



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

**TRANSPORTATION AND FINANCE COMMITTEE
MEETING**

September 10, 2020

2:00 P.M.

Virtual Meeting

Yinka Majekodunmi, CPA
Commission Auditor

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DEPARTMENTAL ITEMS

TRANSPORTATION AND PUBLIC WORKS

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Research Notes**

**Item No. 3B
File No. 201580**

Researcher: VW Reviewer: PGE

RESOLUTION APPROVING AND AUTHORIZING THE USE OF UP TO \$945,000.00 IN CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR INTERSECTION IMPROVEMENT CONTRACTS AWARDED UNDER THE MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN WHICH WAS PART OF THE ORIGINAL PEOPLE'S TRANSPORTATION PLAN

ISSUE/REQUESTED ACTION

Whether the Board should approve the use of up to \$945,000 in Charter County Transportation Surtax Funds for intersection improvement contracts awarded under the Miscellaneous Construction Contract 7360 Plan that were part of the original People's Transportation Plan.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works (DTPW)

There is no procedural history for this item.

ANALYSIS

The purpose of this item is to approve the use of up to \$945,000 in Charter County Transportation Surtax Funds for a Miscellaneous Construction Contract (MCC), *Project 20200031 (Push Button Intersections Improvement North)*. The project was awarded under the MCC's 7360 Plan. Participation in that plan requires the bidders to be licensed construction contractors, be registered and active in the Florida Department of State Division of Corporations, be a registered vendor with Miami Dade County, Internal Services Department, Procurement Management Services, complete the MCC Registration online through the Vendor Portal and attach all required documents, and provide proof of Insurance coverage for general liability, worker's compensation, and automobile liability. The total awarded for the project was \$2,506,362.66 of which \$945,000 will be paid for using surtax funds. This amount represents approximately 38% of the total project cost.

On February 27, 2020, DTPW forwarded an RPQ for intersection improvements, utilizing the MCC 7360 Plan to a list of 77 prequalified firms. Five firms submitted bids on April 1, 2020. On April 21, 2020 DTPW issued a recommendation for award to Florida Engineering and Development Corp as the vendor proffered the lowest responsive and responsible base bid of \$2,178,185.65, 8 percent below the County's cost estimate.

The scope of work under the contract includes, but is not limited to, the provision of the following: construction of asphaltic concrete road base and surfaces, pavement removal, pavement milling, pavement markings, signage, drainage, sidewalks, concrete curb and gutter and traffic calming devices. There are a total of 16 projects covered, all of which are located in Commission District #2. All of the projects are categorized as either "Traffic Calming" or "Traffic Circle".

The table below shows the PTP allocation per project site.

PTP Sites for Push Button North Project		
Sites	Type	Total Amount
NW 2 AVE & NW 154 ST	Traffic Calming	\$60,000

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NW 15 Drive between NW 16 th Avenue and NW 13 th Ct.	Traffic Circle	\$30,000
NW 16 Drive between NW 16 th Avenue and NW 147 Dr.	Traffic Circle	\$60,000
5 River Drive approaching NW 146 Drive	Traffic Calming	\$15,000
5 River Drive between NW 147 Drive and NW 12 Ave	Traffic Calming	\$15,000
NW 15 th Drive between NW 147 Drive and NW 12 Ave	Traffic Calming	\$15,000
NW 147 Street and NW 15 th Drive	Traffic Calming	\$250,000
NW 153 Street between NW 10 Court and NW 7 Ave	Traffic Calming	\$30,000
5 Biscayne River Drive between NW 153 Street and NW	Traffic Calming	\$30,000
NW 154 Street between NW 2 nd Ave and N Miami Ave	Traffic Calming	\$15,000
NW 150 Street between N Miami Ave and NE 2 nd Avenue	Traffic Calming	\$15,000
NW 150 Street between NE 2 nd Avenue and N Spur Drive	Traffic Calming	\$15,000
NW 148 Street between N Miami Ave and NE 2 nd Ave	Traffic Calming	\$15,000
N. Spur Drive between NE 148 Street and NE 150 Street	Traffic Calming	\$15,000
NW 146 Street between Memorial Highway and NE 2 Ave	Traffic Calming	\$15,000
NW 143 Street & NW 6 Ave	Traffic Circle	\$350,000
Total amount:		\$945,000

Detailed below is a summary of OCA's due diligence performed on Florida Engineering and Development Corp.

