



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

**COMMISSION AUDITOR'S  
INFORMATIONAL RESEARCH**

**INFRASTRUCTURE AND CAPITAL  
IMPROVEMENTS COMMITTEE MEETING**

**September 9, 2020**

**2:00 P.M.**

**Virtual Meeting**

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Commission Auditor

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September 9, 2020  
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**Item No. 3BB  
File No. 201609**

**Researcher: MF   Reviewer: PGE**

RESOLUTION APPROVING AWARD OF A DESIGN-BUILD SERVICES AGREEMENT WITH A CONTRACT AMOUNT NOT TO EXCEED \$16,184,835.60, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$788,563.60 AND A TOTAL CONTRACT TERM OF 960 CALENDAR DAYS AND A SUPPLEMENTAL AGREEMENT NO. 1, INCREASING CONTRACT AMOUNT BY \$1,487,718.92, TO LEAD ENGINEERING CONTRACTORS, LLC, FOR A CUMULATIVE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$17,672,554.52 FOR A PROJECT ENTITLED “DESIGN-BUILD SERVICES – PHASE 2 – THE UNDERLINE”, CONTRACT NO. CIP178-DTPW18-CT2 AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve *Contract No. CIP178-DTPW18-CT2* between the County and LEAD Engineering Contractors, LLC, totaling \$17,672,554.52, inclusive of a contingency allowance in the amount of \$788,563.60 and Supplemental Agreement No. 1 in the amount of \$1,487,718.92 for Phase 2 Design-Build services for The Underline for a contract term of 960 calendar days.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

**ANALYSIS**

The purpose of this item is for the Board to authorize a design-build contract between the County and LEAD Engineering Contractors, LLC (LEAD) for Phase 2 of The Underline for a term of 960 calendar days. The crux of the work under Phase 2 entails performing roadway infrastructure improvements along 2.14 miles of areas parallel to the Metrorail Right-of-Way, which is part of a 10-mile linear park and urban trail along the multi-modal corridor offering easier access to public transportation. The contract includes a contingency allowance for unforeseen work that is to be completed by the contractor. Once completed, The Underline will offer amenities such as playgrounds, exercise equipment, basketball and volleyball courts, picnic areas, dog parks and butterfly gardens. The Underline, consisting of three phases, is expected to augment mobility for residents and businesses for easier access in everyday life; the project is slated for completion in June 2026.

Design-Build *Contract No. CIP178-DTPW18-CT2* has a cumulative value of \$17,672,554.52 and is inclusive of a contingency allowance in the amount of \$788,563.60 and another \$1,487,718.92 (for Supplemental Agreement No. 1) for soil remediation services for a term of 960 calendar days.

Phase 2 of the Design-Build contract between the County and LEAD will provide for the following transportation-related enhancements from Southwest 13 Street to Southwest 19 Avenue along The Underline:

- Paved off-street bicycle and pedestrian pathways
- Landscaping
- Lighting
- Street furniture
- Wayfinding signage

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- Pavement markings

The scope of work consists of providing civil, landscaping and electrical design work, surveys, geotechnical, permitting, signage, public meetings, coordination of design with utility companies and other governmental agencies, archeological monitoring, environmental investigation, remediation, reporting, construction compliance with grants to include submittals to the Florida Department of Transportation (FDOT) and adhere to federal project standards in compliance with the National Environmental Policy Act (NEPA).

The item requires approval by the Citizens Independent Transportation Trust approval. Phase 1 of The Underline was awarded to Central Pedrail, JV pursuant to Resolution No. 1020-18 on October 2, 2018. Per the approval, the project sites for Phase I are Southwest 7, 8 and 13 Streets (located in District 5) and is set for completion by December 2020.

The fiscal impact is \$17,672,554.52 and is inclusive of a contingency allocation of \$788,563.60 and Supplemental Agreement No. 1 in the amount of \$1,487,718.92. Funding for the project is derived from three sources: State funding in the amount of \$8,000,000; County Road Impact Fees in the amount of \$6,129,687.52; and City of Miami Park Impact Fees in the amount of \$3,542,867. Under the design build contract, the basis of compensation is as follows:

Design Base Amount = \$1,500,000

Construction Base Amount = \$13,896,272

**Total Base Contract Amount = \$15,396,272**

\*Note: Per the contract, the design-builder shall not be entitled to any fees beyond those specified and authorized through applicable Work Orders.

Pertaining to Supplemental Agreement No. 1, the work will consist of soil remediation services to include the following: soil sampling, testing, preparation and submittal of a soil mixing plan, for which approval from the Department of Regulatory and Economic Resources (RER) is required. Other services under said agreement include blending materials on site and monitoring in the approved soil mixing plan of such soil remediation services, as required by RER. Illustration 1 shows the typical work conducted during soil remediation services.

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**Illustration 1**



The Underline – which will straddle 10 miles of right-of-way along Metrorail from the Miami River to Dadeland South Station – is considered the County’s first mobility corridor aimed at merging various modes of transportation to enhance accessibility across the County’s eight Metrorail stations and the communities along the trail. The project is located in Districts 5 and 7, represented by Commissioners Eileen Higgins and Xavier L. Suarez. Phase 2 of the project is located in District 5.

A Request for Design-Build Services solicitation was advertised on April 26, 2019, and three proposals were submitted for the Step 1 process of “Evaluation of Qualifications.” All three respondents possessed the required technical certification and Disadvantaged Business Enterprise (DBE) designation, in adherence with the solicitation. The Competitive Selection Committee reviewed the three proposals and the firms were ranked accordingly.

Table 1 below depicts the firms with their respective scores and rank. Figure 1 below shows a timeline of events after the proposal submittal process during the evaluation phase of the process; after the four negotiations were held for Phase 2 with the top two ranked firms, the Committee moved ahead with the lump sum proposed price of \$15,418,373 from LEAD.

**Table 1**

<b>Firm Name</b>	<b>Total Score</b>	<b>Ranking (After Tie-Break)</b>
Central Florida Equipment Rentals, Inc.	452	1
LEAD Engineering Contractors, LLC	452	2
Condotte America, Inc.	445	3

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**Figure 1**



The project has an aspirational Disadvantaged Business Enterprise goal of 10.65% and it is Local Agency Program certified.

In the course of negotiations with LEAD, it was determined it would be beneficial for the County to negotiate a supplemental agreement for soil remediation services. The supplement agreement provides a way to secure sufficient funding is established thereby averting any potential project delays. Consequently, the Negotiation Committee reached a lump sum price of \$1,487,718.92 with LEAD for Supplemental Agreement No. 1.

