



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

BOARD OF COUNTY COMMISSIONERS MEETING

October 6, 2020

9:30 A.M.

Virtual Meeting

Yinka Majekodunmi, CPA
Commission Auditor

Office of the Commission Auditor (OCA)
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TABLE OF CONTENTS

PUBLIC HEARINGS

RESOLUTIONS

5F (201889): Codesignating a Portion of NE 16th Avenue as Trayvon Martin Avenue.....	3
5H (201868): Codesignating a Portion of Westward Drive as Jim Caudle Way.....	4
5I (201914): Codesignating a Portion of 117th Avenue as Alvaro Uribe Way.....	5

DEPARTMENTAL ITEMS

INTERNAL SERVICES

8F4 (201655): Janitorial Services at Downtown Facilities.....	6
8F5 (201669): Purchase of Janitorial Services.....	11
8F7 (201662): Purchase of Moving Services.....	20
8F8 (201701): Purchase of Hazardous and Non-Hazardous Waste Services.....	25
8F9 (201678): Purchase of Scale House Operations Software and Hardware System.....	34
8F10 (201673): Canal Maintenance Services for Miami-Dade Aviation Department.....	39
8F11 (201681): Purchase of Polymer for Water Treatment.....	46
8F12 (201683): Purchase of Investment Management Software.....	49
8F13 (201684): Purchase of ADPICS/FAMIS Maintenance and Support.....	54
8F14 (201261): Parking Operations at Miami International Airport.....	58
8F15 (201671): Elevators, Escalators, and Moving Walkways.....	65

TRANSPORTATION AND PUBLIC WORKS

8N4 (201609): Design-Build Services Agreement for The Underline – Phase 2.....	73
8N37 (201580): Push Button Intersection Improvements – North.....	88
8N38 (201665): Metrorail Acoustical Barrier Replacement – Phase 3.....	92
8N39 (201663): Metromover Government Center Substation to College North.....	101
8N40 (201980): Push Button Intersection Improvements – South.....	105

WATER AND SEWER DEPARTMENT

8O3 (201692): Professional Services Agreement – Jacobs Engineering Group, Inc.....	110
8O5 (201907): The Electrical Power Systems Program.....	125

ADDITIONAL DEPARTMENTAL ITEM

RESOLUTION

9A3 (201642): Coral Gables Library Lease.....	131
---	-----

COUNTY COMMISSION

RESOLUTIONS

11A4 (201572): Miami-Dade Economic Advocacy Trust Board Reappointments.....	135
11A5 (201940): Creating a Driver's License Suspension Task Force.....	136
11A13 (201769): Joint Use Agreement – Homestead Airforce Base.....	142

COUNTY ADVISORY BOARD APPOINTMENTS

15C1 (201881): Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board.....	148
--	-----

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 5F
File No. 201889**

Researcher: CB Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF NE 16TH AVENUE FROM IVES DAIRY ROAD TO NE 209TH STREET AS “TRAYVON MARTIN AVENUE”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1
Department/Requester: None**

ANALYSIS

Pursuant to Ordinance Nos. 13-29 and 19-11, OCA completed the required background research on “Trayvon Martin,” which yielded publicly available information relating to the facts surrounding Mr. Martin’s death. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Trayvon Martin.”

APPLICABLE LEGISLATION

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

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

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

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

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

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

**BCC Meeting:
October 6, 2020
Research Notes**

Item No. 5H

File No. 201868

Researcher: CB Reviewer: PGE

RESOLUTION APPROVING THE CITY OF MIAMI SPRINGS CODESIGNATION OF WESTWARD DRIVE BETWEEN APACHE STREET AND CHIPPEWA STREET AS “JIM CAUDLE WAY”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Vice Chairwoman Rebecca Sosa, District 6

Department/Requester: None

ANALYSIS

Pursuant to Ordinance No. 13-29, OCA completed the required background research on “Jim Caudle,” which yielded publicly available information via a web search (i.e., Miami Herald obituary) highlighting Mr. Caudle’s military and public service as well as his professional baseball career. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Jim Caudle.” Pursuant to Ordinance No. 19-11, OCA verified that “Jim Caudle” is deceased.

APPLICABLE LEGISLATION

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

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

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

**BCC Meeting:
October 6, 2020
Research Notes**

Item No. 5I

File No. 201914

Researcher: CB Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF SW 117TH AVENUE BETWEEN SW 40TH STREET (BIRD ROAD) AND SW 24TH STREET (CORAL WAY) AS “ALVARO URIBE WAY” BY A THREE-FIFTHS VOTE OF THE BOARD MEMBERS PRESENT; SUSPENDING RULE 9.02(d)(ii) BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT AS IT RELATES TO THIS ITEM.

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Senator Javier D. Souto, District 10

Department/Requester: None

ANALYSIS

Pursuant to Ordinance No. 13-29, OCA completed the required background research on “Alvaro Uribe” and noted that there is publicly available information in the print media obtained via a web search revealing that Mr. Uribe, a former Colombian president, has been under house arrest since August 4, 2020 in Montería, Colombia for alleged fraud and witness tampering. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Alvaro Uribe.” Pursuant to Ordinance No. 19-11, OCA verified that “Alvaro Uribe” is living.

APPLICABLE LEGISLATION

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

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

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

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

**BCC Meeting
October 6, 2020
Research Notes**

**Item No. 8F4
File No. 201655**

Researcher: VW Reviewer: PGE

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

ISSUE/REQUESTED ACTION

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard at the carry-over BCC Meeting on September 3, 2020. The item was deferred to the October 6, 2020 BCC meeting. At the meeting the following discussion transpired:

- Commissioner Rebecca Sosa voiced concern over the fact that Chi-Ada Corporation, Inc. was chosen as the awarded vendor for the contract when the firm has graduated from the certified SBE program.
- Gary Hartfield Director of Small Business Development, Tara Smith Director of ISD, and County Attorney David Hope responded that all of Commissioner Sosa's concerns were already addressed by the Hearing Examiner and Chi-Ada's award of the contract was found to be in complete compliance with County Code and the rules governing SBE awarded firms.
- Commissioner Sally Heyman questioned why such an extensive and expensive janitorial services contract was needed for the downtown facilities when most County employees are working remotely during the Covid-19 pandemic.
- Tara Smith Director of ISD responded that due to the Covid-19 pandemic and because there are still a good amount of County employees working at the downtown facilities the janitorial services are needed to thoroughly sanitize all of the occupied facilities.
- Commissioner Joe Martinez voiced concerns regarding the total value of the janitorial services contract. According to Commissioner Martinez, the numbers do not add up and the County seems to be paying too much for the requested services.
- Commissioner Daniella Levine-Cava expressed concern over why Chi-Ada was awarded the contract if the firm had graduated from the SBE program.
- County Attorney David Hope responded that Chi-Ada's award was in compliance with County Code.
- Commissioner Daniella Levine-Cava was satisfied with the response but expressed concern at the confusing nature of the award recommendation process.
- Commission Jose "Pepe" Diaz echoed the concerns of his fellow commissioners that while Chi-Ada's award of the contract was in compliance with County Code, the nature of the award was not in accordance with the spirit of the SBE preferential award program.

**BCC Meeting
October 6, 2020
Research Notes**

**Item No. 8F4
File No. 201655**

Researcher: VW Reviewer: PGE

- Commissioner Jean Monestime asked for a quick recap of the timeline of the recommendation process which were satisfactorily answered by Gary Hartfield.
- Commissioner Barbara Jordan requested some calcification regarding whether SBE firms that graduated from the SBE program can return to the SBE program if their gross receipts fall again which was satisfactorily answered by Gary Hartfield in the affirmative.
- ISD Chief Procurement Officer Namita Uppal responded to some of Commissioner Martinez's questions regarding the math behind the total contract amount. According to Commissioner Martinez the specific hourly rates for the janitorial services did not add up to the total value of the contract amount. Commissioner Martinez was not satisfied with the responses by Ms. Uppal.

ANALYSIS

The purpose of this item is to approve a long-term replacement contract for janitorial services at various downtown facilities managed by ISD. Under the replacement contract, the recommended awardee is Chi-Ada Corporation, Inc. for a five-year term with a fiscal impact to the County of \$33,445,316. The contract will replace an existing emergency contract, *E-10048, Emergency Janitorial ISD Downtown*. The emergency contract took effect on October 31, 2019, is set to expire on October 31, 2020 and has a current allocation of \$7,794,650. The vendor under the emergency contract is Vista Building Maintenance Services, Inc. An emergency was declared by the Internal Services Department Director after a bid protest was filed that delayed the replacement contract award. The ratification of the emergency award was a companion item on the August 31 BCC Agenda, File No. 201847, 8F11 and was later adopted as amended at the September 3 BCC carry-over meeting. Per Resolution No. R-454-13 emergency contract ratifications have to come to the Board within 120 days of an emergency being declared. The emergency was declared on November 4, 2019 when the bid protest was filed, yet the item was adopted by the Board 304 days after the emergency was declared.

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

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

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

- Group 1 – Buildings less than 25,000 square feet of cleaning area and five stories or less;
- Group 2 – Buildings from 25,001 to 75,000 square feet of cleaning area and five stories or less; and
- Group 3 – Buildings 75,001 square feet of cleaning area or greater or building is greater than five stories (high-rise).

A competitive Request for Quotation (RFQ), *RFQ9562-45ISD*, was issued to all prequalified vendors in Group 3 on May 24, 2019 for this replacement award. Vendors become prequalified in Group 3 by submitting individual references from at least three customers where the vendor has or is providing janitorial services for at least five years from the

**BCC Meeting
October 6, 2020
Research Notes**

**Item No. 8F4
File No. 201655**

Researcher: VW Reviewer: PGE

date of bid submission. Vendor's references had to also demonstrate that it has performed janitorial services during concurrent time periods within the past five years, for facilities singly (one building) or in the aggregate (various buildings), totaling 75,001 square feet or more and five stories or more. The County evaluated the three bids received (Chi-Ada Corporation, Inc.; SFM Services, Inc.; and Vista Building Maintenance Services, Inc.), and applied the applicable five percent Small Business Enterprise Bid Preference. Due to the application of the SBE preference the lowest bidder was deemed to be Chi-Ada Corporation. As a consequence, the award recommendation was given to Chi-Ada Corporation, Inc. (Chi-Ada), a certified Small Business Enterprise (SBE) firm, on October 30, 2019. Approximately two and a half hours after ISD recommended award of the contract to Chi-Ada, ISD emailed a letter from SBD to Chi-Ada's counsel notifying them that Chi-Ada had graduated from the SBE Services Program.

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

Both the annual allocation and the monthly allocation for the replacement contract are approximately 14% lower than the existing contract. The table below compares the monthly and annual allocations of the existing contract with the replacement contract.

Contract No.	Cumulative term	Annual Allocation	Monthly Allocation
No. E-10048	\$7,794,650	\$7,794,650	\$649,554.17
No. RFQ9562-45ISD	\$33,445,316	\$6,689,063.2	\$557,421.93

On September 24, 2020, OCA conducted due diligence on the awarded vendor, including relevant litigation, which is detailed below.

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

**BCC Meeting
October 6, 2020
Research Notes**

Item No. 8F4

File No. 201655

Researcher: VW Reviewer: PGE

	Filed: August, 25 1995			
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A September 24, 2020 search of the Business Management Workforce System for the firm's commodity code, 91039, Janitorial/Custodial Services yielded 62 certified SBE firms.

APPLICABLE LEGISLATION/POLICY

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

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

Section 2-8.4 of the County Code governs any protest made by a participant in any competitive process utilized for selection of a person or other entity to construct any public improvement, to provide any supplies, materials or services (including professional or management services other than professional services whose acquisition procedure is governed by the Consultant's Competitive Negotiation Act, F.S. Section 287.055 et seq.), or to lease any county property.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.4PRPR

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

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

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

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

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

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

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

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

**BCC Meeting
October 6, 2020
Research Notes**

Item No. 8F4

File No. 201655

Researcher: VW Reviewer: PGE

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

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

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

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F5
File No. 201669**

Researcher: TA Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$3,038,000.00 FOR A MODIFIED CONTRACT AMOUNT OF \$13,841,000.00 FOR CONTRACT NO. FB-00634 FOR THE PURCHASE OF JANITORIAL SUPPLIES AND RELATED ITEMS FOR MULTIPLE DEPARTMENTS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF CONTRACT NO. FB-00634 FOR GROUPS 1 AND 2, INCLUDING ANY EXTENSIONS OR CANCELLATION, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority in a total amount up to \$3,038,000 for Contract No. FB-00634 for continued purchase of janitorial supplies and related items by County departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations Committee at its September 11, 2020 meeting with no discussion.

ANALYSIS

The purpose of this item is to grant additional expenditure authority in the amount of \$3,038,000 for the continued purchase of janitorial supplies and related items for various County facilities. There are over 300 items available under this contract, including: cleaners, disinfectants, soap, hand sanitizers, dispensers, brooms, brushes, mops, sponges, buckets, waste receptacles, and waste can liners. Due to the COVID-19 pandemic, there has been an unforeseen demand for these items, resulting in higher than standard departmental spending under this contract. The requested increased expenditure is needed to replenish departmental allocations to address both normal operating conditions as well as to provide for additional capacity associated with more frequent cleaning cycles to mitigate the spread of the virus. OCA requested what time frame COVID-19 was assumed for purposes of determining the increased needs, but ISD specified the time frame as unknown. It was noted that this contract was for janitorial supplies only and janitorial services were purchased under other contracts. This contract is used to purchase items for the 60 plus ISD buildings and on behalf of other departments.

This pool was originally established on September 5, 2018 pursuant to Resolution No. R-887-18 in the amount of \$9,002,000 for a five-year term. The contract expires on September 30, 2023, and no extension of the contract is being requested at this time. Three modifications have been administratively approved, resulting in an existing cumulative allocation of \$10,803,000, as detailed below:

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F5
File No. 201669**

Researcher: TA Reviewer: PGE

	Amount	Percentage Increase
Initial Pool	\$9,002,000	↑ 20%
Modification #1 (10/12/18)	+\$250,000	
Modification #2 (6/10/19)	+\$15,000	
Modification #3 (9/11/19)	+1,535,400	
Existing Cumulative Allocation	\$10,803,000	
Additional Allocation Requested	+\$3,038,000	
Modified Cumulative Allocation	\$13,841,000	↑ 54%

The pool contract consists of three groups:

- Group 1 includes over 300 items awarded on an individual basis that are for non-federally funded purchases.
- Group 2 includes the same items as Group 1, but for federally funded purchases.
- Group 3 is a pre-qualification pool for items that are not included in Groups 1 and 2. Any spot market purchases up to \$100,000, must be set-aside for Small Business Enterprises (SBEs) as permitted by funding source and when there are three or more SBE-certified firms available.

ISD Procurement confirmed that this contract was established with Group 3 as a closed pre-qualification pool, so no additional vendors may be added throughout the term of the contract (ending September 30, 2023). Thus, only vendors that were awarded in Group 1 or 2 may compete for work under Group 3. It should be noted that per the Business Management Workforce System (BMWS), there are currently 22 SBEs certified in the required commodity code (NIGP 485), while only 11 of them are currently awarded under Group 1 and/or Group 2. It is not clear if they have the capacity or desire to compete, but there is no ability for them to do so.

OCA identified one certified SBE firm (Glocecol, LLC) that was awarded under the original contract and is showing “active” in Sunbiz, but Procurement’s Bid Tracking System (BTS) is currently showing the firm as “inactive” and not a part of this contract. According to ISD, Glocecol, LLC is currently the subject of an Audit and Management Services Department investigation related to transactions with the Animal Services Department.

There are 15 vendors under the current contract, of which all but one (Allied Paper Co.) received awards under Group 1 or 2 and Group 3. The mayoral memo states that 10 of the firms are certified SBEs. However, one of the firms, Florida Clear Energy, LLC, is not identified as a certified SBE firm, but it is certified per BMWS. Therefore, 11 of the 15 vendors are certified SBEs.

OCA initiated a due diligence review of the awarded vendors on September 4, 2020; findings are summarized below.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F5
File No. 201669**

Researcher: TA Reviewer: PGE

Firm	Corporate Registration	Tax Collector's Office	Westlaw
Agni Enterprises, LLC dba Head to Heels Safety Supplies (SBE)	<p>Florida Limited Liability Company (FEIN: 47-1699827)</p> <p>Active</p> <p>Principal Address: 7950 NW 155th Street Suite 103 Miami Lakes, FL 33016</p> <p>Filed: August 3, 2017</p>	<p>Business Address: 7950 NW 155th St. STE 103 Miami Lakes, FL 33016</p> <p>Status: Active</p> <p>Payment of \$45 due for Tax Year 2021</p>	No litigation found
Allied Paper Co. dba Allied Paper & Chemical Company (SBE)	<p>Florida Profit Corporation (FEIN: 59-1519086)</p> <p>Active</p> <p>Principal Address: 13741 SW 147th Ave. Miami, FL 33196</p> <p>Filed: January 23, 2003</p>	<p>Business Address: 13741 SW 147th Ave. Miami, FL 33196</p> <p>Status: Active</p> <p>Payment of \$75 due for Tax Year 2021</p>	No relevant cases
Cbyrac, Inc. (SBE)	<p>Florida Profit Corporation (FEIN: 90-0677989)</p> <p>Active</p> <p>Principal Address: 633 NE 167th St. Suite 709 North Miami Beach, FL 33162</p> <p>Filed: January 12, 2001</p>	<p>Business Address: 633 NE 167th St. Suite 709 North Miami Beach, FL 33162</p> <p>Status: Active</p> <p>Payment of \$75 due for Tax Year 2021</p>	<i>Packplus, Inc. v. Cbyrac, Inc. Et al.</i> (Case No. 2017-012274-CA-01). Filed on May 22, 2017 in 11 th Judicial Court, Miami-Dade County. <u>Allegation</u> : Defendant intentionally misrepresented herself and bid against Plaintiff, causing financial and business harm to Plaintiff. <u>Case Status</u> : Order of Dismissal on March 31, 2020.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F5
File No. 201669**

Researcher: TA Reviewer: PGE

Central Poly-Bag Corp.	Foreign Profit Corporation (FEIN: 22-3246346) Active Principal Address: 2400 Bedle Place Linden, NJ 07036 Filed: December 5, 2002	No account on file	No relevant cases
District Healthcare & Janitorial Supply Incorporated dba District Healthcare (SBE)	Florida Profit Corporation (FEIN: 22-3246346) Active Principal Address: 10125 NW 116 th Way Suite 16 Medley, FL 33178 Filed: December 5, 2002	Business Address: 10125 NW 116 th Way Suite 16 Medley, FL 33178 Status: Paid and Current	<i>Yellowbook Sales v. District Healthcare.</i> (Case No. NL1730-003). Filed on August 13, 2012 in Circuit Court, Prince George's County. <u>Allegation:</u> Notice of lien judgment in the amount of \$30,187.29. <u>Case status:</u> Open
East Continental Supplies, LLC	Florida Limited Liability Company (FEIN: 74-3121295) Active Principal Address: 7955 W 20 Ave. Hialeah, FL 33014 Filed: April 29, 2004	Business Address: 7955 W 20 Ave. Hialeah, FL 33014 Status: Active Payment of \$63 due for Tax Year 2021	No relevant cases
Florida Clear Energy, LLC (SBE)	Florida Limited Liability Company (FEIN: 74-3121295) Active Principal Address:	Business Address: 8200 NW 41ST Suite 200 Doral, FL 33166 Status: Active	No litigation found

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F5
File No. 201669**

Researcher: TA Reviewer: PGE

	5601 Powerline Rd Suite 308 Ft. Lauderdale, FL 33309 Filed: November 5, 2018	Payment of \$45 due for Tax Year 2021	
Interboro Packaging Corporation	Foreign Profit Corporation (FEIN: 11-2633541) Active Principal Address: 114 Bracken Rd Montgomery, NY 12549-2600 Filed: March 23, 1993	No account on file	<i>M&E Packaging Corp. v. Interboro Packaging Corp.</i> (Case No. 0506450/2017). Filed May 26, 2017 in Supreme Court, Kings County. <u>Allegation:</u> Defendant failed to pay for the custom made specialty goods sold and delivered by Plaintiff – \$28,165 in damages, fees, and costs. <u>Case status:</u> Disposed on July 10, 2017.
Iphone and Ipad Warehouse, LLC dba Phone and Pad Warehouse (SBE)	Florida Limited Liability Company (FEIN: 46-3569644) Active Principal Address: 18149 NE 19th Ave North Miami Beach, FL 33162 Filed: August 29, 2013	Business Address: 18149 NE 19th Ave North Miami Beach, FL 33162 Status: Active Payment of \$90 due for Tax Year 2021	No relevant cases
Inversiones Papelmania 2000, Inc. dba Papelmania USA (SBE)	Florida Profit Corporation (FEIN: 39-2078513) Active Principal Address: 3120 West 84 Street Unit 5 Hialeah, FL 33018 Filed: August 15, 2011	Business Address: 3120 West 84 Street Unit 5 Hialeah, FL 33018 Status: Paid and Current	No litigation found

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F5
File No. 201669**

Researcher: TA Reviewer: PGE

Lavcor, LLC (SBE)	Florida Limited Liability Company (FEIN: 45-2409053) Active Principal Address: 936 NW 104th Ave Miami, FL 33172 Filed: May 23, 2011	Business Address: 936 NW 104th Ave Miami, FL 33172 Status: Paid and Current	No litigation found
Office Express Supplies, Inc. (SBE)	Florida Profit Corporation (FEIN: 65-0085768) Active Principal Address: 8005 W 20 Avenue Hialeah, FL 33014 Filed: June 24, 1991	Business Address: 8005 W 20 Avenue Hialeah, FL 33014 Status: Paid and Current	No relevant cases
Pyramid Paper Company dba Pyramid School Products	Florida Profit Corporation (FEIN: 59-0932660) Active Principal Address: 6510 N. 54th ST. Tampa, FL 33610 Filed: September 18, 1990	No account on file	No relevant cases
Rock Int'l Distributors, Inc. (SBE)	Florida Profit Corporation (FEIN: 20-8021513) Active Principal Address: 8279 NW 66 Street	Business Address: 8279 NW 66 Street Miami, FL 33166 Status: Paid and Current	No relevant cases

**BCC Meeting:
October 6, 2020
Research Notes**

Item No. 8F5

File No. 201669

Researcher: TA Reviewer: PGE

	Miami, FL 33166 Filed: December 12, 2006		
The Tools Man, Inc. dba Tools Man Industrial Supply (SBE)	Florida Profit Corporation (FEIN: 65-1055930) Active Principal Address: 5500 SW 48th St Suite B Davie, FL 33314 Filed: May 23, 2017	Business Address: 1951 NW 141st St Bay 11 Miami, FL 33054 Status: Paid and Current	No relevant cases

Of the \$3,038,000 being requested, \$50,000 will be allocated to the Cultural Affairs Department through this modification. The department will use this contract to purchase janitorial supplies for its facilities (African Heritage Cultural Arts Center, Joseph Caleb Auditorium, Miami-Dade County Auditorium, and South Miami Dade Cultural Arts Center). Cultural Affairs currently meets its needs using small purchase orders or accessing another County contract.