Firm	Sunbiz	Tax Collector	License Type	West Law
Florida Engineering and Development, Corp.	Florida Profit Corporation Principal Address: 12076 NW 98th Avenue Hialeah Gardens, Fl 33018 Date Filed: 12/10/2002	One Account Business Address: Florida Engineering and Development Corp 12076 NW 98th Ave Hialeah Gardens, Fl 33018 Paid/Current	License Type: Certified General Contractor; Certified Underground Utility and Excavation Contractor; Certified Electrical Contractor; Certified Electrical Contractor; Construction Business Information	Nothing found

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According to a Capital Improvements Information System (CIIS) database search conducted on September 4, 2020, Florida Engineering and Development Corp has three contracts with an average overall performance rating of 2.7 out of 4.0. There is an interim evaluation score of 2.3 for a DTWP contract valued at \$442,429. The evaluation is dated February 14, 2012.

APPLICABLE LEGISLATION/POLICY

Section, 212.055, Florida Statutes governs Charter County and Regional Transportation System Surtax.

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR

Section 2-1421 of the Code of Miami-Dade County creates a Citizens' Independent Transportation Trust and sets forth the powers over expenditure and use of proceeds of a proposed Charter County Transit System.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXCVIICIINTRTR_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU

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

Resolution No. R-507-04, adopted April 27, 2004, approved the amendment to the Neighborhood Improvements Section of the People's Transportation Plan to include roadway signage, roadway lighting, pavement markings, and traffic calming.

<http://intra/gia/matter.asp?matter=040989&file=true&yearFolder=Y2004>

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

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

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

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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>

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. 3D
File No. 201663**

Researcher: TA Reviewer: PGE

RESOLUTION APPROVING AWARD OF MISCELLANEOUS CONSTRUCTION CONTRACT 7040 PLAN - REQUEST FOR PRICE QUOTATION NUMBER 404328 FOR THE METROMOVER GOVERNMENT CENTER SUBSTATION TO COLLEGE NORTH SUBSTATION CABLE REPLACEMENT PROJECT, TO ACCURA ELECTRICAL CONTRACTOR, INC. IN THE AMOUNT OF \$770,000.00 (INCLUSIVE OF A CONTINGENCY ALLOWANCE ACCOUNT OF \$70,000.00), FOR A TERM OF 182 DAYS AND AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR THIS PROJECT WHICH IS PART OF THE METROMOVER COMPREHENSIVE WAYSIDE SYSTEM OVERHAUL PROJECT THAT WAS ADDED TO THE FIVE-YEAR IMPLEMENTATION PLAN ON MARCH 6, 2018

ISSUE/REQUESTED ACTION

Whether the Board should award a 7040 Plan Miscellaneous Construction Contract (MCC) for the replacement of existing medium voltage cables that are used as a distribution line between the Government Center and College North substations to Accura Electrical Contractor, Inc. (Accura) in the amount of \$770,000 for a term of 182 calendar days, authorizing the use of People's Transportation Plan Bond Program funds for such purposes.

PROCEDURAL HISTORY

Prime Sponsor: None

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

There is no procedural history for this item.

ANALYSIS

The purpose of this item is to award *MCC7040 Plan – RPQ 404328 Metromover Government Center Substation to College North Substation cable replacement project* to Accura, with a contract award value of \$770,000 for a total contract period of 182 calendar days. A service disruption to the Omni extension of the Metromover, caused by a failure of the primary power cables, required the load from the primary cables to be transferred to the redundant cables. As a result, there are no redundant cables that can carry the load if there is another power failure. The contractor will replace the primary power cables to allow the secondary cables to serve as redundant cables for the distribution line between the Government Center and College North substations. The mayoral memo indicates that the existing system is 13.2 kV, but the solicitation calls for 15 kV cables. OCA requested that DTPW provide clarification on the difference. Pursuant to Section 29-124(f) of the Code of Miami-Dade County, the award request may only be considered by the Board if the Citizen's Independent Transportation Trust (CITT) has forwarded a recommendation for the contract to the Board or 45 days have elapsed since the filing of the award recommendation.