According to SBD, the selected firm, LEAD, has not held any County contracts in the past three years. OCA reviewed the Capital Improvements Information System (CIIS) on September 3, 2020. The CIIS system shows zero (0) evaluations for LEAD Engineering Contractors, LLC. According to CIIS, the firm is licensed for the following:

- General Building Contractor
- Plumber Master
- Underground Utility Excavation

OCA conducted due diligence on the firm, LEAD Engineering Contractors, LLC, and its subconsultants on September 2, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
LEAD Engineering Contractors, LLC (prime)	Florida Limited Liability Company  Active  Principal Address:	Business Address: 5757 Blue Lagoon Dr. #240 Miami, FL	Active  Licensed for: Certified General Contractor; Certified Plumbing Contractor; Certified	<i>Sightseeing Tours Management Inc. v. LEAD Engineering Contractors, LLC. Case No. 2020-018129-CA-01, filed on</i>

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	<p>5757 Blue Lagoon Dr. #240 Miami, FL</p> <p>Filed: May 19, 2016</p>	Paid and Current	Underground Utility and Excavation Contractor; and Construction Business Information	<p>August 25, 2020 in the 11<sup>th</sup> Judicial Circuit Court, Miami-Dade County, FL. Allegation: Defendant allowed concrete, concrete sludge and other construction debris to fall onto the Island Queen vessel, resulting in damages to the plaintiff including loss of income, revenues, property damage, loss of use, loss of reputation, repairs. Case status: As of August 31, 2020, there was an amended complaint filed.</p> <p><i>Angel Morales v. LEAD Engineering Contractors, LLC. Case No. 2020-008754-CA-01, filed on April 21, 2020 in the 11<sup>th</sup> Judicial Circuit Court, Miami-Dade County, FL. Allegation: Plaintiff was walking from the parking lot to the bus at the Golden Glades Park &amp; Ride and slipped and fell as a result of dangerous, unsafe condition from a cut metal fence pole sticking out from the ground, resulting in serious and permanent injuries (scarring and disfigurement). Case status: There is a motion calendar hearing set for September 17, 2020.</i></p>
A & P Consulting	<p>Florida Profit Corporation</p> <p>Principal Address:</p>	Business Address: 8935 NW 35 Lane	Active  Licensed for: Registry; and	<p><i>Carlos Chapman et al. v. Munilla Construction Management, LLC et al. Case No. 2018-016746-</i></p>

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Transportation Engineers Corp. (sub-consultant)	8935 NW 35 Lane # 200 Doral, FL  Active  Filed: January 17, 1995	# 200 Doral, FL  Paid and Current	Architect Business Information	<p>CA-01, filed May 18, 2018 in the 11<sup>th</sup> Judicial Circuit Court, Miami-Dade County, FL. Allegation: Defendants failed to construct and maintain an FIU pedestrian bridge, causing it to catastrophically collapse and resulting in injuries to plaintiff, who was brought onto the bridge construction project as a consultant and who had advised defendants of structural damage, which advice was ignored or disregarded. Case status: Voluntary dismissal</p> <p><i>Winsome Joy Campbell et al v. Corradino Group, Inc. et al.</i> Case No. 2018-013463-CA-01, filed April 25, 2018, in the 11<sup>th</sup> Judicial Circuit Court, Miami-Dade County, FL. Allegation: Defendants failed to properly design and construct the Florida International University pedestrian bridge, undertook repair work of cracks negligently without diverting or stopping traffic under the bridge, which collapsed and fell on vehicles crushing several persons to death including Plaintiff's decedent. Case status: There was a motion calendar event on September 3, 2020.</p>
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CTS Engineering, Inc.  (sub-consultant)	Florida Profit Corporation  Active  Principal Address: 3230 W. Commercial Blvd. # 220 Fort Lauderdale, FL  Filed: October 8, 2009	Business Address: 8095 NW 12 St. # 315 Doral, FL  Paid and Current	No account on file	No litigation found
GSLA Design, Inc.  (sub-consultant)	Florida Profit Corporation  Active  Principal Address: 17670 N.W. 78 Ave. #214 Hialeah, FL  Filed: May 4, 1993	Business Address: 17670 N.W. 78 Ave. #214 Hialeah, FL	Active  Licensed for: Registered Landscape Architect; Landscape Architecture Business Information	No litigation found
HBC Engineering Company  (sub-consultant)	Florida Profit Corporation  Active  Principal Address: 8935 NW 35 Lane #201 Doral, FL  Filed: June 15, 2006	Business Address: 8935 NW 35 Lane #201 Doral, FL  Paid and Current	Active  Licensed for: Registry	No relevant litigation
Manuel G. Vera & Associates, Inc.  (sub-consultant)	Florida Profit Corporation  Active  Principal Address: 13960 SW 47 St. Miami, FL	Business Address: 13960 SW 47 St. Miami, FL  Paid and Current	Active  Licensed for: Registry	No relevant litigation

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	Filed: April 27, 1977			
Media Relations Group, LLC (sub-consultant)	Florida Limited Liability Company  Active  Principal Address: 14707 S. Dixie Highway, #404 Miami, FL  Filed: July 25, 2003	Business Address: 14707 S. Dixie Highway, #404 Miami, FL  Paid and Current	No account on file	No litigation found
Nova Consulting, Inc. (sub-consultant)	Florida Profit Corporation  Active  Principal Address: 10486 NW 31 Terr. Doral, FL  Filed: May 5, 1995	Business Address: 10486 NW 31 Terr. Doral, FL  Paid and Current	Active  Licensed for: Professional Geologist; Geology Business Information; Registry	No relevant litigation
Tierra South Florida, Inc. (sub-consultant)	Florida Profit Corporation  Active  Principal Address: 2765 Vista Parkway #10 West Palm Beach, FL  Filed: October 7, 2003	Business Address: 16250 NW 59 Ave. # 207 Miami Lakes, FL  Paid and Current	Active  Licensed for: Registry	<i>Community Asphalt Corporation v. Wantman Group, Inc. et al.</i> Case No. 2018-029816-CA-01, filed August 30, 2018 in the 11 <sup>th</sup> Judicial Court, Miami-Dade County, FL. Allegation: Defendants breached the contract by defectively designing the project and providing drawings and specifications with errors and omissions, failing to properly provide information to the community, and failing to properly supervise the work of design sub-consultants to ensure their professional services were properly performed. Case status: There was a Notice of

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				<p>Compliance on September 2, 2020</p> <p><i>Emily Giusti Plaintiff v. Transystems Corporation, et al. Case No. CACE18018813, filed August 7, 2018, in the 17<sup>th</sup> Judicial Circuit Court, Broward County, FL. Allegation: The plaintiff was the passenger on a boat, which came into contact and collided with a bridge resulting in severe injuries to the plaintiff due to the negligent manner in which the bridge was maintained. Case status: Pending further court action.</i></p>
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**ADDITIONAL INFORMATION**

OCA performed an Internet search pertaining to LEAD Engineering Contractors, LLC, on September 2, 2020. According to the firm's website, the firm's expertise consists of engineering services in the sectors of airport and civil, highway and bridge, ports and marine, and sitework development. The firm has performed work on a variety of projects across Miami-Dade County including the following:

- I-95 Deck Replacement Project
- U.S. and 114<sup>th</sup> Street Intersection Improvements
- Golden Glades Multimodal Transportation Facility
- Miami-Dade County Hurricane Irma Cleanup Taskforce

<https://www.lead-ec.com/>

OCA performed Internet searches on September 7, 2020 pertaining the subcontractors listed in the due diligence Table. The search netted several articles in connection with the FIU bridge collapse and several contractors – one of which is being recommended as a sub-consultant for this item: A & P Consulting Transportation Engineers Corp. According to a July 15, 2019 article in Equipment World, A & P Consulting – along with several other sub-contractors – reached settlements in the FIU bridge collapse. The article also states the settlements were reached as a result of findings by the U.S. Occupational Safety & Health Administration, which concluded that the structural engineer for the FIU bridge project, FIGG Bridge Group, should have “shut down the bridge when it noticed growing cracks on the structure” during the bridge's construction.

