



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

BOARD OF COUNTY COMMISSIONERS MEETING

August 31, 2020

9:30 A.M.

Virtual Meeting

Yinka Majekodunmi, CPA
Commission Auditor

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Research Notes**

**Item No. 3B8
File No. 201589**

Researcher: IL Reviewer: PGE

RESOLUTION RATIFYING APPROVAL BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE OF CHANGE ORDER NO. 2 TO CONTRACT NO. S-898 FOR AN 11-DAY NON-COMPENSABLE TIME EXTENSION TO LANZO CONSTRUCTION CO., FLORIDA FOR CD 4.5(1) INSTALLATION OF 4.1 MILES OF 54-INCH FORCE MAIN FROM S.W. 280 STREET AND S.W. 127 AVENUE TO EXISTING 54-INCH FORCE MAIN AT S.W. 248 STREET AND S.W. 107 AVENUE PURSUANT TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE, SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA

ISSUE/REQUESTED ACTION

Whether the Board should ratify Change Order No. 2 for an 11-day non-compensable time extension for a construction agreement between Lanzo Construction, Co. Florida (Lanzo) and Miami-Dade County for Consent Decree (CD) Project 4.5(1) which consists of an installation of 4.1 miles of a 54-inch force main from S.W. 280 Street and S.W. 127 Avenue to S.W. 248 Street and S.W. 107 Avenue for the Miami-Dade Water and Sewer Department (WASD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Water and Sewer Department

There is no procedural history for this item.

ANALYSIS

The purpose of this item is to ratify Change Order No. 2 for an 11 day non-compensable time extension for a construction services agreement between Lanzo and Miami-Dade County for CD Project 4.5(1) which consists of an installation of 4.1 miles of a 54-inch force main. This item falls under Section 2-8.2.12 of the Miami-Dade County Code related to WASD's Consent Decree and Capital Improvement Programs Acceleration Ordinance, which enables the County Mayor to authorize the processing of such CD and capital improvement projects subject to subsequent Board ratification. The project impacts Commission District 8, represented by Daniella Levine Cava, and Commission District 9, represented by Dennis C. Moss.

In September 2016, the original contract was awarded to Lanzo in a total amount of \$19,070,058 with a contract duration of 330 days, i.e., 300 days for substantial completion with a contingency period of 30 days. The contract provides for \$1,900 per day for liquidated damages for substantial completion. The "Notice to Proceed" (NTP) was issued on October 19, 2016 and the original target for substantial completion was August 15, 2017 and September 14, 2017 for final completion.

In January 2019, the Board ratified Change Order No. 1 which provided: (1) a non-compensable time extension of 225 days, which extended the contract's substantial completion date from August 15, 2017 to March 28, 2018; (2) waived \$351,000 in liquidated damages related to the time extension; and (3) increased the total contract amount by \$1,094,898 in order to replenish the contingency allowance account. Moreover, two contingency authorizations for 25 days, for a total of 250 days of additional time, were awarded. These extensions revised the substantial completion date from August 15, 2017 to April 22, 2018 and the final completion date from September 14, 2017 to May 22, 2018. The timeline below shows the contract's original completion date, as well as all time extensions through the current 11-day extension request.

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Original Contract Completion dates



Change Order No.1 Completion dates



Change Order No. 2 Completion dates



Lanzo filed five claims with WASD on March 20, 2019, that were not resolved between the parties. Three of the claims were for a non-compensable extension of time totaling up to 133 days. The fourth claim was for an extension of seven days of compensable time seeking \$17,969, and the last claim was for the cost of an FDOT permit in the amount of \$36,945. As a result of these claims, Lanzo exercised Article 11(C) of the Contract (Dispute Resolution). Article 11(C) mandates that contracts with a value of five million dollars that result in disputes shall be decided by a designee appointed by the Office of the Mayor (OOM)

On February 27, 2020, the OOM's designee issued the Final Finding of Facts and Conclusion of Law. All claims were resolved in favor of WASD with the exception of Lanzo's claim for an 11-day non-compensable time extension associated with the timing of attainment of substantial completion on the project. Pursuant to that finding, Change Order No. 2 was approved by WASD on June 24, 2020, which granted the 11-day non-compensable time extension to Lanzo, adjusting the substantial completion date for the project to May 3, 2018 and the final completion date to June 2, 2018.

OCA conducted a due diligence review of the awarded firm on August 24, 2020. See Table 1.

Table 1

Firm Name	Corporate Filing	Florida Department of Business & Professional Responsibility	Miami-Dade Tax Collector's Office	Westlaw
Lanzo Construction Co. Florida	Florida for Profit Corporation Principal Address: 125 SE 5 Court Deerfield Beach, FL 33441 Date Filed -08/07/1980	3 Licenses License Type: General Contractor: Current Underground Utility Excavation Contractor-Current No License Complaints	One Account Business Address: 125 SE 5 Court Deerfield Beach, FL 33441 Paid/Current	No relevant cases

Pursuant to Resolution No. R-421-16, a performance record verification for Lanzo was conducted by OCA in the Capital Improvements Information System (CIIS) on August 21, 2020. There are 31 performance evaluations in the CIIS, reflecting

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an average rating of 3.5 points out of 4.0. Note that an interim evaluation was done for this project on May, 16, 2018, resulting in a rating of 3.0 out of 4.0, and a subsequent evaluation for the completion of construction was done on August 20, 2020, resulting in a rating of 3.0 out of 4.0. The 5-year A/E Firm History report for Lanzo identified one contract, Project No. DB15-WASD-01 in an amount of \$880,000. The report is available upon request.

DEPARTMENTAL INPUT:

OCA reached out to the Department on August 21, 2020 and asked below. The responses were received on August 26, 2020, and are *italicized*:

1. Could WASD provide a copy of the 5 claims Lanzo Construction Co. Florida submitted to WASD?
See Exhibit 1
2. Could WASD provide a copy of the OOM Designee's Initial Finding of Fact, Conclusions of Law and Recommendations from February 18, 2020 and the Final Finding of Facts and Conclusion of Laws from February 27, 2020?
See Exhibit 2
3. How many contracts does Lanzo Construction Co. Florida, have with WASD?

Table 2 - Response from WASD:

<i>Contract Number</i>	<i>Contract Description</i>	<i>Awarded Contract Amount</i>	<i>Revised Contract Amount</i>
<i>DB15-WASD-01</i>	<i>DESIGN BUILD SERVICES FOR REPLACEMENT OF WM AND SERVICES CONVERSIONS IN CITY OF NORTH MIAMI BEACH "DONUT HOLE"</i>	<i>\$ 9,794,837.00</i>	<i>\$ 9,794,837.00</i>
<i>MCC 7360 Plan RPQ P0223</i>	<i>REGIONAL PUMP STATION NO. 0014-UPGRADE</i>	<i>\$ 3,554,383.20</i>	<i>\$ 3,554,383.20</i>
<i>S-898</i>	<i>INSTALLATION OF 4.1 MILES OF 54-INCH FM FROM SW 280 ST AND SW 127 AVE TO EXISTING 54-INCH FM AT SW 248 STAND SW 107 AVE</i>	<i>\$ 19,070,058.40</i>	<i>\$ 20,164,956.40</i>
<i>S-940</i>	<i>PUMP STATION 0301 - REPLACEMENT OF</i>	<i>\$ 9,051,628.00</i>	<i>\$ 9,051,628.00</i>
<i>Total</i>		<i>\$ 41,470,906.60</i>	<i>\$ 42,565,804.60</i>

ADDITIONAL INFORMATION

While the dispute resolution process resulted in the conclusions summarized above, OCA reached out to Lanzo Construction Co. Florida on August 21, 2020, and spoke to Mr. Bob Beaty, PE Senior Project Manager. In summary, Lanzo made the following claims:

- **Additional Work (AW) -014 Point "C" Bypass**

Item AW-014 first arose in the November 23, 2016 Preconstruction Meeting. WASD announced at that meeting that Point "C" flow could not be shut down to allow connection. On December 8, 2016, Lanzo's RFI No. 5 asked how Lanzo would isolate the existing 54" line at Point "C." Subsequently, on April 13, 2017, the RFP for the Point "C"

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bypass with detail was issued, and on May 5, 2017, Lanzo submitted its bypass cost proposal in the amount of \$2,243,000.00. Lanzo then revised the construction plan utilizing value engineering and reduced the cost proposal for the bypass to \$1,626,059.00, and a request for a 120-day time extension warranted by the change, which request was submitted on August 25, 2017. The County directed that Lanzo proceed with performing the work on the Connection Point “C” change on October 25, 2017. Lanzo’s March 2, 2018 correspondence noted that the formal change order allowing payment for Connection Point “C” was finally authorized on February 22, 2018. That correspondence reiterated that lack of cash flow caused delay and requested 120 additional compensable calendar days and a total of \$308,000.00 for the critical path.

- **AW-015 Additional Testing**

The County’s April 9, 2018 correspondence rejected that request and directed Lanzo to the General Terms and Conditions Item 11—Claims and Disputes. Lanzo’s May 15, 2018 correspondence again requested 60 compensable calendar days and \$154,000.00 for the additional testing and requested that the parties move forward with Item 11-C Claims and Disputes.

- **AW-016 Permit Issue**

FDOT District 6 Permit along S.W. 112th Avenue between the Florida Turnpike and S.W. 248th Street. Lanzo’s total cost relating to this issue was \$47,714.50, of which the County allowed Lanzo \$2,747.00, leaving \$44,967.50 remaining.

- **AW-018 Substantial Completion**

Lanzo requested eleven (11) additional days and compensation in the amount of \$28,233.37.

- **Liquidated Damages Withheld**

The County withheld one hundred forty-five days of liquidated damages at \$1,900.00 per day for a total of \$275,500.00. As set forth above, the total time extension Lanzo was seeking is 191 days.

APPLICABLE LEGISLATION/POLICY

Section 2.8.1(H) of the Code of Miami-Dade County, governing dedicated allowance and contingency fees, states that any contract for the construction of public improvements and any professional service agreement involving the expenditure of more than \$500,000, an item shall be added to the advertisement recommendation memorandum presented by the County Manager to the Board of County Commissioners identifying (1) each proposed dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each, and (2) the corresponding percentage of each proposed dedicated allowance, contingency allowance and additional services allowance in relation to the estimated contract price.

[2.8.1 \(H\)](#)

Resolution No. R-54-10, adopted January 21, 2010, Responsible Wages and Benefits for county construction contracts, and approving Implementing Order 3-24 to clarify terms requiring the use of the higher wage rates between Davis-Bacon and the county’s prevailing wage rate structure unless prohibited by state or federal law or disallowed by a governmental funding source.

<http://www.miamidade.gov/govaction/matter.asp?matter=093210&file=true&fileAnalysis=false&yearFolder=Y2009>

Resolution No. R-716-12, adopted September 6, 2012, requires identification of certified firms in any procurement item submitted for Board approval.

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<http://www.miamidade.gov/govaction/matter.asp?matter=121265&file=true&yearFolder=Y2012>

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

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

Resolution No. R-657-15, adopted July 14, 2015, approved the Residents First Training Program

<http://www.miamidade.gov/govaction/matter.asp?matter=151469&file=true&fileAnalysis=false&yearFolder=Y2015>

Resolution No. R-525-17, adopted by the Board on May 2, 2017, excepts non-compensatory time extension from the requirement that contracts with small business measures met at least 85 percent of the small business goals.

<http://intra/gia/matter.asp?matter=170595&file=true&yearFolder=Y2017>

Resolution No. R-1181-18, 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 R-20-19 adopted January 23, 2019, approving and ratifying Change Order No.1 which approved monetary increase in the amount of \$1,094,898.00 and extension of time of 225 days to Lanzo Construction Co., Florida.

<http://intra/gia/matter.asp?matter=182999&file=true&yearFolder=Y2018>

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

<https://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-22.pdf>

Implementing Order (I.O.) 3-41, establishes procedures related to the Miami-Dade County Small Business Enterprise Program for the Purchase of Goods and Services.

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

Administrative Order 3-39, effective June 23, 2003, establishes the process for construction of capital improvements, acquisition of professional services, constructing contracting, change orders and reporting.

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



*Delivering sustainable infrastructure solutions
for tomorrow's communities*

March 20, 2019

Mr. Kevin Lynskey
Director
Miami-Dade Water and Sewer Department
3071 S.W. 38th Avenue
Miami, FL 33146

Mr. Rennie Lopez
Construction Manager
Consent Decree PMCM Team
135 San Lorenzo Ave., Suite 600
Coral Gables, FL 33146

RE: Consent Decree Project 4.05—Contract # S-898 Installation of 4.1 Miles of 54-Inch PCCP FM from S.W. 280th Street and 127 Avenue to Existing 54-inch at S.W. 248th Street and S.W. 107 Avenue
Outstanding Project Disputes

Dear Messrs. Lynskey and Lopez:

This follows the previous exchanges of correspondence between Lanzo Construction Co., Florida ("Lanzo") and Miami-Dade County regarding delays and changes on the above-referenced Project. Several outstanding issues need to be resolved.

AW-014 Point "C" Bypass

The Lanzo issue designated Item AW-014 first arose in the November 23, 2016 Preconstruction Meeting. The MDWSD announced at that meeting that Point "C" flow could not be shut down to allow connection. On December 8, 2016, Lanzo's RFI No. 5 asked how Lanzo would isolate the existing 54" line at Point "C." Subsequently, on April 13, 2017, the RFP for the Point "C" bypass with detail was issued, and on May 5, 2017, Lanzo submitted its bypass cost proposal in the amount of \$2,243,000.00.

Lanzo then revised the construction plan utilizing value engineering and reduced the cost proposal for the bypass to \$1,626,059.00, and a request for a 120 day time extension warranted by the change, which request was submitted on August 25, 2017. However, the County greatly delayed approval of the formal change order for the bypass work which then delayed any opportunity for Lanzo to be paid for the work. Nonetheless, the County directed

that Lanzo proceed with performing the work on the Connection Point “C” change on October 25, 2017.

On January 18, 2018, Lanzo wrote a follow-up letter stating that the changed work was 95% complete, but that none of that change order work had been paid. Together with work on the Florida Turnpike crossing, a total of \$2,068,676.00 had essentially been advanced by Lanzo at that time. As Lanzo stated in its January 18, 2018 correspondence, the financial impact of advancing such a large amount caused delays to Lanzo’s work.

Lanzo’s March 2, 2018 correspondence noted that the formal change order allowing payment for Connection Point “C” was finally authorized on February 22, 2018. That correspondence re-iterated that lack of cash flow caused delay, and requested 120 additional compensable calendar days and a total of \$308,000.00 for the critical path delay that resulted from the delay to this change order.

Lanzo’s April 3, 2018 correspondence again re-emphasized the same points raised in the prior correspondence. The response dated April 9, 2018 re-iterated that Lanzo’s request for additional compensable time had been rejected and directed Lanzo to the General Terms and Conditions Item 11—Claims and Disputes. Accordingly, Lanzo’s May 15, 2018 correspondence requested that the parties move forward with Item 11-C Claims and Disputes as listed in the General Conditions. Lanzo received no further response after that date.

AW-015 Additional Testing

The Lanzo issue designated as AW-015 involved additional testing requirements. The Project specifications at Section 33-05-01.02 (PCCP) required “testable joint.” That specification did not require overall testing, but only joint testing. As such, the specific PCCP specification takes precedence over Section 33 05 01 (Conveyance Piping) requiring hydrostatic pressure testing of conveyance piping.

Lanzo’s August 9, 2017 correspondence first raised this issue. After that, Lanzo’s April 3, 2018 correspondence formally requested a change order for the additional testing in the amount of \$154,000.00 and a 60 day compensable time extension. The County’s April 9, 2018 correspondence rejected that request and directed Lanzo to the General Terms and Conditions Item 11—Claims and Disputes. Lanzo’s May 15, 2018 correspondence again requested 60 compensable calendar days and \$154,000.00 for the additional testing and requested that the parties move forward with Item 11-C Claims and Disputes.

AW-016 Permit Issue

The Lanzo issue designated as AW-016 arose from the need to obtain an FDOT District 6 Permit along S.W. 112th Avenue between the Florida Turnpike and S.W. 248th Street. Lanzo provided notice of this issue on February 7, 2017. Lanzo’s total cost relating to this issue was \$47,714.50, of which the County allowed Lanzo \$2,747.00, leaving \$44,967.50 remaining, for which Lanzo is entitled to recover for the additional costs.

AW-018 Substantial Completion

The Lanzo issue designated as AW-018 involved the designated date of substantial completion of the work. Lanzo's October 8, 2018 correspondence explained that the 100% Certification of Completion Document issued by Water and Wastewater Division of the Department of Regulatory and Economic Resources shows that the system was certified by the corresponding utility on August 22, 2018 and the system was put into operation on that date, justifying an August 24, 2018 substantial completion date. The County's October 24, 2018 correspondence admitted that substantial completion had been at least partly delayed for ten (10) days and recommended relief to that extent. Lanzo requests eleven (11) additional days and compensation in the amount of \$28,233.37.

Liquidated Damages Withheld

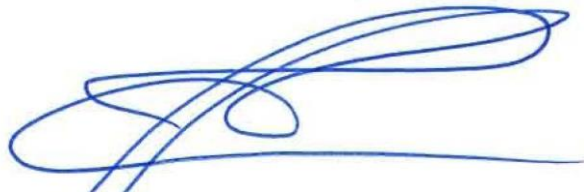
The County withheld one hundred forty-five days of liquidated damages at \$1,900.00 per day for a total of \$275,500.00. As set forth above, the total time extension that Lanzo is due is 191 days. Therefore, all of the liquidated damages withheld by the County should be released for payment to Lanzo.

Claims and Disputes Procedure

At this stage, all of Lanzo's requests for additional compensation have either been expressly rejected by the County or its Consultant, with a recommendation that the parties proceed with Article 11 Dispute Resolution, or can be deemed implicitly rejected by the lack of any further relief from the County or its Consultant such that Article 11 Dispute Resolution should proceed. Accordingly, Lanzo hereby again requests that the parties proceed with Article 11(C) Dispute Resolution on all the outstanding disputes set forth herein.

The correspondence and back-up materials relating to each claim are attached hereto. Please contact me to discuss the Dispute Resolution proceedings. Your immediate attention to this matter is appreciated.

Sincerely,



Bob Beaty PE, Assistant Secretary
Lanzo Construction Co.-Florida

**IN RE: DISPUTE RESOLUTION, CONSENT DECREE PROJECT 4.05-
CONTRACT NO. S-898**

**Installation of 4.1 Miles of 54-Inch PCCP FM from S.W. 280th Street and 127 Avenue to
Existing 54-inch at S.W. 248th Street and S.W. 107 Avenue**

Lanzo Construction Co., Florida

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATIONS

I have been appointed to serve as the County Mayor's Designee to rule on various matters raised by Lanzo Construction Co., Florida ("Lanzo") and Miami-Dade County ("County") arising out of Consent Decree Project 4.05 – Contract # S-898 ("the Contract"). Both parties submitted extensive written materials establishing their respective claims and defenses. Additionally, the parties were allowed an hour of time to orally present and explain these claims and defenses on February 6, 2020. A copy of the transcript of that proceeding is attached hereto.

After reviewing the written materials and the oral presentations, I make the following initial findings of fact and conclusions:

FINDINGS AND CONCLUSIONS

I. Claims Brought By Lanzo

In its written submittals, Lanzo asserted approximately 6 discrete claims: (1) seventy nine non-compensable days for work done at the Point "C" Bypass and for the delay in obtaining the Army Corps of Engineers' ("ACOE") permit for work done at the C-102 Canal Crossing; (2) forty three non-compensable days for the delay associated with late delivered County materials; (3) 7 compensable days for an overall final hydrostatic pipe test at the end of the job that Lanzo claims was not part of its original scope of work; (4) \$36,945 for the cost to obtain a Florida Department of Transportation ("FDOT") for work along SW 112 Avenue between the Florida Turnpike and

SW 248 Street; (5) 11 non-compensable days associated with the timing of achieving Substantial Completion; and (6) a return of the amounts held by the County as liquidated damages.

A. Certain Lanzo Claims Were Released Via Execution of Change Order 1

During the project, on February 16, 2018, the parties executed Change Order 1. That Change Order added 225 days of time to the contract, extending the contract's substantial completion date from August 15, 2017 to March 28, 2016.¹ Change Order 1 also added \$1,094,898 in monies to the contract, increasing the contract amount from \$19,070,058.40 to \$20,164,956.40. Prior to this change order, Lanzo would have been exposed to liquidated damages on August 16, 2017; after the change order, liquidated damages would only apply if the project were not substantially completed by March 29, 2018.

Change Order 1 also contained an affirmative release of claims by Lanzo in favor of the County. That release states, in pertinent part, that: the "contractor hereby waives, fully releases, discharges, and acquits Miami-Dade County of any and all liability for claims, additional costs, and any requests for additional time arising out of the fulfillment of the contract and this change order from the date of the contract award to, and including, execution of this change order."

As a result, claims asserted by Lanzo which relate to work in place or contracted for prior to February 16, 2018, have been released. Based on the documents submitted by Lanzo, the following claims are based on work in place or contracted for as of February 16, 2018: Claims 1² and 2. I therefore find in favor of the County with respect to these claims.

¹ At the hearing, the parties agreed that substantial completion was extended thereafter to April 22, 2018.

² In addition, with respect to delays associated with obtaining the ACOE permit, Lanzo specifically agreed in Change Order 1 to be responsible for those delays. *See* Change Order 1 ("It was agreed to allow the Contractor to engage the permitting agencies to process the required permits, this was also on the understanding that any delay would be at their risk and that all stakeholders (PMCM, WASD and Contractor) could agree on an acceptable cost saving in terms of value engineering credits that would be realized to the Owner."); *see also* Contract at page 66 ("The Contractor waives any and all claims relating to any delay that may arise out of a Value engineering Change Proposal"). Although Lanzo argues that the extent of the delays in obtaining the permit were not foreseeable, the acceptance of responsibility

B. Lanzo's Claim 5 is Granted

The County declared substantial completion on September 14, 2018. Lanzo claims that it achieved substantial completion of the project on August 24, 2018, and that the County improperly added 3 weeks to the substantial completion date. The County concedes that the "Substantial Completion Inspection was performed on August 24, 2018[.]" but states that the County could not declare substantial completion until it received a Final Certification of Completion from Miami-Dade County's Department of Environmental Resources Management ("DERM"). The County received the DERM certification on September 14, 2018, the date the County declared substantial completion.

The parties agreed at the hearing, and there is thus no undisputed fact, that the Water and Sewer Department "owns" the DERM permit and is responsible for closing out the permit; but that Lanzo must provide information to the Department before the permit may be closed. The parties also agree that Lanzo submitted the required information on August 28, 2018, four days after Lanzo claims it achieved substantial completion and 16 days before the County declared substantial completion. Thus, other than providing information to the County, the DERM permit was entirely outside of the scope or control of Lanzo and the County was responsible for closing out the DERM permit.