On January 8, 2020, DTPW solicited bids competitively through the MCC 7040 Plan, which is 100% set-aside for certified SBE-Con firms. DTPW received two bids, with the lowest bidder being Accura. Because the bid was 22.99% lower than DTPW's in-house estimate, the department met with Accura on March 31, 2020 to confirm its ability to perform the scope of work at the proposed price and time frame. On April 1, 2020, Accura signed and returned a bid commitment letter, which allowed DTPW to deem the bid fair, reasonable and responsible and proceed with the award recommendation. OCA requested DTPW to provide the reason why it took about five months for this item to move forward for approval, and what contingency plans are in place until this work is completed to avoid further service disruptions.

The total value of the award is \$770,000, including a 10% contingency allowance. The base award of \$700,000 breaks down as follows:

Item 1. Labor: Remove and replace the 15 kV power cables	\$551,630
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Item 2. Materials: 15 kV cable and high voltage terminations	96,370
Item 3. Crane and special equipment	44,000
Item 4. Electrical testing of installed cables	3,000
Item 5. Miscellaneous costs such as installation of rollers and traffic maintenance	<u>5,000</u>
	\$700,000

OCA conducted the following due diligence for the recommended firm on September 4, 2020:

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR
Accura Electrical Contractor, Inc.	Florida Profit Corporation (FEIN 65-0190895) Active Principal Address: 6187 NW 167 St. Suite H-3 Miami, FL 33015 Filed: 03/21/1990	Current and Paid Business Address: 6187 NW 167 St, H3 Miami, FL 33015	License type: Certified Electrical Contractor (expires 08/31/2022)

DEPARTMENTAL INPUT

OCA asked DTPW the following questions on September 4, 2020. The department's responses are still pending.

1. What was the date and circumstances of the minimal service disruption that led to the need for the primary cables to be replaced?
2. The item states the system is a 13.2 kV system, but the bid requests "removal and replacement of 15 kV cables." Please clarify.
3. Accura provided the written bid commitment on April 1, 2020. What caused the item to not be submitted until September Committee?
4. The item states that the anticipated NTP will be issued on 9/28/20. Will the item be revised to reflect a new NTP date?
5. Please provide the Firm History Report and OSHA Log, which are referenced in the item, but not attached.

APPLICABLE LEGISLATION/POLICY

Section 2-8.2.7 of the County Code (Miscellaneous Construction Contracts Program) is intended to enhance the contracting opportunities of Small Business Enterprises for construction services and to facilitate and expedite the award of construction contracts to small businesses. MCC participants are allowed to participate in the contracting plans (i.e., 7040 Plan and 7360 Plan) in accordance with the contracting procedures and specifications to be developed, maintained and amended by the Small Business Development Division of the Internal Services Department.

The 7040 Plan is a rotational set-aside, and the 7360 Plan is an open competitive plan. The 7360 Plan is used whenever the funding source prohibits the use of SBE-Con set-asides or when SBD determines that there is insufficient availability for an SBE-Con set aside within the 7040 Plan to accomplish the proposed work.