<https://www.equipmentworld.com/engineer-other-firms-settle-with-victims-in-fiu-bridge-collapse/>

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The Underline organization's website (<https://www.theunderline.org/>) bills the project as one that aims to “connect communities, improve pedestrian and bicyclist safety, create more than 120 acres of open space with restored natural habitats and encourage a healthy lifestyle.”

The website also depicts various renderings of the project's before and after scenarios, as shown below in Illustration 2.

**Illustration 2**



Brickell Backyard Promenade **Now**



Brickell Backyard Promenade **After**

*Source: The Underline*

**DEPARTMENTAL INPUT**

OCA sent the following inquiries to DTPW on September 4, 2020. The Department responded on September 8, 2020; the responses are shown below in Italics.

- In July 2020, the Governor vetoed a proposed \$1.5 million in funding for the Underline Multi-Use Trail/Mobility Corridor, (<https://www.flsenate.gov/Session/Bill/2020/2837/ByCategory>); If the \$1.5 million had been approved by the state, what would have been the specific funding designation of such?  
*The requested funds, per application, were to be spent between Le Jeune Rd and Granada Boulevard, within the City of Coral Gables for design and construction. At the time of the application, the city had approximately \$2.0 million allocated for the project. Since then, in July of 2020, the City of Coral Gables modified their commitment to an amount certain of \$7.0 million.*
- How will this \$1.5 million shortfall affect the project, whether for this phase or future phases, in terms of moving the project along?  
*Please note that this is not a shortfall. At this time, the lack of receipt of \$1.5 million does not affect the project because of the commitment from the City of Coral Gables to an amount certain of \$7.0 million.*

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- What is the interplay (if any) between this \$1.5 million and the \$8,000,000 of FDOT Funds identified in the item as a funding source?  
*No impact. There are two different things. The application for the \$1.5 million was for the City of Coral Gables which could have been considered segment 6 of The Underline. The funding sources showing \$8.0 million is for Phase 2.*
- Why is the County proceeding with the design-build of this project at this time?  
*DTPW and Friends of The Underline believe that the design/build approach is better suited for the rest of the project because of scheduling and budget control. The SunTrail Grant received for the design of this phase, had an expiration date and such restrained schedule was impossible to meet. To avoid the risk of not receiving the grant funding, DTPW and FDOT agreed that the best approach was to use the funds to develop a design criteria package and proceed with the project as a design build project. At the time of the decision, the master plan was completed and we had 60% construction documents for Phase 1, setting all the required standards for the rest of the project.*
- What other (if any) state or federal funding opportunities is the County undertaking to offset some of the cost and what would be the monetary gain for the County with such grants?  
*DTPW has applied for and received several state and federal grants for the Underline Project. As a result, we have been awarded \$38,769,361 towards the Underline project as a whole. The County does not anticipate monetary gain from the Grants; however, the project will facilitate increased capacity and act as a multimodal corridor that will benefit the community and complement our transit system. If not for the grants and municipal contributions, this project would remain unfunded.*
- What is the construction status of Phase I (what has been completed thus far and how much has been spent thus far) to meet the December 2020 completion date?  
*The Underline Phase 1 – Brickell Backyard is scheduled for completion on November 6, 2020. The Contractor indicates that it is likely to be completed in the 3rd or 4th week in October. According to the last COE report (July 2020) \$13,564,999 has been spent so far. The project is in budget.*
- Why does the project entail a phased contracting approach and not award all phases to a single firm?  
*The original 9 phased approach was due to lack of funding. The grants and commitments for the project were small in nature. The project cannot be awarded without all of the funding in place. This highly segmented approach was recently modified with the award of the BUILD Grant. Currently, the project has 3 phases. Phase 1 to be finalized by the end of October 2020. Phase 2 which, if approved, will be awarded and, Phase 3 which is the largest portion of the project. Phase 3 is intended as one large project to be awarded to one design/build firm. The entire Underline project, according to the BUILD Grant requirements, must be complete and fully closed out by June 2026.*
- What is the estimated project cost and final completion date for all phases?  
*The total project cost of The Underline is approximately \$145 million. Based on the BUILD Grant requirements, the project must be completed by no later than June 2026.*

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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](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 Code of Miami-Dade County** governs the County's acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

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

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

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

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

**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 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-120-18**, adopted February 2, 2018, waived competitive bidding to select the Underline Management Organization, Inc. as the entity responsible for the management, maintenance and operation of the Urban Mobility Trail and Recreational Space within the Metrorail right-of-way and as the County's marketing partner with respect to same; approving a management agreement between the Count and the Underline Management Organization, Inc. for the management, maintenance and operation of the Urban Mobility Trail and Recreational Space within the Metrorail

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right-of-way at an estimated annual cost of up to \$363,882.58 to be periodically adjusted on the basis of the CPI for the initial and renewal terms.

<http://intra/gia/matter.asp?matter=192928&file=false&yearFolder=Y2019>

**Resolution No. 1020-18**, adopted October 2, 2018, approved recommendation for the award of Phase 1-The Underline “The Brickell Backyard” Contract No. CIP177-DTPW2017-CT1, between the County and Central Pedrail Joint Venture in the amount of \$14,255,556 for a term of 548 days.

<http://www.miamidade.gov/govaction/matter.asp?matter=182121&file=true&fileAnalysis=true&yearFolder=Y2018>

**Resolution No. R-1181-18**, adopted November 8, 2018, directs the County mayor or designee to (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; (2) confirm the safety records of recommended contractors and first-tier subcontractors were considered and report any instance where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the board; and (3) provide a report to the Board within 60 days.

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

**Resolution No. R-716-12**, adopted by the Board on September 4, 2012, requires identification of a firm’s Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

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

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

**Resolution No. R-54-10**, adopted January 21, 2010, rescinded administrative Order 3-24, Responsible Wages and Benefits for County construction and approved 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://intra/gia/matter.asp?matter=093210&file=true&yearFolder=Y2009>

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

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

**Implementing Order 3-34** (Formation and Selection of Selection Committees) provides internal administrative processes for the creation of fair, impartial, object, and qualified selection committees for the evaluation of offers or proposals.

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

**Implementing Order 3-24** (Responsible Wages and Benefits for County Construction Contracts) sets forth a policy of Miami-Dade County that in order to be a responsible bidder for a competitively bid construction contract in excess of one hundred thousand dollars (\$100,000) a bidder must pay laborers and mechanics performing work on the project no less than the hourly rates specified in accordance with Section 2-11.16 of the Code of Miami-Dade County.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-24.pdf>

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**Administrative Order 3-39** provides the standard process for construction of Capital improvements, acquisition of professional services, construction contracting, change orders and reporting.  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdf/files/AO3-39.pdf>



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**Researcher: VW Reviewer: PGE**

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND HNTB CORPORATION FOR CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR THE SOUTH CORRIDOR (SOUTH-DADE TRANSITWAY) RAPID TRANSIT PROJECT, CONTRACT NO. CIP155-DTPW19-CEI, WITH A CONTRACT AMOUNT NOT TO EXCEED \$17,984,899.69, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$ 1,634,990.88 AND SUPPLEMENTAL AGREEMENT NO. 1, INCREASING THE CONTRACT AMOUNT BY \$3,200,838.16, FOR A CUMULATIVE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$21,185,737.85; AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN CAPITAL RESERVE AND 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 THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve an award of a Professional Services Agreement (PSA) and Supplemental Agreement No. 1 to HNTB Corporation to provide Construction, Engineering and Inspection (CEI) services for the South Corridor Rapid Transit Project for a cumulative contract amount not to exceed \$21,185,737.85 for two and one-half years with one, one-year option to renew, authorizing use of PTP capital and bond program funds.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

**ANALYSIS**

The purpose of this item is to approve the award of a PSA to HNTB Corporation for delivery of CEI services for the South Corridor (South-Dade Transitway) Rapid Transit Project and a supplemental agreement for a total value of \$21,185,737.85 for a contract term of two and one-half years plus a renewal term of one year. The resolution authorizes the use of People's Transportation Plan capital reserve and bond program funds. The PSA is being requested in support of the design-build contract for the South Corridor, which was awarded to OHL USA, Inc. under Resolution R-890-20 on September 3, 2020 for a total value of \$368,233,493.42 for a cumulative contract term of 800 days.