Under the contract, "excusable delays" are defined as "those delays to the critical path beyond the Contractor's control and without the active interference of the Owner[.]" *See* contract at p. 39. Under those circumstances, the Contractor is granted a time extension but no additional compensation for the extended time of performance. Because the obtaining and closing out of the

for those delays in Change Order 1 is not limited by whether those delays are foreseeable. Thus, Lanzo's argument fails.

DERM permit was outside of Lanzo's control, and the County pointed to no other delay in that time period, Lanzo is entitled to a 21-day non-compensable time extension. The County previously awarded Lanzo 10 days for this time frame. As such, I find that Lanzo is entitled to an additional 11-day non-compensable time extension and that the County cannot withhold liquidated damages for those 11 days.

C. Lanzo's Claim 6 is Rejected in Part and Granted in Part

Lanzo claims that the County has withheld \$285,500 in part to compensate the County for 145 days of liquidated damages. The contract contemplates two types of liquidated damages: \$1,900 a day for Lanzo's failure to substantially complete the work by the revised substantial completion deadline and separately consent decree liquidated damages which have different amounts for failure to meet different milestones. Here, the County only withheld monies for liquidated damages relating to Lanzo's failure to substantially complete the work by the agreed-upon substantial completion date and has not withheld any monies for consent decree liquidated damages.

Of the \$285,500 withheld, the County states in its written submission that \$10,000 in retainage will be paid out once this matter has been resolved. Of the remaining \$275,500 being withheld, Lanzo agrees that the County is entitled to impose liquidated damages for 5 days or \$9,500 of the delay. Thus, the amount that is being withheld in dispute is \$266,000. Lanzo claims that the amount of liquidated damages here amounts to a penalty. Here, I find that \$1,900 a day is a perfectly reasonable assessment of damages for each day that Lanzo was late in failing to substantially complete the contract as agreed to by the parties. *Pub. Health Tr. of Dade Cty. v. Romart Const., Inc.*, 577 So. 2d 636, 638 (Fla. 3d DCA 1991) ("The fact that Dade County may have suffered no monetary loss for this 68-day delay did not, as urged, render this clause

unconscionable, because the medical center being constructed was intended as a public facility, not as a profit-making enterprise.”)

For the reasons stated above, however, Lanzo was entitled to an additional 11 days of excusable delay for delays associated with DERM’s issuance of its certification. Accordingly, the County should not have withheld liquidated damages for that time period. Eleven days amounts to \$20,900. I thus find that Lanzo is entitled to receive the \$10,000 for retainage as well as the \$20,900 for the 11 days.

D. Lanzo’s Claim 3 is Rejected

I have reviewed the entirety of the specifications in detail. Lanzo claims that the specifications do not require them to conduct a final hydrostatic pipe test at the end of the job. The County claims that most of the piping installed on the project is considered both conveyance piping and prestressed cylinder concrete pipe (“PCCP”), and therefore needs to be hydrostatic tested under the specifications. Section 33 05 01, part 2.01 of the specifications deals with “Cylinder Piping” in general and specifically provides that “[t]he 54-inch force main shall be constructed of prestressed concrete cylinder pipe.” Part 3.07A(e) of Section 33 05 01 addresses pipeline hydrostatic tests and requires Lanzo to “conduct tests on entire pipeline after trench has been backfilled.” This necessitates a final hydrostatic test on the *entire* pipeline *after* the pipe has been backfilled (or completed). The specification is clear on this. Simply because another part of the specification requires that for PCCP Lanzo must “test each joint after the pipe is homed” does not mean that a final overall test is not required. *See* Section 33 05 01.03-23, part 3.10C. The two can be read in conjunction and require *both* hydrostatic testing of each joint when installed *and* hydrostatic testing of the entire pipeline after installed. The law requires that I must read provisions of a contract together to give effect to all parts of the contract. *See City of Homestead*

v. Johnson, 760 So. 2d 80, 83-84 (Fla. 2000) (“we rely upon the rule of construction requiring courts to read provisions of a contract harmoniously in order to give effect to all portions thereof.”).

Accordingly, I find in favor of the County with respect to Lanzo’s Claim 3.

E. Lanzo’s Claim 4 Cannot Be Resolved On This Record

Pursuant to the Contract, I may only, at this stage, pass on claims where the various documents in evidence demonstrate that there is no factual dispute.

I conclude that, for the Lanzo’s Claim 4, factual issues exist as to entitlement and damages. In Claim 4, Lanzo is seeking \$36,945 for reimbursement for its cost to obtain a permit from FDOT. The initial FDOT permit was obtained by the County prior to the competitive solicitation for the project. Lanzo claims that the initial permit omitted permission to install pipes in a specific geographic location (the “District 6 ROW”), and as a result Lanzo was required to obtain an additional permit to complete the work. The County claims that the original permit allowed Lanzo to install pipe in the District 6 ROW. I cannot tell from the record whether the original permit included the District 6 ROW or not.

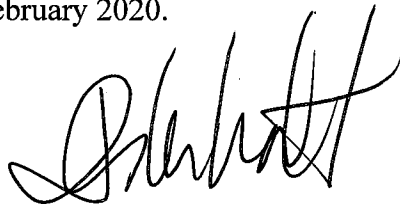
In addition, even assuming that the original permit did not include the District 6 ROW, the County argues that Lanzo needed to obtain a new FDOT permit to implement Lanzo’s value engineering proposal and that Lanzo accepted responsibility for obtaining that new permit through Change Order 1. The County further argues that any costs for the new FDOT permit – whether they included a previously omitted geographic area – were released by Lanzo through Change Order 1. Lanzo claims it spent \$36,945 to obtain the FDOT permit, inclusive of both the change in geographic scope and in changes necessitated by the value engineering proposal. Lanzo has thus far made no attempt to segregate out the damages it allegedly suffered as a result of having to increase the geographic scope under the FDOT permit from the cost it expended to change the

FDOT permit to reflect the value engineering proposal's changes. I ask Lanzo to provide such segregation and evidence of the same so that, to the extent I find that the original permit did not include the District 6 ROW, I may properly determine what, if any, damages Lanzo suffered as a result. I also ask the County to provide any evidence it has to substantiate why Lanzo is entitled to no reimbursement for the cost it spent to obtain the revised FDOT permit.

II. IV. Further Proceedings

Although the contract requires that where a factual dispute exists I allow each side an opportunity to present live testimony to resolve this dispute, because the issues of fact are so narrow, I want to offer the parties the opportunity to forego another hearing and instead submit affidavits and written argument for my consideration. Please consult with each other and respond to me by email within 1 business day as to whether you want to proceed with the presentation of additional testimony and facts. To the extent that you wish to go forward with the presentation of additional testimony and facts supporting or negating these claims at the hearing scheduled for February 21, 2020 and February 22, 2020, please advise if you wish to reschedule the hearing to provide you with more time to prepare or if you would like to go forward starting at 10am on February 21, 2020.

DATED this 18th day of February 2020.



Jack Osterholt
MIAMI-DADE COUNTY DEPUTY MAYOR

Copies furnished to:

Joseph Lawrence, Counsel for Lanzo
Henry Gillman, Assistant County Attorney
Sarah Davis, Assistant County Attorney
Angela Benjamin, Attorney for the Mayor's Designee

**BCC Meeting:
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Research Notes**

**Item No. 5B
File No. 201700**

Researcher: CB Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF NW 21ST AVENUE FROM NW 54TH STREET TO NW 62ND STREET AS “FLETCHER A. PASCHAL, JR. AVENUE”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Chairwoman Audrey M. Edmonson, District 3
Department/Requester: None**

ANALYSIS

Pursuant to Ordinance No. 13-29, OCA completed the required background research on “Fletcher A. Paschal, Jr.” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Fletcher A. Paschal, Jr.” Pursuant to Ordinance No. 19-11, OCA verified that “Fletcher A. Paschal, Jr.” is deceased.

APPLICABLE LEGISLATION

Ordinance No. 13-29, adopted on April 2, 2013, requires OCA to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.

<http://intra/gia/matter.asp?matter=130511&file=true&yearFolder=Y2013>

Ordinance No. 18-79, adopted on July 24, 2018, relates to any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, and requires that OCA prepare a report detailing: (1) whether the subject road, facility, or property has been the subject of any prior codesignation and, if so, the location or the end points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or end points of each.

<http://intra/gia/matter.asp?matter=181730&file=true&yearFolder=Y2018>

Ordinance No. 19-11, adopted on February 5, 2019, relates to codesignation items, requiring OCA’s background research report to indicate whether the person to be honored is living or deceased.

<http://intra/gia/matter.asp?matter=182789&file=true&yearFolder=Y2018>

**BCC Meeting:
August 31, 2020
Research Notes**

**Item No. 5C
File No. 201483**

Researcher: CB Reviewer: PGE

RESOLUTION RENAMING THE MIAMI-DADE LIBRARY SYSTEM'S MAIN LIBRARY AUDITORIUM THE "ARVA PARKS MCCABE AUDITORIUM" AND REQUIRING THE COUNTY MAYOR TO INSTALL A PLAQUE OR OTHER APPROPRIATE SIGNAGE TO BOTH COMMEMORATE ARVA PARKS MCCABE AND REFLECT THE AUDITORIUM'S NAME

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Eileen Higgins, District 5

Department/Requester: None

ANALYSIS

Pursuant to Ordinance No. 13-29, OCA completed the required background research on "Arva Parks McCabe" and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for "Arva Parks McCabe." Pursuant to Ordinance No. 19-11, OCA verified that "Arva Parks McCabe" is deceased. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 201483.

APPLICABLE LEGISLATION

Ordinance No. 13-29, adopted on April 2, 2013, requires OCA to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.

<http://intra/gia/matter.asp?matter=130511&file=true&yearFolder=Y2013>

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<http://intra/gia/matter.asp?matter=181730&file=true&yearFolder=Y2018>

Ordinance No. 19-11, adopted on February 5, 2019, relates to codesignation items, requiring OCA's background research report to indicate whether the person to be honored is living or deceased.

<http://intra/gia/matter.asp?matter=182789&file=true&yearFolder=Y2018>

**BCC Meeting:
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Research Notes**

**Item No. 5G
File No. 201484**

Researcher: CB Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF NW 14TH AVENUE FROM NW 111TH STREET SOUTH TO ITS TERMINUS POINT AS “KENNETH ‘COACH’ WILCOX WAY”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Jean Monestime, District 2
Department/Requester: None**

ANALYSIS

Pursuant to Ordinance No. 13-29, OCA completed the required background research on “Kenneth Wilcox” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Kenneth Wilcox.” Pursuant to Ordinance No. 19-11, OCA verified that “Kenneth Wilcox” is deceased.

APPLICABLE LEGISLATION

Ordinance No. 13-29, adopted on April 2, 2013, requires OCA to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.

<http://intra/gia/matter.asp?matter=130511&file=true&yearFolder=Y2013>

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<http://intra/gia/matter.asp?matter=181730&file=true&yearFolder=Y2018>

Ordinance No. 19-11, adopted on February 5, 2019, relates to codesignation items, requiring OCA’s background research report to indicate whether the person to be honored is living or deceased.

<http://intra/gia/matter.asp?matter=182789&file=true&yearFolder=Y2018>

**BCC Meeting:
August 31, 2020
Research Notes**

**Item No. 5I
File No. 201573**

Researcher: CB Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF SW 117TH AVENUE BETWEEN SW 40TH STREET (BIRD ROAD) AND SW 24TH STREET (CORAL WAY) AS “ALVARO URIBE WAY” BY A THREE-FIFTHS VOTE OF BOARD MEMBERS PRESENT

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Senator Javier D. Souto, District 10
Department/Requester: None**

ANALYSIS

Pursuant to Ordinance No. 13-29, OCA completed the required background research on “Alvaro Uribe” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Alvaro Uribe.” Pursuant to Ordinance No. 19-11, OCA verified that “Alvaro Uribe” is living.

APPLICABLE LEGISLATION

Ordinance No. 13-29, adopted on April 2, 2013, requires OCA to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.

<http://intra/gia/matter.asp?matter=130511&file=true&yearFolder=Y2013>

Ordinance No. 18-79, adopted on July 24, 2018, relates to any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, and requires that OCA prepare a report detailing: (1) whether the subject road, facility, or property has been the subject of any prior codesignation and, if so, the location or the end points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or end points of each.

<http://intra/gia/matter.asp?matter=181730&file=true&yearFolder=Y2018>

Ordinance No. 19-11, adopted on February 5, 2019, relates to codesignation items, requiring OCA’s background research report to indicate whether the person to be honored is living or deceased.

<http://intra/gia/matter.asp?matter=182789&file=true&yearFolder=Y2018>

**BCC Meeting:
August 31, 2020
Research Notes**

**Item No. 8E1
File No. 201072**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND ALLEGUEZ ARCHITECTURE, PROJECT NO. A18-MDFR-02, FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES AND CONSTRUCTION ADMINISTRATION OF MIAMI-DADE FIRE RESCUE STATIONS 20 AND 21 IN AN AMOUNT NOT TO EXCEED \$1,081,800.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$93,800.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the award and execution of a Professional Services Agreement (PSA) with Alleguez Architecture, Inc., Project No. A18-MDFR-02, to provide architectural and engineering design services and construction administration of Miami-Dade Fire Rescue Stations 20 and 21 in an amount not to exceed \$1,081,800 inclusive of a \$93,800 contingency allowance for a contract period of five-years, plus a one-year warranty period, for the Miami-Dade Fire Rescue Department (MDFR).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Miami-Dade Fire Rescue (MDFR)

This item was brought before the PSR meeting that took place on July 13, 2020 and was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to request that the Board approve a PSA with Alleguez Architecture, Inc., (Alleguez) for engineering and design and construction services. This item is similar to three award recommendations via Resolution Nos. R-94-20, R-95-20 and R-96-20 for the same type of services that came before the Board on February 4, 2020. Table 1 has a breakdown of the past resolutions approved by the Board.

Table 1 Similar Resolutions approved earlier in 2020

Resolution No.	Fire Station No.	Commission District	Awarded Firm	Value and Term
R-94-20	Fire Station No. 6 and 17	District 8 District 1	Landera Associates, P.A.	Value- \$891,845 Term - five years including a one-year warranty period
R-95-20	Fire Station No. 4,5 and 63	District 8 District 11	Alleguez Architecture, Inc.	Value - \$1,470,900 Term – five years including a one-year warranty period
R-96-20	Fire Station No. 9 and 19	District 10 District 2	Silva Architects, LLC	Value - \$891,500 Term – five years including a one-year warranty period

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File No. 201072**

Researcher: IL Reviewer: PGE

MDFR requires the construction of station 20 and 21 because they have been deemed obsolete facilities in their current state. MDFR intends to have Alleguez design new fire stations, including a lobby, office area, work room, emergency medical services storage, exercise room, day room, kitchen, dorms, bathrooms, study room, parking area, and all related spaces to be constructed on County-owned property.

More specifically, under the PSA, the consultant agrees to provide complete professional architectural and engineering services for the five-phase project, including all civil and structural engineering, interior design, mechanical and plumbing, electrical, landscape and LEED design and certification. The Project Phases are: (1) Site Investigation, Programming and Schematic Design; (2) Design Development; (3) Construction Documents Development; (4) Bidding and Award of Contract; and (5) Administration of the Construction Contract. A list of key services provided as stipulated in the Scope of Services are:

- ❖ Full Architectural and Engineering Services necessary to prepare the Architectural Program, Construction Plans and Specifications, and Bid Documents as well as to provide for Construction Supervision Services.
- ❖ Alleguez, Construction documents illustrating space layouts, including all fixed cabinetry; casework; coordination of FF&E with electrical, HVAC, plumbing, and structural supports for all required equipment.
- ❖ Alleguez., Providing Interior Design Services necessary to detail and specify all finished surfaces and assemblies, including color schemes for the Owner's review and approval, and building presentation renderings and providing contract administration and warranty administration services.

The fiscal impact to the County is \$1,081,800 for a five-year term plus a one-year warranty period. The project locations are: 13000 N.E. 16th Avenue, North Miami, Florida 33161, Station 20, located in Commission District 2, represented by Commissioner Jean Monestime and 10500 Collins Avenue, Bal Harbour, Florida 33154, Station 21, located in Commission District 4, which is represented by Commissioner Sally A. Heyman. The funding source for this project is "Capital Budget page 51 FY 2018-19" under project number #2000000969.

Article 5 of the PSA explains the basis of compensation. This PSA can be paid in seven different ways: 1. Percentage of Construction 2. Lumpsum, i.e., the consultant agrees to perform services for an agreed fixed dollar amount, 3. Multiple of Direct Salary using a multiplier of 2.85 with an hour rate for office personnel not exceeding \$160 and an hourly rate for Principal(s) not exceeding \$180, 4. Fee for design of alternates, 5. Fee for Work Authorized from the Construction Contingency Allowance, 6. Fee for Change Orders to the Construction Contract and 7. Additional services/reimbursable expenses fee.

Table 2 depicts the PSA's cost breakdown, including design of stations, reimbursable expenses, and the contingency allowance.

Fire Station No.	Contract Amount	Contingency Amount (10% of the Base Contract Amount)	Dedicated Allowance
20 (District 2)	\$448,000	\$44,800	\$25,000
21 (District 4)	\$490,000	\$49,000	\$25,000
SUBTOTAL	\$938,000	\$93,800	\$50,000
		GRAND TOTAL	\$1,081,800

A Request to Advertise was filed with the Clerk of the Board on March 7, 2019, under full and open competition. On April 19, 2019, the Clerk of the Board received seven proposals in response to the solicitation. The first tier meeting was held on June 11,

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Researcher: IL Reviewer: PGE

2019; seven firms were evaluated, and the Competitive Selection Committee (CSC) voted by majority, to short-list the top three firms and proceed to the second-tier meetings scheduled for July 2, 2019 and August 14, 2019.

Table 3 contains the list of respondents for the advertised project and their final ranking after the first-tier meeting was held on June 11, 2019.

Firm	Principal Address per Sunbiz	Final Ranking
Alleguez Architecture, Inc.	7294 S.W. 48 Street, Miami, FL 33155	1
Silva Architects, LLC.	135 San Lorenzo Ave, Suite 880, Coral Gables, FL 33146	2
Ferguson Glasgow Schuster Soto, Inc.	901 Ponce De Leon Blvd, Suite 304, Coral Gables, FL 33134	3
R E Chisholm Architects, Inc.	75 Aviation Avenue, Suite 1050, Coral Gables, FL 33134	4
Rodriguez Architects Inc.	2780 S.W. Douglas Road, Suite 302, Miami, FL 33133	5
Perez Associates	Not Local	6
Sol Arch, Inc.	5200 Blue Lagoon Drive, Suite 700, Miami, FL 33126	7

On June 20, 2019, R.E. Chisholm Architects was deemed “Non-Compliant” due to failing to submit a Utilization Plan via the County’s web-based system within the timeframe specified by SBD. Below is the short-list of the top three firms and their rankings after the second-tier meetings held on July 2, 2019 and August 14, 2019.

Table 4 short-list of the top three firms and their rankings after the second-tier meetings held on July 2, 2019 and August 14, 2019.

Firm	Principal Address per Sunbiz	Final Ranking
Alleguez Architecture, Inc.	7294 S.W. 48 Street, Miami, FL 33155	1
Ferguson Glasgow Schuster Soto, Inc.	901 Ponce De Leon Blvd, Suite 304, Coral Gables, FL 33134	2
Silva Architects, LLC.	135 San Lorenzo Ave, Suite 880, Coral Gables, FL 33146	3

The CSC recommended Alleguez Architecture, Inc. for negotiation and award. Negotiations concluded on February 13, 2020.

The Small Business Development Division (SBD) of the Internal Services Department recommended a 100 % SBE-A&E set-aside. The firm Alleguez Architecture, Inc., appears as a verified, certified SBE firm in the Business Management Workforce System (BMWS). Set-aside means reservation for competition solely among CSBEs of a given prime County contract whose estimated cost is \$5,000,000 or less.

OCA conducted a review of the technical certifications 9.02 (Soils, Foundations and Materials Testing-Geotechnical and Materials Engineering Services); 10.01 (Environmental Engineering-Stormwater Drainage Design Engineering Services); 15.01 (Surveying and Mapping-Land Surveying); and 15.03 (Underground Utility Location) in BMWS on August 24, 2020. There were 62 local firms with at least one of the required technical certifications listed. Two of the four sub-consultants (SRS Engineering Inc and J Bonfill & Associates Inc., were listed as certified SBE’s.

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OCA conducted a review of the awarded firm on August 7, 2020. The table below summarizes OCA's review of the selected firm.

Table 5 due diligence review of the awardee

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Alleguez Architecture Inc.	Florida Profit Corporation Active Principal Address: 7294 SW 48 St. Miami, FL Filed: January 22, 2002	Business Address: 7294 SW 48 St. Miami, FL Status: Paid and Current	Status: Active Licensed for: Architect Business; Interior Design Business	No cases on file

OCA conducted a review of the awarded firm's subconsultants on August 7, 2020. The table below summarizes that review.

Table 6 due diligence review of subconsultants

Awarded Subconsultants	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Botas Engineering Inc.	Florida Profit Corporation Principal Address: 8935 NW 35 th Lane., #202 Doral, FL 33172 Date Filed: August 28, 2003	License type: Registry Main Address: 8935 NW 35 th Lane., #202 Doral, FL 33172 No Complaints on File	Business Address: 8935 NW 35 th Lane., #202 Doral, FL 33172 Status: Paid and Current	No relevant cases
Laura Llerena & Associates, Inc.	Florida Profit Corporation Active Principal Address: 13170 SW 128 St., #207 Miami, FL Filed: April 22, 1980	Business Address: 13170 SW 128 St., #207 Miami, FL Status: Paid and Current	Status: Active Licensed for: Landscape Architect Business	No relevant cases

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Awarded Subconsultants	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
SDM Consulting Engineers, Inc.	Florida Profit Corporation Active Principal Address: 135 Almeria Ave. Coral Gables, FL Filed: May 24, 1982	Business Address: 135 Almeria Ave. Coral Gables, FL Status: Paid and Current	Status: Active Licensed for: Registry	No relevant cases
SRS Engineering, Inc.	Florida Profit Corporation Active Principal Address: 5001 SW 74 Ct. Miami, FL Filed: September 14, 1995	Business Address: 5001 SW 74 Ct. Miami, FL Status: Paid and Current	Status: Active Licensed for: Registry	No relevant cases

Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on August 7, 2020 for Alleguez Architecture Inc. The analysis revealed 10 performance evaluations yielding an average evaluation rating of 3.5 out of 4.0.