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[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR)

Section 29-124(f) of the County Code sets forth the role of the Citizens' Independent Transportation Trust and provides that no surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[https://library.municode.com/fl/miami - dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA
ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRR)

Section 2-1701 (Community Workforce Program) establishes the provisions of the Community Workforce Program for the County.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

Section 2-11.16 of the Code of Miami-Dade County, (County Construction), applies (a) other elements of the term "responsible bidder" in law or in the discretion of the Board of Commissioners of Miami-Dade County, as applies to competitively bid County contracts in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration, and/or repair, including painting or decorating, of public buildings or public works, shall mean a bidder who provides documented proof in its bid that the various classes of laborers and mechanics will be paid no less than the specified overall hourly rates as set forth in the contract specifications. (b) The specifications for each competitively bid County contract in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration and/or repair, including painting or decorating, of public buildings or public works shall specify an initial overall per hour rate to be paid to each craft or type of employee necessary to perform the contract work as listed in local area nondiscriminatory negotiated contracts (hereinafter referred to for purposes of this subsection (b) as "negotiated contracts") between organizations which represent employees and contractors.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-11.16COCOCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-11.16COCOCO)

Administrative Order 3-39 establishes the standard process for 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, 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-1181-18, adopted November 8, 2018, directs the 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.

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Researcher: TA Reviewer: PGE

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

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**Item No. 3E
File No. 201665**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONSTRUCTION SERVICES FOR THE METRORAIL ACOUSTICAL BARRIER REPLACEMENT PHASE 3 (PART 1 OF 2) PROJECT, TO HALLEY ENGINEERING CONTRACTORS, INC. IN THE AMOUNT OF \$30,525,860.00 (INCLUSIVE OF A CONTINGENCY ALLOWANCE ACCOUNT OF \$2,763,260.00), FOR A TERM OF 550 DAYS; AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR THIS PROJECT WHICH WAS ADDED TO THE FIVE-YEAR IMPLEMENTATION PLAN ON MARCH 6, 2018; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a construction services award for the Metrorail Acoustical Barrier Replacement Phase 3 (Part 1 of 2) project to Halley Engineering Contractors, Inc., in the amount of \$30,525,860 for a term of 550 days, using the People's Transportation Plan Bond Program Funds for this project for the Department of Transportation and Public Works (DTPW).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: DTPW

There is no procedural history for this item.

ANALYSIS

The purpose of this item is to approve a construction services award for the metrorail acoustical barrier replacement phase 3 (part 1 of 2) project to Halley Engineering Contractors, Inc. in the amount of \$30,525,860 for a term of 550 days, using the People's Transportation Plan bond program funds. The project impacts various districts Countywide.

The Board approved Resolution No. 150-19 on February 15, 2019, approving Phase 1 procuring RPQ No. 380773 for the acoustical barrier replacement. The Phase 1 (removal) project was awarded to Maytin Engineering Corp. in the amount of \$2,819,465.

The Board approved Resolution No. R-604-19 on June 4, 2019, approving Phase 2 procuring RPQ No. 394585 for the emergency acoustical barrier replacement. The Phase 2 (removal) was awarded to Gomez Construction Co. in the amount of \$2,107,000. Phase 3, part 2 of 2 will focus on install acoustical barrier replacements on the remaining bridges along the metrorail route.

DTPW's Engineer of Record, Atkins North America, Inc., (Atkins) completed an Acoustical Barrier Type B Analysis Report in August 2012. The report concluded that it was imperative to either replace or strengthen these acoustical barrier panels in a reasonable period to maintain the safety of the traveling public. The report further recommended, based on a review of the stresses, that any panel that exhibits a crack within 2 feet of the upper bracket bolted connection be removed immediately. Acoustical barrier systems provide various functions throughout the entire guideway system. They buffer noise levels to adjacent communities, provide fall protection for work crews and prevent debris from falling off the guideway.

On July 13, 2018, Atkins issued a letter to DTPW regarding the July 2018 failure of a Type B acoustical barrier panel. Echoing the prior analysis, the report recommends removal of all Type B acoustical barrier panels and the connected steel straps. The reasoning for the recommendation is threefold:

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- Failure of these panels is difficult to predict and can be sudden. The lack of mild reinforcement in these panels makes them susceptible to fractures with no ductility; therefore, there is no advance warning noted before failure;
- Failure is not confined to the guideway, as chunks of concrete have fallen to the ground below; many of the panels are suspended over public walkways and roadways and these concrete projectiles can be a danger to the public; and
- Failure confined to the guideway also presents a danger. If a panel falls on running rail, a fast-moving train can strike these panels causing a catastrophic derailment.