The design-build South Corridor Rapid Transit Project is comprised of five inter-related scopes which are:

1. South Corridor Bus Rapid Transit (BRT) project;
2. 168<sup>th</sup> Street Park and Ride Garage project;
3. Two Florida Department of Transportation (FDOT) intersection safety improvement projects at US1 & SW 136 St and at US1 & Quail Roost
4. Traffic safety (Mast Arms) and signalization improvements at the intersection of SR 5/US 1 and SW 136th Street.

DTPW requires the professional services of a consultant to provide contract administration, inspection and materials sampling and testing to support the OHL USA, Inc. design-build contract. Under the scope of work, HNTB Corporation shall provide the following specific CEI services:

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**Researcher: VW Reviewer: PGE**

- The Consultant will administer, monitor and inspect the work performed by the selected Design-Builder to ensure compliance with the Design-Build Contract requirements, construction and design criteria, standards, plans, specifications and special provisions.
- The Consultant will provide support to DTPW including, but not limited to: administration during the design and construction phases of the Design-Build Contract, performance of duties such as design-build program logistics; planning; schedule reviews and monitoring; monitoring of permits; design support; plans review and resident engineering.
- The Consultant will monitor the Design-Builder's on-site construction activities and inspect materials entering into the work in accordance with the Design Criteria Package, plans, specifications, and special provisions for the Design-Build Contract to determine that the project is constructed in reasonable conformity with such documents.
- The Consultant will perform sampling and testing of component materials and completed work in accordance with the construction contract documents.
- The Consultant will be responsible to coordinate the Design-Build contract administration activities of all parties involved in completing the project. Engineering services shall include maintaining the required level of surveillance of Design-Builder activities, and interpreting plans, specifications, and special provisions for the Design-Build contract.
- The Consultant will identify, review, and track progress of any local, state, and federal grant agreements, and/or other DTPW and utility agreements.
- The Consultant will provide Public Information Services and be proactive in keeping the community aware of the status, project phasing, bus service, and vehicular and pedestrian traffic impacts of the project.
- The Consultant will prepare and submit to the DTPW Construction Project Manager daily inspection reports and a monthly Construction Status Report in a format agreed upon by DTPW.

The scope of services for the consultant under the Supplemental Agreement No.1 to the PSA contract includes the following:

- The SW 168th Street Park-n-Ride Station: 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).
- Roadway Improvements of SW 264th Street: The limits of the scope are from SW 264th Street from US-1 to SW 147th Avenue. 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 South Corridor Mast Arms Improvements (Structures and Foundations only): South Corridor Mast Arms Improvements scope shall be for new signal mast arms designed and installed for all approaches of the Transitway intersections associated with South Corridor projects and for all approaches of the Transitway intersections associated with FDOT-owned roadway cross streets,

According to the PSA, the County may choose to pay the consultant using a fee as a multiplier of direct salary cost and fixed hourly rate and/or a lump sum fee. If the County chooses to use the first option then engineering services rendered by the consultant shall be computed based on the direct salary cost for the time of said personnel engaged directly in the work, times the following negotiated multipliers. The initial overhead rates allowed under this contract for field work shall be 107.04% and for office work is 138.65%. The Contracting Officer's Representative shall confer with the consultant before any work order is issued to discuss and agree upon the scope, time for completion, compensation method and fee for services to be rendered pursuant to the agreement. Outlined below are the overhead rates and respective multipliers for the consultant and subconsultants under the PSA:

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	Office			Field		
Firm	OHR	OP Margin	Multiplier	OHR	OP Margin	Multiplier
HNTB Corporation	138.65%	12.50%	2.6848	107.04%	12.50%	2.3292
Atkins North America, Inc.	135.94%	12.50%	2.6543	114.45%	12.50%	2.4126
305 Consulting Engineers, LLC	215.35%	12.50%	3.5477	121.94%	12.50%	2.4968
AMBRO, Inc.	83.45%	12.50%	2.0638	27.56%	12.50%	1.4351
Terracon Consultants, Inc.	185.72%	12.50%	3.2144	153.12%	12.50%	2.8476
Pinnacle Consulting Enterprises, Inc.	N/A	12.50%	N/A	90.55%	12.50%	2.1437
Quest Corporation of America, Inc.	139.93%	12.50%	2.6992	116.92%	12.50%	2.4404
McKim & Creed, Inc.	178.3%	12.50%	3.1309	N/A	12.50%	N/A

The fiscal impact of this project is not to exceed an amount of \$21,185,737.85. This amount includes a base contract amount of \$16,349,908.81, a supplemental agreement amount of \$2,909,852.87 and a contingency allowance amount of \$1,925,976.17. Below is a detailed breakdown of the costs of the PSA and supplement agreement.

Item description	Project Description	Total Cost
CIP155-DTPW19-CEI	FDOT Project FM 439984-1-52-01 Safety Improvement Project at the intersection of SR 5/US 1 and SW 136th Street	\$44,545.00
	FDOT Project FM 429341-2-52-01 Safety Improvement Project along SR 995 / Quail Roost Drive from the South Miami-Dade Busway to SR 5/US 1	\$37,455.00
	South Corridor	\$16,267,908.81
Supplemental Agreement No. 1	South Corridor Mast Arm Improvements (Structures & Foundations only) Supplemental	\$349,852.87
	168 Street Garage Supplemental	\$ 2,295,000.00
	Roadway Improvements of SW 264th Street Supplemental	\$265,000.00
Contingency Allowance		\$1,925,976.17
<b>Total Cost:</b>		<b>\$21,185,737.85</b>

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OCA performed a search of the project's technical certifications on the Business Management Workforce System on September 3, 2020; the search did not identify any SBE A&E firms.

