



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

**COMMISSION AUDITOR'S  
INFORMATIONAL RESEARCH**

**TRANSPORTATION AND FINANCE COMMITTEE  
MEETING**

**July 14, 2020**

**2:00 P.M.**

**Virtual Meeting**

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Commission Auditor

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**Item No. 3B  
File No. 201253**

**Researcher: MF   Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01083 TO RIVER NORTH TRANSIT, LLC. FOR PURCHASE OF ON-DEMAND TRANSIT SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS WITH AN ESTIMATED FISCAL IMPACT TO THE COUNTY IN AN AMOUNT OF UP TO \$4,663,500.00 FOR THE INITIAL THREE-YEAR TERM; 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 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. RFP-01083* to River North Transit, LLC, for the purchase of on-demand transit services with a fiscal impact of up to \$4,663,500 for the initial term of three years for the Department of Transportation and Public Works (DTPW).

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Internal Services Department

This item has no procedural history currently.

**ANALYSIS**

The purpose of this item is for the County to award a new contract – the first of its kind – for the purchase of on-demand transit services. Per Florida Statutes Section 341.031(b), on-demand transit services consist of techniques that can be used to increase the efficiency of existing transportation systems by influencing demand on the systems and by reducing the number of automobile trips during peak hours.

The recommended item awards *Contract No. RFP-01083* to River North Transit, LLC for the vendor to administer on-demand transit services, including the implementation of service delivery models to access premium transit services and increase travel options for commuters, for a three-year term with a fiscal impact of \$4,663,500. Pursuant to County Code Section 29-124(f)(ii), although this item will not be utilizing Charter County Transportation Surtax Funds, because it is a transit-related procurement item valued at more than \$1,000,000, the Board may consider the item if the Citizens Independent Transportation Trust (CITT) has forwarded a recommendation.

Under this contract, the scope of services consists of development, deployment, marketing and customer service of on-demand, mobile app-based transit service for nearby door-to-door rides to and from Metrorail, as well as the South Dade Transitway and other Transit facilities. Using the mobile-based technology, customers can use their smartphone or mobile device app to book trips and obtain real-time transit information. Customers without a smartphone or mobile app, may access the information through a call center, which the vendor will oversee. A system integration element – a key component of the scope of services – consists of a service model that integrates real-time operations technology and the rightsizing of vehicles based on “real-time” trip demand. As such, the system will enable fully-automated scheduling, dispatching, reservation, real-time ride matching.

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Four transit areas will be served with on-demand transit services: Dadeland, Civic Center, Palmetto Bay and Cutler Bay, with locations being added or deleted at the County's discretion through the term's contract. The contract also will provide trips under three miles to and from transit facilities in order to ensure faster rider trips and shorter wait times, excepting the areas of Palmetto Bay and Cutler Bay where the trip distance may be more than three miles. Riders may use a credit or debit card as well as the County's EASY Card to pay for the service. The service will be provided – at a minimum – on weekdays from 6:30 a.m. to 7 p.m., with service to the Cutler Bay Municipal area to be provided on weekdays from 5:30 a.m. to 9:30 a.m. and from 4 p.m. to 8 p.m.

Per the contract, the County shall have access to the program and ultimately retain full ownership of the data associated with these services. The services under the contract's scope include the following:

- Real-time ride matching and dynamically routed service, meaning that the route to destination can change based on real-time demand, with the agreed upon detour parameters.
- Shared, on-demand, dynamically routed, virtual bus stops (VBS) (nearby pick-up/drop off location) to-and-from transit facilities for customers connecting with rail or bus within designated service zones. The specific boundaries of service zones will be defined during service planning.
- Short trips under 3 miles to-and-from transit facilities to allow for faster passenger trips and shorter wait times, except for specific areas, to be determined by the County, where the trip length to-and-from transit facilities may be over 3 miles.
- Ability for customers to request a ride in real-time via their smartphone/mobile devices, website, or phone call.
- Customers will be picked-up (rider's wait time from the time a ride is requested), on average, no more than 15 minutes, and will be dropped off at their destination, on average, no more than 15 minutes later (in vehicle time). It might be necessary to adjust wait time and in-vehicle time targets as the service grows and feedback is received. If so, the Parties will work in good faith to agree on new targets.
- Assignment of vehicles to complete one or more trips at a time, aiming to maximize vehicle occupancy, and minimize vehicle miles traveled (VMT), while maintaining the desired level of service (LOS) (wait time of no more than an average of 15 minutes and in-vehicle time of no more than an average of 15 minutes).
- Ability for service to be provided using smaller vehicles for shared rides, where the full fleet or portion of the fleet will be wheelchair accessible vehicles.
- Ability for customers to be able to request a wheelchair accessible vehicle.
- Provide customers who have indicated that they require a wheelchair accessible vehicle an equivalent service, approximating as much as possible.
- Customer service provided by the Contractor during all hours when the service is operating. Customer service hours will be defined during service planning.
- Providing all capital operations, maintenance, and marketing for this contract.
- Ongoing marketing of service will be conducted by the Contractor.
- Ability for contractor to scale service based on trip demand.
- Ability for Contractor to expand service to other transit facilities in the County with mutual written agreement and acceptance by DTPW of any additional fees.

The four transit service regional areas under this item and their respective service attributes are summarized below:

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- *Dadeland Area* – Metrorail stations within the Dadeland service zone are South Miami, Dadeland North and Dadeland South. The ridership at these stations combined accounts for 24% of the total passengers boarding Metrorail. All three stations have Park-and-Ride lots with up to 98% daily occupancy. There are more than 2,000 parking passes registered within 3-miles of the Dadeland stations.
- *Civic Center Area* – It is located in the Health District and serves major employment, healthcare and education centers in the County. The station has an average of 6,000 weekday boardings and has no parking. Four major rehabilitation and training centers for people with disabilities are located within 1-mile of the station. The Special Transportation Services (STS) transport an average of 240 paratransit riders to and from these centers every day. Additionally, approximately 533 active STS riders live within 1-mile of the Civic Center station.
- *Palmetto Bay Area* – The segment of the Transitway located in the Palmetto Bay area has 7 Transitway stations, of which 2 have Metrobus Park-and-Ride lots. The Park-and-Ride lots combined have 349 parking spaces with 100% daily occupancy. Parking is at no charge at Metrobus Park -and-Ride lots. The Transitway stations within the Palmetto Bay area have a combined average of 2,865 weekday boardings. The Village of Palmetto Bay has a population of 45,222 residents, with the majority of the population residing within a 2-mile radius from the selected Transitway segment. (The trips in this area may be longer than 3 miles).
- *Cutler Bay Area* – The segment of the Transitway located within the Cutler Bay area has 6 Transitway stations, with a Metrobus Municipal Park-and-Ride lot located at the SW 112 Avenue station. The Park-and-Ride lot has 450 parking spaces with up to 98% daily occupancy and parking is at no charge. The Transitway stations within the Cutler Bay area have a combined average of 4,000 weekday boardings. The Town of Cutler Bay has a population of 45,373 residents with approximately 65% of the population residing within the municipal boundaries from the selected Transitway segment. (The trips in this area may be longer than 3 miles).

As per the contract, other vendor responsibilities consist of the following:

- *Branding Mobile App and Vehicles* – the Contractor’s Rider App and vehicle fleet will be configured and co-branded for Miami-Dade County, including displaying the County’s logo. Additionally, pop-ups and other messaging features in the Rider App will ensure riders are informed this is a County service.
- *Marketing in Multiple Languages* – the Contractor will provide marketing and promotions in multiple languages, including Spanish and Creole. This will ensure riders of all backgrounds are aware of the service.
- *Ambassadors* – the contractor will utilize extensive use of street marketing ambassadors, who will be located in high traffic locations such as transit hubs.

The Request for Proposals (RFP) for this award was advertised on March 22, 2019, with proposals due on April 26, 2019, according to BTS. Seven bids were received, including two “No Bids.” After a technical evaluation of the remaining five proposers, two proposers remained for consideration: River North Transit, LLC and RideCo Inc. The Selection Committee then engaged in negotiations with the highest-ranked proposer, River North Transit, LLC (a wholly owned subsidiary of Via Transportation Inc.).