In April 2019, an acoustical barrier failed, striking a rail vehicle, causing vehicle damage and system delays. A similar incident occurred in July 2018. In response to the April 2019 incident, DTPW solicited emergency construction services through the County's Emergency Response Team pool under the MCC Program to remove all concrete hollow core Type B acoustical panels attached to the drip line of the Miami Metrorail Guideway from the abutment AB-556-NS, which is south of the Brickell area to Span 900, which is west of the Earlington Heights Station. Two bids were received in May 2019, and it was determined that Gomez Construction Co. was the lowest responsive and responsible bidder.

An MCC 7360 Plan emergency contract for acoustical barrier replacements for the Metrorail was approved on June 04, 2019 pursuant to Resolution No. R-604-19. The emergency contract was in an amount of \$2,107,000 using a funding source from the People Transportation Plan (PTP). Additionally, through Resolution Nos. R-150-19 and R-605-19, DTPW contracted for construction services for the removal of acoustical concrete barriers from the Metrorail elevated guideway for \$4,789,932. According to DTPW, the removal of the acoustical barriers was completed in December 2019.

The proposed construction award focuses on replacement of the acoustical barriers located along the Metrorail system from Abutment AB-1-NS near the Dadeland South Station to AB-1346-LH-NS, which is west of the Okeechobee Station. Five Metrorail bridges will be impacted by the construction of acoustical panels. Contrarily, the emergency contract from 2019 focused on the removal of all concrete hollow core Type "B" acoustical panels attached to the drip line of the Miami Metrorail Guideway from the abutment AB-556-NS, which is south of the Brickell area to Span 900, which is west of the Earlington Heights Station and not include the Metrorail extension to the Miami International Airport.

The fiscal impact for this award is \$30,525,860, which includes a contingency allowance amount of \$2,763,260 for any unforeseen work and a dedicated allowance amount of \$130,000 for structural damage repairs. Funding for this project can be found under Capital Budget Project No. 6710900 in Volume 2 of the Fiscal Year 2019-20 Adopted Budget and Multi-Year Capital Plan and is included in the FY 2020-21 Proposed Budget. This award is funded by People's Transportation Plan (PTP) Bond. Table 1 breaks down the contractors bid for Phase 3, Part 1.

Table 1 illustrates the contractors bid form for Phase 3, Part 1:

Item No.1	Description	Unit	Quantity	Unit Price	Total
1	General Conditions	LS	1	\$ 670,000	\$ 670,000
2	Mobilization	LS	1	\$ 1,200,000	\$ 1,200,000
3	Maintenance of Traffic	LS	1	\$ 50,000	\$ 50,000
4	Traffic Control Officer	LS	1	\$ 50,000	\$ 50,000
5	Acoustical Panels with Posts	Linear Feet Alignment	42771	\$ 600	\$25,662,600
Total Base Bid					\$27,632,600

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Researcher: IL Reviewer: PGE

A standard procurement was conducted on May 21, 2020. DTPW held a non-mandatory pre-bid teleconference on June 4, 2020. On June 25, 2020, DTPW received three bids in response to the solicitation. The base bid amounts ranged between \$27,632,600 and \$31,234,294, not including allowance accounts. According to the mayoral memo the lowest bid price, was submitted by Halley Engineering Contractors, Inc. and is 12.83% below the cost estimate of \$31,700,000. Atkins North America Inc., (Atkins) DTPW's design consultant reviewed the Contractor's price and explains that the Variances between the Construction Estimate and the bid tabulation for all bidders can be attributed to the Contractor's means and methods. Atkins' assessment is that the lowest conforming bidder, Halley Engineering Contractors, Inc., has provided a reasonable and competitive bid based on current market conditions.

OCA conducted a due diligence review of the awarded firm and its sole subcontractor on September 4, 2020. See Table 2.