The table below shows each user department's existing allocation, released amount, balance, requested increased spending and modified allocation were this item to be approved, as of September 9, 2020.

Department	Allocation	Released	Balance	Proposed Modification	Modified Balance
Animal Services	\$1,100,000.00	\$582,518.55	\$517,481.45	0	\$1,100,000
Aviation	\$300,000.00	\$60,377.26	\$239,622.74	0	\$300,000
Community Action and Human Services	\$130,000.00	\$52,699.33	\$77,300.67	0	\$130,000
Corrections and Rehabilitation	\$1,965,400.00	\$1,097,539.47	\$867,860.53	0	\$1,966,000
Fire Rescue	\$799,000	\$313,982.89	\$485,017.11	\$50,000	\$849,000
Public Housing	\$1,692,000.00	\$438,500.00	\$1,253,500.00	0	\$1,692,000
Internal Services	\$160,000.00	\$112,136.77	\$47,863.23	\$200,000	\$360,000
Library	\$30,000.00	\$29,544.50	\$455.50	\$200,000	
Transportation and Public Works	\$1,350,000.00	\$559,158.04	\$790,841.96	\$450,000	\$1,800,000
Police	\$60,000.00	\$55,889.03	\$4,110.97	\$200,000	\$260,000
Parks, Recreation and Open Spaces	\$1,620,000.00	\$1,015,143.28	\$604,856.72	\$900,000	\$2,520,000
Seaport	\$1,000,000.00	\$336,326.97	\$663,672.94	0	\$1,000,000
Solid Waste	\$70,000.00	\$40,021.24	\$29,978.76	\$125,000	\$195,000
Water and Sewer	\$526,000.00	\$490,940.02	\$35,059.98	\$863,000	\$1,389,000
Total	\$10,802,400.00	\$5,184,777.35	\$5,617,622.65	\$3,038,000	\$13,841,000

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F5
File No. 201669**

Researcher: TA Reviewer: PGE

Based on a review of the above allocations and usage, the following departments are near depletion of their existing allocations, notwithstanding any additional needs related to COVID-19: Library, Police and Water and Sewer. Possible reasons for this are due to an inaccurate estimate of needs when the contract was originally established, or higher than anticipated usage during the contract period.

DEPARTMENTAL INPUT

OCA asked ISD the following questions on September 4, 2020. The department's responses are *italicized*.

1. Glocecol, LLC is an active SBE firm and listed as an awarded, but inactive company in BTS. What does "inactive" indicate? *Glocecol is not listed on the Mayor's memo as they were removed from County contracts and Pools due to the ongoing investigation by the Audit and Management Services Department. The term, "Inactive" means that the vendor is not active in the County's system and as such, is not eligible to receive any purchase orders from the County due to the audit.*
2. Florida Clear Energy, LLC is a certified SBE, but is not identified as such in the item? *The omission of the firm's SBE status was a scrivener's error.*
3. What is the forecasted time frame for the requested increased spending related to COVID-19? *There is no forecasted timeframe as COVID-19 is an ongoing pandemic.*
4. Summarize the enhanced cleaning protocol implemented due to COVID-19, including the frequency of such cleaning, as well as the impact to staffing requirements under the janitorial services contracts for ISD-managed facilities.
Although the contract names sound similar in nature, they are used for very different things. This item is only for the purchase of supplies and is not used to purchase janitorial services for ISD-managed facilities. The janitorial services for ISD Managed facilities are procured through a Countywide janitorial pool. This contract is used for the purchase of disinfectant products and wipes, hand sanitizer and dispensers, bleach products, graffiti remover, antiseptics, insecticides, repellents, product applicators, etc. During the COVID pandemic, ISD has purchased these items for all 60+ ISD buildings and on behalf of other County departments.
5. Cultural Affairs is being given a new allocation under this contract. How are their janitorial supply needs being met currently? *Cultural Affairs currently uses small purchase orders to procure janitorial supplies. In addition, Cultural Affairs has advised that they also issue reference purchase orders, using existing contract FB-00634.*
6. Is Group 3, the pre-qualification pool, open for additional vendors to be added? *Group 3 is not an open pool and additional vendors cannot be added. The vendors awarded under Groups 1 and 2 are prequalified under Group 3. The reason Group 3 is a closed pool is because the bid was advertised with over 300 items (261 items for non-federal funds and 68 items for federal funds) and was structured on a line item by line item basis award to encourage competition and to maximize local and small business participation, especially in the non-Federal group. Since the majority of the items were being bid out, the intent of Group 3, Pool, was only to capture any other item, if needed. Enhanced competition for this bid coupled with the limited number of items projected for group 3, staff decided to have only the awarded vendors of Groups 1 and 2 to be considered for Group*

**BCC Meeting:
October 6, 2020
Research Notes**

Item No. 8F5

File No. 201669

Researcher: TA Reviewer: PGE

3. As you can see, the County awarded 16 vendors of which 12 are local and 11 certified-SBE firms. Participation by 16 vendors in any future spot market quotations is ample competition under Group 3.

ADDITIONAL INFORMATION

In January 2019, a trial court found Interboro Packaging Corporation breached its agreement with West Whiteland Township, PA because the bags it delivered were inferior to the sample bags it initially provided in the RFP process.

<https://www.waste360.com/legal/township-prevails-bait-and-switch-trash-bag-scheme>

APPLICABLE LEGISLATION/POLICY

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

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

Resolution No. R-887-18, adopted September 5, 2018, established Contract No. FB-00634 for the purchase of janitorial supplies and related items for various departments, in an amount up to \$9,002,000 for a term of five years.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2018/181820min.pdf>

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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F7
File No. 201662**

Researcher: JFP Reviewer: PGE

RESOLUTION RATIFYING AN EMERGENCY PURCHASE IN THE AMOUNT OF \$100,000.00 AND INCREASE IN EXPENDITURE AUTHORITY IN THE AMOUNT OF \$2,900,000.00 FOR THE PURCHASE OF MOVING SERVICES FOR PREQUALIFICATION POOL NO. RTQ-01333 FOR THE MIAMI-DADE ELECTIONS DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should ratify an emergency purchase in the amount of \$100,000 as well as approve \$2,900,000 in additional expenditure authority for *Prequalification Pool No. RTQ-01333, Moving Services* for the Elections Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations committee at its September 11, 2020 meeting.

ANALYSIS

The purpose of this ratification and authorization of additional expenditure authority is to support moving services for the Elections Department through the remainder of the pool's term, allowing the department to utilize the pool for the upcoming 2020 Presidential Election as well as through the 2024 election cycle. The pool was established under delegated authority on September 25, 2019 for a term of five years to facilitate the delivery and pickup of voting equipment (e.g., optical scanners, privacy booths, ballot transfer carts, check-in stations, etc.) and related supplies, such as folding tables and chairs, to and from Early Voting and Election Day locations.

The Elections Department initially requested a \$400,000 allocation to pilot this service on a trial basis for the 2019 municipal elections and the March 2020 Presidential Preference Primary Election. The pool is currently valued at \$1,099,000 after the following modifications:

Mode of Modification	Date	Amount
Mayor's Authority	2/26/2020	\$599,000
Delegated Authority (Emergency Purchase subject to Board ratification)	7/22/2020	\$100,000
TOTAL		\$699,000
Original Contract Amount		\$400,000
EXISTING CUMULATIVE ALLOCATION		\$1,099,000
Additional Allocation Request		\$2,900,000
MODIFIED CUMULATIVE ALLOCATION		\$3,999,000
		(264% Increase from the Existing Cumulative Allocation)

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F7
File No. 201662**

Researcher: JFP Reviewer: PGE

An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in Implementing Order 3-38. The \$100,000 emergency purchase subject to Board ratification was made when the Director of the Elections Department declared an emergency on July 13, 2020 due to the Election Department's remaining allocation being insufficient to support moving services for the August 2020 Primary Election. The department issued *ITQ009* on July 1, 2020, yielding only one respondent. Jasmov, Inc., dba Bekins of South Florida provided a quote of \$480,000 for the requested services. At the time, the current allocation available in the pool was only \$380,000, thus necessitating the \$100,000 emergency purchase to fulfill the contract in time for the August election while the additional \$2,900,000 allocation request, intended to sustain the pool until its expiration on September 20, 2024, is awaiting Board approval.

According to the pool's Blanket Purchase Order, of the \$1,099,000 allocated, \$1,098,915 has been released (as of September 25, 2020), leaving a balance of \$85. Upon approval of the requested additional expenditure authority, the pool's cumulative value will increase to \$3,999,000, with \$2,900,085 remaining. In its justification for the additional allocation, the department states that the cost of the moving services is offset by savings realized by reduced liability to the County, fewer temporary employees required with a reduced turnover rate, and eliminated rental truck costs. The pilot period also demonstrated operational benefits, as permanent staff could be reallocated to other critical functions, and the operations no longer involved uncertainty regarding rental truck availability.

The pool has four prequalified vendors, two being local. OCA's due diligence on the prequalified vendors, including relevant litigation, is detailed below.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Jasmov, Inc., dba Bekins of South Florida	Florida Profit Corporation Active Principal Address: 5300 N. Powerline Rd., Unit 100 Ft. Lauderdale, FL 33309 Filed: February 9, 2006	No account on file.	No account on file.	No relevant cases.
Millennium Relocation Services, Inc.	Florida Profit Corporation Active	Business Address: 9332 NW 101 Street Medley, FL 33178	No account on file.	No relevant cases.

**BCC Meeting:
October 6, 2020
Research Notes**

Item No. 8F7

File No. 201662

Researcher: JFP Reviewer: PGE

	Principal Address: 9332 NW 101 Street Medley, FL 33178 Filed: May 9, 1997	Paid and Current		
Taylor Concepts Co., dba Esquire Logistics, Inc.	Florida Profit Corporation Active Principal Address: 8272 NW 21st St Doral, FL 33122 Filed: January 4, 2000	Business Address: 8272 NW 21st St Doral, FL 33122 2021 Taxes Due: \$45	No account on file.	No relevant cases.
First Class Moving of South Florida, Inc.	Florida Profit Corporation Active Principal Address: 8110 Anderson Road Suite 100 Tampa, FL 33634 Filed: June 19, 2014	No account on file.	No account on file.	No cases.

A September 25, 2020 search of the Business Management Workforce System for the firm's commodity code, 96256 - Moving and Relocation Services, yielded the following three certified Small Business Enterprises:

- Castle Services, Inc.
- In Touch Logistics, LLC
- Nobel Van Lines Inc., dba Nobel Relocation

ADDITIONAL INFORMATION

The following questions were posed to the department. The responses are delineated in italics.

1. Will another ITQ be issued to award the additional allocation? If not, why isn't this a designated purchase as the department is expanding the pool's scope - going from \$999,000 to \$3,999,000 - without competing the services? *Yes, Elections will issue ITQs for future services, as needed. These services are obtained through a competitive ITQ process, hence they are not designated purchases.*

**BCC Meeting:
October 6, 2020
Research Notes**

Item No. 8F7

File No. 201662

Researcher: JFP Reviewer: PGE

2. Will this modified allocation be sufficient to accommodate the department's needs through the remainder of the contract term? *Yes, as indicated in the first paragraph of the item the proposed modified allocation is projected to be sufficient through the remainder of the pool term.*
3. How many County workers have been impacted due to outsourcing this service? *No County workers will be impacted by the outsourcing of this service. The County utilized temporary staff to accomplish the task; this outsourcing removes those responsibilities from the temporary staff and allows the vendor's staff to provide the moving services.*

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, including purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

Resolution No. R-454-13, adopted June 4, 2013, directs the Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and to bring retroactive contract modifications to the Board within 120 days of modifications.

<http://www.miamidade.gov/govaction/matter.asp?matter=131016&file=true&fileAnalysis=false&yearFolder=Y2013>

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

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

Resolution No. R-1011-15, adopted November 3, 2015, directs the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

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

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

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F7
File No. 201662**

Researcher: JFP 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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F8
File No. 201701**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01513 GROUPS A, B, AND F TO TRIUMVIRATE ENVIRONMENTAL SERVICES, INC., CONTRACT NO. FB-01513 GROUPS C AND D TO E-SCRAP, INC., AND CONTRACT NO. FB-01513 GROUP E TO US ECOLOGY TAMPA, INC. FOR THE PURCHASE OF HAZARDOUS AND NON-HAZARDOUS WASTE SERVICES FOR MULTIPLE DEPARTMENTS WITH AN AMOUNT NOT TO EXCEED \$3,440,137.00, FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD TO GROUP A, B, AND F TO TRIUMVIRATE ENVIRONMENTAL SERVICES, INC., GROUP C AND D TO E-SCRAP, INC, AND GROUP E TO US ECOLOGY TAMPA, INC., ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize the approval of *Contract No. FB-01513* (Groups A through F) to purchase hazardous and non-hazardous waste services in an amount of up to \$3,440,137 for a five-year term for various County departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard at the Health Care and County Operations committee meeting of September 11, 2020 and forwarded to the Board with a favorable recommendation.

ANALYSIS

The purpose of this item is for the Board to approve the award of *Contract No. FB-01513* for Groups A through F to purchase hazardous and non-hazardous waste services, such as recycling and disposal services for use by multiple County departments, with a fiscal impact of \$3,440,137 for five years. This item is before the Board as *Contract No. FB-01180* which was adopted on May 19, 2020 pursuant to Resolution No. 470-20, awarded only 11 groups, with the groups under this item not being awarded as a result of inaccurate licensing requirements in the solicitation.

To remedy the inability to award the referenced six groups, ISD established short-term bridge *Contract No. BW-10080* in the amount of \$250,000 under delegated authority so as not to interrupt services in the interim; said bridge contract is set to expire October 31, 2020. OCA reviewed the Bid Tracking System (BTS) on September 24, 2020, which shows the bridge contract as having released \$191,530.03, leaving a balance of \$58,469.97.

The fiscal impact of \$3,440,137 for this item plus previously awarded *Contract No. FB-01180* in the amount of \$4,043,880 bring the combined award value to \$7,484,017 for countywide hazardous and non-hazardous waste services. Previous *Contract No. 7224-1/19* was valued at \$10,199,000 for a term of six years, six months. According to BTS, as of September 24, 2020, the previous contract (7224-1/19) had a remaining balance of \$961,120.50. While the cumulative allocation under the replacement contracts is lower than previous *Contract No. 7224-1/19-1*, it is pertinent to note that the replacement contract has a shorter term of five years, while the previous contract was for a term of six-years, six months.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F8
File No. 201701**

Researcher: MF Reviewer: PGE

Table 1 below shows the value and term (including OTRs as applicable) of the previous contract, the replacement contract (*FB-01180*), the bridge award and this item awarding the remaining six groups. As depicted, the annual allocation of the replacement contracts combined is lower than the previous contract. As cited in the mayoral memo, the reason for this decrease is based on the forecasted usage by the user departments.

Table 1

Contract Nos.	Cumulative Value	Annual Allocation	Term
Previous Contract No. 7224-1/19	\$10,199,000	\$1,569,077 per year	October 14, 2013 – April 30, 2020 (6 years, 6-month term)
Replacement Contract No. FB-01180	\$4,043,880	\$1,496,803 per year	June 1, 2020 – May 31, 2025 (5-year term)
Replacement Contract No. FB-01513 (requested under this item)	\$3,440,137	The combined replacement contracts (totaling \$7,484,017) are \$72,274 lower ↓ annually than the previous contract	October 6, 2020, 2020 – November 30, 2025 (5-year term) <i>estimated period</i>
Bridge Contract No. BW-10080	\$250,000	\$500,000 per year	May 1, 2020 – October 31, 2020 (6-month term)

The scope of replacement *Contract No. FB-01180* consists of the awardee providing recycling and disposal services for hazardous and non-hazardous materials, including emergency oil spills, removal of chemicals or fluids and household waste collection and disposal events, in compliance with County and State regulatory requirements.

An Invitation to Bid was issued under this solicitation on April 16, 2020; seven bids were received including two “No Bids” by the Bid Open date of April 27, 2020. Three awardees are being recommended for this item. The solicitation consisted of six groups based on various categories. Listed below are the respective groups and their specializations.

- Group A: Used Oil Filters
- Group B: Drums and Pails
- Group C: Waste Batteries
- Group D: Non-Hazardous Bulbs
- Group E: Household Hazardous Waste Disposal Services
- Group F: Collection disposal of Soil Contaminated with Hydrocarbon Products (hydraulic oil, gasoline, diesel)

OCA consulted the Occupational Safety and Health Administration’s (OSHA) website on September 24, 2020 to review the safety records of the awarded contractors and found no records.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F8
File No. 201701**

Researcher: MF Reviewer: PGE

OCA conducted a search for the BTS-listed Commodity Codes 92645 (Hazardous Material & Waste Services) and 96871 (Solid or Liquid Waste Disposal) on the Business Management Workforce System's Certified Vendor Directory on September 21, 2020. Listed below are the SBEs identified.

- Bioresponse, Corp., dba Bioresponse Restoration Miami, FL SBE-G&S
- Eco Solution Group, LLC Miami, FL SBE-G&S
- Pump Outs Unlimited, Inc., dba Pump Outs Medley, FL SBE-G&S
- United Medical Industries, Corp. Miami, FL SBE-G&S

Whether these vendors have the capacity to participate in any aspect of the contract's scope of services is beyond the scope of this research note. None of the vendors listed above submitted proposals for the subject contract and prequalification pool.

OCA performed due diligence on the awarded vendors on September 21, 2020, below are the findings. Two of the vendors shown below, Triumvirate Environmental Services, Inc. and U.S. Ecology Tampa, Inc., are awardees under *Contract No. FB-01180*.