DEPARTMENTAL INPUT

OCA asked the following questions on July 21, 2020 to MDRF; the department's responses *are enumerated below*:

1. What is MDRF's cost estimates for these services?
MDRF Response: The cost estimates for these professional A/E services is \$1,081,800 for the two stations.
2. Can this type of work be done in-house?
MDRF Response: We cannot do this work in house, our in house design staff is currently busy working on new Station 18 (to replace the temporary trailers now in use) and Station 72 in Florida City (the BCC approved the land purchase today) and the temp station 71 at Eureka Drive. We just finished a new bay at Station 24 (Tamiami airport) and have Station 29 under construction, both designed in house as was the recently completed station 62. Crandon Park Lifeguard Headquarters building we also designed in house that is currently in the never, never, never, ending permit process.

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Researcher: IL Reviewer: PGE

APPLICABLE LEGISLATION/POLICY

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

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

Section 2.8.1(H) of the Code of Miami-Dade County, Governing dedicated allowance and contingency fees, states that any contract for the construction of public improvements and any professional service agreement involving the expenditure of more than \$500,000, an item shall be added to the advertisement recommendation memorandum presented by the County Manager to the Board of County Commissioners identifying (1) each proposed dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each, and (2) the corresponding percentage of each proposed dedicated allowance, contingency allowance and additional services allowance in relation to the estimated contract price.

[2.8.1 \(H\)](#)

Section 2.8.1.1. of the Code of Miami-Dade County, Governing Bid Collusion,

Establishes that where two or more related parties submit a bid or proposal for County purchases of supplies, materials, and services, such bids shall be presumed to be collusion although bidders may rebut the presumption through presentation of evidence to the contrary. Prohibits sham or collusive bids and determines that collusive contractors shall be ineligible for award of County contracts.

[2-8.1.1](#)

Section 2.8.1.1.1 of the Code of Miami-Dade County, governs selection committees and negotiations,

Requires selection and negotiation committees to be taped either by audio or video taping.

[2-8.1.1.1](#)

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

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

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

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

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

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

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**Item No. 8E1
File No. 201072**

Researcher: IL Reviewer: PGE

Resolution No. R-716-12, adopted September 6, 2012, requires Certification Identification on Board Memos Directs the Mayor to identify certified SBE, CBE-AVE, CSBE, DBE, and ACDBE firms in any procurement item submitted for Board approval.
<http://www.miamidade.gov/govaction/matter.asp?matter=121265&file=true&yearFolder=Y2012>

Implementing Order (I.O.) 3-41, (SBE Program), establishes procedures related to the Miami-Dade County Small Business Enterprise Program.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-41.pdf>

Implementing Order (I.O.) 3-34 (Formation and Performance of Selection Committees) Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, this Implementing Order establishes procedures for the formation and performance of selection committees in the competitive procurement process of Miami-Dade County, including competitive selection committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-34.pdf>

Implementing Order (I.O.) 8.8 (Sustainable Building Program) the primary mechanism for determining compliance with the Ordinance shall be the U.S. Green Building Council's LEED Rating System. All construction projects for which a design team was selected subsequent to the effective date of this Implementing Order shall be required to meet the standards delineated herein. Compliance shall be determined by completing a formal certification process with the U.S. Green Building Council, or as otherwise directed by the Sustainability Manager.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO8-8.pdf>

Administrative Order 3-26, effective August 4, 2000, projects with construction cost estimates below the five million dollar threshold, are not mandated to have a formal value analysis/engineering nor a feasibility study of alternative concepts.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-26.pdf>

Administrative Order 3-39, effective June 23, 2003, establishes the process for construction of Capital improvements, acquisition of professional services, constructing contracting, change orders and reporting.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-39.pdf>

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**Item No. 8F1
File No. 201248**

Researcher: VW Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF CONTRACT NO. BW-9162-2/25 FOR PURCHASE OF FORENSIC ODONTOLOGY SERVICES TO DR. RICHARD R. SOUVIRON, D.D.S. IN AN AMOUNT NOT TO EXCEED \$539,300.00 FOR THE INITIAL THREE-YEAR TERM AND TWO, ONE-YEAR OPTIONS TO RENEW FOR THE MEDICAL EXAMINER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY RENEWAL, CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize, by a two-thirds vote of the members present, a designated purchase for forensic odontology services to Dr. Richard R. Souviron, D.D.S., under Contract No. BW-9162-2/25, in an amount not to exceed \$539,300 for the initial three-year term plus two, one-year options to renew for the Medical Examiner Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services, and Economic Development Committee at its July 15, 2020 meeting.

ANALYSIS

The purpose of this item is to approve a request for award of Designated Purchase, Contract No. BW-9162-2/25, to Dr. Richard R Souviron D.D.S. for a three-year term with two, one-year options to renew for the Medical Examiner Department to continue to receive forensic odontology services. The contract will replace the existing contract with Dr. Souviron, Contract No. BW9162-4/20, which was awarded under delegated authority on September 8, 2015 for an initial 13-month term, with four one-year options to renew. The contract took effect on September 14, 2015 and is set to expire on November 30, 2020. The current option term had an original expiration date of September 30, 2020 but was extended administratively by two months through November 30, 2020. Dr. Souviron has been providing forensic odontology services to the Medical Examiner Department for over 46 years.

The replacement contract will allow the Medical Examiner Department to continue receiving the services of a forensic odontologist. Forensic odontologists assist with, among other things: the examination and evaluation of dental records and bite-marks, aiding in the identification of human remains and criminal suspects, determining causes of death, acting as expert witnesses, conducting departmental education programs, and providing consultation services related to the State Attorney, Public Defender, and County agencies including the Police and the Public Health Trust. Under the contract, the awardee is specifically responsible for: providing appropriate reports pertaining to the identification of unknown persons or the cause of death; providing dental charts; reviewing x-rays of human jaws; studying and providing reports on skeletonized remains; providing forensic odontology services, at the Medical Examiner (ME)'s direction, to law enforcement agencies investigating crimes involving bite mark evidence, sexual battery, child abuse and assault; making an analysis and comparison of bite mark evidence; providing consultation services to the State Attorney, Public Defender and related County agencies including Police and the Public Health Trust as directed by the ME; providing active Board certification and training of new odontologists in preparation for the American Board of

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Researcher: VW Reviewer: PGE

Forensic Odontology (ABFO) certification; cooperating with local law enforcement agencies to obtain dental impressions and dental records of subjects in police custody.

Under the original contract BW9162-4/20, the County has allocated Dr. Souviron \$561,955.33 over the course of five years, two months, and 16 days. The contract's Blanket Purchase Order shows that \$522,990.94 of the \$561,955.33 allocated for the initial term and all OTRs has been released (as of August 12, 2020), leaving a balance of \$38,964.39. Under the replacement contract, Dr. Souviron will be allocated \$539,300 for a term of three years with two one-year options to renew. The annual allocation under the replacement contract is essentially the same as the current contract. Dr. Souviron will be paid at a rate of 8,988.30 per month for the duration of the contract.

The table below provides a breakdown of the two prior contracts for these services, BW9162-4/14 and BW9162-4/20, including effective dates of initial term through last OTR expiration date and cumulative value (allocation for initial term plus all OTRs). The County has spent a total of \$960,788.67 on these services under the two prior contracts.

Contract No.	Cumulative term	Cumulative value
BW9162-4/14	02/01/2010-08/31/2015	\$417,166.67
BW9162-4/20	09/14/2015-11/30/2020	\$561,955.33

The contract is a designated purchase because competition for forensic odontology services is not practicable given that there is not sufficient competition for specialized forensic odontology services in Miami-Dade County. A Request for Information (RFI) was conducted. This RFI was intended to assist the County in understanding the level of interest and assess the feasibility of establishing a competitively solicited contract for specialized forensic odontology services, on a nonexclusive basis, for the County ME. Zero responses were received to this RFI which was posted on BidSync from January 3 to January 16, 2020. On January 17, a survey was sent out to potential vendors and vendors who viewed the RFI on BidSync inquiring on any barriers that existed in their decision to not respond to the RFI. Three potential vendors responded, but their responses did not indicate interest, availability, or feasibility of competition. This RFI confirmed that competition for forensic odontology services is not practicable. Through market research, it was found that the Florida Department of Law Enforcement has identified Board Certified Odontologists by Medical Examiner District (MED) in the State of Florida. There are only two odontologists listed in the MED corresponding to Miami-Dade County, MED No. 11. They are: Dr. Richard Souviron and Dr. Brad Lewis. The American Board of Forensic Odontology lists Dr. Souviron as Chief and Dr. William Silver as Deputy Chief of the Forensic Odontology section for the Miami-Dade District. Dr. Silver remains firm on his response to the County that he will not bid if a solicitation were to become available for these services and a response from Dr. Lewis was not received. Dr. Richard Souviron was thus selected to provide forensic odontology services to the Medical Examiner Department.

Dr. Richard Souviron D.D.S. is a member of the following professional organizations: American Dental Association, Florida Dental Association, South Florida District Dental Society, International College of Dentists (Fellow), American Academy of Forensic Sciences (Fellow), and American Board of Forensic Odontology (Founding Member and Diplomat). Dr. Souviron has been practicing in the field of forensic odontology for over 60 years and is one of the foremost authorities in forensic dentistry in the United States. Dr. Souviron is world renowned for his determinations and presentations of bite mark evidence to assist law enforcement and child welfare agencies. He is the Chief Forensic Dentist for Miami-Dade County, Florida, and is a forensic consultant to numerous crime labs and police agencies throughout the State of Florida. He has served five years in the Ethics Committee of the East Coast Dental Society and the Florida Bar Grievance Committee, 11th Judicial Circuit.

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DEPARTMENTAL INPUT

OCA posed the following questions to the Internal Services Department on July 28, 2020. The department's responses are italicized below:

1. What is the Medical Examiner's long term replacement plan for the forensic odontology services provided by Dr. Souviron?

ISD Strategic Procurement Division along with the ME will conduct Market Research prior to the expiration of the replacement contract, currently pending award to determine the best method of procurement, and if a competitive solicitation would be a viable option.

2. Why does the department continue to outsource its forensic odontology services rather than hire someone internally?

Forensic Odontologists are highly specialized and are not easy to procure. Not only do they assist with identification of bodies, but they evaluate bite marks and chart teeth of decedents and living subjects in criminal cases.

3. Is forensic odontology a routine part of the autopsy process or does it only occur upon specific request?

No, Forensic Odontology is not required on every case. Forensic Odontology Services are only required as needed by the ME and occurs upon request when identification is needed through Odontology.

ADDITIONAL INFORMATION

Dr. Souviron is highly sought after as an analyst and witness in dentally related criminal and civil cases. His extensive expertise in treating patients with bite disorders and TMJ disorders has afforded him great renown in the science of bite-mark evidence. Dr. Souviron came to the national forefront as the expert to bring conclusive evidence of guilt in the Ted Bundy murder case. In addition to fulfilling his civic duty to assist law enforcement agencies in such cases, Dr. Souviron has lectured extensively around the nation on forensic dentistry, the science of the human bite function, and interpretation of such evidence in criminal cases.

<https://www.dentalleaders.com/richard-r.-souviron-dds/>

Dr. Souviron became a Diplomate of the ABFO in 1976. He is currently a member of the Board of Directors. Dr. Souviron was a member of the Credentialing and Examination Committee from 1978 to 1985 and Chairman from 1980 to 1985. He was President of the ABFO from 1987 to 1988, Vice President from 1986 to 1987 and Secretary/Treasurer from 1984 to 1985. He has been a member of the Bite Mark Standards Committee and the Body Identification Guidelines Committee. Dr. Souviron was the AAFS Odontology Section Chairman in 1974 and was appointed to the Forensic Sciences Foundation from 1977 to 1979. He is the Chief Forensic Dentist for Dade County, Florida, and is a Forensic Consultant to numerous crime labs and police agencies throughout the State of Florida. He has served five years in the Ethics Committee of the East Coast Dental Society and the Florida Bar Grievance Committee, 11th Judicial Circuit.

<https://abfo.org/author/rsouviron/>

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APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

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

Resolution No. R-686-17, adopted July 6, 2017, authorized the exercise of the second, third and fourth one-year option to renew periods for contract No. BW9162-4/20, forensic odontology services, with a total contract value of up to \$544,000.00 for the medical examiner department.

<http://intra/gia/matter.asp?matter=171136&file=true&yearFolder=Y2017>

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

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

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

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

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**Item No. 8F2
File No. 201249**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01358 GROUP A (NON-FEDERAL FUNDING) AND GROUP B (FEDERAL FUNDING) TO VACANT PROPERTY SECURITY, LLC. FOR THE PURCHASE OR RENTAL OF PROTECTION COVERINGS FOR DOORS AND WINDOWS, AND ESTABLISHING AN OPEN PREQUALIFICATION POOL FOR GROUPS C AND D OF CONTRACT NO. FB-01358 FOR THE PURCHASE OF HURRICANE SHUTTERS AND INSTALLATION, REMOVAL, AND REPAIR SERVICES FOR MULTIPLE DEPARTMENTS FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$2,462,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THESE AWARDS FOR GROUPS A AND B TO VACANT PROPERTY SECURITY, LLC., ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING FOR GROUPS C AND D, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should authorize the approval of *Contract No. FB-01358* for Group A (Non-Federal Funding) and Group B (Federal Funding) to Vacant Property Security, LLC for the purchase or rental of protection coverings for doors and windows. The item also requests Board authorization for the establishment of an open prequalification pool for Groups C and D of *Contract No. FB-01358* for the purchase of hurricane shutters and installation, removal and repair services. The allocation is in an amount not to exceed \$2,462,000 for a term of five years for multiple County departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard at the Health Care and County Operations Committee meeting of July 15, 2020 and forwarded to the BCC with a favorable recommendation. Below is a synopsis of the discussion that ensued pertaining to concerns with the item being presented as a dual request consisting of a contract and a prequalification pool.

- Commissioner Jose “Pepe” Diaz strongly expressed his concern regarding the item being presented jointly as a contract and a prequalification pool – instead of being bifurcated. He stressed that this practice would create procurement issues in the future; he pointed out that he had raised the issue recently but had received no clear answer.
- Commissioner Sally Heyman stated the subject item was already in queue and that now there is an urgency, before recess, to try to get items through by September. She agreed with Commissioner Diaz, stating that such items do need to be separated.
- In response, Commissioner Diaz said he would not vote in favor for these types of combined items in the future – to which Commissioner Heyman concurred.
- Deputy Mayor Ed Marquez replied that the Administration would put an end to this practice.

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Researcher: MF Reviewer: PGE

ANALYSIS

The proposed resolution is requesting Board authorization to approve a group award consisting of the following: *Contract No. FB-01358* for Groups A and B and a prequalification pool for Groups C and D in the amount of \$2,462,000 as a consolidation of two current contracts. As set forth in the solicitation, the requirements to prequalify consist of the following:

- **Groups A and B, Rental of Protection Covering for Doors and Windows**
 - These groups shall be used for the rental, installation, and/or removal of security protection coverings for windows and doors. Award for these groups will be made in the aggregate to the lowest priced, responsive, responsible bidder.
 - Bidder(s) shall provide two (2) current references on the company's letterhead, signed to demonstrate Bidder(s) is regularly engaged in the business of providing rental, installation and/or removal services for protection coverings for windows and doors.
 - Bidder(s) shall provide the contact information of a designated representative to provide the County with support and information concerning orders placed. Bidder(s) shall provide the representative's name, phone number and email address.
- **Group C, Purchase of Hurricane Shutters**
 - This group shall be used for the purchase of different types of hurricane shutters on an as-needed basis. Vendor(s) shall meet the following criteria to be considered for entry into the pool and for future competition.
 - Vendor(s) shall provide two (2) current references on the company's letterhead signed to demonstrate that the vendor is regularly engaged in the business of providing hurricane shutters.
 - Vendor(s) shall provide the contact information of a designated representative to provide the County with support and information concerning orders placed. Vendor(s) shall provide the representative's name, phone number and email address.
- **Group D, Purchase and Installation, Removal and/or Repair of Hurricane Shutters**
 - This group shall be used for the purchase of hurricane shutters, including installation, removal, maintenance and/or repair of different types of hurricane shutters on an as-needed basis. Vendor(s) shall meet the following qualification criteria to be considered for entry into the pool and for future competition.
 - Vendor(s) shall provide two (2) current references on the company's letterhead, signed to demonstrate that the Vendor is regularly engaged in the business of providing hurricane shutters including installation, removal, maintenance, and/or repair of hurricane shutters.
 - Vendor(s) shall provide on the following licenses or Certificates of Competency: Miami-Dade County Awnings and Storm Shutters Contractor, General Contractor, State of FL General Contractor, Building Contractor, Metal Awning & Storm Shutter Contractor, Miscellaneous Metals Contractor, Specialty Structure Contractor, Specialty Glass & Glazing Contractor.
 - Vendor(s) shall provide the contact information of a designated representative to provide the County with support and information concerning orders placed. Vendor(s) shall provide the representative's name, phone number, and email address.

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The group award is for the purchase or rental of protection coverings for doors and windows as well as the purchase of hurricane shutters and associated installation, removal and repair services for various County departments for a five-year term. The subject group award will replace the current contract and prequalification pool for the aforementioned goods and services as a way to streamline the management of the existing contracts.

The vendors depicted below are recommended as part of a group award under *Contract No. FB-01358* and *Prequalification Pool No. FB-01358*. The vendor in Groups A and B will be awarded \$18,750 and \$1,731,000, respectively. Vendors in Groups C and D will be awarded up to \$712,250, bringing the requested allocation to a cumulative value of \$2,462,000.

- Vacant Property Security, LLC – incumbent vendor for Groups A and B for *Contract No. FB-01358, Protective Covering and Hurricane Shutters*
- Conwell & Associates Consulting Company – incumbent vendor for Groups C and D for *Prequalification Pool of Contract No. FB-01358, Purchase Hurricane Shutters, Installation, Removal and Repair Services*
- Done Wright AC and Electric Service, Inc. – vendor for Groups C and D
- Sun Eagle General Contractors, Corp. – vendor for Groups C and D

Table 1 provides information on the bid amounts and estimated quantities for Groups A and B under subject *Contract No. FB-01358*.

Table 1

Good and Services	Group No.	Awarded Vendor	Annual Quantity	Bid Amount / Unit Price
Window Coverings Installation and Removal Rate	A	Sun Eagle General Contractors Corp.	50	\$7,500
	A	Vacant Investment Protection	50	\$26
	A	Vacant Property Security, LLC	50	\$20
Window Coverings Monthly Rental Rate	A	Sun Eagle General Contractors Corp.	50	\$2,400
	A	Vacant Investment Protection, Inc.	50	\$13
	A	Vacant Property Security, LLC	50	\$10
Door Covering Installation and Removal Rate	A	Sun Eagle General Contractors Corp.	50	\$10,000
	A	Vacant Investment Protection, Inc.	50	\$30
	A	Vacant Property Security, LLC	50	\$20
Door Coverings Monthly Rental Rate	A	Sun Eagle General Contractors Corp.	50	\$2,400
	A	Vacant Investment Protection, Inc.	50	\$15
	A	Vacant Property Security, LLC	50	\$25
Window Coverings Installation and Removal Rate	B	Sun Eagle General Contractors Corp.	6200	\$930,000
	B	Vacant Investment Protection, Inc.	6200	\$26
	B	Vacant Property Security, LLC	6200	\$20

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Window Coverings Monthly Rental Rate	B	Sun Eagle General Contactors Corp.	6200	\$298,000
	B	Vacant Investment Protection, Inc.	6200	\$13
	B	Vacant Property Security, LLC	6200	\$10
Door Covering Installation and Removal Rate	B	Sun Eagle General Contactors Corp.	3560	\$712,000
	B	Vacant Investment Protection, Inc.	3560	\$30
	B	Vacant Property Security, LLC		\$20
Door Coverings Monthly Rental Rate	B	Sun Eagle General Contactors Corp.	3560	\$170,880
	B	Vacant Investment Protection, Inc.	3560	\$15
	B	Vacant Property Security, LLC	3560	\$25

The subject group award will replace the current contract and prequalification pool, which are summarized in Table 2 below.

Table 2

Award No.	Goods and Services	Approval Term	Term Length	Awarded Vendors	Award Value
Contract No. FB-00277	Security Coverings for Windows and Doors	December 1, 2015 – November 30, 2020	5 years	Vacant Property Security, LLC	\$2,400,000
Prequalification Pool No. 5101-1/21	Hurricane Shutters Furnish/Install/Repair	January 1, 2012 – December 31, 2016	5 years	Gema Construction Inc.; Greystroke Construction Inc.; Supreme Roofing and Construction Inc.; Ajil Construction Inc.; Atlas Door and Gate Inc.; Castle USA Corp.; The Bannerman Group Inc.; Conwell & Associates, Consulting Co.; Gestido Construction Group Inc.; Builders of Miami, LLC; Top Crafts Inc.; Phoenix Architectural Products Inc.; Hurst Awning Co. Inc.	\$4,384,000
Prequalification Pool No. 5101-1/21-1 (OTR Term)	Hurricane Shutters Furnish/Install/Repair	January 1, 2017 – December 31, 2021	5 years	Gema Construction Inc.; Greystroke Construction Inc.; Supreme Roofing and Construction Inc.; Ajil Construction Inc.;	\$4,384,000

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				RJ Spencer Construction; Castle USA Corp.; The Bannerman Group Inc.; Conwell & Associates, Consulting Co.; Builders of Miami LLC; Top Crafts Inc.; Phoenix Architectural Products Inc.;	
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The fiscal impact of this item is \$2,462,000 for a five-year term. Current *Contract No. FB-00277* has a cumulative allocation of \$2,400,000 and current pool *5101-1/21-1* has a cumulative allocation of \$8,768,000. As noted in the mayoral memorandum, there is a reduction under this replacement contract and pool due to the projected usage by the six user departments: Aviation, Community Action and Human Services, Internal Services, Library System, PortMiami, and Public Housing and Community Development.

OCA reviewed the Bid Tracking System on August 25, 2020 pertaining current *Contract No. FB-00277* and *Prequalification Pool No. 5101-1/21-1*. *Contract No. FB-00277* expires November 30, 2020 and has been depleted; meanwhile, *Prequalification Pool No. 5101-1/21-1*, which expires December 31, 2021, showed an allocation of \$4,340,907, a released amount of \$397,512, and a balance of \$3,943,395. It is unclear what the user department is doing to satisfy its needs under this contract as the allocation has been depleted.

A solicitation for this item was issued under full and open competition on November 18, 2019 with a due date of December 5, 2019. Five vendors responded to the solicitation, of which four have a local address, two are SBEs and two are incumbents. Groups C and D remain open to allow for additional vendors that meet the prequalification criteria to be added during the pool's term.