Table 2 - Due Diligence Review

Firm Name	Corporate Filing	Florida Department of Business & Professional Responsibility	Miami-Dade Tax Collector's Office	Westlaw
Halley Engineering Contractors, Inc	Florida for Profit Corporation Principal Address 13901 N.W. 118 Avenue Miami, FL 33178 Date Filed: 04/27/2006	4 Licenses on file: General Contractor, Construction Business Information and Professional Engineer No License Complaints	Two Accounts Business Address: 13850 N.W. 118th Ave Miami, FL 33178 Paid/Current	Case Name: Hilario Gonzalez Et Al V. Halley Engineering Contractors, Inc. file in the 11 th Judicial Circuit of the State of Florida; Case No: 2017-029102-CA-01; Allegation: Defendant negligently failed to protect the property of the Plaintiff's from compaction of the earth when placing pilings, causing injuries and damages to Plaintiff; Status: Case is ongoing next hearing set for September 14, 2020 (Case Management Hearing)

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Firm Name	Corporate Filing	Florida Department of Business & Professional Responsibility	Miami-Dade Tax Collector's Office	Westlaw
Maytin Engineering Corp. (subcontractor)	Florida for Profit Corporation Principal Address: 13900 N.W. 112TH Ave Hialeah Gardens, FL 33018 Date Filed: 10/15/2002	2 Licenses on file: General Contractor, and Construction Business Information No License Complaints	Three Accounts Business Address: 13900 N.W. Ave 1 Lot 1 Hialeah Gardens, FL 33018	No relevant cases

Pursuant to Resolution No. R-421-16, a performance record verification for Halley Engineering Contractors, Inc., was conducted by OCA in the Capital Improvements Information System (CIIS) on September 4, 2020. There are no performance evaluations in the CIIS system. The project has been assigned a Community Workforce Program goal of 10 percent.

Resolution No. 1181-18 requires the consideration of safety records of prospective contractors and first-tier subcontractors for public construction projects; the resolution requires the administration to 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. The mayoral memo mentions that the safety records are available upon demand. OCA requested the safety records and will have them as part of this note when the item travels to the Board.

ADDITIONAL INFORMATION

Halley Engineering Contractors, Inc., was recently awarded a contract with the Florida Department of Transportation under Contract No. E8R75, on June 17, 2019, for work that consists of providing all labor, materials, equipment and incidentals necessary for All Electronic Tolling (AET) conversion to modify the existing stop and go ramp plazas along the Florida's Turnpike (SR 91) interchanges with Glades Road (SR 808), Atlantic Avenue (SR 806) and Boynton Beach Blvd (SR 804) with AET tolling gantries.

<https://www.fdot.gov/contracts/tp/BidTabs/PostAward/2019/bid-tabs-posting-award-dates-05-21-19-letting>

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 \(H\)](#)

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Resolution No. R-54-10, adopted by the Board on 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 by the Board on September 6, 2012, requires identification of certified firms in any procurement item submitted for Board approval.

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

Resolution No. R-187-12, adopted by the Board on 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-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 No. R-150-19, adopted by the Board on February 5, 2019, approving an award for an emergency miscellaneous construction contract 7040 Plan – RPQ No. 380773 for the acoustical barrier replacement – Phase 1 (removal) project to Maytin Engineering Corp. in the amount of \$2,819,465 and authorizing the use of Charter County Transportation Surtax Funds.

<http://intra/gia/matter.asp?matter=183020&file=true&yearFolder=Y2018>

Resolution No R-604-19, adopted by the Board on June 4, 2019, approved an award for an emergency miscellaneous construction contract 7360 plan - RPQ No. 394585- for the emergency acoustical barrier replacement - phase 2 removal project, to Gomez Construction Co. in the amount of \$2,107,000.00 and authorizing the use of People's Transportation Plan bond program funds.

<http://intra/gia/matter.asp?matter=191250&file=true&yearFolder=Y2019>

Resolution No R-605-19, adopted by the Board on June 4, 2019, approved an award for an emergency miscellaneous construction contract 7360 plan - RPQ No. 394585-B for the emergency acoustical barrier replacement - phase 2 removal project, to Ebsary Foundation Co. in the amount of \$2,448,000.00 and authorizing the use of People's Transportation Plan bond program funds.