Group No.	Awarded Firms	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
C and D	E-Scrap, Inc.	Florida Profit Corporation Active Principal Address: 2220 E. 11 th Ave. Hialeah, FL Filed: June 15, 2001	Paid and Current Business Address: 2220 E. 11 th Ave. Hialeah, FL	No account on file	No litigation found
A, B and F	Triumvirate Environmental Services, Inc.	No account on file	No account on file	Licensed for: Restricted Rx Drug-Distributor- Destruction	<i>Cress v. Triumvirate Environmental (Florida) Inc.</i> Case No. 0:15-CV-60174, filed January 28, 2015 in the U.S. District Court, Southern District of Florida (Fort

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F8
File No. 201701**

Researcher: MF Reviewer: PGE

					Lauderdale, FL) Allegation: Defendant failed to pay overtime wages to plaintiff in violation of the Fair Labor Standards Act. Case status: Settlement reached April 2, 2015 by defendant.
E	U.S. Ecology Tampa, Inc.	Foreign Profit Corporation Active Principal Address: 101 S. Capitol Blvd. #1000 Boise, ID Filed: December 4, 2003	Paid and Current Business Address: 2702 E. 8 th Ave. Tampa, FL	Licensed for: Restricted Rx Drug-Distributor-Destruction	<i>Taylor, Billie v. U.S. Ecology, Inc.</i> Case No. 201945755, filed July 5, 2019 in the Harris County District Court (Texas). Allegation: Defendant marketed, distributed, sold a contaminated product, and failed to warn about the cancer-causing risk and chemical substance resulting in damages to plaintiff's decedent; the plaintiff is seeking damages in excess of \$5 million. Case status: As of August 31, 2020, the case is scheduled for

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F8
File No. 201701**

Researcher: MF Reviewer: PGE

trial December 7,
2020.

ADDITIONAL INFORMATION

OCA performed an Internet search of the selected vendors; below is a synopsis of the vendors' company profile.

- **E-Scrap, Inc.** – the company is certified by the Florida Department of Environmental Protection and permitted by Miami-Dade County's Division of Environmental Resources Management (DERM) to recycle electronics from main frame systems to notebooks LCD monitors, desktop and free-standing copiers, et al. <http://www.escrapusa.com/>
- **Triumvirate Environmental Services, Inc.** – the company was established 32 years ago and perform work in the fields of life sciences, healthcare, education, and industrial markets. Among their clients are: Roche; University of Virginia; and Merck. <https://www.triumvirate.com/>
- **U.S. Ecology Tampa, Inc.** – the company performs work in the fields of pharmaceutical, automotive, retail, utilities and energy, et al. Among the services offered are: solid waste treatment, thermal solutions, metals recovery, used oil, deep-well disposal, landfill services. <https://www.usecology.com/location/us-ecology-tampa>.

Illustration 1 below shows the type of work performed in the area of hazardous and non-hazardous waste services.

Illustration 1



**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F8
File No. 201701**

Researcher: MF Reviewer: PGE

DEPARTMENTAL INPUT

OCA sent ISD the following inquiry September 4, 2020; the Department replied on September 10, 2020 and the responses are shown below in Italics.

- According to the mayor's memo, the County was unable to award six groups on the previously approved contract from May 2020 (through Resolution No. 470-20) due to inaccurate licensing requirements in the solicitation. Kindly provide details of those inaccuracies and delineate how the new solicitation under this item differs. *The side-by-side table illustrates the requested permits for six groups in FB-01180 and the correct permits for the six groups in FB-01513.*

<i>FB-01180</i>	<i>FB-01513</i>
<p><i>Group 2 – Used Oil Filters</i></p> <p><i>Bidder shall provide a valid Hazardous Waste Transporter Permit issued by Miami Dade County.</i></p> <p><i>Bidder shall provide a valid Liquid and Solid Waste Transporter Permit issued by Miami-Dade County.</i></p> <p><i>Bidder shall provide a valid Used Oil Collection and Transporter Permit issued by Miami-Dade County.</i></p>	<p><i>GROUP A: Used Oil Filters:</i></p> <p><i>Bidder(s) shall provide a valid Liquid Waste Transporter Permit: Category, Hazardous Waste issued by Miami-Dade County.</i></p> <p style="text-align: center;"><i>or</i></p> <p><i>A valid Liquid Waste Transporter Permit: Category, Waste Oil issued by Miami-Dade County.</i></p>
<p><i>Group 4 – Drums and Pails</i></p> <p><i>Bidder shall provide a valid Liquid and Solid Waste Transporter Permit issued by Miami-Dade County.</i></p>	<p><i>GROUP B: Drums and Pails:</i></p> <p><i>Bidder(s) shall provide a valid Liquid Waste Transporter Permit: Category, Hazardous Waste issued by Miami-Dade County.</i></p> <p style="text-align: center;"><i>and</i></p> <p><i>A valid Hazardous Waste Transporter Certificate of Approval issued by FDEP.</i></p>
<p><i>Group 12 – Non-Hazardous Bulbs</i></p> <p><i>Bidder shall provide a valid Hazardous Waste Transporter Permit issued by Miami Dade County.</i></p>	<p><i>GROUP D: Non-Hazardous Bulb:</i></p> <p><i>Bidder(s) shall provide a valid Hazardous Waste Transporter Certificate of Approval issued by FDEP.</i></p>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F8
File No. 201701**

Researcher: MF Reviewer: PGE

<p><i>Bidder shall provide a valid Mercury Storage Transporter Permit issued by Miami-Dade County.</i></p>	
<p><i>Group 16 – Household Hazardous Waste Disposal Services</i></p> <p><i>Bidder shall provide a valid Hazardous Waste Transporter Permit issued by Miami Dade County.</i></p> <p><i>Bidder shall provide a valid Liquid and Solid Waste Transporter Permit issued by Miami-Dade County.</i></p>	<p><i>GROUP E: Household Hazardous Waste Disposal Services:</i></p> <p><i>Bidder(s) shall provide a valid Liquid Waste Transporter Permit: Category, Hazardous Waste issued by Miami-Dade County.</i></p> <p><i>and</i></p> <p><i>A valid Hazardous Waste Transporter Certificate of Approval issued by FDEP.</i></p>
<p><i>Group 17 – Collection disposal of soil contaminated with hydrocarbon products like hydraulic oil, gasoline, diesel, etc.</i></p> <p><i>Bidder shall provide a valid Hazardous Waste Transporter Permit issued by Miami Dade County</i></p> <p><i>Bidder shall provide a valid Liquid and Solid Waste Transporter Permit issued by Miami-Dade County.</i></p>	<p><i>GROUP F: Collection/Disposal of soil contaminated with hydrocarbon products like hydraulic oil, gasoline, diesel, etc.:</i></p> <p><i>Bidder(s) shall provide a valid Liquid Waste Transporter Permit: Category, Waste Oil issued by Miami-Dade County.</i></p>
<ul style="list-style-type: none"> • According to BTS, the bridge contract, which expires at the end of October 2020, has a balance of \$191,733.72. What is the allocation destination of the remaining balance and will this entire balance be used prior to its expiration? Explain. <i>Departments on BW-1080 were polled, and the following departments have responded with planned allocation usage as shown below, for a total anticipated usage at this time of \$143,034; the remaining \$48,699 may or may not be used prior to expiration.</i> <ul style="list-style-type: none"> ○ <i>DSWM - \$102,719</i> ○ <i>DTPW - \$30,754</i> ○ <i>FR - \$2,000</i> ○ <i>ME - \$1,158</i> ○ <i>RER - \$403</i> ○ <i>WASD - \$6,000</i> 	

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F8
File No. 201701**

Researcher: MF Reviewer: PGE

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Miami-Dade 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

Miami-Dade County Code Section 29-124(f)(ii) (Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust) states where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars (\$1,000,000.00) 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 majority vote. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[Miami-Dade County Code Section 29-124\(f\)\(ii\)](#)

Resolution No. 470-20, adopted May 19, 2020, approved award of Contract No. FB-01180 for Groups 1, 3, 5, 6, 7, 9, 10, 11, 13, 14 and 15 for the purchase of hazardous and non-hazardous waste services to Triumvirate Environmental Services, Inc., U.S. Ecology Tampa, Inc., and World Petroleum Corp. for multiple Departments with an amount not to exceed \$4,043,880 for a five-year term.

<http://intra/gia/matter.asp?matter=200563&file=true&yearFolder=Y2020>

Resolution No. R-828-19, adopted July 23, 2019, establishes a policy of the County for disclosure of past and present discrimination lawsuits in solicitation submissions.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190936min.pdf>

Resolution No. R-718-17, adopted July 6, 2017, directs the Mayor to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services; and directs the Mayor or their designee, on a quarterly basis to identify in writing to the Office of Commission Auditor those contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration.

<http://www.miamidade.gov/govaction/matter.asp?matter=171632&file=true&fileAnalysis=false&yearFolder=Y2017>

Resolution No. R-1011-15, adopted November 3, 2015, directs the county mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ; and directing the county mayor to include such information in memorandum to Board pertaining vendor being recommended for contract.

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F8
File No. 201701**

Researcher: MF Reviewer: PGE

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

<http://www.miamidade.gov/govaction/matter.asp?matter=150090&file=true&fileAnalysis=false&yearFolder=Y2015>

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

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

Implementing Order 3-38 (Purchasing of Goods and Services) Governs the County's processes and procedures for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F9
File No. 201678**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00754 TO PARADIGM SOFTWARE, LLC FOR PURCHASE OF SCALE HOUSE OPERATIONS SOFTWARE AND HARDWARE SYSTEM FOR THE DEPARTMENT OF SOLID WASTE MANAGEMENT WITH AN ESTIMATED FISCAL IMPACT TO THE COUNTY IN AN AMOUNT OF UP TO \$1,391,523.00 FOR THE INITIAL SIX-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize a contract award for RFP No. 00754 to Paradigm Software, LLC., for the purchase of Scale House Operations software and hardware system in an amount up to \$1,391,523 for an initial six-year term with two, three year options to renew bringing the estimated cumulative value to \$2,282,623 for for the Miami-Dade Department of Solid Waste Management (DSWM).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was brought before the HCCO committee meeting on September 11, 2020. The item was forwarded with a favorable recommendation and waived to the next BCC.

ANALYSIS

The purpose of this item is for the Board to approve a six-year initial term contract with Paradigm Software, LLC., (Paradigm) for the scale house operations software and hardware system in an amount up to \$1,391,523 and two, three-year options to renew bringing the estimated cumulative value to \$2,282,623 for DSWM. The Scale House Operation system processes 480,000 inbound and outbound waste disposal transactions and has over 200 customer accounts and generates over \$100 million annually in billing invoices. The County originally contracted with Paradigm on June 25, 2008, under a bid waiver, Contract No. BW8675-1/12. Below is a timeline of the contracts that have been awarded to Paradigm as well as the proposed contract: See Table 1.

Table – 1 Timeline inclusive of the proposed contract and options to renew.

Contract Type	Effective Date	Expiration	Value
BW8675-1/12	06/25/2008	01/27/2010	\$ 99,655.50
BW8675-1/12-1	01/28/2010	07/31/2016	\$ 827,000
L9867-1/20	08/01/2016	07/31/2018	\$ 123,500
L9867-1/20-1	08/01/2018	07/31/2020	\$ 154,375
L9867-1/20-1(1)	08/01/2020	01/31/2021	\$ 30,875
Total Value of Past Contracts			\$1,235,405
Contract Type	Anticipated Effective Date	Anticipated Expiration	Value
RFP No. 00754 (Proposed Contract)	02/01/2021	01/31/2027	\$1,391,523
First Option to Renew (3years)	02/01/2027	01/31/2030	\$ 438,163
Second Option to Renew (3years)	02/01/2030	01/31/2033	\$ 452,936
Total Value of Proposed Contract			\$2,282,622

**BCC Meeting:
October 6, 2020
Research Notes**

Item No. 8F9

File No. 201678

Researcher: IL Reviewer: PGE

Grand Total	\$3,518,027

**Source: Bid Tracking System*

****Note that L9867-1/20-1(1) was done in compliance section 2.2 of the Executed Agreement (allowing 180-day extension)**

The rationality for the variance in price between the current contract and the proposed contract is centered on the fact that the current contract covers operation and maintenance only, and the proposed contract is the complete overhaul and replacement of the current system utilized by DSWM.

DSWM has been utilizing the software CompuWeigh and according to the mayoral memo CompuWeigh has reached its end of life functionality resulting in a decline of optimal capacity causing delays and downtime amounting to the potential loss of revenue.

A request for proposals was advertised on June 13, 2019 to obtain proposals from qualified firms capable of meeting the demands of service at DSWM. The solicitation via BidSync invited over 12,000 potential vendors of which 61 downloaded the solicitation documents. On June 20, 2019, a pre-proposal meeting was held, and three vendors attended the meeting. On July 17, 2019, on the submittal date, a single proposal from the incumbent was received by ISD. The proposal was accepted by ISD and negotiations with the firm resulted in a 13 percent savings from the proposed costs for the initial term. Below is a procurement timeline underscoring the major milestones of RFP- No.00754.



The scope of services is listed below:

Paradigm's Project Manager will be responsible for:

- Submitting the detailed Implementation Plan to the County by an agreed upon date after the execution of the Agreement.
- Ensuring CompuWeigh interfaces with scale regardless of make or model provided scale has appropriate interface.
- One-time import of accounts, trucks, and rates from current system to CompuWeigh and historical transactional data if agreed to within the Agreement.
- Providing regular progress reports as the situation warrants and/or as the County reasonably requests, including meeting/interviewing with County Personnel throughout the Project as required.
- Meeting/Interviewing County Personnel during the Project as required; and providing overall direction, management, and leadership for the Project.
- Attending status meetings either in person or via a designated forum (as determined by Paradigm) or through conference calls or such other means as may be mutually agreed upon.
- Working with the County's Project Manager to create as part of the Implementation Plan an issues management process to resolve any issues.
- Making required modifications to the Milestones to obtain necessary approval(s).
- Serving as Paradigm's key contact for the County.

Pursuant to Resolution No. 718-17, the re-procurement for this service commenced 18 months prior to the current expiration date.

**BCC Meeting:
October 6, 2020
Research Notes**

Item No. 8F9

File No. 201678

Researcher: IL Reviewer: PGE

The Office of the Commission Auditor (OCA) conducted a due diligence review on September 24, 2020 of Paradigm Software, LLC; see Table -2.

Table 2 due diligence review

Awarded Vendor	Corporate Filing	Tax Collector	Westlaw
Paradigm Software, LLC	Foreign Limited Liability Company Principal Address: 113 Old Padonia RD, Suite 200 Cockeysville, MD 21030 Date Filed: 09/25/2000	None	No Relevant Cases

OCA conducted a search of the Business Management Workforce System (BMWS) on September 24, 2020. The contract's Commodity Code is 98846 ([Landfill Services](#)). Two SBE-G&S certified firms were identified:

- Blue Home Builders Corp., DBA Bh Builders Medley, FL
- The Combined Group Corp. Miami, FL

ADDITIONAL INFORMATION

OCA conducted an internet search on Paradigm Software, LLC. and found that Paradigm recently contracted with Pinellas County for similar services under Contract No. 089-0065-P.

<https://www.pinellascounty.org/purchase/PDF/contract-listing.pdf>

Table 3 OCA contacted neighboring Counties and surveyed the providers and software being used for weight scaling:

County	Vendor	Software	Bids Submitted in Recent Procurements
Collier County	Pending	SMS Turbo	Not Available
Martin County	Carolina Software	Wasteworks	2
Miami-Dade County	Paradigm Software LLC	CompuWeigh	1
Palm Beach County	Paradigm Software LLC	CompuWeigh 6	1

DEPARTMENTAL INPUT

OCA contacted ISD on September 14, 2020 and asked the following questions below:

1. Florida Statute 287.055 section 4(b) requires that a solicitation have a minimum of 3 bids responding, was a market study conducted after the bid deadline or was there an extension of advertising time to allow more participation?

ISD Response - Florida Statute 287.055 is for the Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services and it does not apply to this procurement. All procurements that fall under this statute are completed in accordance with the Statute and AO 3-39. This procurement for purchase of Scale House Operations Software under RFP-00754 does not fall under this Statute. RFP-00754 was advertised on June 13, 2019, and three vendors attended the pre-proposal conference. Although 61 vendors viewed the RFP and nine

**BCC Meeting:
October 6, 2020
Research Notes**

Item No. 8F9

File No. 201678

Researcher: IL Reviewer: PGE

downloaded it, only one proposal was received by the deadline on July 17, 2019. There were no requests for extension received prior to the deadline.

2. If a market study was conducted please provide a copy?

ISD Response - The Contracting Officer had sent a survey via email. The vendors selected for the survey were identified through market research or attendance at the pre-proposal conference. Two firms responded to the survey. One firm, Scalemen, indicated that they did not have enough time to complete the submission. However, a due date extension was not requested. Another firm, Mettler Toledo, indicated they were not aware of the solicitation. However, five email contacts for Mettler Toledo were notified through the BidSync invitation process.

APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=150090&file=true&fileAnalysis=false&yearFolder=Y2015>

Resolution No. R-1011-15, adopted November 3, 2015, directs the Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ, and directs the Mayor to include such information in the memorandum to Board pertaining to vendor being recommended for contract award.

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

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

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

Resolution No. 718-17, adopted July 6, 2017, Directs the Mayor to commence planning for re-procurement no later than 18 months PRIOR to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services; and directs the Mayor or their designee, on a quarterly basis to identify in writing to the Office of Commission Auditor those contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration.

**BCC Meeting:
October 6, 2020
Research Notes**

Item No. 8F9

File No. 201678

Researcher: IL Reviewer: PGE

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

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

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F10
File No. 201673**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01370 TO AQUATIC CONTROL GROUP, INC. FOR THE PURCHASE OF CANAL MAINTENANCE SERVICES FOR MIAMI-DADE AVIATION DEPARTMENT WITH AN AMOUNT NOT TO EXCEED \$1,522,671.00, FOR A THREE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD TO AQUATIC CONTROL GROUP, INC., ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve award of *Contract No. FB-01370* to Aquatic Control Group, Inc., for the purchase of canal maintenance services with a fiscal impact of up to \$1,522,671 for a term of three years for the Miami-Dade Aviation Department (MDAD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard at the Tourism and Ports committee meeting of September 10, 2020 and forwarded to the Board with a favorable recommendation.

ANALYSIS

The purpose of this item is for the County to award a contract for canal maintenance services consisting of the removal of invasive species and the cleanup of trash and debris to enhance water flow and deter flooding along canals in the vicinity of Miami International Airport (MIA) and General Aviation Airports (GAA). Aquatic invasive species are known as non-native plants that have evolved to live primarily in water. The recommended item awards *Contract No. FB-01370* to Aquatic Control Group, Inc. (Aquatic) for three years – and no option to renew – with a fiscal impact of \$1,522,671.

Per the solicitation, the method of award was to the lowest responsive, responsible bidder in the aggregate who met the qualification criteria. That criteria requires the awardee to be licensed by the State of Florida for pesticide application. The awardee shall have the capability to provide adequate equipment and staff to perform waterway cleanup duties, which include the removal of invasive plants. Additionally, the awardee shall be tasked with performing weekly maintenance, in the form of trash and debris removal, at MIA and GAA canal sites. As per the solicitation's scope of work, the vendor shall:

- Furnish all labor, materials, and equipment to prevent the growth of invasive plants and algae
- Remove all trash and debris from the designated waterways weekly
- Conduct herbicidal spraying three cycles per year
- Remove hydrocarbon oil absorbent booms

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F10
File No. 201673**

Researcher: MF Reviewer: PGE

Under the scope of work, the contractor will conduct cleanup and maintenance services on 10 major canals along MIA, and at nine canals and lakes along GAA facilities (Opa-Locka Executive Airport (OPF), Miami Executive Airport (TMB) and Homestead General Airport (X51).

An Invitation to Bid for this solicitation was advertised January 9, 2020. Five bids were received, including two “No Bids.” The awardee, Aquatic Control Group, Inc., (Aquatic) was the deemed lowest bidder. The other two companies that submitted bids – Crodon Inc. and Superior Landscaping & Lawn Services, Inc. – submitted higher bids than Aquatic; however, the mayor’s memo is silent pertaining to the bid amounts of the other two companies.

According to the County’s Bid Tracking System (BTS), there is no current contract in place for MDAD canal maintenance services. Notwithstanding, as a cost comparison for this item, OCA reviewed the last contract of this type, *Contract 7504-4/12, Canal Maintenance Services*, which was valued at \$597,261.01 for a four-year term and expired on May 31, 2011. The scope of services under that contract was similar to the current item. Table 1 below provides fiscal details of the expired contract, (per BTS), which was awarded to Deangelo Brothers LLC dba Aquagenix; this incumbent vendor submitted a “No Bid” for the contract under this item.

Table 1

Contract No. 7504-4/12 Canal Maintenance & Management Services			
Terms	Total Value	Total Purchase Orders	Total Releases
Initial Term June 1, 2007 – May 31, 2008	\$145,463.38	\$120,892.15	\$0.00
OTR 1 June 1, 2008 – May 31, 2009	\$153,463.87	\$165,795.13	\$0.00
OTR 2 June 1, 2009 – May 31, 2010	\$149,166.88	\$171,268.19	\$0.00
OTR 3 June 1, 2010 – May 31, 2011	\$149,166.88	\$60,000	\$0.00
TOTAL	\$597,261.01	\$517,955.47*	\$0.00

*Denotes amount paid to vendor

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F10
File No. 201673**

Researcher: MF Reviewer: PGE

Table 2 below compares the annual allocation under the expired contract (specifically the value of OTR #3) with the annual allocation under the recommended contract totaling 1,522,671. The new contract is \$358,391 – or 240% – more annually than the expired contract.