OCA performed a search for commodity codes 87035 (Shutters Inside and Outside Types) and 90678 (Security Systems; Intruder and Smoke Detection) on the Business Management Workforce System's Certified Vendor Directory on August 25, 2020. Listed below are the SBEs identified:

- Ford Shutters Shades & Draperies Inc. North Miami, FL SBE-G&S
- JSA Group, Inc. Miami, FL SBE-G&S
- KVH Architects, P.A. Doral, 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 contract and prequalification pool.

OCA conducted due diligence on the awarded vendors on August 25, 2020; the findings are shown below. The respective groups for the contract and prequalification pool, as well as the SBE and incumbents are identified accordingly.

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Awarded Firm(s)	Groups Awarded/Prequalified	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Conwell & Associates Consulting Company (SBE & Incumbent)	C and D	Florida Profit Corporation Active Principal Address: 11771 SW 137 Pl. Miami, FL Filed: August 7, 2007	Business Address: 11771 SW 137 Pl. Miami, FL Account active; pending balance of \$450 for Tax Year 2021	Account on file Licensed for: Certified General Contractor; Certified Mechanical Contractor; Certified Underground Utility and Excavation Contractor; Certified Roofing Contractor; Certified Plumbing Contractor; Construction Business Information	No cases found
Done Wright AC and Electric Service, Inc. (SBE)	C and D	Florida Profit Corporation Active Principal Address: 10711 SW 216 St. #109 Miami, FL Filed: May 5, 2003	Business Address: 10711 SW 216 St. #109 Miami, FL Account active; pending balance of \$75 for Tax Year 2021	Account on file Licensed for: Certified Electrical Contractor; Electrical Business Information; Certified General Contractor; Certified AC Contractor; Construction Business Information	No relevant litigation found
Sun Eagle General Contractors, Corp.	C and D	Florida Profit Corporation Active Principal Address: 12300 SW 130 St.	Business Address: 12300 SW 130 St. #5 Miami, FL	Account on file Licensed for: Certified General Contractor; Construction	<i>Rhythm of Grace, Inc. et al v. Sun Eagle General Contractors Corp.</i> Case No. 2017-011499-CA-01, filed May 12, 2017

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Researcher: MF Reviewer: PGE

		#5 Miami, FL Filed: April 15, 2008	Account active; pending balance of \$75 for Tax Year 2021	Business Information	in the 11 th Judicial Circuit Court, Miami-Dade County. Allegation: Defendant breached a Contract by failing to complete constructions tasks, failing to pay for permitting other associated project costs, and failing to purchase the material required by Brickell City Center to incorporate into premises, causing damages to the Plaintiff. Case status: There was a motion calendar hearing set for July 16, 2020 – no other details provided since.
Vacant Property Security, LLC (Incumbent)	A and B	Foreign Limited Liability Company Active Principal Address: 350 Highland Dr. Suite 100 Lewisville, TX Filed: March 21, 2012	Business Address: 4595 NW 73 Ave. Miami, FL Account active; pending balance of \$75.00 for Tax Year 2021	No account on file	No relevant litigation found

DEPARTMENTAL INPUT

OCA inquired with ISD on July 27, 2020 pertaining to the following listed below; the Department responded on August 17, 2020 and the responses are shown in *Italics*.

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**Item No. 8F2
File No. 201249**

Researcher: MF Reviewer: PGE

- Please explain the rationale for structuring this solicitation as both a contract and pool, including whether there are procurement policies and procedures informing such an approach; if there are such policies and procedures, please provide a copy.
As per Master Implementing Order 3-38 (I.O. 3-38), Procurement is charged with fostering full and open competition consistent with State and County policies. Procurement is also responsible for implementing programs and initiatives to improve competition geared at yielding best value. Procurement, in consultation with the client department(s), is responsible for determining the best procurement methodology for the purchase of goods and services for the County.

The utilization of the “hybrid” approach is beneficial to the vendors and the County. For the vendors, this approach represents flexibility and cost-savings, as they will have the option to either bid on the fixed term contract portion of the award, seek prequalification in the pool for future competition or both. For the County, this approach offers a solicitation that is easier for staff to manage, allows departments to monitor and control their spend activities, and allows the flexibility to add multiple funding sources.

There is no specific procurement policy or procedure for this approach. Rather, it has evolved as an effective procurement approach for the procurement of goods and services, where it was realized that in certain instances the vendors and the County can reap the benefits of this method.
- Considering the discussion at committee, how will this item be re-presented to addresses that discussion?
Staff is currently working with the CAO on how best to address this for future items.
- What is the total count of active procurement awards (contracts and pools) for goods and services; of that number, how many awards have been approved similar in structure to this one.
There are 931 active contracts and pools, of which 241 are pools with 16 having a similar approach to FB-01358.

ADDITIONAL INFORMATION

OCA conducted an Internet search of the recommended vendors under this item on August 25, 2020. Below is a summary of each of the vendor’s, as per information found in their respective websites.

- Conwell & Associates Consulting Company – the entity was established 25 years ago offering remodeling and builder services for kitchens, bathrooms, and more. <http://caconsultingc.com/>
- Done Wright AC and Electric Service, Inc. – the company specializes in air and water systems balancing, air duct cleaning, attic ventilation installation, boiler installation and boiler repair and maintenance. <https://porch.com/miami-fl/hvac-contractors/done-wright-ac-and-electric-service-159970315/pp>
- Sun Eagle General Contractors, Corp. – the company offers the following services: Pre-construction Consulting; Project Management; Construction Management; Design-Build; General Construction; Building Maintenance and Multiple Building Program <http://www.suneaglegc.com/>
- Vacant Property Security, LLC – the entity specializes in offering industry-strength steel windows and doors. <http://www.vps360.com/>

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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

Resolution No. 1216-19, adopted November 19, 2019, authorized a designated purchase for additional expenditure authority in an amount not to exceed \$1,769,000 to Contract No. FB-00277 for the rental of security protection coverings for doors and windows for the County's PHCD Department.

<http://intra/gia/matter.asp?matter=192293&file=true&yearFolder=Y2019>

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

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

Resolution 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-716-12, adopted September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

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

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

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

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

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**Item No. 8F2
File No. 201249**

Researcher: MF Reviewer: PGE

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

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

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Item Nos. 8F3, 8F4 & 8F5

File Nos. 201252, 201255 & 201257

Researcher: JFP Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING ADDITIONAL TIME OF ONE YEAR AND ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$212,420.00 TO CONTRACT NO. RFP716-3(3) FOR THE PURCHASE OF SECURITY GUARD SERVICES FOR SPECIAL TAXING DISTRICTS FOR THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISION, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38 [APPLICABLE TO FILE NO. 201252]

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING ADDITIONAL TIME OF ONE YEAR AND ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$3,816,422.00 TO CONTRACT NO. RFP717-3(3) FOR THE PURCHASE OF SECURITY GUARD SERVICES FOR SPECIAL TAXING DISTRICTS FOR THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISION, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38 [APPLICABLE TO FILE NO. 201255]

RESOLUTION APPROVING REJECTION OF ALL PROPOSALS RECEIVED IN RESPONSE TO REQUEST FOR PROPOSALS NO. RFP-01261 FOR THE PURCHASE OF SECURITY GUARD SERVICES FOR SPECIAL ASSESSMENT DISTRICTS FOR THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT [APPLICABLE TO FILE NO. 201257]

ISSUE/REQUESTED ACTION

Whether the Board should reject all proposals received in response to Request for Proposals No. RFP-01261 issued to consolidate two current contracts, RFP716-3(3) and RFP717-3(3), for security guard services in several Special Assessment Districts and retroactively authorize two designated purchases extending the current contracts for these services for one year in light of this proposed rejection, in effect increasing expenditure authority for this period at the following amounts: \$212,420 for RFP716-3(3) and \$3,816,422 for RFP717-3(3).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

These items were forwarded to the BCC with a favorable recommendation by the Parks, Recreation and Cultural Affairs Committee at its July 15, 2020 meeting. Prior to passage, the following discussion transpired:

- Commissioner Jose "Pepe" Diaz asked for clarification as to the contract period, to which a representative from ISD responded that the item was for approval of a one-year extension of the contract.

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Researcher: JFP Reviewer: PGE

- Commissioner Monestime asked why this item is being brought forth as a designated purchase if it is simply an extension. Namita Uppal, Chief Procurement Officer (ISD), explained that, pursuant to the current County rules as approved by the Board, any extension beyond the original authority is to be presented as a designated purchase. The original contract was awarded through a competitive process with the options to renew. In anticipation of the contract's expiration, the department advertised a new Request for Proposals, which culminated in the need to reject all proposals and begin the process anew. In the meantime, the department is requesting this extension of the original contract, which only the Board can grant due to having exhausted its extension authority.
- Commissioner Jose "Pepe" Diaz expressed concern as to how this item is being presented and inquired as to the urgency of the item. Lorena Guerra, Special Assessment District Chief (Parks, Recreation and Open Spaces Department) explained that this item is necessary in order to continue security guard services for the Special Assessment Districts.

ANALYSIS

The purpose of these items is to approve two designated purchases extending and increasing expenditure authority for current contracts, *RFP716-3(3)* and *RFP717-3(3)*, *Security Guard Services for Special Taxing Districts* due to the need to reject all proposals for RFP-01261, which was intended to consolidate these two contracts. The rejection of all proposals for RFP-01261 (BCC Agenda Item No. 8F5, File No. 201257) and consequentially the two designated purchases (BCC Agenda Item Nos. 8F3 & 8F4, File Nos. 201252 & 201255) are being requested to allow for the resolicitation of the replacement contract for the management, supervision, personnel, equipment, and supplies necessary to provide 18 Special Assessment Districts with Level 2 and 3 unarmed security guard services 24 hours a day, 365 days per year. The awarded vendors are required to maintain a Class "B," Security Agency, or Class "BB," Security Agency Branch Office License issued by the State of Florida Division of Licensing during the term of the contract.

The current contracts, RFP-716 and RFP-717, were awarded on November 15, 2011 via Resolutions R-959-11 and R-960-11, respectively, each for a two-year term, with three, two-year options to renew. RFP-716, originally for the procurement of Level 3 security guard services for varying special assessment districts, has a current cumulative value of \$8,526,220 while RFP-717 for Level 2 security guard services has a current cumulative value of \$62,618,222, both values being inclusive of all option terms for a total term of eight years and six months for each contract. Both contracts were extended twice via proration under the department's delegated authority, for a total of six months, and expired on May 31, 2020. A 12-month proration for both contracts was approved by the department on May 26, 2020, extending the contract administratively for one year, with additional allocations for each contract for this period. Retroactive approval is now being sought to extend the expiration date to May 31, 2021 and increase expenditure authority by \$212,420 for RFP716-3(3) and \$3,816,422 for RFP717-3(3). Procurement of these services is funded by non-ad-valorem assessments collected from the Special Assessment Districts. All vendors have agreed to the one-year extension at the current contract rates. The user departments are Parks, Recreation and Open Spaces, Solid Waste Management, and Transportation and Public Works.

The table below provides summary information per contract, including awarded vendors and service level.

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Researcher: JFP Reviewer: PGE

Contract	Awarded Vendors	Term	Current Cumulative Value	Additional Allocation Requested	Additional Time Requested
RFP-716 Level 3 Security Guard Services (Reso. No. R-959-11)	<ul style="list-style-type: none"> • G4S Secure Solutions (USA), Inc. • U.S. Security Associates, Inc. 	December 1, 2011 – May 31, 2020	\$8,526,220	\$212,420	One Year
RFP-717 Level 2 Security Guard Services (Reso. No. R-960-11)	<ul style="list-style-type: none"> • 50 State Security Service, Inc.* • G4S Secure Solutions (USA), Inc. • Security Alliance of Florida LLC • U.S. Security Associates, Inc. • Kent Security Services, Inc. 	December 1, 2011 – May 31, 2020	\$62,618,222	\$3,816,422	One Year

**No longer a vendor under the contract*

The RFP for the replacement contract called for a four-year contract term with one, four-year option to renew, valued at \$25,033,848 for the initial term, with a cumulative value of \$50,067,696 inclusive of the option term. The solicitation was advertised on June 21, 2019 with a bid due date of July 19, 2019. The solicitation process originally resulted in three vendors being recommended for award after receiving 16 proposals, six of which were deemed non-responsive. Pursuant to alternate selection procedures authorized by Resolution No. R-7-88 wherein Special Assessment Districts' Homeowners Associations (HOAs) are included in the solicitation process, a list of the top six ranked proposers (Kent, Allied Universal, G4S, Feick Security Corporation, American Guard Services, Inc., and Regions Security Services, Inc.), along with the proposed prices, were forwarded to the HOAs for selection of firms for their respective Special Assessment District. All HOAs submitted their preferences, ultimately selecting three firms from the top six proposers. Kent Security Services Inc. was recommended for award by 12 of the 18 Special Assessment Districts. The second and third-ranked firms were each recommended for three districts. Two of the three vendors, Kent Security Services, Inc. and G4S Secure Solutions (USA), Inc., are incumbents of the current contracts. Universal Protection Service, LLC dba Allied Universal Security Services would have been a new vendor under the replacement contract.

The recommendation to reject all proposals received in the RFP for the replacement contract is due to Kent Security Services, Inc. being deemed non-responsive, and efforts to have the Special Assessment Districts choose from the remaining firms proving unsuccessful. Moreover, the majority of the Special Assessment Districts voiced concerns that the experience requirements for the security guards as prescribed in the solicitation were higher than the requirements in the current contracts, which would have resulted in some current security guards being unable to continue their employment in order to abide by the new contract terms. Therefore, the replacement contract will have to be resolicited and the two designated purchases for additional time and expenditure authority are being requested to allow for the continuation of security guard services for the Special Assessment Districts in the interim. Per each current contract, both Level 2 and Level 3 Security Guards shall be a minimum of 21 years of age, possess a valid State of Florida driver's license (if assigned to rover patrol), and licensed by the State of Florida with a valid Class "D" license from the Florida Department of State pursuant to Florida Statutes 493. Any person directing the activities of the security

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guards shall also meet the licensing requirements, per Florida Statutes 493.6303, and possess a Class “MB” license and a Class M license, if applicable.

Level 2 and Level 3 Security Guards/Site Supervisors shall possess, at a minimum, a high school diploma or certified equivalency diploma, and be able to document a work history or educational background which includes at least one of the following qualifications:

- Minimum of five years experience as a licensed security guard;
- Minimum of two years military experience;
- Civilian or Military law enforcement or Corrections accreditation;
- Four-year (bachelor’s) degree from an accredited college or university;
- Two-year (associate) degree from an accredited college and one year experience as a licensed security guard.

The solicitation for the replacement contract’s higher experience requirements were specifically as follows:

Level 2 Security Guard

Level 2 security guards are unarmed and shall have at minimum a Class D Security License and meet at least one of the following qualifications:

- Prior military experience with an honorable discharge (or a general discharge under honorable conditions)
- Prior certified correctional officer experience
- Prior certified police officer experience
- Police or correctional academy graduate
- Associates degree in criminal justice or related field of course study (or equivalent credit hours from an accredited institution), in addition to being a licensed security guard in the state of Florida, and
- Miami-Dade Police Academy graduate or other local police academy graduate who has obtained his or her certification of completion and met the State of Florida licensure requirements for security guards may be considered

Level 3 Security Guard

This is the highest classification of security guard and is an unarmed position. Security guard shall have at minimum a Class D Security License and meet at least one of the following qualifications:

- Minimum of three years of experience as a certified police officer
- Minimum of three years of experience as a member of the active duty military
- Minimum of three years of experience as a certified correctional officer
- Two-year (associate) degree from an accredited college or university, plus one year of security guard service
- Bachelor’s degree in criminal justice or a related field of course study (or equivalent credit hours from an accredited institution), in addition to four years of experience as a licensed security officer in the state of Florida.
- Miami-Dade Police Academy graduate or other local police academy graduate who has obtained his or her certification of completion and met the state of Florida licensure requirements for security guards may be considered for all levels of security guard services provided under this contract.

The below table summarizes OCA’s due diligence review of the current vendors for contracts RFP-716 and RFP-717.

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Researcher: JFP Reviewer: PGE

Awarded Firms	Contract(s) Awarded	Corporate Registration	Tax Collector's Office	Litigation (Westlaw)
G4S Secure Solutions (USA), Inc.	RFP716A & RFP 717B	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 1395 University Boulevard Jupiter, FL 33458</p> <p>Filed: December 4, 1958</p>	<p>Business Address: 7205 Corporate Center Dr., Suite A #304 Miami, FL 33126</p> <p>Status: Paid and Current</p>	<p><i>Brevoort v. G4S Secure Solutions (USA) Inc.</i> (Case No. 2:20-CV-05432). Filed on June 18, 2020 in U.S. District Court, Central District of California (Los Angeles). Allegation: Plaintiff was subjected to ongoing sexual orientation discrimination by fellow employees, supervisors, and executives. Case Status: Open; Notice of Interested Parties filed by defendant G4S Secure Solutions (USA) Inc., identifying G4S Holding One, Inc., G4S USA Holdings Ltd., and G4S plc on June 18, 2020.</p> <p>Tyrone Davis v. Alexander Serafin, et al. (Case No. 20STCV15185). Filed on April 21, 2020 in Superior Court, Los Angeles County. Allegation (Wrongful Termination): Defendants discriminated against plaintiff on the basis of his race, creating hostile work environment and failing to prevent from retaliation and harassment in violation of labor code and public policy. Case Status: Open; amended complaint filed on June 12, 2020.</p>
Kent Security Services, Inc.	RFP 717E	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 14600 Biscayne Blvd. N Miami Beach, FL 33181</p>	<p>Business Address: 14600 Biscayne Blvd. N Miami Beach, FL 33181</p> <p>Status: Paid and Current</p>	No relevant cases.

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		Filed: November 11, 1982		
Security Alliance, LLC	RFP 717C	Florida Limited Liability Company Active Principal Address: 8323 NW 12 th St., Suite 218 Doral, FL 33126 Filed: June 12, 2002	Business Address: 8323 NW 12 th St., Suite 218 Doral, FL 33126 Status: Paid and Current	<i>Miami-Dade County v. Security Alliance, LLC</i> (Case No. 2017- 029385-CA-01). Filed on December 21, 2017 in the 11 th Judicial Circuit, Miami-Dade County. Allegation (Breach of Contract): Defendant breached contract with Miami-Dade County by not abiding by contract terms regarding indemnification when it did not pay the County's \$42,000 settlement in a claim for damages due to a plaintiff sustaining injuries while working as a security guard for Security Alliance, LLC. Case Status: Closed; Order of Dismissal on January 15, 2019.
U.S. Security Associates, Inc.	RFP 716B, RFP 717A & RFP 717D	Foreign Profit Corporation Active Principal Address: 161 Washington Street, Suite 600 Conshohocken, PA 19428 Filed: February 23, 1994	Business Address: 915 NE 125 th St., Suite 200 North Miami, FL 33161 Status: Paid and Current	<i>Antonio Beltran v. Allied Barton Security Services, LP, et al</i> (Case No. 20STCV07764). Filed on February 5, 2020 in Superior Court, Los Angeles County. Allegation: Defendants discriminated against the plaintiff on the basis of disability by failing to provide proper accommodation and wrongfully terminated employment. Case Status: Open; Case Management Conference on June 26, 2020.

An August 14, 2020 search in the Business Management Workforce System for the pool's Commodity Code, 990 – Security, Fire, Safety, And Emergency Services (Including Disaster Document Recovery) yielded the following 21 Small Business Enterprise firms:

- AWA Security, Inc.
- C, J. Fire Protection, Inc., dba C. J. Fire Protection, Inc.
- Centurion / Feick Partnership
- Centurion Security Group, LLC
- Corcel Corp.

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- Cressmark Training Center Inc., dba Cressmark Security Services
- First American Security Services, Inc.
- Florida Fire Alarm, Inc.
- Florida Power Quality Solutions, Inc.
- High-Class Security, Inc.
- International Security Guard Services Inc.
- Journey And Associates Inc., dba TeamJai
- Lion Intelligence & Security Services Inc.
- Moonstone Investigations, LLC
- P. Eagle Protection, LLC. (Miami Branch), dba Miami Patrol Eagle Protection, LLC
- Precise Protective Research, Inc.
- Protective Security Solutions Inc.
- Quality Wiring, Inc.
- Ricmon Group LLC
- S1 Security Group, Inc.
- Ultimate Guard Protection Services, LLC

It is unknown whether these firms are capable of performing the scope of services required.

APPLICABLE LEGISLATION/POLICY

Chapter 493, Florida Statutes, governs private security services.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0493/0493ContentsIndex.html

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOCOEM

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Item Nos. 8F3, 8F4 & 8F5

File Nos. 201252, 201255 & 201257

Researcher: JFP Reviewer: PGE

Resolution No. R-959-11, adopted November 15, 2011, authorized execution of agreements with G4S Secure Solutions (USA) Inc., and U.S. Security Associates, Inc. for a two-year term with three, two-year options to renew in the aggregate amount of \$8,000,000 to obtain security guard services for multiple Special Taxing Districts in Miami-Dade County.

<http://intra/gia/matter.asp?matter=112034&file=true&yearFolder=Y2011>

Resolution No. 960-11, adopted November 15, 2011, authorized execution of agreements with 50 State Security Service, Inc., G4S Secure Solutions (USA) Inc., Security Alliance of Florida LLC, U.S. Security Associates, Inc., and Kent Security Services, Inc. for a two-year term with three, two-year options to renew in the aggregate amount of \$50,400,000 to obtain security guard services for multiple special taxing districts in Miami-Dade County.

<http://intra/gia/matter.asp?matter=112035&file=true&yearFolder=Y2011>

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

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

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

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

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

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

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

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

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**Item No. 8F6
File No. 201258**

Researcher: JFP Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF CONTRACT NO L-10088 FOR PURCHASE OF PRISONER PROCESSING ARREST FORM AUTOMATION SOLUTION TO KOLOGIK, LLC IN AN AMOUNT NOT TO EXCEED \$1,000,000.00 FOR THE FIVE-YEAR TERM FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize, by a two-thirds vote of the members present, a designated purchase for the award of *Contract No. L-10088, Prisoner Processing Arrest Form Automation Solution*, to Kologik, LLC for the Information Technology Department in the amount of up to \$1,000,000 for a five-year term.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was forwarded to the BCC with a favorable recommendation by the Public Safety and Rehabilitation Committee at its July 13, 2020 meeting.