<http://intra/gia/matter.asp?matter=191252&file=true&yearFolder=Y2019>

Resolution No. R-828-19, adopted by the Board on June 23, 2019, establishing a policy of Miami-Dade County for disclosure of past and present discrimination lawsuits in solicitation submissions; directing the County Mayor to: (1) implement a policy of disclosure of discrimination lawsuits; (2) require 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.

<http://intra/gia/matter.asp?matter=190936&file=true&yearFolder=Y2019>

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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>

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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File No. 201703

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING AND AUTHORIZING THE USE OF UP TO \$1,762,000.00 IN CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR INTERSECTION IMPROVEMENT CONTRACTS AWARDED UNDER THE MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN FOR THIS PROJECT WHICH WAS PART OF THE ORIGINAL PEOPLE'S TRANSPORTATION PLAN

ISSUE/REQUESTED ACTION

Whether the Board should authorize use of \$1,762,000 in People's Transportation Plan (PTP) surtax funds for the Miscellaneous Construction Contracts (MCC) Program contract, *RPQ No. 20190236*, for intersection improvement projects awarded to H & R Paving, Inc.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item has no procedural history.

ANALYSIS

The purpose of this item is to approve the use of PTP funding in a previously awarded MCC Program contract for push button intersection improvements at six additional sites, located in Districts 6, 8, 9. The MCC Program contract, awarded to H & R Paving, Inc. in the amount of \$2,007,250.24, is currently approved for the use of non-surtax funding sources. This item authorizes the use of PTP surtax funds for the contract in an amount not to exceed \$1,762,000, thus necessitating Board and Citizens' Independent Transportation Trust (CITT) approval. The PTP funding represents 87.8% of the total project cost, distributed by site as follows:

Site	Type	District	Total Amount
SE 7 Ave. & SE 8 St.	Median Footballs	6	\$55,000
SW 62 Ave. & SW 2 St.	Traffic Circle	6	\$370,000
S Waterway Dr. (SW 63 Ave. & SW 65 Ave.)	Traffic Circle	6	\$576,000
SW 87 Ave. & SW 174 St.	Traffic Circle	8	\$350,000
SW 120 Ave. & SW 232 St.	Traffic Circle	9	\$336,000
SW 115 Ave. & SW 186 St.	Median Footballs	9	\$75,000
TOTAL PTP Funding:			\$1,762,000

The project (MCC 7360 Plan - CICC 7360-0/08) qualifies under the available work categories in the Neighborhood Improvements Section of the PTP Five-Year Plan, and is included in the FY 2019-20 Adopted Budget and Multi-Year Capital Plan under Department of Transportation and Public Works (Neighborhood Infrastructure Improvements – Countywide, Project 2000000535). The project is part of the original Exhibit 1 to the PTP as approved by voters and is also included in the FY 2020-21 Proposed Budget.

The scope of this MCC Program contract, *RPQ No. 20190236*, includes furnishing of all supervision, labor, materials, tools, equipment and performing all operations necessary for intersection improvements. More specifically, the work to be performed includes, but is not limited to, construction of asphaltic concrete road base and surface; pavement removal; pavement milling; pavement markings; signage; drainage; sidewalks; concrete curb and gutter; and traffic

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calming devices. Incidental items required for areas such as streetlight, traffic installation, etc. may be added to the contract.

To participate in the MCC 7360 Program, a firm must:

- Be a licensed Construction Contractor (hold a valid State of Florida or Miami Dade County Certificate of Competency)
- Be registered and active in the Florida Department of State Division of Corporations
- Be a registered vendor with Miami Dade County, Internal Services Department, Procurement Management Services
- Complete the MCC Registration online through the Vendor Portal and attach all required documents
- Provide proof of Insurance coverage for:
 - General Liability
 - Worker's Compensation – as required by Florida Statutes Chapter 440
 - Automobile Liability – Owned, Non-Owned & Hired Vehicle

DTPW advertised the solicitation for this MCC Program contract on September 19, 2019 and forwarded the Request for Price Quotation (RPQ) to a pool of 77 firms registered with the Internal Services Department. H & R Paving was the lowest responsive and responsible bidder of the four respondents, proffering a base bid of \$1,737,277 that was 6% lower than the County's cost estimate. DTPW issued the recommendation for award, after finding the firm to be responsive and responsible, on November 25, 2019.