Table 2

Contract No.	Annual Allocation	Term
7504-4/12 (expired)	\$149,166.88	OTR #3 (06/2010 – 05/2011)
FB-01370 (recommended)	\$507,557	Per year for a three-year term
Annual Price Difference	\$358,391 ↑	

As part of the market research for this item, ISD consulted the Florida Fish and Wildlife Conservation Commission (FWC) to obtain information on the types of invasive aquatic plants that exist in the state's waterway systems. According to the research, such non-native plants impact approximately 1.7 million acres of Florida waterways; specifically, there are three major species of invasive plants along the canals in the vicinity of MIA and GAA, as listed below and depicted in Illustration 1. According to the University of Florida, Florida Wildlife Extension, non-native invasive plants easily carry far away by wind, water, and birds, for example, resulting in areas with fewer plant species and fewer feeding and cover opportunities for wildlife. These types of plant invasions destroy and degrade natural areas throughout Florida. As such, the management of invasive plants in natural areas requires control methods to minimize damage to the non-target vegetation and soil.¹

The three major species of invasive plants along the canals in the vicinity of MIA and GAA are:

- *Hydrilla verticillata* (Common Name: Hydrilla)
- *Hygrophila polysperma* (Common Name: East Indian Hygrophila)
- *Rotala rotundifolia* (Common Name: Roundleaf toothcup, Dwarf Rotala) – considered most aggressive

Illustration 1



¹ Stephen N. Enloe, Ken Langeland, Jason Ferrell, et al, *Integrated Management of Non-Native Plants in Natural Areas of Florida*, University of Florida IFAS Extension, <https://edis.ifas.ufl.edu/wg209>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F10
File No. 201673**

Researcher: MF Reviewer: PGE

OCA performed a safety records search in reference to the awarded company (Aquatic) on September 23, 2020 on the U.S. Occupational Safety and Health Administration's (OSHA) website and found no records.

OCA conducted a search for the Commodity Codes 67585 (Dry Formulation Herbicides), 67590 (Liquid Formulation Herbicides) and 88516 (Algae and Microbe Control Chemicals, Air Conditioning and Cooling Water) on the Business Management Workforce System's Certified Vendor Directory on September 21, 2020. The results netted the following SBE:

- Pancar Industrial Supply Corporation Miami, FL SBE-G&S

Whether this vendor has the capacity to participate in any aspect of the contract's scope of services is beyond the scope of this research note. The vendor listed above did not submit a proposal for the subject contract.

OCA performed due diligence on the awarded vendor, Aquatic Control Group, Inc., on September 21, 2020, below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Aquatic Control Group, Inc.,	Florida Profit Corporation Active Principal Address: 1501 NW 37 St. Miami, FL Filed: October 19, 2011	Business Address: 1501 NW 37 St. Miami, FL Paid and Current	No account on file	No litigation found.

ADDITIONAL INFORMATION

Based on information found on Aquatic Control Group, Inc's website, the company was founded more than 22 years ago and specializes in canal and waterway maintenance. The company has experience in such services as tree and debris removal, herbicide treatment, and maintenance of embankments, in scenarios such as storms and hurricanes across Florida. <https://www.aquaticcontrolgroup.com/>

Aside from Miami-Dade County, Aquatic has also performed canal maintenance work for the City of Miami, and Putnam County in northeast Florida.

Illustration 2 below was captured from Aquatic Control Group, Inc's website and depicts the type of canal maintenance work the company performs.

Item No. 8F10
File No. 201673

Researcher: MF Reviewer: PGE

Illustration 2



DEPARTMENTAL INPUT

OCA sent the following inquiry to ISD on September 3, 2020; the Department replied on September 9, 2020 and the responses are shown below in *Italics*.

- Please indicate how MDAD has mitigated the canal cleanup and maintenance work for the past 10 years since the last contract ended in 2010 (through Contract No. 7504-4/12).
MDAD's in-house staff has provided the canal maintenance services for the upkeep of these canals for the past 9 years. MDAD staff assumed responsibility for the entire scope of services. The shift in responsibility was possible because MDAD had sufficient staff to carry the additional workload. However, because of attrition and staff re-assignments, MDAD can no longer perform these canal maintenance tasks timely nor effectively.
- Is the maintenance work needed as part of an FWC mandate or letter sent to the County requiring this type of maintenance work? If so, kindly provide said correspondence or explain in detail.
The work is needed to comply with the storm water management permit from the South Florida Water Management District to operate such a large system at MIA. In addition, the drainage system is designed, built and maintained to meet the requirements as mandated by the FAA to minimize flooding. Furthermore, the department maintains its ISO14001 certification by making sure it manages its environmental footprint by minimizing environmental impacts of its operations through the design and deployment of an organization-wide environmental management system.
- The awarded contract for this item is for three years with no option to renew. Is there a long-term plan in place to handle the maintenance and cleanup of the canals at MIA and GAA? Please explain.
The long-term plan for this work, assuming staffing levels remain constant, will be to solicit another contract prior to the expiration of this contract.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F10
File No. 201673**

Researcher: MF Reviewer: PGE

APPLICABLE LEGISLATION/POLICY

Florida Statute Section 487.011 is administered by the Department of Agriculture and Consumer Services for pesticide regulation and safety.

<https://www.flsenate.gov/Laws/Statutes/2018/0487.011>

Section 2-8.1 of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

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

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

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

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

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

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

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

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

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F10
File No. 201673**

Researcher: MF Reviewer: PGE

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>

**BCC Meeting
October 6, 2020
Research Notes**

**Item No. 8F11
File No. 201681**

Researcher: VW Reviewer: TA

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01337 IN A TOTAL AMOUNT UP TO \$2,430,000.00 FOR THE FIRST YEAR OF THE FIVE-YEAR TERM FOR THE PURCHASE OF POLYMER FOR WATER TREATMENT FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should approve the establishment of a prequalification pool, *RTQ-01337: Polymer for Water Treatment*, for the Miami-Dade Water and Sewer Department (WASD) in an amount up to \$2,430,000 for the first year of the five-year term.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was heard at the Health Care and County Operations Committee meeting of September 11, 2020 and forwarded with a favorable recommendation to the October 6, 2020 BCC meeting.

ANALYSIS

The purpose of this item is to approve the establishment of a prequalification pool, *RTQ-01337: Polymer for Water Treatment*, for WASD to purchase polymer and polymeric flocculants. Polymer and polymeric flocculants are used in the wastewater treatment processes to coagulate suspended solids and produce large curds of solid materials (floc) facilitating the removal of organic sludge from and clearing the cloudiness of raw water. The term of this pool will be for a five year term in an amount up to \$2,430,000 for the first year of the term. The department will recommend a future allocation and time frame based on actual usage.

The subject pool will consolidate three existing pools: *Prequalification Pool 4048-0/15 – Polymeric Flocculants*, *Prequalification Pool 7879-0/15 – Polymer for Water Treatment*, and *Prequalification Pool 5840-0/23 – Polymeric Flocculants*. Four vendors responded to the solicitation, including one "No Bid". Two vendors are being recommended for inclusion in this pool: Kemira Chemicals, Inc. and Polydyne, Inc. The pool will remain open allowing additional vendors that meet the prequalification criteria to be added throughout the pool's term.

It should be noted that *Prequalification Pool 4048-0/15 – Polymeric Flocculants* expired on September 30, 2020 while *Prequalification Pool 7879-0/15 – Polymer for Water Treatment* is set to expire on November 30, 2020. In addition, because there will only be two firms in the new consolidated pool, this results in limited competition and may impact the County's ability to obtain pricing that may be possible under the existing pools. The five firms collectively under the existing pools are as follows:

1. BASF Corp
2. US Polymers, Inc.
3. Polydyne, Inc.

**BCC Meeting
October 6, 2020
Research Notes**

**Item No. 8F11
File No. 201681**

Researcher: VW Reviewer: TA

4. Kemira Chemicals, Inc.
5. Solenis LLC

The two other bidders that responded to this solicitation were not under the existing pools. The three vendors under the existing pools, BASF Corp, US Polymers, Inc., and Solenis LLC, did not respond to the solicitation for this new pool.

The table below compares the existing three prequalification pools with the new proposed prequalification pool. The first year allocation for the replacement prequalification pool is roughly three percent higher than the combined annual allocation of the previous three prequalification pools which are being consolidated.

Table 1

Prequalification pool	Length of term	Cumulative value	Annual allocation
4048-0/15 – <i>Polymeric Flocculants</i>	10 years and 6 months	\$20,322,580.65	\$1,943,195
7879-0/15 – <i>Polymer for Water Treatment</i>	10 years and 2 months	\$2,734,280	\$268,946
5840-0/23 – <i>Polymeric Flocculants</i>	10 years	\$13,680,000	\$136,800
Total:			\$2,348,941
RTQ-01337, <i>Polymer for Water Treatment</i>	5 years	N/A	\$2,430,000 ¹

On September 24, 2020, OCA conducted due diligence on the two vendors being recommended for inclusion in the pool, which is detailed below.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Kemira Chemicals, Inc.	Foreign Profit Corporation Active 1000 Parkwood Circle Suite 500 Atlanta, GA 30339 Filed: May 16, 2007	Nothing found	No account on file.	Nothing found.
Polydyne, Inc.	Foreign Profit Corporation	Nothing found	No account on file.	Nothing found.

¹ \$2,430,000 reflects the allocation for the first year. The department will recommend a future allocation and time frame based on actual usage in the first year.

**BCC Meeting
October 6, 2020
Research Notes**

**Item No. 8F11
File No. 201681**

Researcher: VW Reviewer: TA

	Active			
	1 Chemical Plant Rd. Riceboro, GA 31323			
	Filed: October 2, 2001			

A September 24, 2020 search of the Business Management Workforce System for the pool's commodity code, 8857, *Polymer Flocculants, Color, Thickening, Dewatering, Coagulant Aid, Not Hardness Control* yielded 1 certified SBE firm:

- Expert Dewatering Inc.

APPLICABLE LEGISLATION/POLICY

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

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

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

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

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

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

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

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

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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item Nos. 8F12
File No. 201683**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING REJECTION OF ALL PROPOSALS RECEIVED IN RESPONSE TO SOLICITATION NO. EPPRFP-01522 FOR THE PURCHASE OF INVESTMENT MANAGEMENT SOFTWARE FOR THE FINANCE DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve rejection of all proposals received under *Solicitation No. EPPRFP-01522* for the purchase of Investment Management Software for the Finance Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was heard at the Health Care and County Operations committee meeting of September 11, 2020 and forwarded to the Board with a favorable recommendation.

ANALYSIS

The purpose of this item is for the County to reject all proposals received under *Solicitation No. EPPRFP-01522, Investment Management Software*. The County's existing agreement, *Contract No. L411-A* was a legacy purchase awarded under delegated authority in July 2017 for maintenance and support services to the current investment management software system. Said system is utilized as an investment management software that maintains and monitors investment portfolios for the Finance Department in amounts fluctuating between \$5.5 billion to \$9 billion in fixed income assets.

OCA reviewed the Bid Tracking System on September 21, 2020 pertaining *Legacy Contract No. L411-A*. According to BTS, the original value of the contract was valued at \$221,932; there was an internal modification processed for the contract date from July 29, 2020 to January 29, 2021, thereby bringing the contract's total value to \$258,920. Of the \$258,920 that was allocated, \$220,420.57 has been released, leaving a balance of \$38,499.43. The requestor Department has indicated that a modification for additional expenditure will be presented to the Board (refer to the Departmental Input Section of this note).

In an effort to replace legacy *Contract No. L411-A* – initially awarded to FIS Data Systems Inc. dba AvantGard, LLC – the County advertised a Request for Proposals (RFP) on March 11, 2020 for firms with expertise in Investment Management Software – in the areas of implementation, integration, configuration, data conversion, disaster recovery, among other services. Per BTS, the value of the replacement contract would have been \$345,000 – the budgeted sum – funded by the General Fund. The solicitation netted proposals from three firms: Bloomberg Financial; Clearwater Analytics; and Emphasys Software. According to communication from ISD staff, of the three proposals received, one was for an estimated cost of \$1,314,011 and one was for \$1,733,275. Subsequently, after reviewing the proposals from all three vendors, the Finance Department concluded the best course of action would be to reject all proposals due to budgetary constraints – as two of the three price quotes were more than 240% of the budgeted amount for this purchase. According to the requestor Department, the third firm did propose a price within the allocated budget; however, concerns were raised about the firm's technical capabilities pertaining the services to be rendered.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item Nos. 8F12
File No. 201683**

Researcher: MF Reviewer: PGE

As a remedy to this, in the future the Finance Department will re-evaluate the scope of services and market and determine appropriate budget modifications to devise a solicitation that supports the Department's needs. In the meantime – and until a new solicitation is issued – the maintenance and support services will remain uninterrupted through the current vendor. The item is silent pertaining to how the new solicitation will be materially different from the rejected one. However, the scope of services from the rejected solicitation consists of the following:

- A cloud or Software as a services-based Investment Management Software to include software, related maintenance and support and services to include planning, organizing, installing, configuring, testing for acceptance, and user training on the Software.
- Software should be of handling different users, trades, and configurable for the unique functional needs for each investment instrument.
- Software must be a commercially available product. The County is not seeking beta systems or purchasing professional services to design and develop a system.
- Software must be compliant with GASB 31, 40 and 72 Reporting guidelines.
- Implementation of the Software should include:
 - Provide validation checks and reduce manual work and mitigate human error
 - Ability to prepare streamlined reports based on key data.
- The proposer must map the data of the extracted and transformed files to the proposed Software and be responsible for loading historical data into the proposed Software.
- User Access requirements consist of:
 - A license model that does not require users counts; however, in the event that the proposed Software requires a "Per User" license model, the proposed Solution must accommodate, at a minimum, 20 named users, with the ability to add and remove user accounts as necessary during the term of the resultant Contract to not exceed 20 total named users.
- The Solution should allow for an unlimited number of users to access the software during the term of the resultant Contract. In the event that any additional software needs to be installed, the selected Proposer should at a minimum provide twenty (20) user licenses.
- The County prefers not to purchase separate licenses for third party applications which are embedded into the Software. All licenses that may be required by the Software for third party products are to be included with the proposed Software and maintained throughout the term of the resultant contract. Licensing must include all licenses required to operate and maintain the test, development/staging and training environments
- The software should account for the following types of investment securities and money market instruments:
 - Agency Discount Notes
 - Agency Callable Securities
 - Agency Callable Step-up Securities
 - Treasury Bills/Notes
 - Commercial Paper
 - Cash Accounts e.g. Passbook Accounts
 - CD's
 - Money Markets
 - Equities
 - Repurchase agreement

**BCC Meeting:
October 6, 2020
Research Notes**

**Item Nos. 8F12
File No. 201683**

Researcher: MF Reviewer: PGE

- Support for other Investment Types as needed (i.e. Israeli Bonds)
- Among the minimum required program features are:
- No limits on the number of portfolios the program can maintain
- No limits to the number of databases available
- A minimum of 9,999,999 individual security transactions; security types must be pre-defined by Miami-Dade County
- Provide various accretion and amortization options

Illustration 1 below portrays a type of investment management software used in the market by private and public entities.

Illustration 1



OCA conducted a search for Commodity Code 20820 (Business Software, Misc.) on the Business Management Workforce System's Certified Vendor Directory on October 2, 2020. Listed below are the active SBEs identified.

- Network & Communication Services, Inc. Miami, FL SBE-G&S

Whether this vendor have the capacity or desire to participate in any aspect of the contract's scope of services is beyond the scope of this research note. None of the vendors listed above submitted proposals for the subject contract and prequalification pool.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item Nos. 8F12
File No. 201683**

Researcher: MF Reviewer: PGE

OCA performed due diligence on the current vendor, FIS AvantGard, LLC, on September 23, 2020; below are the findings.

Current (Awarded) Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
FIS Data Systems, Inc. dba FIS AvantGard, LLC	Foreign Limited Liability Company Active Principal Address: 601 Riverside Ave. Jacksonville, FL Filed: June 4, 2008	No account on file	No account on file	No relevant litigation

ADDITIONAL INFORMATION

OCA performed an Internet search of the current vendor, FIS AvantGard, LLC, on September 23, 2020. According to the website, the company offers merchant, banking and capital market solutions across the sectors of government, finance and accounting, energy and commodities, insurance, and corporates. The company has been recognized with a number of awards including: Best Treasury and Cash Management Award 2020; International Service Excellence Awards 2019; Insurance ERM Awards 2020 for Modelling Team of the Year and Data Solution of the Year; and Fortune World's Most Admired Companies 2019. <https://www.fisglobal.com/>

DEPARTMENTAL INPUT

OCA sent the following inquiry to ISD on September 13, 2020; the Department replied on September 14, 2020 and the responses are shown below in Italics.

- When was the system originally purchased and has the Finance Department encountered any performance issues? *This software was originally acquired through RFP411-A, which became effective on July 1, 2007. Finance has not had any performance issues with this software.*
- Does the system fall under the scope of the countywide Enterprise Resource Planning implementation? Kindly explain. *No, however Finance has requested an interface between the new software and ERP.*
- According to BTS as of Sept. 13, 2020, of the \$240,426 that was allocated for this contract, \$220,420.57 has been released, leaving a balance of \$20,005.43. What are the implications of that? *The allocation shown in BTS is the result of a 3-month prorated extension that was processed to extend the contract from its original expiration date*

**BCC Meeting:
October 6, 2020
Research Notes**

**Item Nos. 8F12
File No. 201683**

Researcher: MF Reviewer: PGE

of July 31, 2020 to pay for maintenance and support services during the extension period. The contract term expires on October 29, 2020.

- Will a modification for additional expenditure be presented to the Board as the Department has almost fully exhausted its allocation? *Yes, a modification item will be presented to the Board for additional time and money until another software solution can be procured and implemented. The Finance Department is currently conducting market research.*
- Will the contract term be extended as this replacement is being rejected? *Yes, if needed, a second administrative extension will be processed to extend the current contract for an additional 3 months through January 31, 2021. As mentioned, a modification item will be presented to the Board for additional time and money until another software solution can be procured and implemented.*

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

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

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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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F13
File No. 201684**

Researcher: JFP Reviewer: PGE

RESOLUTION AUTHORIZING LEGACY PURCHASE PURSUANT TO SECTION 2-8.1(B)(2) OF THE COUNTY CODE FOR A ONE YEAR TERM AND IN AN AMOUNT NOT TO EXCEED \$366,000.00 FOR CONTRACT NO. 234A-3 TO COGSDALE CORPORATION FOR THE PURCHASE OF ADPICS/FAMIS MAINTENANCE AND SUPPORT FOR THE FINANCE AND INTERNAL SERVICES DEPARTMENTS; AND, EXCEPT FOR THE EXERCISE OF OPTION-TO-RENEW PERIODS, AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT AND EXERCISE ANY EXTENSIONS OR TAKE ANY ACTIONS PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a legacy purchase for *Contract No. 234A-3, ADPICS/FAMIS Maintenance and Support* in the amount of up to \$366,000 for a one-year term (with four, one-year option to renew periods, each subject to separate Board approval) for the Finance and Internal Service departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations committee at its September 11, 2020 meeting.