ANALYSIS

The purpose of this designated purchase is to award Kologik, LLC (Kologik) a contract valued at \$1,000,000, for a term of five years, for the Information Technology Department (ITD)'s continued receipt of maintenance and support services for the proprietary Electronic Arrest Form (A-Form) Solution. The A-Form Solution, originally procured by the County in 2011, automated the once manual collection and sharing of arrest forms used for processing all arrests completed within the County. Previously, paper arrest forms were used for this process, resulting in operational inefficiencies in the County's criminal justice system. When an officer completes an Electronic A-Form, the A-Form enters the arrest workflow. A-Forms are processed and routed to users configured in the workflow, allowing them to take action on the record. The A-Form Solution sought to expedite the booking process and facilitate data sharing and reporting across agencies, local municipalities, and justice partners that utilize the A-Form Solution.

Pursuant to the contract, Kologik is to furnish to the County all application software replacements, substitutions, upgrades, enhancements from other Kologik customers, new releases or new versions, and associated documentation at no additional cost to the County unless they contain functions that are wholly outside of the A-Form Solution. Kologik is to provide third-party maintenance, telephone and email support according to its service response plan including after-hours support for critical and urgent matters, as well as issue a project manager as the County's primary point-of-contact who will facilitate weekly or as-needed conference calls with County staff to review and resolve any open issues and be authorized to bring in appropriate staff to resolve all open issues.

The price schedule of the proposed contract for maintenance and support, as well as cost of enhancements, is as follows:

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File No. 201258**

Researcher: JFP Reviewer: PGE

Year	Term	Maintenance and Support Annual Fee	Cost of Enhancements	Annual Total
Year 1	11/1/2020-10/31/2021	\$175,000	\$25,000	\$200,000
Year 2	11/1/2021-10/31/2022	\$175,000	\$25,000	\$200,000
Year 3	11/1/2022-10/31/2023	\$175,000	\$25,000	\$200,000
Year 4	11/1/2023-10/31/2024	\$175,000	\$25,000	\$200,000
Year 5	11/1/2024-10/31/2025	\$175,000	\$25,000	\$200,000
Five-Year Total		\$875,000	\$125,000	\$1,000,000

The A-Form Solution was originally procured through a competitive solicitation process under delegated authority pursuant to the County's Economic Stimulus Ordinance on August 15, 2011, and subsequently ratified by the Board on January 24, 2012 via Resolution No. R-28-12, with Thinkstream, Inc. as the awardee and provider of the proprietary A-Form Solution. The contract was for an initial two-year term with five, two-year options to renew at a value of \$1,600,000 for the initial term and \$400,000 for each of the option terms. During its first option term, Thinkstream Inc. underwent involuntary Chapter 11 bankruptcy and was acquired by Thinkstream Acquisition, LLC, dba Kologik. The assignment agreement was approved by the Board on April 4, 2016 (Resolution No. R-270-16) during the contract's second option term. The Board's action at this time also modified the term of the contract to two years with two, one-year options to renew, at a value of \$252,000 for the initial two-year term and \$200,000 for each of the option terms. After this term modification, the contract was slated to expire on May 1, 2020. Two, three-month prorations have extended the expiration date to November 1, 2020. The contract's current cumulative value after all modifications is \$3,440,700.

It should be noted that the \$252,000 authorized by the Board via Resolution No. R-270-16 for a two-year period on April 2016 was allocated for a period of just eight months (September 1, 2017 – May 2, 2018).

#	BID #	Title	ITB#	Req#	Eff.Date	Exp.Date	Cur.Value
1	RFP748	PRISONER PROCESSING ARREST FORM AUTOMATION	1100068	PM1100029	08/25/2011	08/31/2013	\$1,600,000.00
2	RFP748-1(5)	PRISONER PROCESSING ARREST FORM AUTOMATION	1100068	PM1100029	09/01/2013	08/31/2015	\$476,000.00
3	RFP748-2(5)	PRISONER PROCESSING ARREST FORM AUTOMATION	1100068	PM1100029	09/01/2015	08/31/2017	\$476,000.00
4	RFP748-3(5)	PRISONER PROCESSING ARREST FORM AUTOMATION	1100068	PM1100029	09/01/2017	05/02/2018	\$252,200.00
5	RFP748-4(5)	PRISONER PROCESSING ARREST FORM AUTOMATION	1100068	PM1100029	05/02/2018	05/01/2019	\$284,000.00
6	RFP748-5(5)	PRISONER PROCESSING ARREST FORM AUTOMATION	1100068	PM1100029	05/02/2019	11/01/2020	\$352,500.00

The contract's current OTR period has a current cumulative value of \$352,500 after prorations and modifications. The Blanket Purchase Order for the current OTR shows an allocation of \$293,750, of which \$292,088 has been released, leaving a balance of \$1,662. Per the Bid Tracking System, \$58,750 from the proration authorized on May 26, 2020 remains to be allocated to the department and released. The prorations issued during the current contract are congruent with the contract's monthly value.

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Researcher: JFP Reviewer: PGE

The department's justification for the designated purchase is the A-Form Solution's proprietary nature making competition impracticable, as there is currently no vendor in the market that could provide maintenance and support for the A-Form solution and none have implemented a similar solution in a jurisdiction the size of Miami-Dade County, as per market research. A Request for Information was issued to obtain information on the availability of Commercial Off-the-Shelf software and custom-developed solutions similar to the A-Form Solution. Of the 6,629 vendors who were sent the RFI, Kologik and Begus Online LLC were the only two respondents. Begus Online noted that the cost of its system would be \$120 per form.

The Florida Legislature passed HB 7125 on October 1, 2019, mandating that all Florida law enforcement agencies provide the State with criminal offense arrest data in a uniform manner. As such, the Florida Department of Law Enforcement is developing the Uniform Arrest Affidavit with implementation scheduled for November 30, 2020 at no cost to user entities. Kologik has agreed to develop the interface into the Uniform Arrest Affidavit system at no cost to the County and will continue to provide the County with additional capabilities not provided by the Uniform Arrest Affidavit system.

The below table summarizes OCA's due diligence review of Kologik, LLC.

Awarded Firms	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Kologik, LLC	Foreign Limited Liability Company Inactive in the State of Florida Actively registered in the State of Louisiana Principal Address: 2638 S. Sherwood Forest Blvd, Suite 222 Baton Rouge, LA 70816 Filed: December 8, 2015	No account on file.	No account on file.	No relevant cases.

An August 13, 2020 search on the Business Management Workforce System for the contract's Commodity Code, 20554, yielded the following two certified Small Business Enterprise firms:

- Laser Products, Inc.
- Network & Communication Services, Inc.

It is unknown whether these firms are capable of performing the scope of services required.

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Researcher: JFP Reviewer: PGE

ADDITIONAL INFORMATION

The U.S. Department of Labor sued Thinkstream and Thinkstream CEO for mismanagement of funds and a federal judge in 2014 ordered the company and its owner to repay roughly \$127,000 to the retirement plan from which the Thinkstream CEO had removed money starting more than 10 years earlier. Thinkstream declared bankruptcy in July 2015. The company was sold at auction in 2016 to a limited liability corporation called Thinkstream Acquisition LLC, which includes the company's largest debtor and other investors. The new company was then rebranded as Kologik.
https://www.theadvocate.com/baton_rouge/news/business/article_aad92412-20a9-11e8-b61d-33926f96267c.html

Thinkstream Acquisition LLC includes Thinkstream's largest debtor, TSB Ventures of Folsom, BIG Networks founder J. Smith Thomas and Matt Teague, the former president of First Call Network, a public safety software company. TSB owns 60 percent of the acquisition company. Thomas and Teague each own 10 percent. Teague will serve as CEO of Thinkstream Acquisition.

https://www.theadvocate.com/baton_rouge/news/business/article_c2f9df90-a797-551f-8e6d-5cd1a7dba355.html

APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami_-

[_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

https://library.municode.com/fl/miami_-

[_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Resolution No. R-28-12, adopted January 4, 2012, ratified the County Mayor's award of an agreement to Thinkstream, Inc. in the amount of \$1,600,000 to purchase a Prisoner Processing Arrest Form Automation Solution for the Miami-Dade Information Technology Department.

<http://intra/gia/matter.asp?matter=112691&file=true&yearFolder=Y2011>

Resolution No. R-270-16, adopted April 5, 2016, approved the assignment of *Contract No. RFP 748* to Thinkstream Acquisition, LLC and modified the contract to an initial two-year term with two, one-year option to renew terms.

<http://intra/gia/matter.asp?matter=160612&file=true&yearFolder=Y2016>

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

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

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

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

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File No. 201258**

Researcher: JFP Reviewer: PGE

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

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

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

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

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

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

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**Item No. 8F7
File No. 201259**

Researcher: IL Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING FOUR YEAR EXTENSION OF INITIAL TERM OF CONTRACT, EXERCISE OF A ONE YEAR OPTION TO RENEW TERM, AND ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$319,912.00, CONSISTING OF \$234,256.00 FOR THE EXTENDED TERM AND \$85,656.00 FOR THE OPTION TO RENEW TERM FOR A MODIFIED TOTAL CONTRACT AWARD OF \$565,475.00 FOR CONTRACT NO. L7204-1/25 FOR THE PURCHASE OF E-NET SOFTWARE MAINTENANCE SUPPORT SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY RENEWALS, EXTENSIONS OR CANCELLATIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize a designated purchase by a two-thirds vote of the members present for Contract No. L7204-1/25 to extend the initial term by four years, exercise a one-year option to renew term, and increase spending by \$319,912, consisting of \$234,256 for the extended term and \$85,656 for the option to renew term for a modified contract award of \$565,475, for E-Net software maintenance and support services for the Information Technology Department (ITD).

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services Department (ISD)

This item was brought before the HCCO meeting on July 15, 2020 and was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is for the Board to approve a four-year extension of the initial term as well as to authorize the exercise of a one-year option to renew term and additional expenditure authority in an amount up to \$319,912, consisting of \$234,256 for the extended term and \$85,656 for the option to renew for a modified total contract award of \$565,475 for Legacy Contract No. L7204-1/25 for E-Net software maintenance and support services for ITD. This contract is intended for remote recovery and replication of mainframe databases. More specifically, the contract is used by ITD to ensure access to a duplicate copy of the Criminal Justice Information System (CJIS) and the Traffic System (TS). E-Net Corporation is the developer and sole proprietor of the software application and the only vendor that can provide the required maintenance and support services, making competition not practicable.

This extension request is cost-effective, given the County's investment in the system, while ITD undergoes a competitive procurement of a court case management solution to modernize the CJIS. The mayoral memo states that a cost savings of \$37,261 was achieved through the negotiations of this designated purchase. Once modernization is complete, the County will no longer be reliant on the current system. At this time the RFP is currently out.

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**Item No. 8F7
File No. 201259**

Researcher: IL Reviewer: PGE

The table below is intended to show the life of this legacy contract with Miami-Dade County.

Table – 1 History

Contract Type	Effective Date	Expiration	Value
L7204-1/25	10/01/2015 (Original five years with one, one-year option-to-renew)	11/30/2020	\$245,563
		Total	\$ 245,563

Table 2 below illustrates the Blanket Purchase Order details in the Bid Tracking System as of August 7, 2020.

Department	Allocation Amount	Released Amount	Balance
ITD	\$245,563	\$243,031	\$2,532

Under the contract, E-Net Corporation will perform the following:

- Level 1 support – Initial Service Call: consists of going through a checklist of troubleshooting; data is entered into a tracking system, case number is assigned to the problem, escalation is determined by severity;
- Level 2 support – Problem Identification and Problem Solution: advanced technical support is provided through problem isolation and delivery of resolution or bypass; and
- Level 3 support – Advance Support and Error Correction: circumvention is prepared and permanent fixes are developed for code defects.

The Office of the Commission Auditor (OCA) conducted a due diligence review on August 7, 2020 of E-Net Corporation; see Table -3

Awarded Vendor	Corporate Filing	Tax Collector	Westlaw
E-Net Corporation	Jurisdiction: California Domestic Stock Principal Address: 300 Valley Street Sausalito CA 94965 Status: Suspended Date Filed: 01/25/1984	None	No Relevant Cases

OCA conducted a search of the Business Management Workforce System (BMWS) on August 7, 2020. The contract's Commodity Code is 20554 (Microcomputers, Handheld, Laptop, and Notebook, Environmentally Certified Products). Two SBE-G&S certified firms were identified:

Vendor

LASER PRODUCTS, INC.

Network & Communication Services, Inc.

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**Item No. 8F7
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Researcher: IL Reviewer: PGE

DEPARTMENTAL INPUT

OCA asked the following questions on July 21, 2020, to ISD; the department's responses are *italicized* below:

1. What would be the cost to develop a new social services system?
ISD Response - E-Net is not a social services system. E-Net is a mainframe software tool which provides the Criminal Justice Information System (CJIS) with a reliable remote recovery and replication of their mainframe databases. E-Net provides immediate automatic data recovery with no data loss and continuously transmits each offloaded database journal in real time creating a fully functional second read-only database that is in sync with the primary production database. This is an extremely important feature used for the CJIS database, giving them a database that can be used for reports or queries without interfering with the production database. There is no other software tool in the market that provides these functions for the mainframe environment.

2. Can a system be developed that is "open source" to be compatible with multiple vendor platforms?
ISD Response - This question may also be for another item. But if it was for the E-Net item, then the answer is no. There are no "open source" mainframe tools in the market nor does ITD have the capability of developing a new software tool to replace E-Net. This system will be retired once a new CJIS is implemented. The RFP is currently out.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board. **Section 2-8.1(b)(3) of the County Code** prescribes that formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable.

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

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

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

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

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

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

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

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**Item No. 8F8
File No. 201291**

Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL PURCHASING AND EXPENDITURE AUTHORITY AND EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 1 AS A LEGACY PURCHASE WITH CERTIFIED NETWORK PROFESSIONALS, INC. IN AN AMOUNT UP TO \$8,020,420.00 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$22,489,420.00 FOR LEGACY PURCHASE CONTRACT NO. L-4400001195 FOR THE PURCHASE OF AIRPORT SECURITY COMMUNICATIONS MAINTENANCE AGREEMENT FOR THE MIAMI-DADE AVIATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY RENEWALS OR EXTENSIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority and execution of Supplemental Agreement No. 1 pertaining *Legacy Contract No. L-4400001195, Airport Security Communications Maintenance Agreement*, in the amount of up to \$8,020,420 for a modified total contract amount of \$22,489,420 to Certified Network Professionals, Inc. for the Miami-Dade Aviation Department (MDAD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was heard at the Tourism and Ports Committee meeting of July 14, 2020 and forwarded with a favorable recommendation to the August 31, 2020 BCC meeting.

ANALYSIS

The purpose of this item is to approve an additional expenditure and execution of Supplemental Agreement No. 1 for MDAD to amend the original scope of work for the acquisition of high-speed digital video, bi-directional audio, data transmission and gateway systems and add 44 new MDAD locations to the Airport Security Network (ASN). These locations require the installation of 516 cameras and/or intercoms and 110 network switches. The additional expenditure pertaining Supplemental Agreement No. 1 is valued at \$8,020,420.

The requested expenditure under this item will provide for the integration of 161 ASN locations for specific MDAD projects (bulleted below) and involve the installation of 3,800 cameras and sensors as well as 300 network switches and workstations.

- Integration of 153 cameras in Miami International Airport's (MIA) baggage claim areas to enhance security capabilities and reduce and deter baggage theft;
- Implementation of MDAD's Capital Improvement Program (including the Central Terminal Renovation) requiring significant additional camera installations as projects arise;
- As part of MDAD's ongoing initiative to transition from analog cameras to digital cameras, MDAD will replace approximately 2,200 analog cameras through the airport system with digital cameras; and
- Security initiatives sponsored by Homeland Security federal partners such as U.S. Customs and Border Protection and the Transportation Security Administration. One such project is TSA's Perimeter Intrusion

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Researcher: MF Reviewer: PGE

Detection System, which will enhance MDAD's security capabilities along MIA's perimeter fence. The cameras, sensors, network devices and workstations installed as part of this project will be integrated into the ASN.

The maintenance services for the ASN were originally procured on February 7, 2017 through Resolution No. 105-17 for a legacy contract award to Certified Network Professionals, Inc. as the vendor; ASN is the only authorized service provider for the three equipment manufacturers (AdTech Global Solutions Inc., Emcom Systems, and Juniper Networks, Inc.) constituting the system's infrastructure. Based on staff's market research, it was determined that the cost to replace the ASN would not be a practicable option. That contract's value was \$8,158,000 for the initial six-year term; if the two, two-year options to renew are exercised, the contract's cumulative value would be \$14,469,000. The original contract is set to expire on February 28, 2023.

Under the scope of services for this item, the vendor will provide service for site operations, maintenance, and extending warranties for the ASN systems, and continue support of MDAD's Security System Integration to include an on-call support component consisting of 24-hour, 7-day per week, 365-days preventative maintenance services. All Tier 1, Tier 2, and Tier 3 levels of support for the above-referenced services will be provided for all systems through the selected vendor, Certified Network Professionals, Inc.

Tables 1 and 2 below depict the allocation amounts since the contract's inception in 2017 (per Resolution No. R-105-17) – for which proprietary funds are being used – for the contract's initial six-year term and the two, two-year OTRs, for a total of 10 years as well as the current request under this item.

Table 1

Legacy Contract No. L-4400001195 (2017 Approval)			
	Coverage Period	Yearly	Monthly
Initial Term	Year 1	\$1,006,752	\$83,896
	Year 2	\$1,177,356	\$98,113
	Year 3	\$1,212,684	\$101,057
	Year 4	\$1,249,056	\$104,088
	Year 5	\$1,286,532	\$107,211
	Year 6	\$1,325,124	\$110,427
OTR 1	Year 7	\$1,364,880	\$113,740
	Year 8	\$1,405,824	\$117,152
OTR 2	Year 9	\$1,448,004	\$120,667
	Year 10	\$1,491,444	\$124,287
TOTAL		\$12,967,656	

Table 2

Legacy Contract No. L-4400001195 Pricing Schedule (Current with Additional Expenditure)			
	Coverage Period	Yearly	Monthly
Initial Term	Year 1	\$1,006,752	\$83,896
	Year 2	\$1,177,356	\$98,113
	Year 3	\$1,212,684	\$101,057

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	Year 4	\$1,773,744	\$147,812
	Year 5	\$1,826,964	\$152,247
	Year 6	\$1,881,768	\$156,814
OTR 1	Year 7	\$1,938,228	\$161,519
	Year 8	\$1,996,368	\$166,364
OTR 2	Year 9	\$2,056,260	\$171,355
	Year 10	\$2,117,952	\$176,496
TOTAL COST UNDER THIS ITEM		\$16,988,076	
TOTAL COST UNDER INITIAL 2017 ITEM		\$12,967,656	
TOTAL DIFFERENCE		\$4,020,420 ↑	

OCA performed a review of the Bid Tracking System (BTS) on August 24, 2020. According to BTS, current *Legacy Contract No. L-4400001195* has a Blanket Purchase Order balance of \$6,909,458 indicating that of the \$8,158,000 allocated to the BPO, a total of \$1,248,541 has been released.

OCA performed a search pertaining to the listed BTS Commodity Code 93972 (Maintenance and Repair of Radio/Tele) on the Business Management Workforce System's Certified Vendor Directory on August 25, 2020. The following local SBE was identified.

- KMedia Inc. dba Techno IP Solutions Miami, FL SBE-G&S

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

OCA performed due diligence on the awarded firm, Certified Network Professionals, Inc. – which is designated SBE-G&S – on August 24, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Certified Network Professionals, Inc. (SBE-G&S)	Florida Profit Corporation Active Principal Address: 1911 SW 179 Ave. Miramar, FL Filed: January 12, 2001	Business Address: 4331 NW 22 St. Miami, FL Active Payment of \$75 due for Tax Year 2021	Active Licensed for: Certified Specialty Contractor	No relevant litigation

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Researcher: MF Reviewer: PGE

Pertaining to the SBE-G&S designation for the awarded vendor (Certified Network Professionals, Inc.), it is unclear whether the firm will maintain its SBE-G&S status. Pursuant to I.O. 3-41, any SBE that has graduated has exceeded either the personal net worth or the specific size limits stated for the program and may no longer be eligible to participate in the program. SBE means a business entity certified by SBD, providing goods or services, which has a valid business tax receipt issued by Miami-Dade County at least one (1) year prior to certification, an actual place of business in Miami-Dade County, not a Virtual Office, and whose three year average gross revenues does not exceed the following contracting participation levels: i. Micro Tier 1 — \$0 to \$750,000; ii. Micro Tier 2 — \$750,000.01 to \$2,000,000; or iii. Tier 3 — \$2,000,000.01 to \$5,000,000

ADDITIONAL INFORMATION

OCA conducted an Internet search of the subject vendor, Certified Network Professionals, Inc., on August 14, 2020. According to the company website, CNP has provided customized solutions for businesses' networking needs since 2001. Aside from having performed work for MIA, the vendor has completed network operations work for Broward County's Transportation Management System Network, Tri-Rail Security Camera System, and Fort-Lauderdale-Hollywood International Airport's Information Management System.

<http://cnetpro.net/>

DEPARTMENTAL INPUT

OCA reached out to ISD on August 14, 2020 and sent an inquiry pertaining the items below; the Department responded on August 20, 2020 and the answers are noted in Italics.

- Will federal dollars be applied to support the cost of this initiative? if so, from what specific source and for what sum? *No federal funds will be applied to this initiative at this time.*
- In addition to baggage theft, what other security concerns are addressed through this contract?
This contract will enhance MDAD's ability to investigate criminal activity in the terminal and throughout our other facilities, will allow for real-time monitoring of said criminal activity and broaden MDAD's video analytics capabilities which are projected to come on-line in the future. Examples of Security items of concern are perimeter intrusion, proactive monitoring of possible security breaches, license plate recognition and tracking, video analytics to augment monitoring and alerting of near real time events. Remediation of these security concerns constitutes an enhancement of the Airport and provides for a safer passenger experience.
- What is the interplay between this security solution and other critical airport operations systems such as Legacy Contract 10046 to Amadeus for the Airport Operation Information System and Legacy Contract 10047 to SITA for Common Use Terminal Equipment & Common Use Passenger Processing Systems?
There is no interplay or communication between this security solution and the systems referred to above.
- What is the forecasted MDAD savings amount in the long-term (beyond the OTR terms) in keeping the current network system (through the existing Legacy contract) instead of procuring an entire new network system?
This request for additional expenditure authority is being proffered to address anticipated additional costs associated with the expansion of the current airport security network as a result of security initiatives, future capital projects and MDAD's camera conversion program. Although, as indicated in the item, the costs associated with the technical support and maintenance of the existing airport security network are expected to increase over the term of this contract and subsequent OTRs, maintaining and expanding the existing

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network system is projected to yield an estimated savings of more than 53%, based on a rough order of magnitude estimate, when compared to procuring an entire new network system. Factors contributing to these estimated savings include minimizing the disruption to the airport security network, potential security exposure during the installation of a new system, costs associated with demolishing existing infrastructure and installing new infrastructure, sunken costs associated with software development/integration, and the need to maintain the existing system operational for several years while cutting over to a new system. These factors led to MDAD making the determination that it would be cost prohibitive to procure an entire new network system. Moreover, during these challenging budget times and in order to mitigate any financial burden to both the airport and its partners (airlines, concessions, tenants), MDAD feels it is prudent to mitigate the projected additional costs associated with investing in a new system.

