. 72<sup>nd</sup> Avenue. Resolution available upon request.

**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3P  
File No. 201011**

**Researcher: JFP Reviewer: PGE**

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN ADA ENGINEERING, INC. AND MIAMI-DADE COUNTY FOR THE PROJECT ENTITLED DESIGN SERVICES FOR ROADWAY IMPROVEMENTS TO NW 12 STREET FOR BUS ONLY LANES FROM THE DOLPHIN PARK AND RIDE FACILITY TO NW 114 AVENUE (PROJECT NO. E18-DTPW-09 CONTRACT NUMBER 20180222) IN AN AMOUNT NOT TO EXCEED \$590,660.53, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$53,696.41; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN; AND FURTHER AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THIS PROJECT WHICH WAS ADDED TO THE PEOPLE'S TRANSPORTATION PLAN FISCAL YEAR 2018-2023 FIVE-YEAR IMPLEMENTATION PLAN ON MARCH 6, 2018

**ISSUE/REQUESTED ACTION**

Whether the Board should award a Professional Services Agreement (PSA), *Contract No. 20180222*, to ADA Engineering, Inc. for design services for improvements to existing NW 12<sup>th</sup> Street roadway in the amount of up to \$590,660.53 for a term of three years, and authorize the use of People's Transportation Plan Bond Program funds for this purpose.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item has no procedural history.

**ANALYSIS**

The purpose of this item is to establish a non-exclusive PSA with ADA Engineering, Inc., a certified Small Business Enterprise (SBE) firm, for the provision of professional engineering design services for road improvements to .65 miles of NW 12<sup>th</sup> Street, from the Dolphin Park and Ride facility to NW 114<sup>th</sup> Avenue. The project is in District 12, represented by Commissioner Jose "Pepe" Diaz. The PSA, valued at \$590,660.53, will remain in effect for three years after its date of execution, or until completion of all project phases, whichever occurs last, and will be funded through the People's Transportation Plan (District 12), thus necessitating approval by the Citizens' Independent Transportation Trust.

The road widening and resurfacing project for which design services were solicited (Project No. E18-DTPW-09) was added to the People's Transportation Plan Fiscal Year 2018-2023 Five-Year Implementation Plan on March 6, 2018. The project will increase capacity for existing turn lanes and add new turn lanes along NW 12<sup>th</sup> Street, as well as new Bus Only lanes servicing the new Dolphin Park and Ride facility. Exit ramps from the Florida Turnpike, and the right turn lane exit from Dolphin Mall at NW 114<sup>th</sup> Avenue will also be improved. Additional improvements include a new storm drainage system, pavement markings and signage, intersection and signalization improvements, roadway lighting, permitting, culvert extension, and construction administration services.

The professional engineering design services for the project will be provided in three phases: Master Plan Phase, Design Phase, and Construction Phase. Detailed below are the components of each phase and the time by which each phase is to be completed.

**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3P  
File No. 201011**

**Researcher: JFP Reviewer: PGE**

Master Plan Phase (3 months)

- Project site visit;
- Engineer is to become thoroughly familiar with federal, state and local laws, development and environmental issues affecting the work;
- Prepare and submit to the County a Master Plan containing recommendations on how to proceed; and
- Prepare and conduct public involvement meetings to inform the residents and neighboring organizations of proposed constructions, as well as one meeting with the Commissioner.

Design Phase (12 months)

- Prepare preliminary engineering data, including sketches and drawings, based on recommendations from the Master Plan phase;
- Perform such other services as are mutually agreed to be necessary or desirable to advance the project;
- Assist the County in obtaining approval of preliminary design work from any local, state or federal agency having an interest in the project; and
- Prepare final complete construction plans for the project in accordance with current County and FDOT standards, to be used for the receipt of bids.