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The fiscal impact is \$4,663,500 for a three-year term; should an option to renew (OTR) be exercised through subsequent Board approval, the contract's approximate cumulative value would be \$9,284,250. Under this item, funding will come from two sources: the Florida Department of Transportation and federal funds. The mayoral memo is silent on the detailed funding breakdown from these two entities.

Tables 1 and 2 depict the pricing schedule across the four transit areas and the integration details, respectively, for the initial three-year term of *Contract No. RFP-01083*, totaling \$4,663,500.

**Table 1**

	Civic Center Metrorail Station Area	Dadeland South Metrorail Station Area	Palmetto Bay Area	Cutler Bay Area	Total
Total Revenue Daily Hrs. for Peak and Off- Peak Vehicles <i>(based on annual budget)</i>	124				
Hourly Cost Per Vehicle	\$49.50	\$49.50	\$49.50	\$49.50	
Total Annual Revenue Hrs. <i>(daily revenue hrs. x 250 per day)</i>	31,000				
Total Cost <i>(All Areas)</i>	\$1,534,500				
Total All Areas Initial 3 Years					\$4,603,500

**Table 2**

	Hourly Rate	Not to Exceed Number of Hours	Total
Integration Fee to Facilitate a deep link (ticketing and trip planning) to be inserted in the GO Miami-Dade Transit App beyond 10 hrs. of professional services	\$200	55	\$11,000
Integration Fee to Facilitate EASY Card Payment powered by Cubic	\$200	145	\$29,000
Integration Fee to Facilitate ELAVON Payment Processing	\$200	100	\$20,000
<b>Total Integration Cost</b>			<b>\$60,000</b>

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<b>Total Initial 3-Year Contract Value</b>	<b>\$4,663,500</b>
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OCA conducted a search for Commodity Codes 91896 (Transportation Consulting) and 96174 (Transit Management and Operation Services) on the Business Management Workforce System's Certified Vendor Directory on July 11, 2020. Listed below are the local SBEs identified.

- Goal Associates, Inc. Miami Lakes, FL SBE-G&S
- King's College Tours, Inc. dba King Tours & Transportation Miami, FL SBE-G&S
- People's Transportation Corporation Miami, FL SBE-G&S
- St. Martin Consulting, LLC Miami, FL SBE-G&S
- Transit Safety and Security Solutions, 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.

OCA performed due diligence on the awarded vendor, River North Transit, LLC and its parent company, Via Transportation Inc. on July 11, 2020; below are the findings. A search of BTS pertaining both vendors revealed that neither vendor is listed on an existing goods and services County contract.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
River North Transit, LLC	Foreign Limited Liability Company  Active  Principal Address: 160 Varick St. 4 <sup>th</sup> Floor New York, NY  Filed: May 14, 2020	No account on file  No account was found in the New York State Department of State website	No account on file	No relevant litigation found
Via Transportation Inc. (the parent company)	Not account on file	No account on file	No account on file	<i>Abdelrahman, Hassan v. Via Transportation Inc.</i> Case No. 0100353/2019, filed November 6, 2019 in the Supreme Court of New York County. Allegation: Defendant's employee negligently operated the vehicle, causing it to strike the plaintiff

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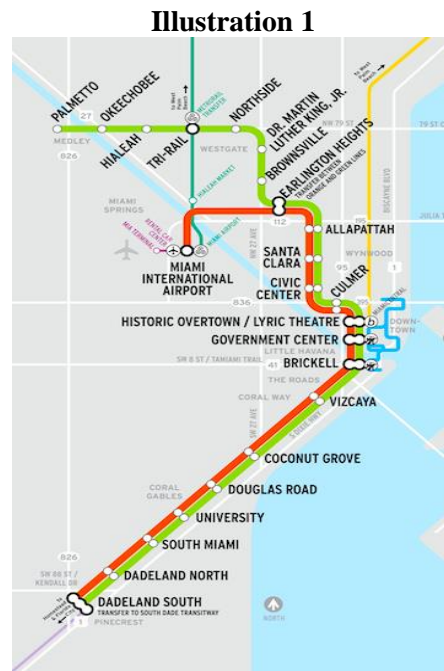
while he was lawfully standing on the sidewalk resulting in the plaintiff's injuries. Case status: Disposed January 2020.