OCA conducted a due diligence analysis of the recommended firm and subconsultants on September 3, 2020; the results are seen in Table 3 below:

**Table 3 - Due Diligence**

<b>Firm</b>	<b>Sunbiz</b>	<b>Tax Collector</b>	<b>License Type</b>	<b>West Law</b>
HNTB Corporation	Florida Limited Liability Company  Principal Address: 715 Kirk Drive Kansas City, MO 64105  Date Filed: 12/23/1992	One Account  Business Address: HNTB Corp 161 NW 6th St #1000 Miami, FL 33136  Paid/Current	License Type: Real Estate Branch Office; Real Estate Corporation; Engineers CE Course	Nothing found
Atkins North America, Inc.	Florida Profit Corporation  4030 West Boy Scout Boulevard Suite 700 Tampa, FL 33607  Date Filed: 02/29/1960	One Account  Business Address: Atkins North America Inc 800 Waterford Way Ste 700 Miami, FL 33126  Paid/Current	License Type: Real Estate Corporation; Real Estate Branch Office; Architect; Certified General Appraiser; Real Estate Branch Office; Architect Business Information; Landscape Architecture Business Information; Geology Business Information	Case: Henderson v. Atkins North America, Inc., in the U.S. District Court, Middle District of Tennessee (Nashville) on March 24, 2014, Allegation: Defendant operated the premises in an unsafe manner by failing to warn of a dangerous metal fence pole which caused severe injuries to the plaintiff. Status: Case settled and dismissed.
305 Consulting Engineers, LLC	Florida Limited Liability Company  Principal Address: 13944 SW 8 Street, Ste 211 Miami, FL 33184  Date Filed: 03/11/2013	One Account  Business Address: 305 Consulting Engineers LLC 13944 SW 8th St 211 Miami, FL 33184  Paid/Current	License Type: Registry	Nothing Found

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AMBRO, Inc.	Florida Profit Corporation  Principal Address: 13335 SW 124 Street #111 Miami, FL 33186  Date Filed: 09/07/1988	One Account  Business Address: Ambro Inc 13335 SW 124th St 111 Miami, FL 33186  Paid/Current	License Type: Registry	Nothing Found
Terracon Consultants, Inc.	Foreign Profit Corporation  Principal Address: 10841 S Ridgeview Road Olathe, KS 66061  Date Filed: 12/31/2003	One Account  Business Address: Terracon Consultants Inc 16200 NW 59th Ave 106 Miami Lakes, FL 33014  Paid/Current	License Type: Asbestos Business; Asbestos Consultant; Professional Geologist; Geology Business Information; Asbestos Consultant – Engineer; Certified Building Contractor; Professional Geologist; Construction Business Information; Construction Financial Officer; Geology Business Information	Case: Denny v. Terracon Consultants., in the 250th Judicial District Court, Travis County on June 17, 2019, Allegation: Plaintiff claims he was injured on the job while working for defendant. A subscriber to worker's compensation coverage, he requested medical attention, and a few weeks later, he was wrongfully terminated for a pretextual reason motivated by retaliatory intent. Status: Case dismissed with prejudice.
Pinnacle Consulting Enterprises, Inc.	Florida Profit Corporation  Principal Address: 6 Palermo Avenue Coral Gables, FL 33134  Date Filed: 07/31/2007	One Account  Business Address: Terracon Consultants Inc 16200 NW 59th Ave 106 Miami Lakes, FL 33014  Paid/Current	License type: Registry	Nothing Found
Quest Corporation of America, Inc.	Florida Profit Corporation	Account closed  Business Address:	License type: Registry	Nothing Found

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	Principal Address: 17220 Camelot Ct Land O' Lakes, FL 34638  Date Filed: 08/25/1995	Quest Corporation of America Inc 3105 NW 107th Ave 441 Doral, FL 33172  Paid/Current		
McKim & Creed, Inc.	Foreign Profit Corporation  Principal Address: 1730 Varsity Drive, Suite 500 Raleigh, NC 27606  Date Filed: 05/02/2011	Account closed  Business Address:  Paid/Current	License type: Certified Solar Contractor; Certified General Contractor; Certified Mechanical Contractor; Construction Business Information; Registry	Nothing Found

Pursuant to Resolution No. R-421-16, a performance record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on September 8, 2020. HNTB Corporation has completed two projects with an average score of 3.6 out of 4.0. According to the Firm History Report provided by SBD, within the last three years, HNTB Corporation has held four contracts, three through the Equitable Distribution Program (EDP), with a total value of \$2,085,000 and no change orders.

**ADDITIONAL INFORMATION:**

HNTB Corporation has been involved in the following award-winning projects:

- Milwaukee Zoo Interchange, Wisconsin – Grand Award
- Gov. Mario M. Cuomo Bridge, New York – Grand Award
- Riverside Drive and Gathering Place, Oklahoma – Honor Award
- American Center for Mobility, Michigan – Honor Award
- Jeremiah Morrow Bridge, Ohio – National Recognition Award
- Iowa City Gateway – Park Road Bridge & Dubuque St., Iowa – National Recognition Award
- CTA Wilson Transfer Station, Illinois – National Recognition Award
- Kansas Turnpike Open Road Tolling Conversion, Kansas – National Recognition Award
- Open Road Tolling Implementation 5 Bridges, New York – National Recognition Award

[https://www.hntb.com/press\\_release/hntb-clients-and-partners-celebrate-projects-recognized-at-acec-engineering-excellence-awards-gala/](https://www.hntb.com/press_release/hntb-clients-and-partners-celebrate-projects-recognized-at-acec-engineering-excellence-awards-gala/)

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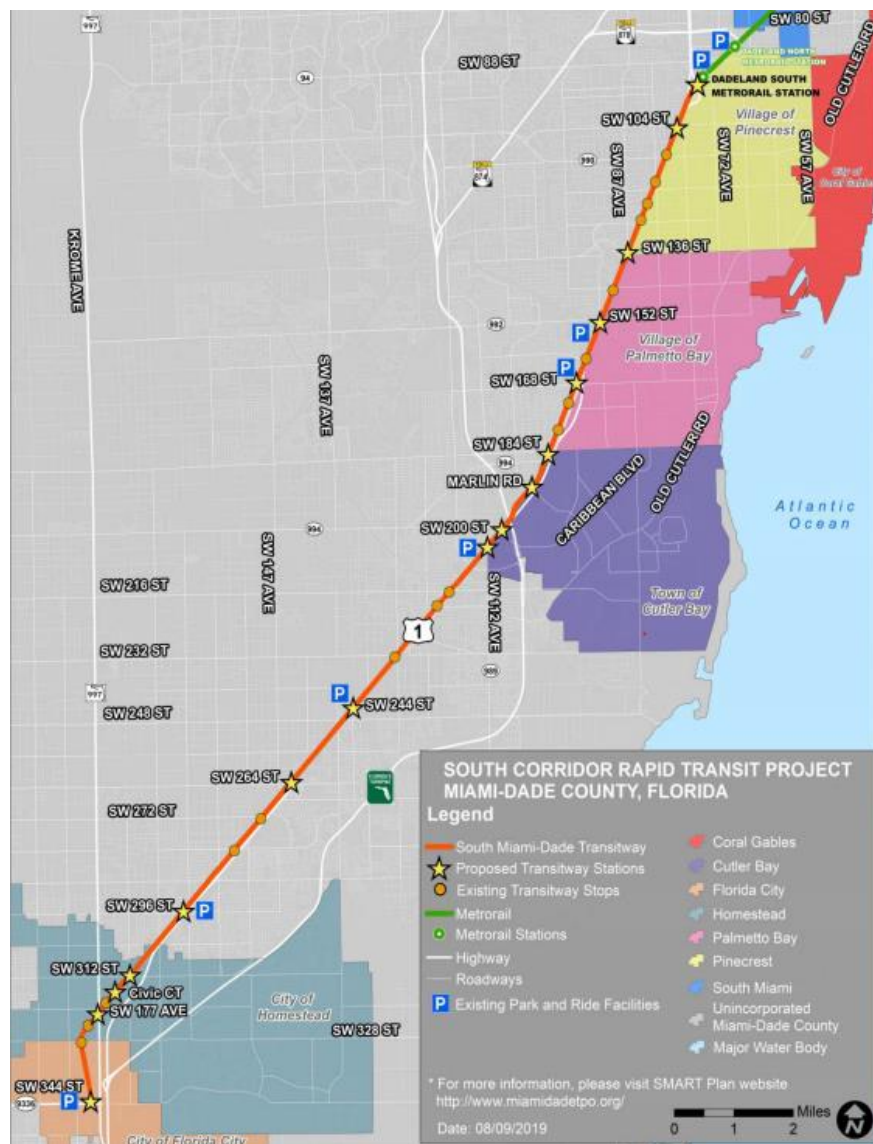
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HNTB Corporation, a national infrastructure solutions firm, is growing in Miami to help address the area's increasing aviation needs. The firm hired Maria Mendoza, Andrea Herdocia, Xue Li and Ricardo Martinez – four veteran professionals who add expertise to the firm's portfolio in South Florida. They all are based in the firm's Miami office.