- When is MDAD's planned conversion from analog to digital cameras and what is the projected cost of that? MDAD is currently engaged in the early stages of an ongoing, multi-phased program to convert approximately 2,200 analog cameras to digital cameras. This conversion program (MDAD is no longer purchasing analog cameras), is expected to take a minimum of five (5) years and is based on a structured methodical approach beginning with damaged cameras, cameras in critical areas and cameras in prioritized secure areas. The projected cost of this conversion program is variable as it is based on numerous factors including but not limited to new constraints on the existing infrastructure, such as increased storage capacity and network bandwidth requirements due to the higher resolution of digital cameras, location, camera model, storage utilization to name but a few. As of this time and the aforementioned factors, the total estimated cost for camera conversion effort is approximately \$14.3 million.

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. b(2) *Legacy Purchases*. Notwithstanding the provisions of section 2-8.1(b)(1), formal sealed bids shall not be required for Legacy Purchases which do not result in the budget for the user department(s) exceeding the amount approved by the County Commission during the annual budget approval process. Such Legacy purchases may be awarded by the Board of County Commissioners upon a majority vote of those Board Members present, where the amount of such award exceeds the threshold for purchases by the Mayor set forth in section 2-8.1(b)(1). The County Mayor shall include, in any Legacy Purchase award recommendation, a statement as to the need for such purchase and the provisions taken to reduce or eliminate the future need for Legacy Purchases for the particular good or service. For the purposes of this section, Legacy Purchases shall mean the purchase of goods and services where competition is unavailable, impractical or constrained as a result of the need to continue to operate an existing County system which may not be replaced without substantial expenditure.

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

Resolution No. R-828-19, adopted on 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

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lawsuits that include allegations of discrimination and dispositions of such lawsuits for a 10-year period through the date of the solicitation or non-competitive award recommendation; and 3) provide a report to the Board.

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

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

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

Resolution No. R-105-17, adopted February 7, 2017, authorized approval of Legacy Contract for Airport Security Communications Maintenance for the Miami-Dade Aviation Department, Contract No. L-4400001195, to Certified Network Professionals, Inc. for an initial six-year term plus two, two year option to renew terms in a total amount not to exceed \$14,469,000.

<http://intra/gia/matter.asp?matter=162781&file=true&yearFolder=Y2016>

Resolution No. R-187-12, adopted 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 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>

Implementing Order No. 3-41 sets forth the County's process the Small Business Enterprise Program for the Purchase of Goods and Services. The SBE Program shall apply to all County and Public Health Trust contracts for the purchase of goods ("SBE-Goods") or services ("SBE-Services"), respectively, including professional services other than architectural, engineering, architectural landscape and land surveying and mapping professional services of seven hundred thousand dollars (\$700,000.00) or less, governed by Florida Statutes Section 287.055. The SBE Program shall not apply to construction or construction management services of seven hundred thousand dollars (\$700,000.00) or less; purchase, leases or rental of real property; licenses and permits; concessions; franchise agreements; or contracts for investment banking services.

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

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

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

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**Item Nos. 8F9, 8F9 Substitute and 8F9 Substitute Supplement
File Nos. 191352, 200259 and 201689**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00808 TO LAZ FLORIDA PARKING, LLC FOR THE NON-EXCLUSIVE AGREEMENT FOR THE OPERATION OF PUBLIC PARKING FACILITIES AT MIAMI INTERNATIONAL AIRPORT FOR THE MIAMI-DADE AVIATION DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$796,344.00 FOR THE FIVE-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, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38 [APPLICABLE TO FILE NO. 191352]

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00808 TO LAZ FLORIDA PARKING, LLC FOR THE NONEXCLUSIVE AGREEMENT FOR THE OPERATION OF PUBLIC PARKING FACILITIES AT MIAMI INTERNATIONAL AIRPORT FOR THE MIAMI-DADE AVIATION DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$345,094.00 FOR THE FIVE-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, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38 [SEE ORIGINAL ITEM UNDER FILE NO. 191352] [APPLICABLE TO FILE NO. 200259]

SUPPLEMENTAL INFORMATION - RECOMMENDATION FOR APPROVAL TO AWARD OF A NON-EXCLUSIVE MANAGEMENT AGREEMENT FOR OPERATION OF PUBLIC PARKING FACILITIES AT MIAMI INTERNATIONAL AIRPORT [APPLICABLE TO FILE NO. 201689]

ISSUE/REQUESTED ACTION

Whether the Board should approve awarding *Contract No. RFP-00808* to LAZ Florida Parking, LLC (LAZ) for a non-exclusive management agreement for the operation of public parking facilities at Miami International Airport (MIA) in an amount not to exceed \$345,094 for a five-year term.

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services Department (ISD)

This item was heard and deferred by the Tourism and the Ports (TAPS) Committee several times from 2019-2020. The timeline below depicts the procedural history thus far.

- Deferred at the September 12, 2019 TAPS Committee meeting.
- Heard at the October 17, 2019 TAPS Committee meeting; members did not reach a consensus and the item rolled over to the November 2019 committee meeting. The issues discussed pertained to 1) the integrity of the procurement process; and 2) whether the process was flawed due to the labor peace provision not being mentioned in the RFP.

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- Deferred at the November 14, 2019 TAPS Committee meeting.
- Deferred at the January 15, 2020 TAPS Committee meeting (refer to summary of meeting's discussion herein below).
- TAPS Committee meeting of February 12, 2020 was cancelled.
- TAPS Committee meeting of March 11, 2020 was cancelled.
- Removed from the agenda at the April 20, 2020 Chairwoman's Policy Council meeting due to a bid protest.
- Placed on August 31, 2020 BCC meeting agenda.

Below is a synopsis of the discussion that transpired at the January 15, 2020 TAPS Committee meeting:

- Commissioner Rebeca Sosa pointed out that the company that has held the contract for several years (incumbent APA) has been a good company and when competition occurs, it can be difficult. She inquired of staff whether anything was done unfairly pertaining to this item and who is the responsible party for paying employee benefits (whether it is part of the RFP or separate).
- Aviation Department Director Lester Sola explained that the current contract expires March 31, 2020; thus the process was opened via a competitive process for work to be performed for a company to manage the operations – and the County is paying a management fee for the company to manage the operations, but the County will be paying for the expenses. The reason this item was back before committee again has to do with discussion regarding the reimbursable expenses for the benefits to the employees (i.e., time off, et al.).
- Mr. Sola stated that both firms under consideration can perform the work; however, one firm is charging significantly more in price than the recommended firm (approximately \$360,000 versus \$149,500). He also stated no protest was filed regarding this; instead, the protesting firm (APA) decided to issue the protest at committee.
- Commissioner Sosa inquired about the procurement and negotiating process, and whether the County had informed APA (the protesting firm) that the County would not reimburse the benefits in question.
- ISD Chief Procurement Officer Namita Uppal stated that during the procurement process both companies were afforded the same contract with the same benefits, and it was made clear to them what those benefits were that the County would reimburse.
- Commissioner Sosa followed-up with another question: whether one company was given some information and no information was given to another.
- Ms. Uppal denied that was the case, stating the process had been a plain-leveled field with the same information given to both companies.
- Director Sola stated the benefits were kept at parity and that all the companies had to bid to the County was the price component to manage the contract; regardless of how much the benefits would be – the airport would be reimbursing the cost of those benefits.
- Commissioner Barbara Jordan stated the question asked by Commissioner Sosa – whether or not the companies were told that some benefits would not be included – was not answered.
- Ms. Uppal stated that when the RFP was advertised, the benefits included in the RFP were slightly lower than what is being paid under the current contract.
- Commissioner Jordan stated that some of the benefits that are being paid – are being paid by the airport. She also pointed out that the labor peace agreement is supposed to be in an RFP, by resolution. Ms. Jordan then asked Ms. Uppal whether the labor peace agreement requirement had been included in the original RFP.

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- Ms. Uppal answered no, explaining it was her understanding that at that time staff did not include it; Ms. Uppal added she did not know the reasons for this. She also pointed out that during negotiations, both companies were given equal opportunity for the same benefits that the County had advertised.
- Commissioner Jordan pointed out that one company was told the County was not paying for the labor peace agreement, and what was in writing did not include labor peace; thus, it is a violation of the commission's requirement. She referred to the commission's requirement, through resolution, that a labor peace is to be included – therefore it is a flaw in the process. Ms. Jordan indicated one company submitted with the labor peace component, while the other company submitted what was in writing. She stated both companies were correct in doing so, based on their understanding.
- Ms. Uppal underscored that the same contract was negotiated with both companies along with the same benefits – and both were informed about those benefits that were going to be reimbursed. She also stated that even with the reduction of the labor peace agreement from the protesting company's figure, it is a higher price than the price offered by the company being recommended. Ms. Uppal noted that the protesting company submitted \$255,000 as the management fee cost and \$105,000 as the cost for the benefits (of the \$360,000 total).
- Commissioner Jordan pointed out that Mr. Sola had previously stated that the RFP should have been put out based on what the airport was paying – and that labor peace was a part of it, but it was not. As a result, two groups did two different things based on different understandings – and neither one was wrong; however, the County had erred.
- Commissioner Sosa then queried the County Attorney regarding whether the labor peace requirement mandates the benefits.
- Assistant County Attorney David Murray stated the Board's labor peace requirement does not mandate any particular benefit level or require for employees to be unionized; it does require that where there is a union in place, a labor peace agreement be in place; organizing (if it occurs) would not disrupt airport operations.
- Commissioner Dennis Moss raised the issue pertaining to this item having been previously deferred. He then inquired of Mr. Sola the reasons for the County having labor peace agreements.
- Mr. Sola's response was that the Board's policy states that labor peace agreements be in place.
- Commissioner Esteban Bovo stated there is a process in place for challenging procurements; he added it is uncomfortable and bothersome that commissioners are wedged into this process when the opportunity to contest and do a bid protest is not used – and it is unfair to the Board members. He expressed concern that the Board gets dragged into such issues unnecessarily – and does not look good for the Board. Mr. Bovo proposed forwarding the item to the Board without a recommendation.
- Commissioner Sosa stated that it is important, now more than ever, for every contract at the airport to go by the book. She stated the County has received a lot of attention by the State of Florida, in writing, about these issues. As a result, the County needs to do things by the book. Ms. Sosa also voiced concern about continuing to delay the item, and potential extensions being granted to the current company – which would result in the County having to send a justification to the State outlining the reasons for such delays.
- Commissioner Jordan said that at one point in time, the airport did handle its own procurement and later that was consolidated. In this case, she said, the labor peace agreement issue did not register correctly through the procurement process. She indicated the process for the best and final offer was too late for APA because the company had already been eliminated from the process because the bid was higher.
- Commissioner Jordan noted she would not support moving the item forward to the Board without a recommendation. She would, however, support sending the item to the Office of the Inspector General for an entire review of the process, in order to learn where the breakdown (of the process) occurred.

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- Commissioner Sosa said she would not continue to support extending this item any longer and inquired of staff if there was a way to conduct a best and final offer.
- Director Sola answered in the affirmative and stated the airport could negotiate the best and final offer for the management fee, which is the crux of the issue. The argument from the existing (protesting) company, he said, is the company claims to have been disadvantaged because the employees were accustomed to receiving a particular benefit. However, the management fees the existing company was charging at that point in time were already considering those benefits.
- Director Sola indicated that airport staff would meet with both companies and return to the Board with one final price.
- Commissioner Sosa requested for the Inspector General to be present during that meeting, to ensure transparency.
- Commissioner Moss concurred and supported the idea.
- Commissioner Bovo raised concerns with the way some companies operate regarding going to the Board, where in some cases (companies) may count votes and then try to skew the system. He indicated he would not support rewarding a company that did not go through the bid protest process and instead came to the Board with the issue – without following the process.
- Commissioner Sosa then made a motion for staff to conduct the renegotiation, specific to the management fee, pertaining to the two companies in question to submit a best and final offer and for said renegotiations to have the presence of the Inspector General.

The committee then moved ahead with the motion and agreed to bring back the item at the TAPS Committee meeting of February 12, 2020. As previously noted, that meeting was subsequently cancelled.

ANALYSIS

Per the mayoral memorandum, at the direction of the TAPS Committee meeting of January 15, 2020 (when the item was last heard), a Best and Final Offer (BAFO) solicitation was issued to the two respective vendors pertaining *RFP-00808*: LAZ Florida Parking, LLC (LAZ) and Airport Parking Associates (APA). The main difference between this item and the previously submitted item [Legistar File No. 191352] is that this item contains additional details regarding the BAFO as well as a reduction in the allocation amount from the initial \$796,344 to \$345,094 – a decrease of \$451,250 or 56.6%.

The purpose of this item is for the Board to award a replacement long-term contract for the management and operation of main public parking facilities at MIA known as Dolphin and Flamingo garages. The last contract for these services was awarded to incumbent Central Parking System of Florida Inc. (dba APA) and expired September 30, 2019. According to BTS, the contract was administratively extended from September 30, 2019 through March 30, 2020. It is unknown at this time what MDAD has been doing to satisfy its needs under this contract since its expiration. The replacement contract is being awarded to LAZ for a term of five years for a value of \$345,094 and includes a provision requiring the vendor to establish and maintain a labor peace agreement with the existing union.

At the direction of the TAPS Committee on January 15, 2020, MDAD issued a BAFO on January 23, 2020 to the two respondents under *RFP-00808* – LAZ and APA. BAFO responses were received January 30, 2020, at which point, both vendors submitted annual price quotes of \$65,000 for LAZ and \$72,497 for APA. LAZ's quote was the BAFO and is being recommended for award. Pursuant to the associated contract, LAZ will establish and maintain the labor peace agreement with the existing union. Note that the original recommendation had a management fee of \$796,344

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for the five-year term. As previously mentioned, the BAFO pricing reflects a price decrease of nearly 57% to the recommended amount of \$345,094.

Prior to the BAFO, the re-solicitation of these services was advertised on October 23, 2018, with proposals due by December 14, 2018. APA and LAZ were the only two proposers under the solicitation. Based on the scoring by the Competitive Selection Committee and after dual negotiations with both vendors, the highest-ranked proposer (LAZ) offered the most favorable pricing.

Table 1 below depicts the final scores and proposed annual management fee – at that time – from the proposers prior to the BAFO.

Table 1

Proposer	Total Combined Score (max. 5000)	Proposed Annual Management Fee
LAZ Florida Parking, LLC	4379.5	\$300,000
APA Parking Associates	4377.1	\$380,000

On February 10, 2020, a bid protest was filed with the Clerk of the Board on behalf of proposer APA [Legistar File No. 201689]. The bid protest cited three specific allegations against the County's recommendation to award the contract to LAZ:

- 1) Erroneously awarding points based upon Airport Concession Disadvantaged Business Enterprise (ACDBE) participation;
- 2) Modifying aspects of the RFP related to employee benefit reimbursements; and
- 3) Allowing LAZ to benefit from known misrepresentations.

On June 30, 2020, the Hearing Examiner heard the bid protest and upheld the County's recommendation to award the contract to LAZ. The Hearing Examiner determined that the County was under no obligation to accommodate APA's economic limitations regarding existing union agreements. The Hearing Examiner also concluded that the County had not acted in an arbitrary or capricious manner in awarding the contract to LAZ, and therefore recommended that the contract be upheld, and the protest be denied.

The scope of *Contract No. RFP-00808* consists of the 24/7 daily operations of public parking facilities, utilizing and maintaining the parking access and revenue control system, and maintaining the facilities in good working order. More specifically, key services to be delivered are:

- Oversee the maintenance and cleanliness of facilities and report to MDAD if janitorial and/or repair services are required;
- Develop strategies to maximize sales and optimize net income;
- Provide emergency service at no charge to the customer for lost vehicle search assistance, jump starts, inflation of flat tires or installation of spares; and lock-out assistance;
- Monitor facilities to ensure the security of guests, including performing night vehicle inventory and reporting vehicle count;
- Confirm that parking location reminder systems are operational at all times;
- Collect payment utilizing the existing MDAD Parking Access Revenue Control System;

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- Reconcile all revenues received with receipts;
- Develop and maintain an annual marketing plan which shall analyze the competition in the surrounding airport area and develop an action plan by market segment to address supply and demand by facility type; and
- Provide valet parking services, including obtaining and maintaining Garage Keeper's Legal Liability Insurance.

The facilities covered in this request include, but are not limited to, multi-level garages, surface lots, Central Collection Plaza, remote parking and the taxicab lot. The employee lot is excluded from the contract's scope.

There is a contractually stipulated interplay between this recommended award and the PARCS contract to DESIGNA Access Corp., which was awarded via *Contract No. RFP-MDAD-07-17*, pursuant to Resolution No. R-463-19 on May 7, 2019. The DESIGNA award provided for the following goods and services:

- Hardware
- Software
- Tools
- Equipment
- Materials
- Labor
- Data wiring
- Electrical infrastructure
- Test results
- Supervision
- Project management, et al, for PARCS

The replacement contract requires LAZ to work jointly and cooperate fully with DESIGNA during the design, construction, installation, testing and implementation of the new parking access revenue control system. Such cooperation includes operating and managing the new PARCS.

This contract replaces *Contract No. MDAD-02-06*, established pursuant to Resolution No. R-898-08, and extended through Resolution No. R-979-18. The table below summarizes the resolutions.

Resolution No. R-898-08 Approved Sept. 2, 2008	Resolution No. R-979-18 Approved Sept. 25, 2018
Award RFP No. MDAD-02-06 for public parking agreement and nonexclusive management agreement with Airport Parking Associates for a term of 5 years.	Approved amendment to Contract No. MDAD-02-06 for the designated purchase of non-exclusive management services for the operation of public parking at MIA
Provided for one 5-year term with the County's right to extend agreement an additional 5 years in 1-year increments	Provided additional time of up to 1 year, & additional expenditure amount up to a maximum of \$199,699
Contract extensions could not exceed 10 years	Added contract provisions for termination of convenience and public records
MDAD anticipates a minimum of \$180,136,375 in revenues for the five-year contract term.	

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The fiscal impact to the County is \$345,094 for the management fees spanning the five-year term. Under the current contract (MDAD-02-06), the management fees with incumbent firm, APA, were estimated at \$1,189,699 for an 11-year term. The gross revenues generated from the operation of the facilities under the agreement shall accrue to the County. Under the replacement contract, the \$345,094 fee includes a \$65,000 payment for the first year of the contract. Subsequently and beginning in year 2 of the contract, the following adjustments will occur:

- The most recently published Consumer Price Index (CPI-U) percentage change available in the 12th month following the effective date for year 2, and the month immediately preceding the anniversary of the effective date thereafter – or
- A 3% over the previous year's fees, whichever is less – shall be applied to the management fee

According to the market research for the subject item, parking operations at MIA generated \$44,930,798 in adjusted gross revenue, net of sales taxes, for the Fiscal Year ending September 30, 2017. For FY 2016, parking operations generated \$48,158,186 in adjusted gross revenue. MDAD does not currently have in-house staff to operate the parking facilities at MIA, and thus, there is a need to hire a third-party provider to manage and maintain the facilities.

OCA performed due diligence of LAZ Florida Parking, LLC, August 21, 2020; the results are shown below.

Awarded Firm(s)	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
LAZ Florida Parking, LLC	Florida Limited Liability Company Active Principal Address: 404 Washington Ave., Ste. 720, Miami Beach, FL Filed: October 2, 2007	Business Address: 404 Washington Ave., Ste. 720 Miami Beach, FL Status: Paid and Current	No account on file	<i>Ilan Doron v. LAZ Florida Parking, LLC, et al.</i> Case No. 2020-002517-CA-01 filed on February 3, 2020, 2019 in the 11 th Judicial Circuit, Miami-Dade County, Florida. Allegation: Defendant negligently maintained the plaintiff's Rolls Royce vehicle at parking place, causing damages. Case status: As of August 18, 2020, there was a hearing for the motion calendar. <i>Trent Kathmann v. LAZ Florida Parking, LLC.</i> Case No. 17-5683 SP 25, Filed on June 15, 2017 in the 11 th Judicial Circuit Court of Miami-Dade County, Florida. Allegation: defendant's valet parking employee damaged the transmission

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				on the plaintiff's vehicle. Case status: Closed case as of December 21, 2017; Plaintiff received \$2,269.37 in damages.
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OCA performed a search for Commodity Code 98865 (Parks Systems Technical Services) in the Business Management Workforce System on August 21, 2020. There were two (2) SBE certified firms listed:

- LCN Group, Inc., 555 NW 95 Street, Miami, FL SBE
- Shasa Engineering Corp., 13965 SW 10 Street, Miami, FL SBE

ADDITIONAL INFORMATION

OCA performed an Internet search regarding LAZ Florida Parking, LLC, with offices at 404 Washington Avenue, Suite 720, Miami Beach, FL 33139 on August 21, 2020. According to the company's website, LAZ provides parking management services for office buildings, hospitality and valet, government, residential buildings, airports, and stadiums and arenas.

<https://www.lazparking.com/our-company>

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board. The Mayor is delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes) costing \$1,000,000 or less, or in the case of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises specifically authorized by Board resolution \$5,000,000 or less, without the need for action by the County Commission.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Resolution No. R-463-19, adopted May 7, 2019, approves award of Contract No. RFP-MDAD-07-17 to DESIGNA Access Corporation for the purchase of Parking Access and Revenue Control System for the Miami-Dade Aviation Department in a total amount not to exceed \$9,910,601 for the initial three-year term and a five-year option to renew term.

<http://intra/gia/matter.asp?matter=190865&file=true&yearFolder=Y2019>

Resolution No. R-515-19, adopted May 7, 2019, directs the Mayor to seek approval for award of successor contracts or extensions 60 days prior to contract expiration.

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

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**Item Nos. 8F9, 8F9 Substitute and 8F9 Substitute Supplement
File Nos. 191352, 200259 and 201689**

Researcher: MF Reviewer: PGE

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-979-18, adopted September 25, 2018, approved retroactively amendment 1 to Contract No. MDAD-02-06 for the designated purchase of non-exclusive management services for the operation of the public parking facilities at Miami International Airport for the Miami-Dade Aviation Department, providing additional time of up to one year, additional expenditure authority in an amount up to \$199,699 and incorporating additional contract provisions for termination for convenience and public records, pursuant to Section 2-8.1(B)(3) of the County Code, by a two-thirds vote of the board members present.