**ADDITIONAL INFORMATION**

Internet searches of the subject company, River North Transit, LLC's website, revealed the company has no website of its own. As noted in the due diligence table, the company is new having been registered with the State of Florida in May 2020. Notwithstanding, Internet searches of its parent company Via Transportation Inc., found the company's website as <https://ridewithvia.com/>. According to Via's website, the company has launched on-demand transit services in 90 areas worldwide such as St. Louis, MO, Germany, Spain, and the United Kingdom.

Via Transportation Inc.'s focuses on introducing mobility solutions for on-demand and pre-scheduled transit, powered by advanced technology. The goal, according to the website, is to increase efficiency, reduce traffic congestion and carbon emissions and improve the quality of life for their communities.

Illustration 1 shows a map of the County's Metrorail System and its 23 stations throughout the transit network. <https://www.miamidade.gov/transportation-publicworks/metrorail-stations.asp>





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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.

[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)(ii) of the Miami-Dade County Code**, Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation 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 unless the Trust has submitted a recommendation to the County Commission regarding said contract award. Although the current item will not be utilizing surtax funds, being that it is a transit-related item valued at more than \$1 million, the Board may consider the item if the CITT has forwarded a recommendation. 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.

[https://library.municode.com/fl/miami - dade county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

**Resolution No. R-828-19**, adopted July 23, 2019, established a County policy for disclosure of past and present discrimination lawsuits in solicitation submissions; requiring the following: 1) implementing a policy of disclosure of discrimination lawsuits; 2) requiring in competitive and non-competitive solicitation documents the disclosure of lawsuits that include allegations of discrimination and dispositions of such lawsuits for a 10-year period through the date of the solicitation or non-competitive award recommendation; and 3) provide a report to the Board.

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

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

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

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**Resolution 1072-17**, adopted November 7, 2017, requires persons or entities contracting with the 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 require the mayor or his designee 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>

**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. 3D  
File No. 201283**

**Researcher: IL Reviewer: PGE**

RESOLUTION APPROVING AWARD OF A DESIGN-BUILD SERVICES AGREEMENT FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$368,233,493.42, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$32,670,017.29 AND A TOTAL CONTRACT TERM OF 800 CALENDAR DAYS, TO OHL USA, INC. FOR A PROJECT ENTITLED “DESIGN-BUILD SERVICES FOR THE SOUTH CORRIDOR (SOUTH DADE TRANSITWAY) RAPID TRANSIT PROJECT, CONTRACT NO. CIP155-DTPW19-DB; WAIVING SECTION 2-10.7 OF THE CODE OF MIAMI-DADE COUNTY; AUTHORIZING THE USE OF PEOPLE’S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR THE SOUTH CORRIDOR PROJECT WHICH WAS IN THE ORIGINAL EXHIBIT 1 TO THE PEOPLE’S TRANSPORTATION PLAN AND THE PARK-AND-RIDE FACILITY ON THE TRANSITWAY AT SW 168TH STREET (PHASE 2) WHICH WAS ADDED TO THE FIVE-YEAR IMPLEMENTATION PLAN IN FEBRUARY 2020 AND AUTHORIZING THE COUNTY MAYOR OR MAYOR’S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve an award for a Design-Build contract to OHL USA, Inc., (OHL), with a contract amount not to exceed \$368,233,493, for a total contract term of 800 calendar days for the South Corridor (South Dade Transitway) for a project entitled “Rapid Transit Project.”

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

There is no procedural history for this item.

**ANALYSIS**

The purpose of this item is to garner the approval from the Board for the Design-Build Services agreement to OHL for a contract amount not to exceed \$368,233,493 for a total contract term of 800 calendar days. The design-build project is comprised of five inter-related scopes which are:

1. South Corridor Bus Rapid Transit (BRT) project;
2. 168<sup>th</sup> Street Park and Ride Garage project;
3. **Two** Florida Department of Transportation (FDOT) intersection safety improvement projects; and
4. traffic safety (Mast Arms) and signalization improvements along the corridor.