<https://finance.yahoo.com/news/hntb-grows-aviation-practice-miami-140000680.html>

Below is a map of the South Corridor route that is the subject of area of this Design-Build project.



<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/funding/grant-programs/capital-investments/147371/fl-miami-dade-county-south-corridor-rapid-transit-project-ar21-profile.pdf>

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More than a year after HNTB overbilled the City of Charlotte by at least \$1.6 million for the Blue Line Extension project, a follow-up audit prompted by a WCNC Charlotte investigation uncovered other city contacts where the city likely paid the same company too much again. In the newly published report, city auditors found Charlotte likely spent another \$71,000 too much for HNTB's work on a \$320,000 airport project. Auditors also found the aviation department paid the same HNTB employees who worked on the Blue Line Extension project 9% to 25% more an hour. In addition, the audit identified three HNTB projects where the company billed the city for employees who were not listed in contract documents.

<https://www.wcnc.com/article/news/investigations/audit-company-that-overbilled-charlotte-for-ble-likely-charged-too-much-for-other-projects/275-e99b950a-4de1-4240-9de5-c21f957ef70f>

**APPLICABLE LEGISLATION/POLICY**

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

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

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

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001\\_S29\\_124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29_124SPFUCRUSSUPRROCIINTRTR)

**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](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](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 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.



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[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIIICOR CH2AD ARTIINGE S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

**Ordinance 14-79 (Sea Level Rise)**, adopted on September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require that in all agenda items related to planning, design, and construction of County infrastructure a statement be included that the impact of sea-level rise has been considered; providing severability, inclusion in the code, and an effective date.

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

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

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

**Resolution No. R-421-16**, adopted May 17, 2016, directs 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-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. 3EE  
File No. 201704**

**Researcher: IL Reviewer: PGE**

RESOLUTION AUTHORIZING THE ELECTRICAL POWER SYSTEMS (“EPS”) PROGRAM FOR THE WATER AND SEWER DEPARTMENT OF MIAMI-DADE COUNTY FOR A TOTAL AMOUNT NOT TO EXCEED \$6,000,000.00; AUTHORIZING DESIGNATED PURCHASES OF CERTAIN GOODS AND SERVICES COVERED UNDER THE EPS PROGRAM PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; PROVIDING IMPLEMENTATION AUTHORITY; ESTABLISHING LIMITATIONS AND BIENNIAL RATIFICATION OF PURCHASES BY THIS BOARD

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize designated purchases of certain goods and services for the Electrical Power Systems (EPS) Program for a total amount of not to exceed \$6,000,000, for a five-year term, for the Miami-Dade Water and Sewer Department (WASD).

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: WASD**

There is no procedural history for this item currently.

**ANALYSIS**

The purpose of this item is to gain Board approval for the EPS Program in an amount not to exceed \$6,000,000, authorizing WASD to contract competitively or via designated purchases for certain goods and services covered under the program.

The EPS Program is needed because it provides electrical backup and transfer Countywide and specifically assists water and wastewater treatment facilities in the event a power outage is sustained. As a result the EPS Program is vital in maintaining continuity and mitigating sewage backups, overflows and boil water notices.

Historically, the Electrical power systems were procured competitively, when possible, under a prequalification pool methodology. Currently (*RTQ-00893*), was approved by the Board pursuant to Resolution No. R-1032-19 for a term of five-years for a value of 16,753,000. A total of ten vendors are listed under the pool. The pool expires on October 31, 2024. The user departments and departmental allocations are listed in Table 1 below.

Table 1

Department	Funding Source	Allocation	Balance
Aviation	Proprietary Funds	\$2,975,000	\$2,975,000
Fire Rescue	Fire District	\$225,000	\$225,000
Internal Services	Internal Service Funds	\$2,075,000	\$1,954,807
Parks, Recreation and Open Spaces	General Fund	\$125,000	\$125,000

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Transportation and Public Works	DTPW Operating - No CITT	\$2,063,000	\$2,063,000
Water and Sewer	Proprietary Funds	\$9,290,000	\$8,279,274
	<b>Total:</b>	<b>\$16,753,000</b>	<b>\$15,622,081</b>

WASD also supports its needs for these services under *Prequalification Pool No. 6443-011*. This pool was approved by the Board pursuant to Resolution No. R-179-07, on February 20, 2007 for a term of five years, expiring on February 29, 2012. Subsequent extensions were performed and the expiration date was modified to June 30, 2020. The pool's cumulative value is \$94,546,655 as recorded in the Bid Tracking System (BTS). The prequalified firms in *Pool No. 6443-011* were Eaton Electrical, Inc., Siemens Industry Inc., Schneider Electric USA, Inc., CE Power Solutions of Florida, LLC, and TAW Miami Service Center Inc. Moreover, the aforementioned firms assist WASD with replacing, repairing, maintaining, updating, and upgrading aging equipment throughout all its facilities specifically as it relates to infrastructure deficiencies as well as upgrades to large kilowatt switchgear systems in both wastewater treatment plants and sewer pumping systems. The user departments and departmental allocations for Pool No. 6443-011 are listed in Table 2 below:

Department	Funding Source	Allocation	Balance
Aviation	Proprietary Funds	\$2,785,175.32	\$2,785,175.32
Fire Rescue	Fire District	\$598,480.52	\$18,826.80
Internal Services	Internal Service Funds	\$2,655,999	\$387,789.94
Transportation and Public Works	DTPW Operating - No CITT	\$3,150,000	\$2,745,151
Water and Sewer	Proprietary Funds	\$85,356,600	\$11,841,031.04
	<b>Total:</b>	<b>\$ \$94,546,254.84</b>	<b>\$17,777,974.10</b>

The scope of the EPS program consists of the following:

- power systems analysis studies,
- electrical distribution,
- control systems design and control integration,
- electrical testing to ensure system safety,
- preventative and predictive maintenance, equipment upgrades and life extension,

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**Researcher: IL Reviewer: PGE**

- procurement of necessary components, parts, and supplies,
- service for central systems and power transfer systems, and
- repairs to electrical equipment, power grids, and infrastructure components that are critical to departmental core missions.

The fiscal impact to the county is \$6,000,000 for an initial five-year term of the program. The mayoral memo is silent as to the total term of the contract.

The Miami-Dade County Audit and Management Services Department (AMS) conducted an audit of WASD's use of *Prequalification Pool No. 6443-011* and determined that individual contracts should be utilized for original equipment manufacturer (OEM) service providers. This is the motivation of this request as per the Mayoral memo.