ANALYSIS

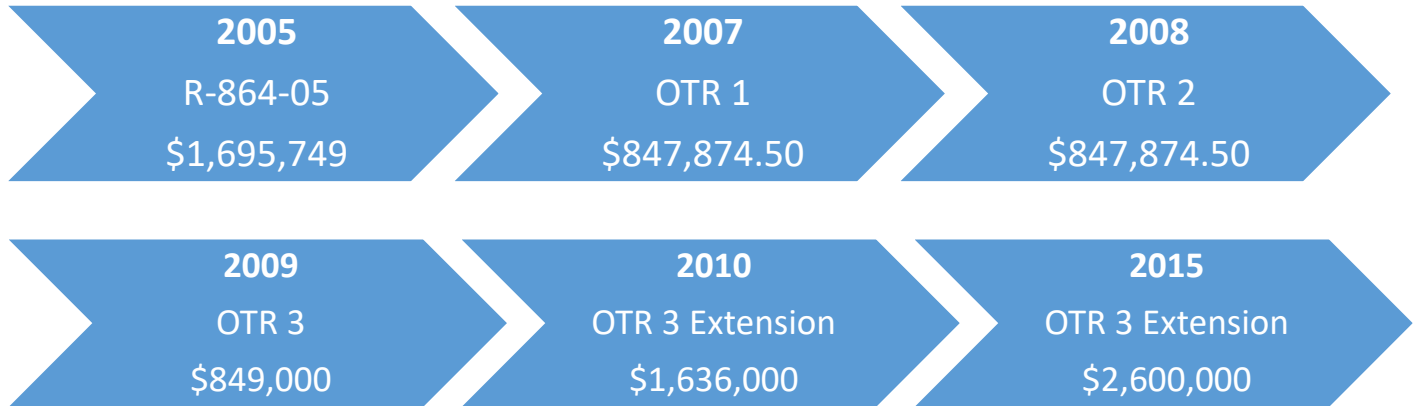
The purpose of this legacy purchase is to authorize continued utilization of Cogsdale Corporation's software maintenance and technical support services for the Advanced Purchasing and Inventory Control System (ADPICS) managed by the Internal Services Department and the online Financial Accounting Management Information System (FAMIS) managed by the Finance Department until the County fully transitions to the new PeopleSoft Enterprise Resource Planning (ERP) system, the rollout of which has been delayed tentatively to April 2021. These proprietary mainframe applications are used countywide to support the County's purchasing and financial operations. ADPICS is used to manage and administer procurement contracts and vendor profile management and FAMIS is used to perform online financial management processes. The additional allocation of \$366,000 will support continued maintenance and support services for these systems for the requested one-year term. The item also includes four, one-year options to renew.

This legacy contract was initially awarded on July 7, 2005 (Resolution No. R-864-05) in the amount of \$1,695,749 for a two-year term with three, one-year options to renew to Tier Technologies, Inc. In May 2007, Tier Technologies was acquired by the Cogsdale Corporation. Prior to the conclusion of the third option to renew period, the Board approved additional time and expenditure authority in the amount of \$1,636,000 for a term of five years via Resolution No. R-730-10. The Board subsequently approved \$2,600,000 in additional expenditure for this legacy contract for an additional five-year term, bringing the contract's cumulative value to \$8,476,498 for a term of 15 years and three months. The current contract term expires on December 31, 2020, reflecting a three-month administrative extension. Approval of this item will extend the contract term until December 31, 2021. Further Board action is necessary to approve each of the four, one-year option to renew periods. The graphic below depicts the Board's actions on the contract since its inception.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F13
File No. 201684**

Researcher: JFP Reviewer: PGE



Of the \$5,085,000 cumulative allocation for the current option term, \$4,187,574 has been released (as of September 25, 2020), leaving a balance of \$897,426. The allocations by department, and corresponding allocation requests, are detailed below.

Department	Current Cumulative Allocation (OTR 3)	Allocation Requested	Modified Cumulative Allocation
Finance Department	\$4,958,000	\$0	\$4,958,000
Internal Services Department	\$127,000	\$366,000	\$493,000
Total:	\$5,085,000	\$366,000	\$5,451,000

Detailed below are the maintenance support fees of ADPICS and FAMIS, justifying the present allocation request as well as that of the four one-year option terms, which require separate Board approval.

Term	Maintenance Support Fees
One-Year Extension (Present Request)	\$365,685
OTR 1	\$376,656
OTR 2	\$387,956
OTR 3	\$400,689
OTR 4	\$411,582

OCA's due diligence of Cogsdale Corporation is detailed below.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Cogsdale Corporation	Foreign Profit Corporation Active	No account on file.	No account on file.	No relevant cases.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F13
File No. 201684**

Researcher: JFP Reviewer: PGE

	Principal Address: 1 Antares Drive Suite 400 Ottawa, Ontario K2E-8C4 CA			
	Filed: June 25, 2007			

A September 25, 2020 search of the Business Management Workforce System for the contract's commodity code, 92045 - Software Maintenance and Support Services, yielded the following seven certified Small Business Enterprises:

- A. L. Jackson & Company P.A.
- Amiritech Group LLC
- Computer Based Associates, Inc.
- Insinet Group LLC
- Meridian Partners, LLC
- Speedyittech, LLC, dba 360TechGroup
- TECKpert, LLC, dba TECKpert

Given the proprietary nature of the Systems, it is unclear if these firms would be able to provide the scope of services required.

ADDITIONAL INFORMATION
INFORMS

INFORMS is the name of Miami-Dade County's Enterprise Resources Planning (ERP) project. INFORMS will involve replacing the County's Financial and Administrative systems, all Human Resources systems, Time & Leave and Payroll applications, as well as upgrading Hyperion (Budget Analysis Tool or BAT). The project will use various Oracle ERP software products, including PeopleSoft v9.2. Rollout of Phase 1 of the project, the PeopleSoft Finance and Procurement component, was initially scheduled for October 1, 2020, but has been delayed tentatively to April 2021.

<https://secure.miamidade.gov/employee/informs/home.page>

Cogsdale Corporation

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

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F13
File No. 201684**

Researcher: JFP Reviewer: PGE

Section 2-8.1(b)(2) of the County Code (Legacy Purchases) Legacy Purchases shall mean the purchase of goods and services where competition is unavailable, impractical or constrained as a result of the need to continue to operate an existing County system which may not be replaced without substantial expenditure. The County Mayor shall include, in any Legacy Purchase award recommendation, a statement as to the need for such purchase and the provisions taken to reduce or eliminate the future need for Legacy Purchases for the particular good or service.

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

Resolution No. R-864-05, adopted July 7, 2005, established a contract with Tier Technologies, Inc. in the amount of \$1,695,749 to provide licenses, maintenance and technical support for the County's financial and procurement systems: Online Financial Accounting Management Information System (OLF FAMIS) and Advanced Purchasing and Inventory Control System (ADPICS) for two years with three, one-year options to renew.

<http://intra/gia/matter.asp?matter=051949&file=true&yearFolder=Y2005>

Resolution No. R-730-10, adopted July 8, 2010, modified *Contract No. 234A-3* granting additional time and expenditure authority in the amount of \$1,636,000 for a term of five years.

<http://intra/gia/matter.asp?matter=101492&file=true&yearFolder=Y2010>

Resolution No. R-714-15, adopted September 1, 2015, authorized award of *Legacy Contract No. 234A* to Cogsdale Corporation for purchase of ADPICS/FAMIS maintenance and technical support services for a five-year term in a total amount not to exceed \$2,600,000 for the Finance and Internal Services departments.

<http://intra/gia/matter.asp?matter=151349&file=true&yearFolder=Y2015>

Resolution No. R-718-17, adopted on July 6, 2017, requires the Administration to commence the planning for re-procurement and re-advertisement of contracts and prequalification pools for the purchase of goods and services that are subject to Board approval no later than 18 months before the expiration of such contracts and pools, inclusive of option to renew periods.

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

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

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

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

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

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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F14
File No. 201261**

Researcher: MF Reviewer: PGE

RESOLUTION RETROACTIVELY AUTHORIZING A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING AWARD OF ADDITIONAL TIME UP TO SEVEN-MONTHS AND ADDITIONAL EXPENDITURE AUTHORITY FOR CONTRACT NO. MDAD-02-06 IN AN AMOUNT UP TO \$87,500.00 UNDER THE SAME TERMS AND CONDITIONS FOR THE PURCHASE OF OPERATION OF PUBLIC PARKING FACILITIES – MIAMI INTERNATIONAL AIRPORT FOR THE MIAMI-DADE AVIATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve, retroactively by a two-thirds vote of the members present, a designated purchase consisting of additional time and expenditure authority for *Contract No. MDAD-02-06* for the purchase of operation of public parking facilities services in the amount of up to \$87,500 for a term of seven months for the Aviation Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was heard at the Chairwoman’s Policy Council meeting of September 10, 2020 and forwarded to the Board with a favorable recommendation. Previously, associated Legistar Item Nos. 191352 and 200259 (Recommendation to Award Contract to LAZ Florida Parking) were heard at the August 31, 2020 BCC meeting; during the meeting, Item No. 191352 was withdrawn, and Item No. 200259 was amended. Also at that meeting, the Board, by a two-thirds vote, rejected awarding the contract to LAZ and instead approved the contract award to incumbent vendor Airport Parking Associates (APA) via Resolution No. 854-20 in the amount of \$382,896.42 for the five-year term.

ANALYSIS

The purpose of this item is to gain Board authorization for a retroactive contract extension, extending the contract with APA by seven months, from April 1, 2020 to October 31, 2020 to ensure uninterrupted service delivery while the Aviation Department (MDAD) transitions to the new APA contract. The fiscal impact of the designated purchase is a maximum of \$87,500 for the seven-month term.

The County’s initial agreement with APA dates to September 2008 via Resolution No. 898-08, through which the Board approved APA’s contract for a five-year term with five one-year options to renew for a monthly management fee of \$8,250 – or \$99,000 per year. Subsequently to the 2008 agreement, the Board approved a one-year contract extension through Resolution No. 979-18, thereby increasing the monthly management fee from \$8,250 to \$12,500 and allowing a one-time payment of \$49,699 for five years. After accounting for a Consumer Price Index (CPI) adjustment, the cumulative total for the one-time payment totaled \$199,699. Thereafter, under the Mayor’s delegated authority, the County granted APA a contract extension and associated expenditure for a six-month period in the amount of \$75,000 – or \$12,500 per month – which expired March 31, 2020.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F14
File No. 201261**

Researcher: MF Reviewer: PGE

Table 1 below provides a breakdown of the amounts paid to APA since the contract's inception.

Table 1

CONTRACT NO. MDAD-02-06	
Term	Contract Fees
9/2008 – 9/2009	\$99,000
10/2009 – 9/2010	\$99,000
10/2010 – 9/2011	\$99,000
10/2011 – 9/2012	\$99,000
10/2012 – 9/2013	\$99,000
10/2013 – 9/2014	\$99,000
10/2014 – 9/2015	\$99,000
10/2015 – 9/2016	\$99,000
10/2016 – 9/2017	\$99,000
10/2017 – 9/2018	\$99,000
10/2018 – 9/2019	\$199,699*
10/2019 – 3/2020	\$75,000
3/2020-10/2020	\$85,500
TOTAL	\$1,350,199

**Per ISD, included is a \$150,000 management fee and one-time payment for historic CPI adjustments*

Approval of this item is for a six-month retroactive designated purchase and time extension between the County and APA under Supplemental Agreement No. 2 with a fixed monthly management fee of \$12,500 for a six-month term spanning April 1, 2020 through September 30, 2020. Additionally, under this item, a one-month designated purchase and time extension under Supplemental Agreement No. 3 will be in effect with a fixed monthly management fee of \$12,500 from October 1, 2020 through October 31, 2020.

As previously noted, the Board approved Resolution No. R-854-20 at its August 31, 2020 BCC meeting to award APA a five-year contract in the amount of \$382,896.42. The scope of services under said approval consists of the management, operation, and overseeing maintenance activities for the facilities, excluding the Employee Lot; the contractor will be responsible for providing complete parking management services including day to day operation and staffing of the parking facilities, daily parking management while ensuring that third-party vendors perform facilities cleaning, custodial and ground maintenance services, as well as management and financial reporting, et al.

Additionally, the vendor (APA) will provide the following services:

- Manage and operate the Facilities in a neat, clean and operable condition
- Provide and maintain the necessary equipment and trained personnel to successfully operate the Facilities
- Oversee the maintenance and cleanliness of Facilities and report to MDAD if janitorial and/or repair services are required
- Develop strategies to maximize sales (revenue) and optimize net income (yield)
- Provide emergency service at no charge to the customer for:

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F14
File No. 201261**

Researcher: MF Reviewer: PGE

- Lost vehicle search assistance
 - Jump starts
 - Inflation of flat tires or installation of spares
 - Lock-out assistance by providing phone number of authorized locksmith
- Oversee the maintenance/repair of furnishings and fixtures
- Continuously monitor Facilities in order to provide safe and secure facilities for guests to include:
 - Performing nightly vehicle inventory
 - Reporting vehicle count
 - Identification and reporting of abandoned vehicles and other potential security risks
- Confirm that parking location reminder systems are operational at all times
- Operate the Facilities pursuant to all applicable statutes, laws, ordinances rules and regulations and obtain all required licenses and permits
- Collect payment in the form of cash, check, and/or credit card on-site at the Facilities utilizing the existing MDAD Parking Access Revenue Control System or replacement system
- Reconcile all revenues received with receipts
- Remit payments to MDAD for collected payments, rebates, credits and/or refunds
- Process revenues and receivables in accordance to standard industry accounting methodology
- Coordinate with the various outside vendors and/or MDAD personnel to complete maintenance of the Facilities while minimizing operational impact
- Provide oversight of the deliveries of goods and products for the Facilities
- Develop and maintain a customer service training program, inclusive of service standards for its employees
- Develop and maintain an annual marketing plan for approval from MDAD, analyzing the competition in the surrounding airport area and developing an action plan by market segment to address supply and demand by facility type
- Develop and maintain an operations procedures manual
- Provide a comprehensive system that will track work orders for repair and monitor improvements and preventive maintenance for the Facilities
- Plan/assist/participate in providing personnel as warranted in the event of a hurricane, mass migration, natural or manmade disaster
- Provide valet parking services, including obtaining and managing including providing Garage Keeper's Legal Liability Insurance
- At the County's sole discretion provide limited construction services specifically related to the maintenance of the Facilities on an as-requested basis

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F14
File No. 201261**

Researcher: MF Reviewer: PGE

OCA performed due diligence on the awarded vendor, APA Parking Associates (corporate name: Central Parking System of Florida, Inc.), on September 22, 2020; below are the findings.

Awarded Firm(s)	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Central Parking System of Florida, Inc. dba Airport Parking Associates (APA)	Foreign Profit Corporation Inactive Principal Address: 200 E. Randolph St. #7700 Chicago, IL Filed: December 30, 1983	Inactive Account from 2019 paid & closed	No account on file	<i>Chicas v. Central Parking System of Florida, Inc.</i> Case No. 1:14-CV-21459 filed April 23, 2014 in the U.S. District Court, Southern District of Florida (Miami). Allegation: Class action suit alleging Defendant failed to pay minimum wages under the Fair Labor Standards Act. Case status: A settlement was reached June 2014. <i>Arroyo v. Central Parking System of Florida, Inc.</i> Case No. 1:12-CV-21331, 21459 filed April 7, 2012 in the U.S. District Court, Southern District of Florida (Miami). Allegation: Class action suit alleging the Defendant failed to pay employee and other members overtime wages under the Fair Labor Standards Act. Case status: Settlement

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F14
File No. 201261**

Researcher: MF Reviewer: PGE

			was reached in September 2012.
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ADDITIONAL INFORMATION

Based on information found on Central Parking System's website, the company operates parking facilities across the United States, including Miami, New York, Boston, Philadelphia, Houston and Los Angeles, among others. The company operates facilities across various sectors: airport, healthcare, events and venues, office, municipal, hospitality, retail, residential and universities. Illustration 1 below is from the company's website <https://www.spplus.com/>

Illustration 1



APPLICABLE LEGISLATION/POLICY

Section 2-8.1 and 2-8.1(b)(3) of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board. (Procedures for purchases when competitive procedures are not practicable) Notwithstanding the requirements of section 2-8.1(b)(1), formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable as set forth herein. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations where only a single proposer has

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F14
File No. 201261**

Researcher: MF Reviewer: PGE

responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

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

Resolution No. R-854-20, adopted August 31, 2020, approved award of Contract No. RFP-00808 to Airport Parking Associates for the non-exclusive agreement for the operation of public parking facilities at MIA for the Miami-Dade Aviation Department in a total amount not to exceed \$382,896.42 for the five-year term.

<http://intra/gia/matter.asp?matter=201879&file=false&yearFolder=Y2020>

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

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

Resolution No. R-818-18, adopted July 24, 2018, directed the Mayor or his designee, to negotiate Change Order No. 1 to the non-exclusive management agreement with Airport Parking Associates for the operation of the public parking facilities at MIA to extend the contract term for one year, require payment of an industry standard management fee during the extension and provide for a terminate for convenience clause and to present a written recommendation as to such change order to the Board within 30 days.

<http://intra/gia/matter.asp?matter=181512&file=true&yearFolder=Y2018>

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

<http://intra/gia/matter.asp?matter=182313&file=true&yearFolder=Y2018>

Resolution No. R-898-08, adopted September 2, 2008, authorized the award and execution of non-exclusive management agreement for the operation and public parking facilities at MIA to Airport Parking Associates for a five-year period.

<http://intra/gia/matter.asp?matter=082340&file=true&yearFolder=Y2008>

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

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

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

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F14
File No. 201261**

Researcher: MF Reviewer: PGE

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department (ISD); the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F15
File No. 201671**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$14,750,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00687 FOR PURCHASE OF INSTALLATION, MAINTENANCE, AND MODERNIZATION OF ELEVATORS, ESCALATORS, AND MOVING WALKWAYS FOR THE MIAMI-DADE AVIATION DEPARTMENT AND DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority in an amount not to exceed \$14,750,000 for *Prequalification Pool No. RTQ-00687, Installation, Maintenance, and Modernization of Elevators, Escalators, and Moving Walkways*, for the Miami-Dade Aviation Department (\$13,000,000) and the Department of Transportation and Public Works (\$1,750,000).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

This item was forwarded to the BCC with a favorable recommendation by the Tourism and the Ports Committee at its September 10, 2020 meeting.

ANALYSIS

The purpose of this item is to grant additional expenditure authority for the modernization, maintenance, and repair of 381 elevator equipment units across various Miami-Dade Aviation Department (MDAD) buildings as well as Miami International Airport (MIA)'s conveyance units, and 27 elevator and escalator units primarily located at the Metromover Stations in downtown Miami. The \$14,750,000 requested additional allocation includes \$13,000,000 for MDAD and \$1,750,000 for the Department of Transportation and Public Works (DTPW) to address aged units.

This pool was established on April 10, 2018 via Resolution No. R-330-18 in the amount of \$44,448,000 for a term of five years, expiring April 30, 2023. The pool has seven prequalified vendors and five user departments—MDAD, the Internal Services Department, PortMiami, Public Housing and Community Development (PHCD), and DTPW. The additional allocation being requested will supplement MDAD and DTPW's existing cumulative allocations. If the requested modification is approved, the pool's modified cumulative allocation will be \$59,198,000, representing a percent increase of 33.2% to the existing cumulative allocation.

The pool is utilized by each user department via an Invitation to Quote (ITQ) sent to the vendors who are prequalified for the type of equipment required. The award must be made to the vendor offering the lowest price. Oracle Elevator Company was awarded the contract for both MDAD and DTPW under this pool via *ITQ687-1* from November 2018 to the pool's expiration on April 30, 2023.

According to the pool's Blanket Purchase Order, MDAD's existing cumulative allocation is \$40,912,015 of which \$22,328,971 has been released (as of September 24, 2020), leaving a balance of \$18,583,044. The \$13,000,000 requested additional allocation for MDAD will support the modernization of MIA's aged conveyance units as well as support the continued maintenance and repairs of 381 elevator equipment units.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F15
File No. 201671**

Researcher: JFP Reviewer: PGE

DTPW has exhausted its \$976,560 allocation 28 months into the 60-month contract. The current allocation was depleted due to the current preventive maintenance cost of \$18,880 monthly, as well as a \$561,108 expenditure in non-monthly preventive maintenance, including emergency services and repairs. The \$1,750,000 requested additional allocation for DTPW, which includes a 10% contingency allowance, will allow for the modernization, maintenance, and repair services for 27 elevator and escalator units, several of which are over 25 years old, and thus proper compliance with accessibility requirements pursuant to the Americans with Disabilities Act. The department is requesting an increased allocation to sustain these costs till the end of the pool period, with the request accounting for an additional \$200,000 necessary to maintain operation of the elevators and escalators at the Metromover Stations, addressing the following required repairs:

Escalators

- Step chains and handrails
- Belly repairs
- Unforeseen repairs due to potential equipment failure/incidents, etc.

Elevator

- Platform flooring/replacement
- Hoist way glass replacement
- Drive and software
- Unforeseen repairs due to potential equipment failure or flooding (rainy season), etc.

The additional allocation request also accounts for a \$133,557 cost incurred due to a necessary repair completed in January 2020 that remains unpaid due to the department's current allocation having been depleted. It is unclear why these costs were not properly forecasted at the onset of the contract and if this allocation will sustain the department until the end of the pool term in 31 months, as this equipment is outdoors, thus necessitating more frequent repairs due to water penetration and exposure to vandalism causing increased equipment malfunctions.

Oracle Elevator Company, the awarded vendor under *ITQ687-1*, has had performance issues. According to ISD, Vendor Non-Performance meetings have been held, and subsequent Action Plans issued to address user department concerns. ISD stated that it continues to actively work with both the vendor and the departments to resolve any pending issues.

The table below details OCA's further due diligence review of all the pool's prequalified vendors.