Seventy MCC 7360 projects and 34 other construction projects have been awarded to H & R Paving at award amounts totaling \$157,340,015 for all 104 projects. Pursuant to Resolution No. R-421-16, OCA conducted a performance record verification in the Capital Improvements Information System (CIIS) on September 8, 2020, finding that H & R Paving has 222 evaluations with an average rating of 3.2 points out of a possible 4.0. Its lowest evaluation at project conclusion was a 1.9 rating on a \$903,030 DTPW project completed on July 25, 2007.

Resolution No. R-1181-18 requires the consideration of safety records of prospective contractors and first-tier subcontractors for public construction projects and the inclusion of confirmation that those safety records were considered, as well as reports of any instances where the safety record may adversely affect a finding of contractor responsibility, in award memorandum to the Board. Such information was absent from the Mayoral Memorandum.

In addition, detailed below is a summary of OCA's due diligence performed on H & R Paving.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
H & R Paving, Inc.	Florida Profit Corporation Active Principal Address: 1955 NW 110th Ave.	Business address: 1955 NW 110th Ave. Miami, FL 33172 Status: Paid and Current	License type: Certified General Contractor; Construction Financial Officer; Construction	<i>Carrie Kessler v. Parcel D1 Property, LLC et al</i> (Case No. 2020-009649-CA-01). Filed on May 4, 2020 in the 11 th Judicial Circuit, Miami-Dade County. Allegations: Defendant failed to construct or alter the sidewalk in a manner which would prevent

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	Miami, FL 33172 Filed: August 19, 2976		Business Information	the portion of the sidewalk over which plaintiff tripped from becoming elevated, resulting in injuries to plaintiff. Case Status: Open; Certificate of No Objections to Production entered on August 24, 2020.
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ADDITIONAL INFORMATION

Miscellaneous Construction Contracts Program

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

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

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

APPLICABLE LEGISLATION/POLICY

Section, 212.055, Florida Statutes governs Charter County and Regional Transportation System Surtax.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=212.055&URL=0200-0299/0212/Sections/0212.055.html

Sec. 2-8.2.7.01 of the Code of Miami-Dade County governs the County's Miscellaneous Construction Contracts Program.

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

[_dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR](https://library.municode.com/fl/miami_-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR)

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

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

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

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

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

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

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOP](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOP)

Section 2-1421 of the Code of Miami-Dade County creates the Citizens' Independent Transportation Trust and prescribes the powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXCVIICIINTRTR_S2-
1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXCVIICIINTRTR_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU)

Section 2-1701 of the Code of Miami-Dade County governs the County's Community Workforce Program.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

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_or
inances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551
FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

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

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-
33.02SMBUENCOSSEPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02SMBUENCOSSEPR)

Implementing Order No. 3-57 establishes a policy for the use of standard construction general conditions by all County departments.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdf/files/IO3-57.pdf>

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Resolution No. R-507-04, adopted April 27, 2004, approved the amendment to the Neighborhood Improvements Section of the People's Transportation Plan to include roadway signage, roadway lighting, pavement markings, and traffic calming.

<http://intra/gia/matter.asp?matter=040989&file=true&yearFolder=Y2004>

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

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

Resolution No. R-421-16, adopted May 17, 2016, requires (1) the County Mayor to attach to all items recommending design and/or construction contract awards of \$1,000,000 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor's work; and (2) all County departments to complete contractor evaluations before closing out a contract and making final payment to a contractor.

<http://www.miamidade.gov/govaction/matter.asp?matter=160124&file=true&fileAnalysis=false&yearFolder=Y2016>

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

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

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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).