OCA conducted a review of Commodity Code 92531 (Electrical Engineering, Including Cogeneration Design Services) on September 3, 2020. Three local SBE certified firms appeared in the system.

- Power System Solutions, LLC Miami, FL
- Premiere Lighting & Traffic, Inc. Doral, FL
- PRO Electrical Solutions, Inc. Miami, FL

**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; any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

[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-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>

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

**Item No. 3EE  
File No. 201704**

**Researcher: IL   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>

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

**Item No. 3GG  
File No. 201692**

**Researcher: TA Reviewer: PGE**

RESOLUTION APPROVING EXECUTION OF AMENDMENT NUMBER ONE TO THE NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND JACOBS ENGINEERING GROUP, INC., AGREEMENT NO. 14CH2M006, EXERCISING THE COUNTY'S SIX-YEAR OPTION-TO-RENEW AND EXTENDING THE AGREEMENT FROM OCTOBER 29, 2020 TO OCTOBER 29, 2026 IN ORDER TO ALLOW JACOBS ENGINEERING GROUP, INC. TO CONTINUE TO PERFORM SERVICES AS THE OWNER'S REPRESENTATIVE FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE STATE OF FLORIDA'S OCEAN OUTFALL LEGISLATION AND MIAMI-DADE COUNTY'S WASTEWATER SYSTEM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve execution of Amendment Number 1 to the non-exclusive Professional Services Agreement (PSA) with Jacobs Engineering Group, Inc. (Jacobs), Agreement No. 14CH2M006, to allow Jacobs to continue performing services as the Owner's Representative for professional engineering services related to the State of Florida's Ocean Outfall Legislation and Miami-Dade County's Wastewater System for the Water and Sewer Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Water and Sewer Department (WASD)**

**ANALYSIS**

The purpose of this item is to request that the Board approve Amendment 1 with Jacobs under the PSA for engineering services relating to the County's Ocean Outfall Program. The amendment exercises the six-year option-to-renew, which would extend the term of the agreement from October 29, 2020 to October 29, 2026. There is no change to the scope of services or any terms and conditions.

The original award recommendation (Resolution No. R-936-14), approved by the Board in October 2014, was to CH2M Hill, Inc., which merged with Jacobs in December 2017. The term of the agreement was six years with one six-year option-to-renew, but the Mayor was required to seek approval from the Board prior to exercising the six-year option-to-renew. There is no associated fiscal impact with this item because no change is being made to the maximum compensation under the contract of \$139,394,749. As of April 2020, the County has paid Jacobs a total of \$70,434,233.20. Per the SBD Compliance memo dated August 5, 2020 (page 5 of the item), Jacobs has submitted invoices to the County totaling \$75,096,327.

The State of Florida's Ocean Outfall Legislation (OOL) enacted in 2008 requires all wastewater utilizing ocean outfalls for disposal of treated wastewater to: reduce nutrient discharges by implementing advanced wastewater treatment by 2018 or equivalent; cease using the outfalls by 2025; and reuse 60 percent of the wastewater flows by 2025. The professional engineering services provided under this agreement are to assist the County in complying with this legislation. Some of the services include: 1) validating WASD's Capital Program for its wastewater treatment plants and wastewater collection and transmission system improvements; 2) identifying preliminary policies, procedures, and practices that establish the means and methods to meet the requirements of the Ocean Outfall Legislation; 3) identifying risks that may impact the implementation of the Ocean Outfall Legislation Capital Improvement Program, including future climate change impacts, such as sea level rise, storm surge, wind, and flooding; 4) providing the necessary support to WASD with water and sewer infrastructure outreach programs; and 5) participating in meetings with regulatory agencies.

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Per the OOL, WASD is required to eliminate the normal use of the North District Wastewater Treatment Plant (NDWWTP) and Central District Wastewater Treatment Plant (CDWWTP) ocean outfalls, except under certain defined conditions. According to the mayoral memo, the Central District Wastewater Treatment Plant projects are being refined to address cost savings opportunities; and the North District Wastewater Treatment Plant project plans has been completed, and projects at that plant are beginning active design. WASD indicates that the County is anticipated to be in compliance by the 2025 deadline.

The award memorandum approving the original PSA indicated that an additional treatment plant – West District Wastewater Treatment Plant – would be required to meet state and federal standards for effluent reuse or effluent disposal through deep injection wells. However, according to WASD’s latest progress report dated December 2019, this plant has been deferred. The facility is still in WASD’s plan for future capacity; however, it is not needed to comply with the OOL, nor will it be needed by 2025.

The Small Business Development Division (SBD) of the Internal Services Department set a 28% SBE-A&E goal for this contract. Per the SBD Compliance memo dated August 5, 2020, SBE-A/Es have performed \$11,336,024 worth of work. This equates to 29% of the total \$39,030,529.40 goal value. On September 3, 2020, OCA requested the SBE Expenditure Plan submitted by Jacobs, which the mayoral memo states will show that the firm is on track for compliance by contract completion.

The mayoral memo indicates the Jacobs team includes 20 consultants and engineering firms. OCA initiated a review of the prime firm and its subconsultants on September 2, 2020. Those firms with notable findings are as follows:

- The Brand Advocates is a DBA for Cunningham Communications Consulting Company f/k/a Cunningham Group, Inc.
- Janus Research, Inc. does not have a current Local Business Tax receipt and does not appear to have an MDC office.\*
- Parsons Brinkerhoff, Inc. was acquired by WSP in October 2014 and began operating as WSP USA, Inc. in May 2017.
- John Proni, Ph. D. does not have a Local Business Tax receipt and is not registered as a corporate entity in Sunbiz. Dr. Proni appears to be employed by Florida International University.
- Climsystems, LTD is a New Zealand-based company. It does not have a Local Business Tax receipt and is not registered as a corporate entity in Sunbiz.\*

\* Note that the mayoral memo states that “all of the firms have a local presence and/or staff.”

The SBE certifications for the listed consultants were also verified in Business Management Workforce System. Of the 19 different subconsultants listed in the mayoral memo, seven are currently SBEs and three are no longer SBEs, but continue counting towards the SBE goal (CES Consultants, Inc., Nova Consulting, Inc., and Rohadfox Construction Control Services of Florida, LLC). These three firms may have graduated from the program since the contract was awarded in October 2014. Note that the mayoral memo states that “half of the firms are SBEs” and identifies these three firms as SBEs. In addition, A.L. Jackson & Company and The Brand Advocates/Cunningham Group, Inc. are SBEs, but are not identified as such.

The mayoral memo states that previous contracts with the County in the past three years (8/1/17 to 8/3/20) total \$12,806,531.00. Based on Exhibit B, the contracts awarded this period actually total \$532,181. The \$12,174,350 difference is attributed to contracts that were awarded outside of the referenced time frame.

**DEPARTMENTAL INPUT**

OCA asked WASD the following questions on September 3, 2020. The department’s responses are italicized below and additional responses are pending.