Awarded Firms	Current County Contracts	Corporate Registration	Tax Collector's Office	Florida DBPR	Litigation (Westlaw)
Delaware Elevator of Florida, Inc.	-	Florida Profit Corporation Active Principal Address: 1 NW 28 th Street	Doing Business in Miami-Dade County Paid and Current	License Type: Registered Elevator Company	No relevant cases.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F15
File No. 201671**

Researcher: JFP Reviewer: PGE

		Boca Raton, FL 33431 Filed: October 9, 2007			
Eastern Elevator Service Inc.	ITQ687-1 (ISD)	Florida Profit Corporation Active Principal Address: 2111 No. Commerce Parkway Weston, FL 33326 Filed: August 3, 2006	Doing Business in Miami-Dade County \$75 Due (2021)	License Type: Registered Elevator Company	No relevant cases.
Oracle Elevator Company	ITQ687-1 (DTPW, PortMiami and MDAD)	Florida Profit Corporation Active Principal Address: 43 Daycoeton Place Torrington, CT 06790 Filed: November 17, 1982	Business Address: 8000 NW 25 th St., Suite 400 Doral, FL 33122 Paid and Current	License Type: Elevator	<i>Linda Walker v. Broward County, et al</i> (Case No. CACE20001105). Filed on January 21, 2020 in the 17th Judicial Circuit, Broward County. Allegation: Defendant Oracle Elevator Company negligently maintained elevator and allowed a negligent condition to exist causing plaintiff invitee to be trapped in elevator door, resulting in injuries and damages to plaintiff. Case Status: Open; Second Amended Complaint filed March 26, 2020.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F15
File No. 201671**

Researcher: JFP Reviewer: PGE

Premier Elevator Services, Corp.	-	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 6601 Lyons Road Suite I-7 Coconut Creek, FL 33073</p> <p>Filed: October 14, 2016</p>	<p>Doing Business in Miami-Dade County</p> <p>Paid and Current</p>	<p>License Type: Registered Elevator Company</p>	No relevant cases.
Schindler Elevator Corporation	SS1245-3/27-2 and 9103-5/19-4	<p>Foreign Profit Corporation</p> <p>Active</p> <p>Principal Address: 20 Whippany Road Morristown, NJ 07960</p> <p>Filed: March 8, 1979</p>	<p>Doing Business in Miami-Dade County</p> <p>\$75 due (2021)</p>	<p>License Types: Elevator; Registered Elevator Company</p>	<p><i>Betty Chauncey Emery v. Schindler Elevator Corporation</i> (Case No. 2020-CA-002249). Filed on April 17, 2020 in the Fourth Judicial Circuit, Duval County. Allegation: Defendants negligently allowed the door of the elevators to remain in defective condition, causing it to close onto plaintiff that resulted in injuries. Case Status: Open; Request to Produce on June 18, 2020.</p>
Suncoast Elevator Solutions, Inc.	-	<p>Florida Profit Corporation</p> <p>Active</p> <p>Principal Address: 7238 NW 70th St. Miami, FL 33166</p>	<p>Business Address: 7238 NW 70th St. Miami, FL 33166</p> <p>Paid and Current</p>	<p>License Type: Registered Elevator Company</p>	<p><i>Equailla Dunkley et al v. YMP Center Court, LLC et al</i> (Case No. 2018-026971-CA-01). Filed on August 8, 2018 in the 11th Judicial Circuit, Miami-Dade County. Allegation:</p>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F15
File No. 201671**

Researcher: JFP Reviewer: PGE

		Filed: October 10, 2011			Defendant negligently maintained the subject premises by allowing the hazardous condition to present on the elevator, causing plaintiff to get trapped in elevator resulting in injuries to the plaintiff. Case Status: Open; Calendar Call scheduled for March 19, 2021.
ThyssenKrupp Elevator Corporation	SS1243-3/24-2 and 1233-5/19-4	Foreign Profit Corporation Active Principal Address: 11605 Haynes Bridge Road Suite 650 Alpharetta, GA 30009 Filed: September 13, 1999	Business Address: 7481 NW 66 th St. Miami, FL 33166 Paid and Current	License Type: Elevator	<i>Dennis Long v. Miami-Dade County and ThyssenKrupp Elevator Corporation</i> (Case No. 2019-030662-CA-01). Filed on October 16, 2019 in the 11 th Judicial Circuit, Miami-Dade County. Allegation: Defendants failed to maintain elevator causing it to crash to the ground, resulting in damages to plaintiff. Case Status: Open; Order on Motion to Compel on August 28, 2020.

A September 24, 2020 search on the Business Management Workforce System for the pool's Commodity Codes, 29570 – Passenger Elevators and Parts, and 238290 – Elevator Installation, did not yield any certified local Small Business Enterprise firms.

DEPARTMENTAL INPUT

OCA posed the following questions to the Internal Services Department. The department's responses are denoted in *italics*.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F15
File No. 201671**

Researcher: JFP Reviewer: PGE

- According to the pool's Blanket Purchase Order, MDAD's existing cumulative allocation is \$40,912,015 of which \$21,468,971 has been released (as of September 6, 2020), leaving a balance of \$19,443,044. What accounts for the burn rate? Why were these needs not forecasted at the inception of the pool?

The burn rate is attributable to extensive repairs needed to bring the elevator equipment up to code, maintain and modernize the equipment. The allocation for such repairs can only be estimated by completing an assessment of the current state of the elevators. As the department is completing this assessment, additional allocation is being requested. The initial allocation was based on the cost of routine maintenance services.

- DTPW has exhausted its \$976,560 allocation 28 months into the 60-month contract. What accounts for the burn rate? Why were these needs not forecasted at the inception of the pool?

The burn rate is attributable mainly to the monthly preventive maintenance services and the need to address repairs that were unforeseeable at the time of the solicitation. Based on the assessment of the current state of the elevators, repairs are now being completed to bring elevators to industry standards in accordance with ADA Guidelines.

- Have there been any performance issues with the awarded vendor, Oracle Elevator Company? If so, please detail any actions taken to ensure performance improvement.

Yes, performance issues with the awarded vendor were brought to the attention of the Strategic Procurement Division (SPD), and have been addressed. Upon receiving notification from the user departments, ISD-SPD has held Vendor Non-Performance meetings and issued Action Plans to address the departments' concerns. We continue to actively work with both the vendor and the departments to resolve any pending issues.

- Although not the subject of the item, PHCD has also already exhausted its allocation. Given that this department is not included in this allocation request, what will the department do to address its elevator and escalator needs for the remainder of the pool's term?

For ongoing work related to the Elevator's at Site 130 – Peter's Plaza, PHCD has bid out the work under the MCC 7360 Program to modernize the elevators and is in the process of awarding the contract. Upon completion of the modernization project, the maintenance and repairs of the subject equipment will be covered under the same contract for a one-year period. Near the end of the warranty year, PHCD will work with ISD/SPD to include this equipment in a different maintenance contract.

ADDITIONAL INFORMATION

Tampa elevator company exec says he was fired after raising discrimination concerns (article detailing allegation against awarded vendor, Oracle Elevator Company)

<https://www.tampabay.com/business/tampa-elevator-company-exec-says-he-was-fired-after-raising-discrimination-concerns-20190322/>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F15
File No. 201671**

Researcher: JFP Reviewer: PGE

APPLICABLE LEGISLATION/POLICY

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

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

Section 2-11.16 of the Code of Miami-Dade County governs responsible wages on County construction contracts, prescribing that, in addition to the 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 \$100,000 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.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-11.16COCOCO

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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR

Resolution No. R-330-18, adopted April 10, 2018, established *Prequalification Pool RTQ-00687* in a total amount up to \$44,448,000.00 for the purchase of installation, maintenance, and modernization of elevators, escalators, and moving walkways for various County departments for an initial term of five years.

<http://intra/gia/matter.asp?matter=180438&file=true&yearFolder=Y2018>

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

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

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

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

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

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8F15
File No. 201671**

Researcher: JFP Reviewer: PGE

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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
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: Commissioner Eileen Higgins, District 5

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

This item was heard at the Infrastructure and Capital Improvements Committee meeting of September 9, 2020 and forwarded to the Board with a favorable recommendation as corrected. There was a scrivener’s error, correcting the Notice to Proceed to LEAD Engineering, LLC, which will be issued within 30 days of Board approval (by November 5, 2020) instead of the previously stated date of September 28, 2020.

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

- Landscaping
- Lighting
- Street furniture
- Wayfinding signage
- 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 (CITT) approval, which took place on September 23, 2020 by a 10-0 vote. 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. Phase I of The Underline, approved October 2, 2018 pursuant to Resolution No. 1020-18, did not include a supplemental agreement of this kind. OCA inquired with DTPW regarding the approval of this supplemental agreement in conjunction with the contract award. Detailed information relating to this is provided in the "Departmental Input" section of this research note.

Illustration 1 shows the typical work conducted during soil remediation services.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

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

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

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 21, 2020. The CIIS system shows zero (0) evaluations for LEAD Engineering Contractors, LLC. According to CIIS, LEAD is licensed for the following:

- General Building Contractor
- Plumber Master
- Underground Utility Excavation

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

OCA conducted due diligence on the firm, LEAD Engineering Contractors, LLC, and its subconsultants on September 21, 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: 5757 Blue Lagoon Dr. #240 Miami, FL Filed: May 19, 2016	Business Address: 5757 Blue Lagoon Dr. #240 Miami, FL Paid and Current	Active Licensed for: Certified General Contractor; Certified Plumbing Contractor; Certified Underground Utility and Excavation Contractor; and Construction Business Information	<i>Sightseeing Tours Management Inc. v. LEAD Engineering Contractors, LLC, and Rampart Hydro Services, LP.</i> Case No. 2020-018129-CA-01, filed on August 25, 2020 (an amended complaint was filed on August 31, 2020 to add Rampart Hydro Services as a co-defendant) in the 11 th 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: A summons was issued September 4, 2020.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

				<p><i>Angel Morales v. LEAD Engineering Contractors, LLC.</i> Case No. 2020-008754-CA-01, filed on April 21, 2020 in the 11th Judicial Circuit Court, Miami-Dade County, FL. Allegation: Plaintiff was walking from the parking lot to the bus at the Golden Glades Park & 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: A summons was issued September 18, 2020.</p>
<p>A & P Consulting Transportation Engineers Corp. (sub-consultant)</p>	<p>Florida Profit Corporation Principal Address: 8935 NW 35 Lane # 200 Doral, FL Active Filed: January 17, 1995</p>	<p>Business Address: 8935 NW 35 Lane # 200 Doral, FL Paid and Current</p>	<p>Active Licensed for: Registry; and Architect Business Information</p>	<p><i>Carlos Chapman et al. v. Munilla Construction Management, LLC et al.</i> Case No. 2018-016746-CA-01, filed May 18, 2018 in the 11th 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</p>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

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

Winsome Joy Campbell et al v. Corradino Group, Inc. et al. Case No. 2018-013463-CA-01, filed April 25, 2018, in the 11th 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: Pending further court action.

CTS
Engineering,
Inc.

(sub-
consultant)

Florida Profit
Corporation

Active

Principal Address:
3230 W.

Business Address:
8095 NW 12 St.
315
Doral, FL

Paid and Current

No account on file

No litigation found

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

	Commercial Blvd. # 220 Fort Lauderdale, FL Filed: October 8, 2009			
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 Filed: April 27, 1977	Business Address: 13960 SW 47 St. Miami, FL Paid and Current	Active Licensed for: Registry	No relevant litigation

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

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 Pkwy #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 th 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-

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

consultants to ensure their professional services were properly performed. Case status: There was a Notice of Interrogatory issued as of September 18, 2020

Emily Giusti Plaintiff v. Transystems Corporation, et al. Case No. CACE18018813, filed August 7, 2018, in the 17th 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.

ADDITIONAL INFORMATION

OCA performed an Internet search pertaining LEAD Engineering Contractors, LLC, on September 21, 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 114th Street Intersection Improvements
- Golden Glades Multimodal Transportation Facility
- Miami-Dade County Hurricane Irma Cleanup Taskforce

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

OCA performed Internet searches on September 21, 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/>

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 and September 13, 2020. The Department replied on September 8, 2020 and September 14, 2020, respectively; 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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

\$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.
- 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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

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.
- Is it standard practice to expand a contract's scope during the negotiations phase (as was the case here with Supplemental Agreement No. 1 for soil remediation services)? If so, what's the basis of authority (e.g., County Code, an Implementing Order or Administrative Order)?
After the Request for Design-Build Services was issued and after proposals were received, Miami-Dade County (County) realized the need to modify the scope of services to include soil remediation services. Instead of awarding the contract and then returning to the Board of County Commissioners at some future time, to avoid interruption in the project schedule, and to maximize the County's negotiation position, the County decided to negotiate the Supplemental Agreement (the "Change Order") at the same time as finalizing the terms of the contract. While it is not common, approving a Change Order at the same time as the award of the contract is not unprecedented. The Department of Transportation and Public Works consulted with the County Attorney's Office and the Internal Services Department throughout this process and in accordance with Administrative Order 3-39.

APPLICABLE LEGISLATION/POLICY

Section 287.055, Florida Statutes, sets forth the Consultants' Competitive Negotiation Act, governing the processes for the acquisition of professional architectural, engineering, landscape architectural or surveying and mapping services.

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

Section 2-10.4 of the 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

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

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

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

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

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 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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N4
File No. 201609**

Researcher: MF Reviewer: PGE

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>

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/pdffiles/AO3-39.pdf>

**BCC Meeting
October 6, 2020
Research Notes**

**Item No. 8N37
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)

This item was heard at the Transportation and Finance Committee meeting of September 10, 2020 and forwarded with a favorable recommendation to the October 6, 2020 BCC meeting.

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.

**BCC Meeting
October 6, 2020
Research Notes**

**Item No. 8N37
File No. 201580**

Researcher: VW Reviewer: PGE

PTP Sites for Push Button North Project		
Sites	Type	Total Amount
NW 2 AVE & NW 154 ST	Traffic Calming	\$60,000
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 on September 24, 2020.

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	One Account Business Address: Florida Engineering and Development Corp 12076 NW 98th Ave Hialeah Gardens, Fl 33018	License Type: Certified General Contractor; Certified Underground Utility and Excavation Contractor; Certified Electrical Contractor; Certified Electrical	Nothing found

**BCC Meeting
October 6, 2020
Research Notes**

**Item No. 8N37
File No. 201580**

Researcher: VW Reviewer: PGE

	Date 12/10/2002	Filed: Paid/Current	Contractor; Construction Business Information	
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According to a Capital Improvements Information System (CIIS) database search conducted on September 25, 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 DTPW 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=PTIIICOR_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=PTIIICOR_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=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551_FLST2001_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-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>

**BCC Meeting
October 6, 2020
Research Notes**

**Item No. 8N37
File No. 201580**

Researcher: VW Reviewer: PGE

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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N38
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

This item was brought before the TAF Committee on September 10, 2020 and forwarded to the BCC with a favorable recommendation with the corrected resolution number(R-54-10 instead of R-51-10). Highlights from the committee are as follows:

- Commissioner Eileen Higgins dissented on the delay of this project because it was scheduled to be completed in May of 2020 and is now 5 months late. The noise produced by trains going by is loud has resulted in multiple calls received by her office from her constituents. The Commissioner also manifested her dissent concerning the additional 550-day delay associated with this project.
- Director Alice Bravo – stated that Areas of South Miami Hospital and residential areas will be prioritize.

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 installation of 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.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N38
File No. 201665**

Researcher: IL Reviewer: PGE

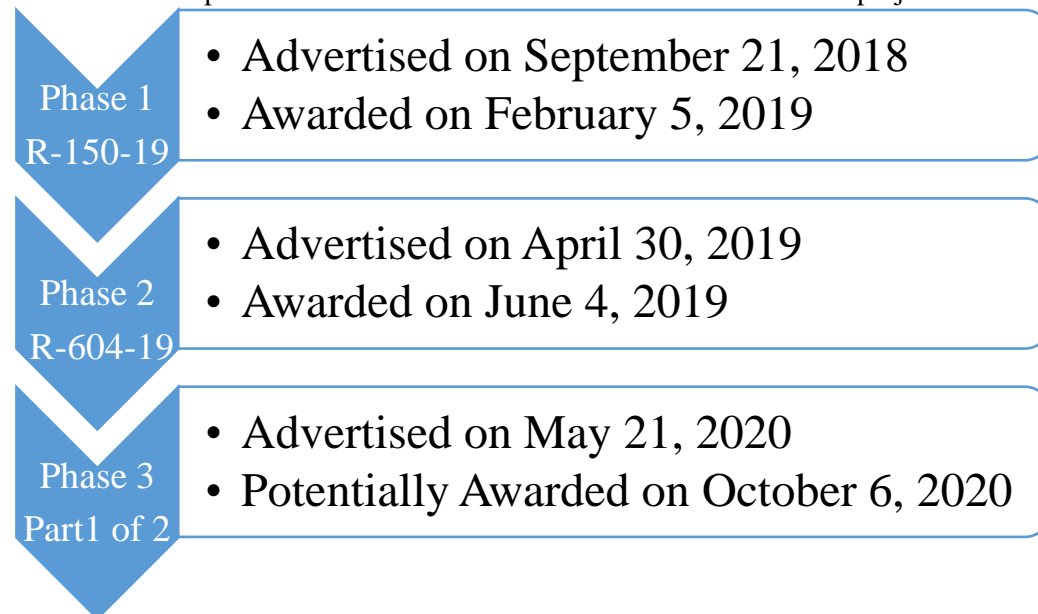
Acoustical barrier systems provide various functions throughout the entire guideway system. They buffer noise levels to adjacent communities, provide fall protection for work crews and prevent debris from falling off the guideway.

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:

- 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. According to DTPW, the removal of the acoustical barriers was completed in December 2019.

Illustration -1 depicts the timeline for entire acoustical concrete barriers project to date.



Total time elapsed since the commencement of Phase 1 through the award of Phase 3 Part 1 - 746 Calendar Days (2 years and 16 days).

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N38
File No. 201665**

Researcher: IL Reviewer: PGE

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. This will 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 funding sources and the amount.

Table -1 Funding Sources and corresponding amounts

Funding Source	Amount
Capital Budget Project No. 6710900	Per DTPW - The project is funded 100% with PTP Bond Program funds from Capital Budget Project No. 6710900 – Metrorail – Track and Guideway Projects.
People's Transportation Plan (PTP) Bond Program	

Table 2 illustrates Halley Engineering Contractors Inc.'s 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

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. Below is a breakdown of the bid submittals from the other two firms on Table 3 and Table 4.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N38
File No. 201665**

Researcher: IL Reviewer: PGE

Table 3 illustrates the second-place firm, Kiewit Water Facilities Florida Co.'s, bid form for Phase 3, Part 1:

Item No.1	Description	Unit	Quantity	Unit Price	Total
1	General Conditions	LS	1	\$ 2,615,000	\$ 2,615,000
2	Mobilization	LS	1	\$ 1,368,500	\$ 1,368,500
3	Maintenance of Traffic	LS	1	\$ 165,100	\$ 165,100
4	Traffic Control Officer	LS	1	\$ 8,000	\$ 8,000
5	Acoustical Panels with Posts	Linear Feet Alignment	42771	\$ 623	\$26,646,333
Total Base Bid					\$30,802,933

Table 4 illustrates the third-place firm, Ebsary Foundation Company's, bid form for Phase 3, Part 1:

Item No.1	Description	Unit	Quantity	Unit Price	Total
1	General Conditions	LS	1	\$ 3,100,000	\$ 3,100,000
2	Mobilization	LS	1	\$ 3,100,000	\$ 3,100,000
3	Maintenance of Traffic	LS	1	\$ 1,900,000	\$ 1,900,000
4	Traffic Control Officer	LS	1	\$ 1,150,000	\$ 1,150,000
5	Acoustical Panels with Posts	Linear Feet Alignment	42771	\$ 514	\$21,984,294
Total Base Bid					\$31,234,294

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N38
File No. 201665**

Researcher: IL Reviewer: PGE

OCA conducted a due diligence review of the awarded firm and its sole subcontractor on September 4, 2020. See Table 5.

Table 5 - 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 was responsible as an engineer charged with performing work on State Road 826 who as a result of negligence failed to protect the property of the Plaintiff's from compaction of the earth when placing pilings, causing injuries and damages to the Plaintiff; Status: Case is ongoing next hearing set for September 14, 2020 (Case Management Hearing)

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N38
File No. 201665**

Researcher: IL Reviewer: PGE

Subcontractor Firm Name	Corporate Filing	Florida Department of Business & Professional Responsibility	Miami-Dade Tax Collector's Office	Westlaw
Maytin Engineering Corp.	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. 12th Ave Hialeah Gardens, FL 33018 Paid/Current	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 24, 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 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. OCA reviewed the safety records of Halley Engineering Contractors, Inc., from 2016 -2019 and 12 injuries were reported on the OSHA 300 form. OCA reviewed the safety records of Maytin Engineering Inc., from 2016-2019 and 2 injuries were reported on the OSHA 300 form.