According to the mayoral memo, the advantage to bundling these projects enhances the efficiencies related to traffic efforts, mobilization, coordination, and communication and minimizes the overall construction impacts to the public. The South Corridor is the first of the six SMART Plan corridors to move forward toward the implementation phase.

This item requests that Section 2-10.7 of the County Code governing Sales Tax exemption be waived due to the time constraint of 800 calendar days associated with this project. The administration states that the waiver of the code will result in an expedited approach as it relates to the purchase of materials and would place the burden of procuring and acquiring materials on OHL and not the County. Additionally, this item is scheduled to go before the CITT Board on July 16, 2020, in accordance with County Code Section 29-124(f).

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This Project is a Lump Sum Contract; any amounts assigned to individual projects are not defined as contractual values and are, therefore, not indicative of the cost of each of the project components. Any deletions, modifications, additions, or changes will be equitably adjusted utilizing fair and reasonable values and mutually agreed upon between the parties and neither party will solely rely on the breakdown of schedule of values. The fiscal impact of this project is not to exceed an amount of \$368,233,493. This amount includes a contingency allowance amount of \$32,670,017.29 for unforeseen work and dedicated allowances totaling \$8,863,303.22. There are multiple funding sources for this project, including BRT Projects Net Annual Operating Costs, DTPW Operating Funds from the People's Transportation Plan (PTP), and Transit Pro-Forma. A breakdown of the funding amounts and associated source is illustrated in Table 1 below.

**Table 1 Funding Sources**

Source	Amount
Transit System Surtax (PTP)	\$129,632,859
FTA Section 5309 Discretionary Grant	\$ 82,704,480
FDOT New Starts	\$ 82,704,480
Road Impact Fees	\$ 62,778,476
United States D.O.T. Build Program	\$ 9,500,000
FDOT Department Funded Agreements	\$ 913,195
Total	\$368,233,490

Under the design-build contract, the awardee shall provide full architectural and engineering services necessary to prepare the architectural program, construction plans and specifications, construction and all related services for the Rapid Transit Project. The Project is to be developed entirely within the existing public right-of-way generally defined by the existing South-Dade Transitway corridor between the Dadeland South Metrorail Station and SW 344<sup>th</sup> Street in Florida City, including adjoining stations except at cross streets requiring modifications to bring the intersection to final condition.

The project includes 14 new Bus Rapid Transit (BRT) stations at existing station locations, demolition of existing stations and ancillary structures, rehabilitation of approximately 16 existing Transitway stations that will remain in place, and accommodation of at-grade BRT vehicles. One of the proposed 14 BRT stations will provide a multi-level parking garage. The Project is targeting a formal third-party certification attaining a "Silver" or higher-level rating by incorporating sustainability into the design and construction of the Transitway infrastructure. The Project scope will also include completion of design, construction administration, and construction of Florida Department of Transportation (FDOT) projects. In addition, the Project shall also consider the impact of sea level rise during design and construction in accordance with County requirements. The Project scope is a full "Design-Build" delivery approach that consists of and includes the design, permitting, construction and commissioning of the Project. The districts that will be impacted are Commission District 7, represented by Xavier L. Suarez, Commission District 8, represented by Daniella Levine Cava and Commission District 9, represented by Dennis C. Moss.

The RDBS was advertised on June 7, 2019. The RDBS was downloaded 262 times prior to the proposal submission deadline. Four proposals were received in response to the solicitation on August 8, 2019. OHL USA, Inc., Lane Construction Corporation, The Rapid Transit Partners, JV., and The South Corridor's Partners, JV. Lane Construction Corporation withdrew from the Step 1 competitive selection process on August 27, 2019. The Step 1 meeting took place on August 29, 2019, and the Competitive Selection Committee (CSC) voted to advance all three firms to the Step 2 evaluation process. On March 16, 2020, The Rapid Transit Partners, JV., withdrew from participation in the solicitation. The reason stated by The Rapid Transit Partners, JV., was that it could not meet the required timeframe. On March 17, 2020, The South Corridor Partners, JV., withdrew from participation in the solicitation. The South Corridor Partners, JV., stated that it could not meet or accept the level of design and construction risk

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associated with this project. The Step 2 Evaluation meeting took place on May 11, 2020 and OHL USA, Inc., was the highest-ranking firm.