<http://www.miamidade.gov/govaction/matter.asp?matter=182313&file=true&fileAnalysis=false&yearFolder=Y2018>

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

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2015/150090min.pdf>

Resolution No. R-1011-15, adopted November 3, 2015, requires that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ.

<http://www.miamidade.gov/govaction/matter.asp?matter=152271&file=true&fileAnalysis=false&yearFolder=Y2015>

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/legistarfiles/MinMatters/Y2012/120287min.pdf>

Resolution No. R-898-08, adopted September 2, 2008, approved the operation of public parking facilities at Miami International Airport and awarded the non-exclusive management agreement with Airport Parking Associates for a five-year period.

<http://www.miamidade.gov/govaction/matter.asp?matter=082340&file=true&fileAnalysis=false&yearFolder=Y2008>

Resolution No. R-841-06, adopted September 12, 2006, directs the Mayor to specify the dollar amount of delegated authority in the titles of ordinances and resolutions delegating contract authority to the County Mayor.

<http://www.miamidade.gov/govaction/matter.asp?matter=061803&file=true&fileAnalysis=false&yearFolder=Y2006>

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File Nos. 191352, 200259 and 201689**

Researcher: MF Reviewer: PGE

Implementing Order 3-38, adopted March 18, 2016, governs the County's processes for the purchase of goods and services including professional services.

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

**BCC Meeting
August 31, 2020
Research Notes**

**Item No. 8F10
File No. 201655**

Researcher: VW Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFQ9562- 45ISD TO CHI-ADA CORPORATION, INC. FOR JANITORIAL SERVICES DOWNTOWN FACILITIES FOR THE INTERNAL SERVICES DEPARTMENT WITH AN ESTIMATED FISCAL IMPACT TO THE COUNTY OF \$33,445,316.00 FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY AND IMPLEMENTING ORDER NO. 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve award of Contract No. RFQ9562-45ISD for janitorial services at various downtown facilities to Chi-Ada Corporation, Inc. for a value of \$33,445,316 for a five-year term for the Internal Services Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

ANALYSIS

The purpose of this item is to approve a long-term replacement contract for janitorial services at various downtown facilities managed by ISD. Under the replacement contract, the recommended awardee is Chi-Ada Corporation, Inc. for a five-year term with a fiscal impact to the County of \$33,445,316. The contract will replace an existing emergency contract, E-10048, Emergency Janitorial ISD Downtown. The emergency contract took effect on October 31, 2019, is set to expire on September 30, 2020 and has a current allocation of \$7,794,650. The vendor under contract for the emergency contract is Vista Building Maintenance Services, Inc. An emergency was declared by the Internal Services Department Director after a bid protest was filed that delayed the replacement contract award. The ratification of the emergency award is a companion item on the August 31 BCC Agenda, File No. 201656, 8F11. Per Resolution No. R-454-13 emergency contract ratifications have to come to the Board within 120 days of an emergency being declared. The emergency was declared on November 4, 2019 when the bid protest was filed, yet the item is being considered by the Board 301 days after the emergency was declared.

The contract will provide janitorial services at various downtown government facilities managed by ISD, including the Stephen P. Clark Center, various courthouses, and garages. The replacement contract allows for the continued health and safety of the public and County employees who utilize these facilities, as well as the additional sanitation and cleaning services required to mitigate the spread of the Coronavirus 2019 (COVID-19) throughout these facilities.

The County currently maintains a prequalified pool of vendors, 9562-5/22-1, Janitorial Services, with performance-based specifications governing all vendors performing janitorial services for the County. The prequalified pool has a current value of \$151,311,390.06. The pool became effective on January 1, 2018 and is set to expire on December 31, 2022.

The pool has three groups, and the County competitively solicits the prequalified vendors when a need arises. The three groups under the pool are as follows:

- Group 1 – Buildings less than 25,000 square feet of cleaning area and five stories or less;

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**Item No. 8F10
File No. 201655**

Researcher: VW Reviewer: PGE

- Group 2 – Buildings from 25,001 to 75,000 square feet of cleaning area and five stories or less; and
- Group 3 – Buildings 75,001 square feet of cleaning area or greater or building is greater than five stories (high-rise).

A competitive Request for Quotation (RFQ), RFQ9562-45ISD, was issued to all prequalified vendors in Group 3 on May 24, 2019. Vendors become pre-qualified in Group 3 by submitting individual references from at least three customers where the vendor has or is providing janitorial services for at least five years from the date of bid submission. Vendor's references had to also demonstrate that it has performed janitorial services during concurrent time periods within the past five years, for facilities singly (one building) or in the aggregate (various buildings), totaling 75,001 square feet or more and five stories or more. The County evaluated the three bids received (Chi-Ada Corporation, Inc.; SFM Services, Inc.; and Vista Building Maintenance Services, Inc.), and applied the applicable five percent Small Business Enterprise Bid Preference. As a consequence, the award recommendation was given to Chi-Ada Corporation, Inc. (Chi-Ada), a certified Small Business Enterprise (SBE) firm, on October 30, 2019. Approximately two and a half hours after ISD recommended award of the RFQ contract to Chi-Ada, ISD emailed a letter from SBD to Chi-Ada's counsel notifying them that Chi-Ada had graduated from the SBE Services Program.

On November 4, 2019, SFM Services, Inc. filed a Notice of Intent to Protest, pursuant to Section 2-8.4(b) of the Code of Miami-Dade County (the Code). On November 7, 2019, a bid protest was filed by SFM Services, Inc. alleging that Chi-Ada Corporation, Inc. was not a certified small business at the time of award and therefore ineligible to receive the SBE bid preference. The protest was heard by a Hearing Examiner on November 21, 2019. SFM's two main points of contention were: (1) that the five percent bid preference should not apply to Chi-Ada because Chi-Ada will not be a certified SBE at the time of contract execution and that "awarded contracts" means "contract execution" not "award recommendation" and (2) it was erroneous for SBD to not graduate from the SBE Services Program prior to the award recommendation. On December 2, 2019, the Hearing Examiner ruling confirmed and upheld the County's recommendation to award to Chi-Ada, on the basis that Chi-Ada was a certified SBE at the time of the contract award, that SFM's reading of "awarded contracts" as "contract execution" is not reasonable, and that the timing of Chi-Ada's SBE graduation was not erroneous.

The fiscal impact for No. RFQ9562-45ISD is \$33,445,316 for a term of five-years. The current emergency contract, Contract No. E-10048, is valued at \$7,794,650 for 11 months. Both the annual allocation and the monthly allocation for the replacement contract are approximately 27% lower than the existing contract.

The table below compares the monthly and annual allocations of the existing contract with the replacement contract.

Contract No.	Cumulative term	Annual Allocation	Monthly Allocation
No. E-10048	\$7,794,650	\$8,503,254.54	\$708,604.54
No. RFQ9562-45ISD	\$33,445,316	\$6,689,063.2	\$557,421.93

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Researcher: VW Reviewer: PGE

On August 21, 2020, OCA conducted due diligence on the awarded vendor, including relevant litigation, which is detailed below.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Chi-Ada Corporation, Inc.	Florida Profit Corporation Active 4820 W. Commercial Blvd 4820 Tamarac, FL 33319 Filed: August, 25 1995	Business address: 135 NW 163rd St Miami, FL 33169	No account on file.	Nothing found.

An August 21, 2020 search of the Business Management Workforce System for the firm's commodity code, 91039, Janitorial/Custodial Services yielded 62 certified SBE firms.

APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Miami-Dade County Code Section 2-8.9, (Living Wage Ordinance for County Service Contracts and County Employees), provides provisions for a living wage to be paid to service contractors, who are performing covered services and are hiring employees to cover said services.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOEM

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

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

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

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Researcher: VW Reviewer: PGE

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

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

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

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

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

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

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

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**Item No. 8G1
File No. 200819**

Researcher: VW Reviewer: PGE

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF SOUTH MIAMI IN CONNECTION WITH THE SUNSET OF THE SOUTH MIAMI COMMUNITY REDEVELOPMENT AGENCY, AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN.

ISSUE/REQUESTED ACTION

Whether the Board should execute an Interlocal Agreement between Miami-Dade County and the City of South Miami pertaining to the sunset of the South Miami Community Redevelopment Agency (CRA).

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Xavier L. Suarez, District 7
Department/Requester: Office of Management and Budget

This item was heard at the Housing, Social Services & Economic Development Committee meeting of July 14, 2020 and forwarded with a favorable recommendation to the August 31, 2020 BCC meeting.

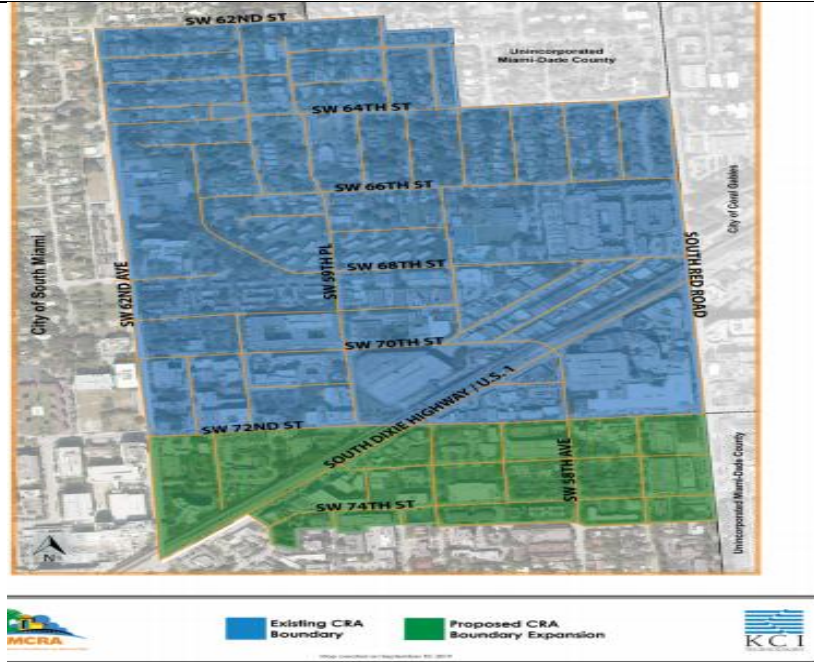
ANALYSIS

The South Miami CRA was an urban initiative established on June 16, 1998 to address documented slum and blight conditions in the City of South Miami by improving the physical environment and quality of life in the redevelopment area. The CRA was a neighborhood development agency in Commission District 7, represented by Commissioner Xavier L. Suarez. The CRA's geographic area was generally described as being bounded by SW 62nd Avenue on the West, SW 62nd Street on the North, SW 57th Avenue on the East, and SW 72nd Street on the South. The specific goals of the CRA were to increase property values within the area, the provision of enhanced safety to the area's residents in the form of community policing, and the identification of opportunities to improve the physical quality of life for the businesses and residents of the area in accordance with the Community Redevelopment Plan. Below is a map of the existing boundaries of the South Miami CRA:

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On February 4, 2020, the South Miami Commission voted 4-1 against extending the life of the South Miami CRA, allowing the CRA to sunset on June 1, 2020. The sunset of the CRA will not affect the completion of Madison Square, a mixed-use affordable housing development being constructed on land which the CRA conveyed for development.

Pursuant to Resolution No. R-204-20, on February 19, 2020 the BCC approved the budget for Fiscal Year 2019-2020 for the South Miami CRA in the amount of \$3,593,089. Operating expenditures for the South Miami CRA in Fiscal Year 2019-2020 were \$3,278,884 with \$1,300,000 scheduled for infrastructure improvement including \$433,333 for the US-1 pedestrian-crossing bridge design, \$433,333 for a bike lane on 64th street and beautification projects along Sunset Drive, and \$433,333 for streetscape improvements and landscaping projects.

The proposed interlocal agreement would allow the City of South Miami to retain \$866,666 of CRA funds to partially fund two projects within a two-year period: a design of a pedestrian bridge across US-1 (\$433,333) and street improvements along Sunset Drive and SW 64th Street including bike lanes, sidewalks and beautification (\$433,333). If the projects remain unfinished after the two-year period, the City of South Miami is required to return the funding to the County in the same manner the Trust Fund funding was disbursed. The deadline for completion of these projects is June 1, 2022. The interlocal agreement also covers transfer of real property from the CRA to the City of South Miami.

Apart from the \$866,666 just discussed, the South Miami CRA also has approximately \$1.5 million in remaining funding which is to be distributed to Miami-Dade County and the City of South Miami on a 52% and 48% basis respectively, reflecting the percentage in which TIF revenues were contributed to the CRA for Fiscal Year 2019-2020. Miami Dade County will receive \$780,000 while the City of South Miami will receive \$720,000.

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The table below shows all existing municipal community redevelopment agencies, their establishment dates, commission districts wherein they fall, Fiscal Year 19-20 approved budgets, associated zip codes and the median household income per zip code. It is important to note that the zip codes located within the CRA are at times larger than the CRA boundaries. One of the limitations of the data is revealed in the fact that a CRA might include an otherwise impoverished area of an affluent zip code, but the data below will only show the median income of the *entire* zip code.

CRA Name	Commission District	Approved Budget FY 2019-2020	BCC Approving Resolution	Zip Codes	Median Household Income ¹	Establishment Date
Omni/Midtown	3	\$54,045,391 (Omni) /\$8,883,704 (Midtown)	Resolution No. R-389-20; No. R-388-20	33132; 33136; 33137; 33127	\$77,779; \$24,702; \$60,259; \$30,231	1987
Naranja Lakes	9	\$6,309,834	Resolution No. R-1226-19	33032; 33033	\$48,341; \$45,782	2002
North Miami	2; 4	\$11,946,084	Resolution No. R-41-20	33161; 33167; 33168; 33181	\$36,618; \$36,870; \$45,395; \$46,038	2005
North Miami Beach	2; 4	\$4,549,661 ²	Unable to verify Resolution No.	33162; 33160	\$42,643; \$52,170	2004
NW 7th Avenue Corridor	2; 3	\$2,897,696	Resolution No. R-1228-19	33150; 33168; 33169	\$28,069; \$45,395; \$43,331	2004
79th Street Corridor	2; 3	\$1,916,729	Resolution No. R-1227-19	33142; 33147	\$24,106; \$30,632	2011
Homestead	8; 9	\$3,711,604	Resolution No. R-44-20	33030	\$37,576	1994
Miami Gardens	1; 2	N/A	N/A	33056; 33055	\$40,985; \$43,373	2004
Florida City	9	\$8,511,653	Resolution No. R-43-20	33034	\$36,363	1995

¹ Reflects data from Census Bureau 2018: ACS 5-Year Estimates

² Number reflects CRA approved 2019-20 Budget; unable to verify BCC approval

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Opa-Locka	1	\$498,465.90 ³	Unable to verify Resolution No.	33054	\$24,597	2013
Southeast Overtown /Park	3; 5	\$66,273,241	Resolution No. R-390-20	33136; 33132; 33128	\$24,702; \$77,779; \$18,920	1982
West Perrine	9	\$1,215,226	Resolution No. CRA-3-20	33157	\$63,943	2005

APPLICABLE LEGISLATION/POLICY

Chapter 163, Part III, Florida Statutes (The Community Redevelopment Act) governs community redevelopment programs. The Act authorizes counties and municipalities in the State of Florida to create community redevelopment agencies, to prepare redevelopment plans for certain defined areas within their boundaries designated as community redevelopment areas, within which community redevelopment projects and activities may be undertaken to eliminate and prevent the development and spread of slum and blighted areas through the use of creative financing mechanisms.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0163/0163PARTIIIContentsIndex.html

Chapter 163.375, Florida Statutes outlines the principle of eminent domain in relation to CRAs. Any county or municipality, or any community redevelopment agency pursuant to specific approval of the governing body of the county or municipality which established the agency, as provided by any county or municipal ordinance has the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it deems necessary for, or in connection with, community redevelopment and related activities under this part.

<http://intra/gia/matter.asp?matter=193013&file=true&yearFolder=Y2019>

Section 163.356, Florida Statutes governs the creation of community redevelopment agencies.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=163.356&URL=0100-0199/0163/Sections/0163.356.html

Section 163.387, Florida Statutes governs redevelopment trust funds. A redevelopment trust fund may be established for each community redevelopment agency after approval of a community redevelopment plan. Funds in the trust shall be used by the agency to finance or refinance any community redevelopment in accordance with the approved community redevelopment plan.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=163.387&URL=0100-0199/0163/Sections/0163.387.html

Resolution No. R-1374-96, adopted on December 3, 1996, declares certain geographic area of the city of the south Miami, Florida described generally as bounded by S.W. 62nd avenue on the west, S.W. 62nd street on the north, S.W.

³ Number reflects CRA approved 2019-20 Budget; unable to verify BCC approval

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57th avenue on the east, and S.W. 72nd street on the south to be a slum or blighted area and creates the South Miami Community Redevelopment Agency (CRA).

<http://intra/gia/matter.asp?matter=963262&file=false&yearFolder=Y1996>

Ordinance No. 98-79, adopted on June 16, 1998, establishes the South Miami Community Redevelopment Agency's (CRA) Community Redevelopment Plan.

<http://intra/gia/matter.asp?matter=981071&file=false&yearFolder=Y1998>

Ordinance No. 98-80, adopted on June 16, 1998, establishes the South Miami CRA's redevelopment Trust Fund.

<http://intra/gia/matter.asp?matter=981061&file=false&yearFolder=Y1998>

Ordinance No. 99-100, adopted on September 9, 1999, establishes an Interlocal Agreement between Miami-Dade County and the South Miami CRA.

<http://intra/gia/matter.asp?matter=992733&file=false&yearFolder=Y1999>

Resolution No. R-204-20, adopted February 19, 2020, approved the budget for fiscal year 2019-20 for the South Miami Community Redevelopment Agency and South Miami Community Redevelopment Area totaling \$3,593,089.00.

<http://intra/gia/matter.asp?matter=193013&file=true&yearFolder=Y2019>

Resolution No. R-327-04, adopted January 16, 2004, approving First Amendment to Interlocal Cooperation Agreement among county, city of South Miami and South Miami CRA to increase administrative cap on expenses to twenty percent.

<http://intra/gia/matter.asp?matter=040139&file=true&yearFolder=Y2004>

Resolution No. R-446-05, adopted on May 3, 2005, approves the amended plan for the South Miami CRA area and extends the Agency for 15 years, until 2020.

<http://intra/gia/matter.asp?matter=051035&file=true&yearFolder=Y2005>

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**Item No. 8N2
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 12th 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 was considered at the June 9, 2020 meeting of the Infrastructure and Capital Improvements Committee wherein it was forwarded to the Board with a favorable recommendation.

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 12th Street, from the Dolphin Park and Ride facility to NW 114th 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 Trust provided approval at its July 16, 2020 meeting.

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 12th 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 114th 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.

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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.

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) and found the following:

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Researcher: JFP Reviewer: PGE

Awarded Firm	Previous Contracts with the County (Past Five Years)	Total Value of County Contracts (Past Five Years)	No. of Evaluations	Average Evaluation Rating (out of a possible 4.0)
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.

Awarded Firm	Corporate Registration	Tax Collector's Office	Certifications	Litigation (Westlaw)
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*

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

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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 98th Street Hialeah Gardens, FL 33016</p> <p>Status: Paid and Current</p>	<p>SBE-A&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 66th Ave. Suite 106 Plantation, FL 33313</p> <p>Filed: August 21, 1991</p>	<p>Business Address: 6840 NW 77th 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>

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

**Certified SBE*

ADDITIONAL INFORMATION

ADA Engineering, Inc.

<http://adaeng.net/>

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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

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

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

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

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=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-303EXPRZOUNARWHCOREZOJUINAREXAPGOFA

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.

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[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

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>

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**Item No. 8N3
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 award of a design-build contract to OHL USA, Inc., (OHL) in an amount not to exceed \$368,233,493 for a total contract term of 800 calendar days for the South Corridor (South Dade Transitway) Rapid Transit Project.

PROCEDURAL HISTORY

Prime Sponsor: None

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

This item was brought before the Transportation and Finance Committee meeting on July 14, 2020 and was forwarded to the BCC with a favorable recommendation. Prior to the item being approved, the following discussion transpired:

Commissioner Eileen Higgins inquired as to when the CEI item would be coming before the Board. Ms. Bravo explained it would be coming before the Board after the summer recess. Commissioner Daniella Levine Cava inquired as to the dollar limitation (300 million) for small starts and inquired about what happened to the other bidders and lastly if the gold standard applied to this project. Director Bravo explained that the limits are on the BRT project and that FDOT was already planning to do projects which is why the approach to combine the efforts to minimize the public impact. Ms. Bravo also explained that she was not aware why the other firms withdrew and explained that the gold standard would be achieved pursuant to the specifications of the project. Commissioner Moss inquired as to what the buses are going to look like and requested a report on the convertibility to rail. Director Bravo advised that the buses would have a futuristic look and DTPW would produce the report.

ANALYSIS

The purpose of this item is to garner the approval from the Board for the design-build services agreement to OHL for an amount not to exceed \$368,233,493 for a total term of 800 calendar days for the South Dade Transitway Rapid Transit Project for DTPW. The design-build project is comprised of five inter-related scopes which are:

1. South Corridor Bus Rapid Transit (BRT) project;
2. 168th 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 is to enhance efficiencies related to traffic efforts, mobilization, coordination, and communication and minimize 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.

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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 section will result in an expedited approach to performance as it relates to the purchase of materials and will place the burden of procuring and acquiring materials on OHL and not the County. Additionally, this item was considered by the Citizenship Independent Transportation Trust (CITT) on July 16, 2020 in accordance with County Code Section 29-124(f) and forwarded to the Board with a favorable recommendation.

This Project is a Lump Sum Contract, meaning 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 the 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 Bus Rapid Transit (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 sources is illustrated in Table 1 below.