OCA reviewed the experience documents submitted by Halley Engineering Contractors, Inc., and found that on the project referenced as SR997 (Krome Ave) MP 5.121 to MP 8.151 a project for FDOT, the contractor was cited for payroll violations and similar non-compliance but all issues were corrected and addressed satisfactorily and in compliance with contract requirements.

DEPARTMENTAL INPUT

OCA contacted DTPW on September 14, 2020 and asked the following questions below.

1. Will there be any impact to the functionality of the Metrorail during the construction phase?
DTPW Response: No; the Department of Transportation and Public Works (DTPW) does not anticipate impacts to the functionality of the Metrorail system during the construction phase.
2. What warranty does the construction firm provide on the work done?
DTPW Response - The Contractor is required to provide the industry standard one-year warranty on workmanship.
3. Can you provide a list of procurement projects associated with Metrorail Acoustical Barrier?

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N38
File No. 201665**

Researcher: IL Reviewer: PGE

- a. Phase 1 When did the Procurement take place when was it awarded also provide Reso No.?
- i. **DTPW RESPONSE:** Request for Price Quotation (RPQ) No. 380773, for the project entitled: “*Acoustical Barrier Replacement – Phase 1 (Removal)*” was advertised on September 21, 2018. Bids were received on October 3, 2018. The Award Recommendation (Award) was approved by the Board of County Commissioners (Board) on February 5, 2019 (Resolution No. R-150-19).
- b. Phase 2 When did the procurement take place when was it awarded also provide Reso No.?
- i. **DTPW RESPONSE:**
1. On April 30, 2019, DTPW solicited the MCC emergency pool of contractors for RPQ No. 394585-A, for the project entitled: “*Emergency Acoustical Barrier Replacement – Phase 2 Removal Project*”. Bids were received on May 3, 2019. The Award was approved by the Board on June 4, 2019 (Resolution No. R-604-19).
 2. On April 30, 2019, DTPW solicited the MCC emergency pool of contractors for RPQ No. 394585-B, for the project entitled: “*Emergency Acoustical Barrier Replacement – Phase 2 Removal Project*”. Bids were received on May 3, 2019. The Award was approved by the Board on June 4, 2019 (Resolution No. R-605-19).
- c. Phase 3?
- i. **DTPW RESPONSE:**
1. **Part 1 of 2** / Contract No. CIP168-DTPW19-CT1, for the project entitled: “*Metrorail Acoustical Barrier Replacement Phase 3 (Part 1 of 2)*” was publicly advertised on May 21, 2020. Bids were received on June 25, 2020. The Award Recommendation was approved by the Transportation and Finance Committee on September 10, 2020 and the Citizens Independent and Transportation Trust on September 23, 2020. The Award is anticipated to be presented before the Board on October 6, 2020.
 2. **Part 2 of 2** / Contract No. CIP168-DTPW20-CT2, for the project entitled: “*Metrorail Acoustical Barrier Replacement Phase 3 (Part 2 of 2)*” was publicly advertised on August 10, 2020. Bids were received on September 9, 2020. The project is under the Cone of Silence and the bids are under review for processing of an Award.

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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N38
File No. 201665**

Researcher: IL Reviewer: PGE

APPLICABLE LEGISLATION/POLICY

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

2.8.1 (H)

Resolution No. R-54-10, adopted 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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N38
File No. 201665**

Researcher: IL Reviewer: PGE

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>

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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N39
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)

This item was forwarded to the BCC with a favorable recommendation by the Transportation and Finance Committee at its September 10, 2020 meeting with no discussion. Two scrivener's errors were corrected:

- On typewritten page 1, the reference to "Resolution No. R-51-10" was changed to "Resolution No. R-54-10".
- On typewritten page 3, the Notice to Proceed date listed as "September 28, 2020" was changed to "within 30 days of Board approval."

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. DTPW provided clarification that 13.2kV is the operating voltage, while the rating of the cables is 15kv; the cables being removed are also rated at 15kV. 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 Small Business Enterprise Construction (SBE-Con) firms. While the solicitation was issued to 63 qualified SBEs, DTPW received only two bids, with the lowest bidder being Accura. DTPW attributed this mainly due to the complexity of the project and the associated risk, as well as the high cost of the cables. 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. It was

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N39
File No. 201663**

Researcher: TA Reviewer: PGE

determined at that time that the contractor was able to get better pricing on the materials and used lower wage rates than the DTPW in-house estimate. 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 stated reasons were the time needed to process the award and obtain approval from the Mayor's Office, as well as the August recess.

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
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	Westlaw
Accura Electrical Contractor, Inc.	Florida Profit Corporation (FEIN 65-0190895) Active Principal Address: 6187 NW 167 St. Suite H-3 Miami, FL 33015 Filed: March 21, 1990	Current and Paid Business Address: 6187 NW 167 St., H3 Miami, FL 33015	License type: Certified Electrical Contractor (expires 08/31/2022)	No relevant cases

DEPARTMENTAL INPUT

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

1. What was the date and circumstances of the minimal service disruption that led to the need for the primary cables to be replaced? *On February 11, 2019, Main 13.2 KV Circuit Breaker tripped. Further trouble shooting found a shorted 13.2 KV cable. Does the current situation leave this Metromover segment vulnerable to another service disruption? What happens if the secondary cables fail in the interim? Yes, there is currently no redundant 13.2kV feed from Government Center to College North. If anything was to happen to the back-up feed, the entire Metromover System would be shutdown until the cables could be replaced. Replacing these cables is vital to keeping the Metromover System operational.*

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N39
File No. 201663**

Researcher: TA Reviewer: PGE

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. *13.2kV is the operating voltage, 15kV is the rating of the cables. The cables being removed are also rated at 15kV.*
3. Accura provided the written bid commitment on April 1, 2020. What caused the item to not be submitted until September Committee?
 - a. *Delays encountered were due to the following:*
 - i. *Delays encountered during the routing process of the Award package*
 - ii. *Working with the Project Manager to research an alternative method to procure the services earlier and address questions from the Deputy Mayor’s Office.*
 - iii. *August recess*
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? *Yes; the item needs to be revised to reflect that the NTP is anticipated to be issued within 30 days from Board approval.*
5. Please provide the Firm History Report and OSHA Log, which are referenced in the item, but not attached. *See attached documents requested.*
6. Why you think there were only two respondents, even though this bid was sent to over 60 firms. *The complexity of the work involved, along with the project risk factor, would (and did) deter a standard electrical contractor from submitting a bid. The price of the cables is high; therefore, any mishaps in the job could potentially cost the contractor their profits. Because of the complexity of this type of work, attendance to the pre-bid and site visit meetings were mandatory. Only those firms that attended the meetings were eligible to submit a bid for the project.*
7. What accounted for the discrepancy in the in-house estimate versus the actual bid amounts? *During the bid clarification meeting held with the firm on March 31, 2020, it was identified that the contractor was able to get better pricing on the materials needed for the job. In addition, the contractor quoted lower labor rates than the ones that were used by DTPW (using rates from larger companies such as Siemens) in the in-house cost estimate.*

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.

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)

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N39
File No. 201663**

Researcher: TA Reviewer: PGE

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=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCINTTRTR

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=PTIICOOR_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=PTIICOOR_CH2AD_ARTINGE_S2-11.16COCOCO

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.

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

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>

Implementing Order 3-24 establishes procedures for Responsible Wages and Benefits for County Construction Projects

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N40
File No. 201980**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING AND AUTHORIZING THE USE OF UP TO \$1,412,000.00 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 [SEE ORIGINAL ITEM UNDER FILE NO. 201703]

ISSUE/REQUESTED ACTION

Whether the Board should authorize use of \$1,412,000 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 was forwarded to the BCC, as amended, with a favorable recommendation by the Transportation and Finance Committee at its September 10, 2020 meeting. The item was amended in committee to eliminate the SW 87th Avenue and SW 174th Street traffic circle located in Commission District 8 from the Intersection Improvements Projects. The \$350,000 cost for completion of push button intersection improvements at this site was removed from the present PTP funding request.

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 five additional sites, located in Districts 6 and 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 \$1,412,000, thus necessitating Board and Citizens' Independent Transportation Trust (CITT) approval. The CITT approved the item, as amended in committee (removing the District 8 project site), at its September 23, 2020 meeting.

The PTP funding represents 70.3% 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 120 Ave. & SW 232 St.	Traffic Circle	9	\$336,000
SW 115 Ave. & SW 186 St.	Median Footballs	9	\$75,000
TOTAL PTP Funding:			\$1,412,000

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 –

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N40
File No. 201980**

Researcher: JFP Reviewer: PGE

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 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. OCA requested H & R Paving's safety records from the department on September 15, 2020; the request is pending response.

Detailed below is a summary of OCA's due diligence performed on H & R Paving.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N40
File No. 201980**

Researcher: JFP Reviewer: PGE

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. Miami, FL 33172 Filed: August 19, 2976	Business address: 1955 NW 110th Ave. Miami, FL 33172 Status: Paid and Current	License type: Certified General Contractor; Construction Financial Officer; Construction Business Information	<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 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.

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N40
File No. 201980**

Researcher: JFP Reviewer: PGE

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)

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_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 8N40
File No. 201980**

Researcher: JFP Reviewer: PGE

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_S10-33.02SMBUENCOSEPR

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/pdffiles/IO3-57.pdf>

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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
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)

This item was heard at the Infrastructure and Capital Improvements Committee meeting of September 9, 2020 and forwarded to the BCC with a favorable recommendation. There was no discussion.

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 Small Business Development (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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

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.

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.

SBD 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 that Jacobs has a team of 20 sub-consultants. OCA initiated a review of the prime firm and its subconsultants on September 2, 2020. Those firms with notable findings are as follows:

- The address for Jacobs is “3750 NW 87th Ave”, not “50 NW 87th Ave” as stated in the mayoral memo.
- The Brand Advocates is a DBA for Cunningham Communications Consulting Company f/k/a Cunningham Group, Inc. DTPW showed both names in the team listing even though it is the same firm because they were originally contracted under “Cunningham Group, Inc.”, but is currently contracted under “The Brand Advocates”.
- Janus Research, Inc. does not have a current Local Business Tax receipt and does not appear to have an MDC office.* The mayoral memo lists the firm “Janus Research and Environmental Data Resources, Inc.”, but OCA confirmed that these are two separate entities, although they are affiliated with each other.
- 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.” According to WASD, this means that each of the team members have an office located in Miami-Dade County and/or have staff residing in Miami-Dade County. OCA requested further clarification on whether this means that all firms have a Miami-Dade County office and staff may or may not live in Miami-Dade County, or if it means they either have a Miami-Dade County office or staff that lives in Miami-Dade County. On October 2, 2020, WASD clarified that the item should have read “all of the currently active firms have a local presence and/or staff”. In other words, not all of the firms on the team have a local presence, but the firms that are currently performing work do have a local address (those listed below).

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

Active Firms	Address
Jacobs	3150 SW 38th Avenue, Suite 700 Miami, FL 33146
A.D.A. Engineering, Inc.	8550 NW 33rd Street, Suite 202 Miami, FL 33122
CES Consultants, Inc.	14361 Commerce Way, Suite 103 Miami Lakes, FL 33016
GCES Engineering Services, LLC	10860 NW 138Th St, Unit 4 Hialeah Gardens, FL 33018
Hadonne Corp.	1985 NW 88th Ct Suite 201 Doral, FL 33172
Milian, Swain, & Associates, Inc.	2025 SW 32nd Avenue, Suite 110 Miami, FL 33145
Nova Consulting Inc.	10486 NW 31 Terrace Doral, FL 33172
Rohadfox Construction Control Services of Florida, LLC	1444 Biscayne Blvd., Suite 115-13 Miami, FL 33132
Gannett Fleming Inc.	800 NW 62nd Avenue, Suite 490 Miami, FL 33126
G-T Construction Group, Inc	2520 SW 22nd Street, Suite 2-169 Miami, FL 33145
Hazen and Sawyer	999 Ponce de Leon Blvd, Suite 1150 Coral Gables, FL, 33134

The complete due diligence review findings are shown below.

Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Jacobs Engineering Group, Inc. (Prime)	Foreign Profit Corporation (FEIN: 95-4081636) Active Principal Address: 1999 Bryan Street Dallas, TX 75201	Business Address: 3150 SW 38 th Ave Suite 700 Miami, FL 33146 Status: Paid and Current	Account on file Licensed for: Professional Geologist; Registered Landscape Architect; Interior Design Business, Architect; Geology Business	<i>Nissan v. Jacobs Engineering Group, Inc. et al.</i> (Case No. 3:20-CV-50299). Filed on August 13, 2020 in US District Court, Northern District of Illinois. <u>Allegation:</u> Defendants failed to properly maintain the scaffold and the surrounding areas in their

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

Filed: February 26,
1990

Information;
Landscape
Architecture Business
Information;
Architect Business
Information

workplace, causing injuries to the Plaintiff; claim is \$75K+. Status: Open; Amended complaint submitted August 17, 2020. (Parent Company)

Jeremias Rodriguez vs. Exxon Mobil Corporation. (Case No. 202047206). Filed on August 7, 2020 in District Court, Harris County. Allegation: Defendants breached the duty of care owed to Plaintiff by failing to use reasonable care to keep the premises in safe condition, caused injuries to Plaintiff; claim is \$1M+. Status: Scheduling Conference on November 9, 2020. (Parent Company)

Deskevich v. Spirit Fabs, Inc. et al. (Case No. 4:20-CV-01387). Filed on August 6, 2020 in US District Court, Middle District of Pennsylvania. Allegation: Plaintiff sustained serious injuries while using the defendants' defectively manufactured and designed sheeting girt. Status: Motion to dismiss filed on September 8, 2020. (Parent Company)

Simpkins v. Jacobs Engineering Group, Inc. (Case No. 1:19-CV-00447). Filed on February 22, 2019 in U.S. District Court, District of Columbia. Allegation: Defendant discriminated against plaintiff employee based on her gender and

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

				disability by forcing her to go on extended leave when it refused to grant her reasonable accommodation request; claim is for \$2M. <u>Status:</u> Motion for Summary Judgment on May 29, 2020. (Parent Company)
A.L. Jackson & Company, P.A. (SBE)	Florida Profit Corporation (FEIN: 71-0889879) Active Principal Address: 1451 Cypress Creek Road Suite 300 Ft. Lauderdale, FL 33309 Filed: June 20, 2002	Business Address: 201 S Biscayne Blvd 28 th Floor Miami, FL 33131 Status: Active Payment of \$105 due for Tax Year 2021	Account on file Licensed for: CPA firm	No relevant cases
The Brand Advocates, Inc. dba Cunningham Communications Consulting Company f/k/a Cunningham Group, Inc. (SBE)	Florida Profit Corporation (FEIN: 65-0818493) Active Principal Address: 1951 NW 7 Avenue, Suite 300 Miami, FL 33136 Filed: January 8, 1998	Business Address: 8603 S Dixie Hwy Ste 315 Pinecrest, FL 33143 Status: Active Payment of \$60 due for Tax Year 2021	No account on file	No relevant cases
Janus Research	Florida Profit Corporation (FEIN: 59-1913512) Active Principal Address: 1107 N. Ward Street	Business Address: 1620 Drexel Ave. #203 Miami Beach, FL 33139	No account on file	No relevant cases

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

	Tampa, FL 33607 Filed: August 29, 1969	Status: Account closed in 2016		
Environmental Data Resources, Inc.	Foreign Profit Corporation (FEIN: 06-1501757) Active Principal Address: 6 Armstrong Road Shelton, CT 06484 Filed: April 17, 1998	No account on file	No account on file	No relevant cases
Hazen and Sawyer, P.C.	Foreign Profit Corporation (FEIN: 3-2904652) Active Principal Address: 4000 Hollywood Blvd. Suite 750N Hollywood, FL 33021 Filed: October 18, 1978	Business Address: 999 Ponce de Leon Blvd. #1150 Coral Gables, FL 33134 Status: Paid and Current	Account on file License type: Registry; Engineers CE Course	No relevant cases
Parsons Brinckerhoff, Inc. (now WSP, USA, Inc.)	Foreign Profit Corporation (FEIN: 11-1531569) Active Principal Address: One Penn Plaza New York, NY 10119	Business Address: 7250 NW 19 th St #300 Miami, FL 33126 Status: \$1,187.50 past due for Tax Year 2020. \$870 due for Tax Year 2021	Account on file Licensed for: Architect; Architect Business Information; Geology Business Information	<i>Antia Leland v. WSP USA, Inc. a New York Corporation.</i> (Case No. 19STCV20012). Filed on June 7, 2009 in Superior Court, Los Angeles County. <u>Allegation:</u> Defendants discriminated against plaintiff on the basis of short term health disability, failing to provide reasonable

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

Filed: March 5, 1973

accommodations and terminated this employment on retaliation in violation of Govt. Code and FEHA. Latest Status: Pending. Case Management Conference scheduled on November 4, 2019. (Parent Company)

Wiest Et Ano v. Pcl Civil Constructors Inc Et Al. (Case No. 19-2-15791-7). Filed on June 3, 2019 in Superior Court, King County.
Allegation: The plaintiff's decedent suffered fatal injuries as a result of the hazardous construction site that the defendants maintained. Breaching a reasonable duty of care, the defendants failed to maintain functioning traffic signals and proximately caused the plaintiff's damages.
Status: Trial date June 8, 2020 – Verdict is unavailable. (Parent Company)

The Regents of the University of California v. Hunt Construction Group, Inc. a Corporation, Et al. (Case No. CGC-19-574704). Filed March 21, 2019 in Superior Court, San Francisco County.
Allegation: Defendants in breach of the design agreement failed to provide proper pre-construction, construction and inspection services to Plaintiff and caused damages to the property. Status (latest available): Case Management

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

				Conference scheduled for August 21, 2019. (Parent Company).
Gannett Fleming, Inc.	<p>Foreign Profit Corporation (FEIN: 25-1613591)</p> <p>Active</p> <p>Principal Address: 207 Senate Ave Camp Hill, PA 17011</p> <p>Filed: October 30, 1989</p>	<p>Business Address: 800 NW 62nd Ave Ste 490 Miami, FL</p> <p>Status: Active</p> <p>\$75 due for Tax Year 2021</p>	<p>Account on file</p> <p>Licensed for: Architect</p>	<p><i>Zhuo Liu v. Gannett Fleming Inc.</i> (Case No. 2019-22241). Filed on September 11, 2019 in Pennsylvania Court of Common Pleas, Montgomery County. <u>Allegation</u>: Professional engineering negligence (\$50,000+). <u>Status</u>: Entry of Appearance on November 4, 2019. (Parent Company)</p>
Leidos Engineering, LLC n/k/a The Louis Berger Group, Inc.	<p>Foreign Limited Liability Company (FEIN: 20-1659855)</p> <p>Active</p> <p>Principal Address: 11951 Freedom Drive Reston, VA 20190</p> <p>Filed: October 14, 2004</p>	<p>Business Address: 1150 NW 72nd Ave #350 Miami, FL 33126</p> <p>Status: Active</p> <p>\$75 due for Tax Year 2021</p>	<p>Account on file</p> <p>Licensed for: Architect Business Information; Certified General Contractor; Construction Business Information; Registry</p>	No relevant cases
Nova Consulting, Inc.	<p>Florida Profit Corporation (FEIN: 65-0577672)</p> <p>Active</p> <p>Principal Address: 10486 NW 31 Terrace Doral, FL 33172</p> <p>Filed: May 5, 1995</p>	<p>Business Address: 3850 Bird Road #502 Miami, FL 33146</p> <p>Status: Paid and Current</p>	<p>Account on file</p> <p>Licensed for: Professional Geologist; Geology Business Information; Registry</p>	No relevant cases

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

CES Consultants Inc.	Florida Profit Corporation (FEIN: 65-0792884) Active Principal Address: 3150 SW 38 th Ave Suite 450 Miami, FL 33146 Filed: October 6, 1997	Business Address: 3150 SW 38 th Ave Suite 450 Miami, FL 33146 Status: Active \$45 due for Tax Year 2021	Account on file Licensed for: Construction Business Information; Registry	No relevant cases
A.D.A Engineering, Inc. (SBE)	Florida Profit Corporation (FEIN: 59-2064498) Active Principal Address: 8550 NW 33 ST Suite 202 Miami, FL 33122 Filed: October 6, 1997	Business Address: 8550 NW 33 ST Suite 202 Miami, FL 33122 Active: Paid and Current	Account on file Licensed for: Certified General Contractor; Construction Business Information	No relevant cases
Milian, Swain & Associates, Inc. (SBE)	Florida Profit Corporation (FEIN: 65-0094999) Active Principal Address: 2025 SW 32 nd Ave Miami, FL 33145 Filed: January 11, 1989	Business Address: 2025 SW 32 nd Ave #110 Miami, FL 33145 Status: Paid and Current	Account on file Licensed for: Registry	No relevant cases