Construction Phase (Begins at the time the construction contract is awarded and ends upon construction completion)

- Attendance at pre-bid and pre-construction meetings;
- Periodic general engineering consultation and advice;
- Review and approval of shop drawings;
- Field meetings during construction;
- Response to Contractors Request for Information during pre-bid and during construction; and
- Post-design services if required during construction.

The contract award in the amount of \$590,660.53 includes a base contract amount of 536,964.12 plus a 10% contingency allowance of \$53,696.41. The PSA indicates that the fee for services for the three project phases will be a fixed lump sum, with the cost for any additional work required being computed by one or a combination of the following methodologies: direct salaries subject to a multiplier of 2.85 for office personnel and 2.20 for field personnel, fees based on the fixed hourly rate of \$140, a lump sum fee, or reimbursable expenses.

The solicitation was advertised on April 16, 2019 via a Notice to Professional Consultants, yielding submittal of five proposals. The Competitive Selection Committee ranked ADA Engineering first by unanimous vote during its First-Tier meeting held on July 19, 2019 after a determination that the firm met the minimum qualifications and experience required.

Pursuant to Resolution No. R-421-16, OCA conducted a performance record verification in the Capital Improvements Information System (CIIS) on June 4, 2020 with the following findings.



**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3P  
File No. 201011**

**Researcher: JFP Reviewer: PGE**

<b>Awarded Firm</b>	<b>Previous Contracts with the County (Past Five Years)</b>	<b>Total Value of County Contracts (Past Five Years)</b>	<b>No. of Evaluations</b>	<b>Average Evaluation Rating (out of a possible 4.0)</b>
ADA Engineering, Inc.	5	\$6,105,500	18	3.7

ADA Engineering, Inc.'s average evaluation rating of 3.7 out of a possible 4.0 includes six perfect 4.0 evaluations upon completion of the project, or of study or design.

Detailed below is a summary of OCA's due diligence performed on ADA Engineering, Inc. and its subconsultants, including relevant litigation. An asterisk indicates that the firm is a certified SBE.

<b>Awarded Firm</b>	<b>Corporate Registration</b>	<b>Tax Collector's Office</b>	<b>Certifications</b>	<b>Litigation (Westlaw)</b>
ADA Engineering, Inc.*	Florida Profit Corporation  Active  Principal Address: 8550 NW 33 St., Suite 202 Miami, FL 33122  Filed: February 17, 1981	Business Address: 8550 NW 33 St., Suite 202 Miami, FL 33122  Status: Paid and Current.	SBE-A&E; SBE-Con  Florida DBPR License Types: Certified General Contractor; Construction Business Information	No relevant cases.

*\*Certified SBE*

<b>Subconsultant</b>	<b>Corporate Registration</b>	<b>Tax Collector's Office</b>	<b>Certifications</b>	<b>Litigation (Westlaw)</b>
Robayna and Associates, Inc.*	Florida Profit Corporation  Active  Principal Address: 5723 NW 158 <sup>th</sup> St. Miami Lakes, FL 33014  Filed: July 30, 1981	Business Address: 5723 NW 158 <sup>th</sup> St. Miami Lakes, FL 33014  Status: Paid and Current.	DBE; SBE-A&E; SBE-G&S  DBPR License Types: Registry	No relevant cases.