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File No. 201692**

**Researcher: TA Reviewer: PGE**

1. Verify the address for Jacobs under “Company Headquartered in Miami-Dade County.”  
*Need further clarification concerning this request.*
  
2. Relating to the listed subconsultants, clarify the relationship between “The Brand Advocates” and the “Cunningham Group.”  
*Courtney Cunningham, principal of the Cunningham Group started The Brand Advocates. The Brand Advocates is essentially a name change from Cunningham Group, as they have the same principal leading both firms and reside in the same office. For convenience, please refer to pdf attachment “1 – Brand Advocates” for our letter requesting as well as the Director’s approval to add The Brand Advocates to our program team.*
  
3. The firm “Janus Research and Environmental Data Resources, Inc.” is not found in Sunbiz. Is the firm a registered Florida corporate entity?  
*Janus Research and Environmental Data Resources Inc are two (2) separate companies, which are both registered in Sunbiz. Janus Research, Inc (Janus) has a FEI/EIN Number 59-1913512 and Environmental Data Resources, Inc. (EDR) has an FEI Number 06-1501757. For convenience, please refer to pdf attachment “2 – Janus Research and EDR” for our letter requesting as well as the Director’s approval to add Janus and EDR to our program team. Additionally, attached is the latest Annual Reports (2020) for both Janus and EDR taken from Sunbiz for convenience. Note that both of these firms had to provide highly specialized work which could not be performed by any other sub-consultants within our Program team. Furthermore, their fee was very small in comparison to the size of our program, with a payment of \$8,479.03 for Janus and \$3,620.00 for EDR.*
  
4. Clarify what is meant by all the firms “have a local presence and/or staff.” Does this mean that all the firms have an office located in MDC and staff that is based in MDC?  
*Yes, all the OOL Program team’s firms have an office located within the boundaries of Miami-Dade County and/or have staff residing within the boundaries of Miami-Dade County, which supports local jobs within our County.*
  
5. Provide the SBE expenditure plan submitted by Jacobs and the list of the 79 individuals working on the program, which are referenced in the item, but not attached.  
*Please refer to pdf attachment “3 – SBE Expenditure Plan” for the plan that was submitted to the Small Business Development Division, ISD on August 19, 2020. As requested, below is the list of people that are working in current TA.*

**TA 50 PTD – 73 people**

Andre R Brown	Alberto Argudin	Terry Bocas
Alex Neil Wilson	Alejandro R Montenegro	Tiezheng Wang
Evelio Agustin	Alonso Griborio	Waddie Ruiz
Helen P Sosa	Bradley R Irmen	Abnery I Picon
Jay Chan	Enrique Vadiveloo	Cesar Lugo



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Jayson Page	Evan Curtis	David Hernandez
Kevin Malone	Frank J Costanzo	Gerrit Bulman
Pamela G Cuesta	Geoffrey Hart	Gisselly Anania
Patricia Elder	James L Edens	Jonathan Pappas
Pedro Quiros Pierce	Jeffrey Lehnen	Juan Rodriguez Ortiz
Rafael Garcia-Toledo	John Burke	Lisa Holness
Stacey Lesser	Kathryn Snyder	Liz Feliberty-Ruberte
Sue Rodriguez	Khamis A Al-Omari	Albert Argudin, Jr
Thomas O'Hara	Mark Chrzanowski	Carlos A Villarreal
Tyler Huehmer	Marta Alonso	Hector Flores Rodriguez
Eric Bermudez	Melanie Mann	Ignacio Hernandez-Gonzalez
Ionut C Marinescu	Mitchell Griffin	Lunise Joseph
Maria Mora Tovar	Nandita Ahuja	Xavier Sabando
Rachel Ferradaz	Olga Casadevall	Angela Giuliano
Christine Ehlers	Paul Pitt	Ariel Marquez
Maria A Ruiz Herrera	Phyllis Diosey	Daniel Lizarazo
Abel Valiente	Ramiro Herdocia	Guillermo Osorio
Adam Dolsak	Randall Boe	Kanishque Todman
Alan Cyrier	Ronald Latimer	
Alan J Frisch	Ryan Priest	

Note that if a count is made from weekly charges the number is 79 but that includes people that charge to multiple tasks, when discounted it adds to 73.

6. Is the County currently on schedule to comply with the required deadlines of the Ocean Outfall Legislation?  
*Yes, the County is on schedule to comply with the 2025 Ocean Outfall Legislation deadline.*

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**ADDITIONAL INFORMATION**

As a requirement of the OOL, WASD must provide 5 Year progress reports to the Florida Department of Environmental Protection (FDEP) on the current status, steps remaining to complete the projects, and any obstacles that the utility is facing. The latest report for the period 2008 to 2019 was published in December 2019. <https://www.miamidade.gov/water/library/compliance-plan-2019.pdf>

Leidos Engineering, LLC was acquired by The Louis Berger Group in September 2014 and is n/k/a The Louis Berger Group. Over the last six years, some of the allegations that The Louis Berger Group has faced includes (1) wage underpayments by the U.S. Department of Labor (<https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/WHD20181892.pdf>); (2) \$5 million in cost overruns for a justice center project ([https://lacrossetribune.com/community/tomahjournal/news/local/monroe-county-agrees-to-settlement-with-justice-center-architects/article\\_705cfd1-b2f0-5430-83d8-c60a300b721b.html](https://lacrossetribune.com/community/tomahjournal/news/local/monroe-county-agrees-to-settlement-with-justice-center-architects/article_705cfd1-b2f0-5430-83d8-c60a300b721b.html)); and (3) challenges to the award of an airport fueling contract for not disclosing numerous criminal and civil suits, pleas, indictments and penalties related to its parent company (<https://www.ajc.com/business/airport-fueling-firm-challenges-hartsfield-jackson-contract-award/5VN0BeL2VIW4x9fRjYx0FI/>). This firm is also a defendant related to the FIU bridge collapse in March 2018 (<https://www.nbcmiami.com/news/local/last-fiu-bridge-defendant-settles-with-three-victims/2177541/>). The company WSP acquired The Louis Berger Group in July 2018 (<https://www.wsp.com/en-SA/news/2018/wsp-to-acquire-louis-berger>), which is also the parent company for WSP USA, Inc., another subconsultant under this agreement (<https://www.wsp.com/en-US/campaigns/we-are-wsp-usa>).

**APPLICABLE LEGISLATION/POLICY**

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

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

**Chapter 403.086(9) of the Florida Statutes**, *Sewage disposal facilities; advanced and secondary waste treatment*. (9) The Legislature finds that the discharge of domestic wastewater through ocean outfalls wastes valuable water supplies that should be reclaimed for beneficial purposes to meet public and natural systems demands. The Legislature also finds that discharge of domestic wastewater through ocean outfalls compromises the coastal environment, quality of life, and local economies that depend on those resources. The Legislature declares that more stringent treatment and management requirements for such domestic wastewater and the subsequent, timely elimination of ocean outfalls as a primary means of domestic wastewater discharge are in the public interest.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0400-0499/0403/Sections/0403.086.html#:~:text=\(b\)%20No%20facilities%20for%20sanitary,the%20beneficial%20use%20of%20the](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0403/Sections/0403.086.html#:~:text=(b)%20No%20facilities%20for%20sanitary,the%20beneficial%20use%20of%20the)

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

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**Researcher: TA   Reviewer: PGE**

**Resolution No. R-936-14**, awarded a non-exclusive professional services agreement to CH2M Hill, Inc. in an amount not to exceed \$139,394,748 over a 12-year period with an initial six year contract term, and one six year option to renew requiring Board approval for a project entitled “Owner’s Representative for Professional Engineer Services related to the State of Florida’s Ocean Outfall Legislation and Miami-Dade County’s Wastewater System”

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2014/142257min.pdf>

**Implementing Order (I.O.) 3-32**, establishes procedures related to the Miami-Dade County Small Business Enterprise Architecture and Engineering Program.

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

### **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).