The key specific services to be provided by the awardee, OHL USA, Inc., has been bulleted below:

- The BRT stations in the Project will provide iconic, safe, comfortable, rain and sun-protected environments for the users of the transit system. The BRT stations are intended to play a critical role in increasing the efficiency and overall comfort of the commuting experience, and their design goal is to create an instantly recognizable architectural icon – identifying each station not only for passengers, but also for passersby of the presence and role of the overall Miami-Dade public transportation system in the life of the communities that it serves.
- The Southwest 168th Street Park-n-Ride Station will provide multi-level parking facilities for BRT users and provide a minimum of 636 parking spaces (670 preferred). The SW 168th Street Station will consist of a multi-story parking garage, local bus stop platform, a Kiss & Ride drop-off/pick-up area, and the BRT station. The facility will include public restroom facilities, bicycle storage facilities, and a Driver Relief Station for bus operators.
- Corridor Improvements - The Project includes milling and resurfacing along sections of the 20-mile South Dade Transitway corridor and possible reconstruction of the intersections (approximately 45 intersections). The Project will include the implementation of new signalization with preemption at the intersections, intersection traffic control devices including rail-like devices and infrastructure, visual warning devices, and Intelligent Transportation Systems.
- Adjacent Project Coordination with FDOT Projects - FM 439913-1-52-01 Safety Improvement Project along SR 5/US 1 from 1000-ft south of the SW 112th Ave. Intersection to 1370-ft north of the SW 112th Ave. Intersection. This project has an anticipated Letting Date of January 2021. FM 439986-1-52-01 Safety Improvement Project along SR 5/US 1 from Bailes Road to SW 214th Street. This project has an anticipated Letting Date of July 2020. FM 405575-6-52-01 Safety Improvement Project along SR 998/SW 312th Street/Campbell Drive from Sr 997/Krome Avenue to SR 5/US 1 (Truck By Pass).
- Design and Construction of FDOT Projects - Safety Improvement Project at the intersection of SR 5/US 1 and SW 136th Street. This project scope includes the installation of two new mast arms at the southwest and northeast corners of the intersection including new signal foundation, new signal heads, and new pedestrian push-buttons. The installation of a signal head on mast arm upright at the southeast corner of the intersection, the installation of back-plates and an additional signal head on northbound and southbound approaches, and the installation of a new pedestrian push-button pedestal at the northeast corner.
- Roadway Improvements to S.W. 264<sup>th</sup> Street - The scope includes re-construction/widening the existing roadway to a two-lane divided roadway with a center turn lane, bike lanes, on street parking, sidewalks, curb and gutter, a continuous storm drainage system, signalization, pavement markings and signage, and lighting.

The Project has been assigned a 24 percent DBE goal for construction and a 5 percent DBE goal for architectural and engineering. According to the Firm History Report, as provided by SBD, within the last three years, OHL USA, Inc. has not held any contracts with Miami-Dade County.

OCA performed a search of the technical certifications on the Business Management Workforce System on July 13, 2020, the number of SBE A&E firms found are listed in Table 2 below:

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**Table 2 Technical Certifications SBE search**

Technical Certification	Description	SBE A/E Firms
2.01 (Prime)	Mass Transit Systems – Mass Transit Program (Systems) Management	3 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
14.00 (Prime)	Architecture	Non-identified
16.00 (Prime)	General Civil Engineering	Non-identified
2.04 (Other)	Mass Transit Systems – Mass Transit Controls, Communications, and Information Systems	Non-identified
2.05 (Other)	Mass Transit Systems – General Quality Engineering	2 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
2.06 (Other)	Mass Transit Systems – Mass Transit Safety Certification for System Elements	1 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
3.01 (Other)	Highway Systems – Site Development and Parking Lot Design	48 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
3.02B (Other)	Highway Systems – Minor Highway Design	37 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
3.03 (Other)	Highway Systems – Bridge Design	11 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
3.04 (Other)	Highway Systems – Traffic Engineering Studies	16 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
3.07 (Other)	Highway Systems – Traffic Signal Timing	13 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
3.08 (Other)	Highway Systems – Intelligent Transportation System Analysis, Design, and Implementation	4 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification

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3.09 (Other)	Highway Systems – Signing, Pavement Markings, and Channelization	48 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
3.10 (Other)	Highway Systems – Lighting	22 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
3.11 (Other)	Highway Systems – Signalization	25 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
8.00 (Other)	Telecommunications	Non-identified
9.01 (Other)	Soils, Foundations and Materials Testing – Drilling, Subsurface Investigations and Seismographic Services	8 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
9.02 (Other)	Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	10 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
9.03 (Other)	Soils, Foundations and Materials Testing – Concrete and Asphalt Testing Services	5 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
9.04 (Other)	Soils, Foundations and Materials Testing – Non-Destructive Testing and Inspections	4 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
10.01 (Other)	Environmental Engineering – Stormwater Drainage Design Engineering Services	46 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
10.05 (Other)	Environmental Engineering – Contamination Assessment and Monitoring	11 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
11.00 (Other)	General Structural Engineering	Non-identified
12.00 (Other)	General Mechanical Engineering	Non-identified
13.00 (Other)	General Electrical	Non-identified
14.00 (Other)	Architecture	Non-identified

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15.01 (Other)	Surveying and Mapping – Land Surveying	16 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
15.03 (Other)	Surveying and Mapping – Underground Utility Location	8 local SBE-A&E certified firms were found on the Business Management Workforce System under the Technical Certification
20.00 (Other)	Landscape Architecture	
22.00 (Other)	ADA Title II Consultant	

**ADDITIONAL INFORMATION:**

OHL USA, Inc. was sued in Fall 2019 for causing \$5,000,000 in construction delays for work done on a six-floor office building in Coral Gables. 1515 Sunset LLC sued OHL USA in Miami-Dade Circuit Court for construction defects, untimely payments to subcontractors and delay damages. 1515 Sunset LLC alleges damage to stucco walls, improperly sealed windows, missing sealant and waterproofing of walls, and heating and air conditioning equipment that was not installed according to the plans. The Plaintiff further alleges that the project was supposed to be substantially completed by Aug. 10, 2015, but OHL USA did not do so until June 7, 2018.

<https://therealdeal.com/miami/2019/10/17/bacardi-owned-company-sues-construction-firm-for-defects-and-delays-at-coral-gables-office-development/>

The Federal government recently expressed that a possible 100 million dollar grant is possible for the South Dade Rapid Transit System.

<https://www.miamiherald.com/news/local/community/miami-dade/article243070861.html>

**APPLICABLE LEGISLATION/POLICY**

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

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

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

[County Code Link](#)

**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



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

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=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)

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

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=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 14-79 (Sea Level Rise)**, adopted on September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require that in all agenda items related to planning, design, and construction of County infrastructure a statement be included that the impact of sea-level rise has been considered; providing severability, inclusion in the code, and an effective date.

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

**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, direction the Mayor or Mayor's designee to attach to all items recommending Design and/or Construction Contract Awards of \$1,000,000/00 or greater a list of all County Contracts awarded in the previous three years to the recommended contractor and a summary of County Evaluations of the recommended contractors work.

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

**Resolution No. R-1181-18**, adopted November 8, 2018, Adopted by the Board on November 8, 2018, directs the County Mayor to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board.

<http://www.miamidade.gov/govaction/matter.asp?matter=182536&file=true&fileAnalysis=false&yearFolder=Y2018>

**Resolution No. R-353-20**, adopted May 5, 2020, approving terms of and authorizing county mayor or county mayor's designee to execute a public transportation grant agreement with the state of Florida Department of Transportation to provide state fiscal year 2020 new starts transit program funding up to \$100,000,000.00 for planning, design and construction of the south corridor (South Dade transit) rapid transit project.

<http://intra/gia/matter.asp?matter=200686&file=true&yearFolder=Y2020>

### **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).