**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3P**

**File No. 201011**

**Researcher: JFP Reviewer: PGE**

Richard Garcia and Associates, Inc.*	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 8065 NW 98th Street Hialeah Gardens, FL 33016</p> <p>Filed: February 25, 2003</p>	<p>Business Address: 8065 NW 98<sup>th</sup> Street Hialeah Gardens, FL 33016</p> <p>Status: Paid and Current</p>	<p>SBE-A&amp;E</p> <p>DBPR License Types: Registry</p>	No relevant cases.
Marlin Engineering, Inc.	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 1700 NW 66<sup>th</sup> Ave. Suite 106 Plantation, FL 33313</p> <p>Filed: August 21, 1991</p>	<p>Business Address: 6840 NW 77<sup>th</sup> Ct. Miami, FL 33166</p> <p>Status: Paid and Current</p>	<p>DBE</p> <p>DBPR License Types: Registry</p>	<p><i>Mark Anthony Hart et al vs. City of Miami et al</i> (Case No. 2016-019534-CA-01) Filed in the Eleventh Judicial Circuit, Miami-Dade County, on July 28, 2016. Allegation: Defendant failed to properly supervise and review the plans and specifications, as well as implementation related to roadway improvement project as it related to the planting of foliage which obstructed a stop sign, causing a motor vehicle accident in which plaintiff decedent was involved, sustaining fatal injuries. Case Status: Settlement of all claims against defendant, Marlin Engineering, Inc. only; open as to remaining defendants.</p>

**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3P**

**File No. 201011**

**Researcher: JFP Reviewer: PGE**

HR Engineering Services, Inc.*	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 7815 NW 72nd Ave., Medley, FL 33166</p> <p>Filed: July 13, 1998</p>	<p>Business Address: 7815 NW 72nd Ave., Medley, FL 33166</p> <p>Status: Paid and Current</p>	<p>DBE; SBE-A&amp;E; SBE-G&amp;S</p> <p>DBPR License Types: Registry</p>	No relevant cases.
Cyriacks Environmental Consulting Services, Inc.*	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 3001 SW 15<sup>th</sup> St., Suite B Deerfield Beach, FL 33442</p> <p>Filed: July 16, 2003</p>	<p>Business Address: 7850 NW 146<sup>th</sup> St., Suite 510 Miami Lakes, FL 33016-1516</p> <p>Status: No taxes due.</p>	<p>SBE-A&amp;E; SBE-G&amp;S</p> <p>DBPR License Types: No account on file.</p>	No relevant cases.
GSLA Design*	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 17670 NW 78<sup>th</sup> Avenue, Suite 214 Hialeah, FL 33015</p> <p>Filed: May 4, 1993</p>	<p>Business Address: 17670 NW 78<sup>th</sup> Avenue, Suite 214 Hialeah, FL 33015</p> <p>Status: Paid and Current</p>	<p>SBE-A&amp;E; SBE-G&amp;S</p> <p>DBPR License Types: Landscape Architect Business</p>	No cases.

*\*Certified SBE*

**ADDITIONAL INFORMATION**

**ADA Engineering, Inc.**

<http://adaeng.net/>

**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3P  
File No. 201011**

**Researcher: JFP Reviewer: PGE**

**Miami-Dade County Office of the Inspector General (OIG) Final Audit Report re: Landfill Closure Grants Administered by the Miami-Dade Department of Public Works and Waste Management, Ref. IG10-53**

A 2012 audit of the Miami-Dade Department of Public Works and Waste Management revealed that it paid \$47,928 in fees to ADA Engineering, an independent engineer that was acting as the County's bond engineer at the project site even though the engineer's invoices did not contain adequate supporting documentation. The OIG's finding indicates that the department will require additional back-up information from the Independent Engineer for future invoice approvals as requested by the OIG.

<https://www.miamidadeig.org/resources-oig/pdf/Reports2012/IG10.53finalLandfill.pdf>

**APPLICABLE LEGISLATION/POLICY**

**Section 287.055, 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 architectural or land surveying and 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 2-8.1(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 2-8.3 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)



**ICI Committee Meeting:  
June 9, 2020  
Research Notes**

**Item No. 3P  
File No. 201011**

**Researcher: JFP Reviewer: PGE**

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

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR\\_CH33ZO\\_ARTXXXVIZOPR\\_S33-303EXPRZOUNARWHCOREZOJUNAREXAPGOFA](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH33ZO_ARTXXXVIZOPR_S33-303EXPRZOUNARWHCOREZOJUNAREXAPGOFA)

**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=PTIIICOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551\\_FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

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

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

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

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

**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>

**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>

### **CONTRIBUTORS**

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### **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).