Table 1 Breakdown of Projects by Funding Sources and Award (Provided by DTPW)

Project Descriptions	Funding Source	Design-Build Award	Construction Engineering and Inspection Award	Funding Source Subtotals	Project Totals
FDOT SAFETY PROJECT AT US1 & SW 136 ST	FDOT Department Funded Agreements	\$ 493,826.94	\$48,999.50	\$542,826.44	\$542,826.44
FDOT SAFETY PROJECTS AT US1 & QUAIL ROOST	FDOT Department Funded Agreements	\$419,368.32	\$41,200.50	\$460,568.82	\$460,568.82
PARK AND RIDE – TRANSITWAY AT SW 168TH STREET	Charter County Transit System Surtax (PTP)	\$45,675,023.41	\$2,524,500.00	\$48,199,523.41	\$57,699,523.41
	USDOT Build Program	\$9,500,000	\$0.00	\$9,500,000.00	
SOUTH CORRIDOR MAST ARM IMPROVEMENTS (STRUCTURES AND FOUNDATIONS ONLY)	Road Impact Fees	\$57,968,486.81	\$384,838.16	\$58,353,324.97	\$58,353,324.97

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Project Descriptions	Funding Source	Design-Build Award	Construction Engineering and Inspection Award	Funding Source Subtotals	Project Totals
ROADWAY IMPROVEMENTS OF SW 264 TH STREET	Road Impact Fees	\$4,809,990.90	\$291,500.00	\$5,101,490.90	\$5,101,490.90
SOUTH CORRIDOR	Charter County Transit System Surtax (PTP)	\$ 83,957,836.04	\$ 5,964,899.90	\$89,922,735.94	\$267,261,496.73 <i>(includes \$1,253,355.55 for Art in Public Places, which is not eligible for FDOT/FTA assistance)</i>
	FTA Section 5309 Discretionary Grant	\$ 82,704,480.50	\$ 5,964,899.89	\$88,669,380.39	
	FDOT New Starts	\$ 82,704,480.50	\$ 5,964,899.90	\$88,669,380.40	
Contract Totals:		\$368,233,493.42	\$21,185,737.85		\$389,419,231.27

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 344th 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 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.

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- 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. 264th 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 provided by SBD, OHL USA, Inc. has not been awarded any contracts by Miami-Dade County within the last three years.

OCA performed a search of the technical certifications on the Business Management Workforce System on August 24, 2020, the number of SBE A&E firms found are listed in Table 2 below:

Table 2 Technical Certifications SBE search

Technical Certification	Description	DBE A/E Firms
2.01 (Prime)	Mass Transit Systems – Mass Transit Program (Systems) Management	Non-identified
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

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2.05 (Other)	Mass Transit Systems – General Quality Engineering	Non-identified
Technical Certification	Description	SBE A/E Firms
2.06 (Other)	Mass Transit Systems – Mass Transit Safety Certification for System Elements	Non-identified
3.01 (Other)	Highway Systems – Site Development and Parking Lot Design	Non-identified
3.02B (Other)	Highway Systems – Minor Highway Design	Non-identified
3.03 (Other)	Highway Systems – Bridge Design	Non-identified
3.04 (Other)	Highway Systems – Traffic Engineering Studies	Non-identified
3.07 (Other)	Highway Systems – Traffic Signal Timing	Non-identified
3.08 (Other)	Highway Systems – Intelligent Transportation System Analysis, Design, and Implementation	Non-identified
3.09 (Other)	Highway Systems – Signing, Pavement Markings, and Channelization	Non-identified
3.10 (Other)	Highway Systems – Lighting	Non-identified
3.11 (Other)	Highway Systems – Signalization	Non-identified
8.00 (Other)	Telecommunications	Non-identified
9.01 (Other)	Soils, Foundations and Materials Testing – Drilling, Subsurface Investigations and Seismographic Services	Non-identified
9.02 (Other)	Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	Non-identified
9.03 (Other)	Soils, Foundations and Materials Testing – Concrete and Asphalt Testing Services	Non-identified
9.04 (Other)	Soils, Foundations and Materials Testing – Non-Destructive Testing and Inspections	Non-identified
10.01 (Other)	Environmental Engineering – Stormwater Drainage Design Engineering Services	Non-identified
10.05 (Other)	Environmental Engineering – Contamination Assessment and Monitoring	Non-identified
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
15.01 (Other)	Surveying and Mapping – Land Surveying	Non-identified
15.03 (Other)	Surveying and Mapping – Underground Utility Location	Non-identified
20.00 (Other)	Landscape Architecture	Non-identified
22.00 (Other)	ADA Title II Consultant	Non-identified

OCA conducted a due diligence analysis of the awarded firm and the awarded firms subconsultants and subcontractors on August 7, 2020 as seen in Table 3 below:

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Table 3 due diligence table.

Firm	Sunbiz	Tax Collector	License Type	West Law
OHL USA, Inc. (PRIME)	Foreign Profit Corporation Principal Address: 26-15 Ulmer Street, Flushing, NY Date Filed: 06/01/2005	2 Accounts Business Address: 9675 N.W. 117 th Avenue, Suite 108 Miami, FL 33178 Paid/Current	License Type: Certified General Contractor Active No License Complaints	No Relevant Cases
300 Engineering Group, P.A.	Florida for Profit Corporation Principal Address: 3850 Bird Road, Suite 601, Miami, FL 33146 Date Filed: 09/18/2006	None	License Type: Registry Active No License Complaints	No Relevant Cases
A&A Fonte, Inc.,	Florida for Profit Corporation Principal Address: 12901 NW 113 th CT, Miami, FL 33178 Date Filed: 01/20/2004	3 Accounts Business Address 12901 N.W. 113 th Court Medley, FL 33178 Paid/Current	License Type: Certified Underground Utility and Excavation Contractor Active No License Complaints	No Relevant Cases
Agricultural Land Services, Inc.	Florida for Profit Corporation Principal Address: 12265 State Rd. #7 Boynton Beach, FL 33437 07/31/1980	1 Account Business Address: 12265 State Rd 7 Boynton Beach, FL 33437 Paid/Current	None	No Relevant Cases
Alpizar Construction and Associates Corp.	Florida for Profit Corporation Principal Address: 8541 SW 164 th CT Miami, FL 33193 Date Filed: 06/29/2005	1 Account Business Address: 8541 SW 164TH CT Miami, FL 33193 Paid/Current	License Type: Certified General Contractor No License Complaint	No Relevant Cases
American Pipeline Construction, LLC.	Florida Limited Liability Company Principal Address: 4908 SW 72 nd Ave Suite A Miami, FL 33155 Date Filed: 10/01/2014	3 Accounts Business Address: 4908 S.W. 72nd Ave Suite A Miami, FL 33155 Paid/Current	License Type: Certified General Contractor and Certified Underground Utility and Excavation Contractor.	No Relevant Cases

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Firm	Sunbiz	Tax Collector	License Type	West Law
B&C Transit, Inc.	Florida for Profit Corporation Principal Address: 2300 E. Oakland Park Suite 302, Fort Lauderdale, FL 33304 Date Filed: 02/25/1999	None None	No License Complaint License Type: General Contractor No License Complaint	No Relevant Cases
Bliss & Nyitray, Inc.	Florida for Profit Corporation Principal Address: 5835 Blue Lagoon Drive, Suite 400, Miami, FL 33126 Date Filed: 03/01/1968	Business Address: 5835 Blue Lagoon Dr., Suite 400, Miami, FL 33126 Paid/Current	License Type: Architects and Interior Designers Status is: Null and Void Registry No License Complaint	No Relevant Cases
Blue Native of the Florida Keys, Inc.	Florida for Profit Corporation Principal Address: 155 Toppino Industrial Drive, Keywest, FL 33040 Date Filed: 12/21/2016	None	License Type: Landscape Architect Business and Registry No License Complaint	No Relevant Cases
Bob's Barricades, Inc.	Florida for Profit Corporation Principal Address: 921 Shotgun Rad, Sunrise, FL 33326 Date Filed: 06/20/1975	One account Business Address: 921 Shotgun Rad, Sunrise, FL 33326 Paid/Current	None	No Relevant Cases
Construct Group Corp.	Florida for Profit Corporation Principal Address: 5979 NW 151 Street Suite # 212 Miami Lakes, FL 33014 Date Filed: 07/03/2001	Three accounts Business Address: 5979 NW 151 Street Suite # 212 Miami Lakes, FL 33014 Paid/Current	License Type: General Contractor No License Complaint	No Relevant Cases

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Firm	Sunbiz	Tax Collector	License Type	West Law
Cherokee Enterprises, Inc.	Florida for Profit Corporation Principal Address: 12981 N.W. 113 Court, Medley, FL 33178 Date Filed: 01/25/1999	Multiple Accounts Business Address: 12981 N.W. 113 Court, Medley, FL 33178 Paid/Current	License Type: Certified General Contractor, Certified Pollutant, Professional Geologist and Certified Building (Cert Pollutant) has a Delinquent, Active Status. No License Complaint	No Relevant Cases
Chrome Engineering, Inc.	Florida for Profit Corporation Principal Address: 16650 S.W. 88 th Street Suite 205, Miami, FL 33196 Date Filed: 09/24/2018	One Account Business Address: 16650 S.W. 88 th Street Suite 205, Miami, FL 33196 Paid/Current	License Type: Registry No License Complaint	No Relevant Cases
Curtis & Rogers Design Studio, Inc.	Florida for Profit Corporation Principal Address: 7520 S. Red Road, Suite M, South Miami, FL 33143 Date Filed: 10/23/1991	One Account Business Address: 7520 S Red Road, FL 33143 Paid/Current	None	No Relevant Cases
E Sciences, Incorporated	Florida for Profit Corporation Principal Address: 34 East Pine Street, Orlando, FL 32801 Date Filed: 08/29/2000	Three Accounts Business Address: 1021 Ives Dairy Road, Suite 216, Miami, FL 33179 Paid/Current	License Type: Professional Geologist, Elevator, Registry No License Complaint	No Relevant Cases
ESP Enterprises, Inc.	Florida for Profit Corporation Principal Address: 14486 Cortez Blvd, Brooksville, FL, 34613	None	None	No Relevant Cases

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File No. 201283**

Researcher: IL Reviewer: PGE

Firm	Date Filed: 03/01/1989	Tax Collector	License Type	West Law
Florida Structural Steel and Construction, Inc.	Florida for Profit Corporation Principal Address: 19200 S.W. 106 th Avenue, Unit 13 Miami, FL 33157 Date Filed: 12/07/2016	One Account Business Address: 19200 S.W. 106 th Avenue, Unit 13 Miami, FL 33157 Paid/Current	None	No Relevant Cases
Florida Transportation Engineering, Inc.	Florida for Profit Corporation Principal Address: 8250 Pascal Drive Punta Gorda, FL 33950 Date Filed: 04/03/1990	Two Accounts: Business Address: 8333 N.W. 53 rd Street, Suite 450, Doral, FL 33166 Paid/Current	License Type: Landscape Architect Registry No License Complaint	No Relevant Cases
Geosol, Inc.	Florida Profit Corporation Principal Address: 5795-A N.W. 151 st Street, Miami Lakes, FL 33014 Date Filed: 04/07/200	Multiple Accounts Business Address: 5795-A N.W. 151 st Street, Miami Lakes, FL 33014 Paid/Current	License Type: Certified Registry No License Complaint	No Relevant Cases
Guaranteed Fence, Corp.	Florida for Profit Corporation Principal Address: 1091 East 26 Street, Hialeah, FL 33013 Date Filed: 11/17/2003	Business Address: 1091 E. 26 th Street, Hialeah, FL 33013 Paid/Current	None	No Relevant Cases

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Firm	Sunbiz	Tax Collector	License Type	West Law
Highway Striping, Inc.	<p>Florida for Profit Corporation</p> <p>Principal Address: 18851 S.W. 218th Street, B-11, Miami, FL 33170</p> <p>Date Filed: 05/23/2008</p>	<p>Multiple Accounts Business Address: 18851 S.W. 218th Street, B-11, Miami, FL 33170</p> <p>Paid/Current</p>	None	No Relevant Cases
Holt Communications, Inc.	<p>Florida for Profit Corporation</p> <p>Principal Address: 3350 S.W. 148th Avenue, Suite 110 Miramar, FL 33027</p> <p>Date Filed: 09/14/2005</p>	<p>One Account Business Address: 3105 N.W. 107th Avenue, Suite 400 Doral, FL 33172</p> <p>Paid/Current</p>	None	No Relevant Cases
I & C Earthmovers Corp.	<p>Florida for Profit Corporation</p> <p>Principal Address: 13436 S.W. 19th Lane Miami, FL 33175</p> <p>Date Filed: 09/04/1998</p>	<p>One Account Business Address: 13436 S.W. 19th Lane Miami, FL 33175</p> <p>Paid/Current</p>	<p>License Type: General Contractor</p> <p>No License Complaint</p>	No Relevant Cases

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Researcher: IL Reviewer: PGE

Firm	Sunbiz	Tax Collector	License Type	West Law
I.F. Rooks & Associates, LLC	Florida Limited Liability Company Principal Address: 813 Ridge Lake Blvd, Memphis, TN 38120 Date Filed: 02/12/2018	None	None	No Relevant Cases
Image Resource Group, Inc.	Foreign Profit Corporation Principal Address: 130 Pinnacle Point Court, Suite 101, Columbia, SC 29223 Date Filed: 10/08/2003	None	None	No Relevant Cases
Interstate Construction, LLC	Florida Limited Liability Company Principal Address: 2501 S.W. 160 th Avenue, Suite 400, Miramar, FL 33027 Date Filed: 02/13/2013	One Account Business Address: 5951 N.W. 151 st Street, Suite 208, Miami Lakes, FL 33014 Paid/Current	License Type: General Contractor and Building Contractor No License Complaint	No Relevant Cases
Lead Engineering Contractors, LLC	Florida Limited Liability Company Principal Address: 5757 Blue Lagoon Drive, Suite 240, Miami, FL 33126 Date Filed: 05/19/2016	One Account Business Address: 5757 Blue Lagoon Drive, Suite 240, Miami, FL 33126 Paid/Current	License Type: General Contractor, Certified Plumber, Certified Underground and Excavation Contractor.	Case: Angel Morales v. lead Engineering Contractors LLC., in the 11 th Judicial Circuit filed on April 21, 2020, Allegation: Defendant negligently operate the premises in the proper condition by failing to warn the dangerous condition of metal fence pole striking the plaintiff caused sustain severe injuries. Status: Open (Discovery)

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Researcher: IL Reviewer: PGE

Firm	Sunbiz	Tax Collector	License Type	West Law
Manuel G. Vera & Associates, Inc.	Florida for Profit Corporation Principal Address: 13960 S.W. 47 th Street, Miami, FL 33175 Date Filed: 04/27/1977	Multiple Accounts Business Address: 13960 S.W. 47 th Street, Miami, FL 33175 Paid/Current	License Type: Registry Status: Null and Void No License Complaint	No Relevant Cases
NV5, Inc.	Foreign Profit Corporation Principal Address: 200 South Park Road, Suite 350, Hollywood FL 33021 Date Filed: 03/05/2010	Multiple Accounts Business Address: 14486 Commerce Way Miami Lakes, FL 33016 Paid/Current	License Type: Asbestos Business., Interior Design, Architect, Professional Geologist and Registry. No License Complaint	No Relevant Cases
Parsons Transportation Group Inc.	Foreign Profit Corporation Principal Address: 100 M Street, SE, Suite 1200, Washington, D.C. 20003 Date Filed: 09/11/1974	One Account Business Address: 16055 Space Center Blvd #725, Houston, TX 77062-6269 Paid/ Current	License Type: General Contractor No License Complaint	No Relevant Cases
Perez & Perez Architects Planners, Inc.	Florida for Profit Corporation Principal Address: 2121 Douglas Road, 3 rd Floor, Miami, FL 33145 Date Filed: 05/01/1984	Multiple Accounts Business Address: 2121 S.W. 37 th Avenue, Suite 3FL, Miami, FL 33145 Paid/Current	License Type: Architect No License Complaint	No Relevant Cases
Precision Contracting Services, Inc.	Florida for Profit Corporation Principal Address: 15834 Guild Court, Jupiter, FL 333478	None	License Type: Certified Alarm System Contractor II, Certified Electrical Contractor, Certified Building Contractor, Elevator, and Certified Specialty Contractor.	No Relevant Cases

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Researcher: IL Reviewer: PGE

Firm	Sunbiz	Tax Collector	License Type	West Law
Pylon Cg Inc.	<p>Date Filed: 11/14/1990</p> <p>Incorporated in New York. Domestic Business Corporation</p> <p>Principal Address: 445 Hamilton Ave, Suite 1102, White Plains, New York, 10601</p> <p>Date Filed: 11/26/2014</p>	None	None	No Relevant Cases
R Tech Engineering, LLC	<p>Florida Limited Liability Company</p> <p>Principal Address: 6780 N. Augusta Dr., Hialeah, FL 33015</p> <p>Date Filed: 02/15/2016</p>	None	None	No Relevant Cases
SDM Consulting Engineers, Inc.	<p>Florida for Profit Corporation</p> <p>Principal Address: 135 Almeria Avenue, Coral Gables, FL 33134</p> <p>Date Filed: 05/24/1982</p>	<p>Multiple Accounts</p> <p>Business Address: 135 Almeria Ave, Coral Gables, FL 33134</p> <p>Paid/Current</p>	<p>License Type: Registry</p> <p>No License Complaint</p>	No Relevant Cases
SICE, Inc.	<p>Foreign Profit Corporation</p> <p>Principal Address: 14350 N.W. 56th Court, Unit 105, Miami, FL 33054</p> <p>Date Filed: 07/31/2008</p>	<p>Multiple Accounts</p> <p>Business Address: 14350 N.W. 56th Court, Suite # 105, Miami, FL 33054</p> <p>Paid/Current</p>	<p>License Type: Certified Electrical</p> <p>No License Complaint</p>	No Relevant Cases

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Researcher: IL Reviewer: PGE

Firm	Sunbiz	Tax Collector	License Type	West Law
Torres Electrical Supply Company, Inc.	Florida Profit Corporation Principal Address: 3190 SE Dominica Ter., Stuart, FL 34997 Date Filed: 05/01/1987	None	None	No Relevant Cases

The following DBE measures were set for this project:

DBE-Architectural/Engineering - 5.00%

DBE- Construction - 24%

Pursuant to Resolution No. R-421-16, a performance record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on August 7, 2020. There are no evaluations on record for OHL USA, Inc. in the Capital Improvements Information System.

Pursuant to Resolution No. R-1181-18, adopted November 8, 2018, directs the County Mayor to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board. OCA requested the safety records on August 24, 2020, from DTPW and OSHA Form 300 was provided on the same day and is available upon request*.

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 a possible 100 million dollar grant for the South Dade Rapid Transit System.

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



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DEPARTMENTAL INPUT

OCA asked the following question on July 21, 2020 to DTPW; the department's responses are *italicized* below:

1. The improvements that are going to be made to the corridor particularly as it relates to the boarding stations, will they be capable of interfacing with Metro-Rail/At Grade Heavy Rail service should the County change from the Bus to Train in the near future, or will the boarding stations need to be remodeled and re-engineered? This question is related to the sentence in the Mayoral memo that states: "Stations will be designed to facilitate the future conversion of the stations from BRT to at-grade Heavy Rail if the possibility arises".

DTPW RESPONSE - Yes, the improvements will consider the future conversion of the proposed Bus Rapid Transit (BRT) Stations to accommodate an at-grade Heavy Rail Transit (HRT) system by eliminating or mitigating future impacts to the BRT Station design elements including physical station components, technologies and infrastructure. The commitment to have the design consider the conversion from BRT to HRT is included in the Design Criteria Package (DCP), made a part of the solicitation documents.

2. What is the likelihood for a change order resulting in this project, considering that three out of the four firms withdrew from the procurement and two of the firms based their withdrawal on the timeline and scope of the project?

DTPW RESPONSE - In all construction contracts, the contractor is usually entitled to change orders as a result of specific situations. However, the project delivery method used in this project (i.e., a Design-Build Contract), is the procurement of a single contract for both design and construction services. This single point of responsibility in the design and construction ordinarily does not result in claims; it puts the burden of claims resulting from errors and omissions on the Design-Build firm. However, it may not eliminate change orders caused by unforeseen/unknown conditions or unforeseen circumstance. These circumstances may arise regardless of the number of bidders.

3. The federal government mentioned the idea that 100 million-dollar U.S. DOT grant will be issued for the South Dade Rapid Bus Transit System, however, it doesn't seem to be in the mayoral memo. Is the County in communication with our Federal partners to attain the grant? Below is a table of the funding sources for this project.

DTPW RESPONSE - Following the Federal Transit Administration (FTA) announcement of the funding award to the South Corridor Rapid Transit Project, Miami-Dade County (County) immediately coordinated with the FTA regarding the process and timeline for the County to execute the grant agreement and attain the United States Department Of Transportation Grant. Both FTA and the Department of Transportation and Public Works staff have been working diligently to develop and refine documents and information required to execute the grant agreement with FTA. On July 14, 2020, the County and FTA had a meeting and FTA expressed that they anticipate executing the Grant Agreement the first week of August 2020.

4. And why aren't we going with that at this time?

DTPW RESPONSE - The South Corridor (South Dade Transitway) Rapid Transit project was approved by the Federal Transit Administration (FTA) as a "Small Start Project" as defined in Section §5309 of the Code of the Department of Transportation - Fixed guideway capital investment grants. A Small Starts Project has a total estimated net capital cost less than \$300,000,000.00. As such, the estimated Federal Assistance committed is less than \$100,000,000.00 (or \$99,999,999.99). The Florida Department of Transportation (FDOT)'s committed to participate at 50% of the local

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match to the project cost (or up to \$100,000,000.00) and Miami-Dade County's (County) participation was estimated to cost up to \$100,000,000.00.

Please note that the eligible costs for Federal Assistance for the South Corridor Project include owners representation services (design criteria and post design services), Design-Build services and Construction, Engineering and Inspection (CEI) services. The total eligible cost for FTA and FDOT assistance for Design-Build and CEI services is \$266,008,141.18 (excludes Art in Public Places; refer to the table below). The Award being considered now by the Citizens Independent Transportation Trust is only for the Design-Build services of which the Federal Assistance and FDOT match is \$82,704,480.50 each. The solicitation for CEI services for the South Corridor Project is still under the cone of silence and the Award Recommendation is routing for review.

The grant amounts awarded by FTA and FDOT were estimates. The actual negotiated and combined costs for the Design-Build and CEI services is less than the estimated cost of a Small Starts Project. Therefore, the funding breakdown for contract award, by each funding type (i.e., Federal, FDOT and County) is less than their respective estimated amounts.

Link to Section 5307: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title49-section5309&num=0&edition=prelim>

APPLICABLE LEGISLATION/POLICY

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

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

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

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

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

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

Section 2-10.4(7) of the County Code provides, each contract for professional services shall contain a prohibition against contingent fees, as required by Chapter 287, Florida Statutes. For the breach or violation of this provision the County Commission

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may terminate the agreement without liability or, at its discretion, deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

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

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**Item No. 15C1
File No. 201672**

Researcher: CB Reviewer: PGE

NOMINATIONS FOR APPOINTMENT TO THE GOODS AND SERVICES TASK FORCE

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Clerk of the Board

ANALYSIS

OCA completed the required background research for the nominees being considered for appointment to the Goods and Services Task Force. The nominees are: Jeannifer M. Bonnet and Leighton Brown. There are no adverse findings for the nominees.

APPLICABLE LEGISLATION

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

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

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).