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

Vital Engineering, Inc. (SBE)	<p>Florida Profit Corporation (FEIN: 65-0386897)</p> <p>Active</p> <p>Principal Address: The Sunset Building 7100 S.W. 99 Ave. Suite 202 Miami, FL 33173</p> <p>Filed: February 9, 1993</p>	<p>Business Address: 7100 S.W. 99 Ave Suite 202 Miami, FL 33173</p> <p>Status: Paid and Current</p>	<p>Account on file</p> <p>Licensed for: Registry</p>	No relevant cases
Rohadfox Construction Control Services of Florida, LLC	<p>Foreign Profit Corporation (FEIN: 56-2124992)</p> <p>Active</p> <p>Principal Address: 171 17th St. NW Suite 630 Atlanta, GA 30363</p> <p>Filed: February 10, 2004</p>	<p>Business Address: 1444 Biscayne Blvd #115-13 Miami, FL 33132</p> <p>Status: Active</p> <p>\$45 due for Tax Year 2021</p>	<p>Account on file</p> <p>Licensed for: Registry</p>	No litigation found
GCES Engineering Services, LLC (SBE)	<p>Florida Limited Liability Company (FEIN: 46-1012695)</p> <p>Active</p> <p>Principal Address: 1820 N. Corporate Lakes Blvd. Ste 206-8 Weston, FL 33018</p> <p>Filed: August 28, 2012</p>	<p>Business Address: 10860 NW 138th ST Unit 4 Hialeah Gardens, FL 33018</p> <p>Status: Paid and Current</p>	<p>Account on file</p> <p>Licensed for: Registry</p>	No relevant cases

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

Hadonne Corp. (SBE)	Florida Profit Corporation (FEIN: 65-1089850) Active Principal Address: 1985 NW 88 CT Suite 101 Doral, FL 33172 Filed: April 5, 2001	Business Address: 1985 NW 88 CT Suite 101 Doral, FL 33172 Status: Paid and Current	Account on file Licensed for: Registry	<i>Solutions Construction Inc. v. Hadonne Corp, et al.</i> (Case No. CACE19023572). Filed on November 13, 2019 in 17th Judicial Circuit, Broward County. <u>Allegation:</u> Defendant breached its duty of care failed to properly perform work, to meet surveyors at the local of the project which caused damages to plaintiff. <u>Status:</u> Motion for extension of time on January 16, 2020.
John Proni, PHD	No account on file	No account on file	No account on file	No litigation found
GT Construction Group, Inc	Florida Profit Corporation (FEIN: 65-0723679) Active Principal Address: 2520 SW 22nd ST 2-169 Miami, FL 33145 Filed: January 27, 1997	Business Address: 4859 SW 75th Ave 4859 Miami, FL 33155 Status: Paid and Current	Account on file Licensed for: Construction Business Information	No relevant cases
The Miami-Dade Chamber of Commerce, Inc.	Florida Not for Profit Corporation (FEIN: 59-6560023) Active Principal Address: 100 South Biscayne Blvd. Suite 300	Business Address: 100 South Biscayne Blvd. Suite 300 Miami, FL 33131 Status: Active \$270 due for Tax Year 2021	No account on file	No litigation found

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

	Miami, FL 33131 Filed: October 31, 1974			
Climsystems, LTD	No account on file	No account on file	No account on file	No litigation found

The SBE certifications for the listed consultants were also verified in Business Management Workforce System. Of the 20 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. Therefore, there are eight firms that are currently SBEs.

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.

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

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
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 Lehnem	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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

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.

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_705cfda1-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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 803
File No. 201692**

Researcher: TA Reviewer: PGE

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

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

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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 805
File No. 201907**

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

This item was brought before the ICI Committee on September 9, 2020 and was forwarded to the BCC with a favorable recommendation with amendments, passing 4-1. Highlights of the Committee meeting discussion include:

- The item was bifurcated due to the Mayor’s request for an amendment showing that the fiscal impact is \$6,000,000 for the first year and a modification will be presented to the Board explaining the balance needed to fund the remainder of the program’s duration.
- Correction of a Scrivener’s Error requiring Board review of the Mayor’s contracting practices on a bi-annual basis instead of on an annual basis.

ANALYSIS

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

The EPS Program is needed to expeditiously facilitate providing electrical backup services and assist water and wastewater treatment facilities in the event a power outage occurs. 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.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 805
File No. 201907**

Researcher: IL Reviewer: PGE

Table 1 OCA reviewed the Blanket purchase order for RTQ-00893 on October 2, 2020.

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	\$1,942,347
Parks, Recreation and Open Spaces	General Fund	\$125,000	\$125,000
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
	Total:	\$16,753,000	\$15,609,621

WASD also supports its needs for these services under *Prequalification Pool No. 6443-0/11*. 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. OCA reviewed the user departments and departmental allocations for Pool No. 6443-011 on October 1, 2020, found in the Bid Tracking System under the Blanket Purchase Order are listed in Table 2 below:

Table 2 OCA reviewed the Blanket Purchase Order information for Pool No. 6443-011 on October 2, 2020.

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 805
File No. 201907**

Researcher: IL Reviewer: PGE

Department	Funding Source	Allocation	Balance
Water and Sewer	Proprietary Funds	\$85,356,600	\$11,841,031.04
	Total:	\$94,546,255.84	\$17,780,375.15

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,
- 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 the first year of the program. The mayoral memo states that the cost of the remaining 4 years will be disclosed to the Board at a later date. OCA asked the Department what the forecasted cost would be, and the department stated that it would be \$6,000,000 dollars for a total of five years for a total of \$30,000,000 dollars.

The Miami-Dade County Audit and Management Services Department (AMS) conducted an audit on June 12, 2018, of WASD's use of *Prequalification Pool No. 6443-011* and determined that individual contracts should be utilized for OEM service providers. This is the motivation of this request as per the Mayoral memo. Below is a list of the concerns identified by AMS:

- 77% (\$19.5 million) of the invoices paid under *ITB No. 6443* during the audit period disclosed \$2.4 million (12%) in questionable and undocumented charges.
- The vendor proposals dictating the terms, conditions and pricing of these projects were accepted without scrutiny.
- Assistant Superintendents were allowed to unilaterally select vendors for award, negotiate project costs, and approve payments, while Division Chiefs and other WASD upper management simply authorized purchase requisitions through the PeopleSoft ERP on-line approval hierarchy.
- Method of Payment states that the County will reimburse only actual costs for materials when the method of award is cost plus, yet vendors consistently submitted price proposals inclusive of multipliers of up to 35% on material invoices.
- Additionally, vendors billed per diem fees ranging from \$150 to \$300 for lodging, meals, ground transportation, and other incidentals regardless of whether vendor personnel were locally based or not, and irrespective of actual travel costs incurred.
- Similarly, time incurred by vendor personnel traveling to WASD project sites was billed as normal hours worked.
- 42 purchase orders examined and 95% were awarded to a single pre-selected vendor as a sole-source purchase.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 805
File No. 201907**

Researcher: IL Reviewer: PGE

- In several instances, awarded firms subcontracted the majority of the projectwork, and applied a 30% markup to invoices from these other firms.
- For example, Siemens Industry, Inc. (Siemens) received \$1.7 million under PO 173073 to upgrade the electrical drivesystems for effluent pumps at the South Dade Wastewater Treatment Plant. However, theysubcontracted more than 50% (\$902,197) of the project to other firms, including TAW, another pre-qualified competitor under *ITB No. 6443*

Going forward, WASD will implement AMS' recommendations by bidding individual contracts, which should also eliminate any favorable vendor terms and conditions. Note that WASD took exception to Non-Competitive Contract Awards findings and stated that the Department has been properly following the bidding guidelines. AMS reaffirmed its position on the findings in the audit report.

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

DEPARTMENTAL INPUT

OCA contacted WASD on September 14, 2020 and asked the following questions below.

1. What will be the cost of the remaining term beyond the initial five years and will Board approval be required?
WASD's Response - \$25M (5 years of \$6M each). Yes, Board approval will be required for funding the remaining 4 years of the contract.
2. What are the funding sources for these Goods and Services?
WASD's Response - As provided in the item, the contract will utilize Proprietary Funds
3. The County Mayor, or the County Mayor's designee, is authorized to purchase electrical power systems whenever competitive bidding is not practicable. Can you provide examples of a non-practical competitive bidding?
WASD's Response - WASD must have access to obtain service/parts/maintenance from the 4 vendors listed in the item. These services are for Original Equipment Manufacturer (OEM) industrial electrical parts, specialized industrial electrical systems, components, installation, repair services, power systems analysis studies, electrical distribution, control systems design and control integration, electrical testing, preventative/predictive maintenance, rotating apparatus, engineering services, equipment upgrades, life extension, parts and supplies, emergency engineering services, service for central systems and power transfer systems. Aside from any maintenance or breakdowns, there is upcoming work which is critical to sustaining operations to the existing equipment. This equipment is specialized (OEM) requiring expertise for testing, troubleshooting parts and materials. Much of the existing infrastructure that is already in place is provided by Eaton Corporation, Schneider Electric Inc., Siemens Industry Inc., and TAW Miami Service Center. These vendors are the specialized Original Equipment Manufacturers (OEM) of our electrical power systems engineering and power distribution. Maintenance and service of existing electrical power systems and components must be provided by the OEM to ensure the systems are maintained and working in accordance with manufacturer's specifications and as originally designed in order to ensure safety and preserve design efficiencies and peak performance.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 805
File No. 201907**

Researcher: IL Reviewer: PGE

4. The mayoral memo acknowledges the initial five years, but it does not depict the total term of this program. Will WASD come back in five years before the Board to request authorization for an extension?

WASD's Response - Item was amended at committee to outline a total contract term of five years. After those five years, it will depend on the success of the program and on whether ISD identifies alternative procurement options that better satisfy the procurement needs addressed by this program.

5. Will the additional OEM firms added at a later time need to be ratified pursuant to R-395-12?

WASD's Response - This resolution does not apply to resolution R-395-12. R-395-12, which applies to open pool contracts/pre-qualification pools. The EPS program allows WASD to accept, negotiate or reject contracts with OEM vendors for procurement of OEM products and services.

6. Will this program champion a minimum threshold of local business participation pursuant to R-477-18?

WASD's Response - The purpose of this designated purchase is to establish a procurement vehicle to directly obtain needed goods and services from the OEMs as described in the agenda item. Of the named OEMs 1 is local and 3 are not (Information taken from address information from ISD Procurement's BTS system). As detailed below:

Firm Name	Location
Eaton Corporation	Cleveland, Ohio
Schneider Electric Inc	Palatine, Illinois
Siemens Industry Inc	Miramar, Florida
TAW Miami Service Center	Medley, Florida

7. Is there another program that the EPS was based on (precedence such as MCC) that are similar. If so, how are they similar and how are they different? No, there is not another program that the EPS was based on.

WASD Response - The program was developed based on the advice of the CAO, taking into account the department's needs, recommendations from the AMS Audit and conversations with ISD. The MCC program is similar to the EPS in that they both use an upset expenditure limit for the contemplated services. However, they are vastly different because the MCC program competitively bids projects among vendors. The EPS is for OEMs pertaining to specific companies that are added to the program. Those County contracts with those vendors negotiated prices. As parts and services are needed, that cannot be fulfilled by the existing ISD contract, the department will use the EPS as the procurement vehicle.

8. Can you provide the guidelines and procedures as to how this program will function?

WASD Response - The initial guidelines are being drafted by the department, who will then work with the CAO, AMS and ISD to finalize prior to implementation.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 805
File No. 201907**

Researcher: IL Reviewer: PGE

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; 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=PTIICOOR_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>

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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 9A3
File No. 201642**

Researcher: VW Reviewer: PGE

RESOLUTION AUTHORIZING TERMS AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND GABLES MIRACLE MILE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, FOR THE PREMISES LOCATED AT 308 MIRACLE MILE, BAY 308, CORAL GABLES, FLORIDA, 33134, TO BE UTILIZED BY THE MIAMI-DADE PUBLIC LIBRARY SYSTEM AS A TEMPORARY CORAL GABLES BRANCH LIBRARY FOR UP TO TWO YEARS FOR A TOTAL RENT AND IMPROVEMENTS COST OF \$379,040; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should approve a lease agreement between Miami-Dade County (Tenant) and Gables Miracle Mile, LLC (Landlord) for up to two years for a temporary Coral Gables Branch Library location at 308 Miracle Mile, Bay 308, Coral Gables, Florida, 33134 for a cost to the County of \$379,040 for the Library Department.

PROCEDURAL HISTORY

Prime Sponsor: Xavier Suarez, District 7

Department/Requester: Library Department

This item was heard at the Parks, Recreation and Cultural Affairs Committee meeting of September 11, 2020 and forwarded with a favorable recommendation to the October 6, 2020 BCC meeting.

ANALYSIS

The purpose of this item is to seek Board approval of a lease agreement with Gables Miracle Mile, LLC for the operation of a temporary Coral Gables Branch library location. The 2,242 square foot storefront location will be utilized by the Library Department as a temporary branch location during the renovation of the existing Coral Gables Branch Library at 3443 Segovia St, Coral Gables, FL 33134. Major renovations to the existing library, which was built in 1927, are scheduled to begin in late 2020. Design and permitting work have been completed and solicitation of a contractor is underway. The project is expected to take around 18 months; thus, it will not be completed until at least mid-2022. The proposed location is approximately 1 mile away from the current location.

Library District revenues are the funding source for the Lease Agreement. The total cost for the first year of the initial lease term is \$244,520, which breaks down as follows: gross rent of \$134,520 based on a rental rate of \$60 per square foot, net costs of approximately \$98,000 for buildout and furniture costs to the space, and a \$12,000 rent credit. The monthly rent is not to exceed \$11,210 and the duration of the lease is 24 months. The total two-year cost is \$379,040.

Key provisions of the lease are as follows:

- The Tenant shall use the temporary location for the Coral Gables Branch of the Miami- Dade Public Library System providing library services to the public that are customary to, and in accordance with, the programs and services provided at the existing Coral Gables Branch and other Miami-Dade Public Library locations and for no other use or purpose, including no food or bar sales.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 9A3
File No. 201642**

Researcher: VW Reviewer: PGE

- Tenant shall pay all charges for water, gas, garbage collection, sewage disposal, electricity shown on such meter, submeter or smart meter system and for other expenses associated with utilities used in connection with the Premises.
- Tenant will be responsible for initial leasehold improvements which are to include electrical and data, furniture, flooring, new drop ceiling with LED energy efficient lighting and exterior signage.
- Landlord shall replace the HVAC, and grills and/or diffusers, serving the premises prior to the delivery date.
- Landlord shall keep the foundation, the outer walls and roof of the building in which the Premises is located in good repair, except Landlord shall not be called upon to make any repairs caused by the negligence of Tenant, its agents or employees.
- Landlord shall have the right, but not the obligation, to provide and install all original bulbs and tubes for building standard lighting fixtures within the premises and all replacement tubes for such lighting.
- The normal and customary business hours of the shopping district in which the building is located as may be established from time to time by Landlord, but at a minimum for eight hours each day, six days a week.

OCA conducted a due diligence review of the recommended business entity, Gables Miracle Mile, LLC on September 24, 2020. The table below depicts the findings.

Landlord	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
Gables Miracle Mile, LLC c/o Terranova Corporation (Ultimate Legal Parent)	Florida Limited Liability Company Active Principal Address: 801 Arthur Godfrey Road, Suite 600 Miami Beach, FL 33140 Filed: September 11, 2013	Business Address: 801 Arthur Godfrey Road, Suite 600 Miami Beach, FL 33140 Status: Paid and Current	License type: Retail beverage; Permanent food service; Hotel	Nothing Found

BCC Meeting:
October 6, 2020
Research Notes

Item No. 9A3
File No. 201642

Researcher: VW Reviewer: PGE

The map below taken from the Property Appraiser's Office shows the location of the property.



<https://www.miamidade.gov/Apps/PA/propertysearch/#/>

ADDITIONAL INFORMATION

Founder and chairman of Terranova Corporation and former Chairman of the Florida Democratic Party has faced a slew of sexual misconduct allegations from as many as six women during his tenure as Chairman of the Florida Democratic Party.

<https://www.politico.com/states/florida/story/2017/11/16/florida-democratic-party-chair-apologizes-after-6-women-complain-of-demeaning-behavior-118364>

<https://www.miaminewtimes.com/news/stephen-bittel-lawsuit-former-florida-democratic-party-chairman-sexually-harassed-employee-andrea-molina-10908306>

DEPARTMENTAL INPUT

OCA asked the following questions on September 10, 2020 to MDPLS; the department's responses are enumerated and italicized below:

1. What is the market rental rate for comparable commercial property in the area?
Proposed Lease = \$60/sq. ft
Other Locations Considered: -
200 – 230 Miracle Mile (various spaces) – Ranged from \$63/sq. ft - \$73/sq. ft -

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 9A3
File No. 201642**

Researcher: VW Reviewer: PGE

264 – 272 Miracle Mile - \$63/sq. ft

Important to note that the other spaces that were possibilities were more expensive on a square foot and also would have required a great deal of buildout.

2. Will the standard library services be delivered at the temp facility and if not, explain what services won't be delivered?

Yes. See answer below. Other than in-person events and classes, which are currently on hold throughout the library system due to COVID-19, services available at all other locations will be available at the temporary location.

3. How has COVID-19 impacted service delivery across the public library system, including impact to customer levels, finances, etc.?

All of our locations are open to the public under strict occupancy limits, safety/protective protocols, and social distancing measures. We have curtailed offering in-person events and classes until it is allowable to do so again, but, all other services, including use of computers, wi-fi, check-in and check-out of materials, etc., are available. Since our official reopening in June, we have seen foot traffic steadily increasing, but, have seen the greatest amount of growth in usage of our online content, such as e-books, e-audiobooks, and other free digital content that we provide to the public. In person computer and wi-fi use at our libraries has remained strong as many are visiting our branches for economic assistance purposes, such as Reemployment, SNAP, job searches, and other economic assistance programs available during COVID-19.

4. Why was such a small space chosen for the temporary library (2,242 sq ft) when the original Coral Gables Library is 28,000 square ft?

Our intent is to have continuity of service in Coral Gables while the renovation takes place, understanding that renting or trying to replicate a 28,000 square foot location in Coral Gables or any other area on a temporary basis would be financially unviable. We looked at several locations in this area, each having their own challenges in terms of size, cost, level of buildout needed, and location in general. This location best met our needs in terms of keeping costs down and still being able to provide a basic service point throughout the renovation of the Coral Gables branch.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 11A4
File No. 201572**

Researcher: CB Reviewer: PGE

RESOLUTION RATIFYING THE REAPPOINTMENT OF MARC DOUTHIT AND BARBARA MONTERO TO THE MIAMI-DADE ECONOMIC ADVOCACY TRUST'S NOMINATING COUNCIL FOR A THREE-YEAR TERM BY THE CHAIRPERSON OF THE BOARD. WAIVING TERM LIMIT RESTRICTIONS BY A TWO-THIRDS VOTE OF THE FULL MEMBERSHIP OF THE BOARD AND RATIFYING APPOINTMENT OF SHELDON EDWARDS AS A MEMBER OF THE NOMINATING COUNCIL FOR A THREE-YEAR TERM BY THE CHAIRPERSON OF THE BOARD

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Chairwoman Audrey M. Edmonson, District 3

Department/Requester: None

ANALYSIS

OCA completed the required background research regarding the reappointment of Barbara Montero and Marc Douthit and the appointment of Sheldon Edwards as members of the Miami-Dade Economic Advocacy Trust's Nominating Council and found the following:

- *Marc Douthit: Notice of Federal Tax Lien for \$6,736.11; signed on December 26, 2006; no Certificate of Release found; and*
- *Marc Douthit: Notice of Federal Tax Lien for \$77,748.45; signed on June 13, 2006; no Certificate of Release found.*

Other than what has been noted above, OCA's background research did not yield any other informational findings regarding the appointees.

APPLICABLE LEGISLATION

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

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

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 11A5
File No. 201940**

Researcher: JFP Reviewer: PGE

RESOLUTION CREATING A DRIVER LICENSE SUSPENSION TASK FORCE; SETTING FORTH POWERS AND RESPONSIBILITIES OF SUCH TASK FORCE; PROVIDING FOR A TASK FORCE REPORT AND SUNSET [SEE ORIGINAL ITEM UNDER FILE NO. 201781]

ISSUE/REQUESTED ACTION

Whether the Board should create a Driver's License Suspension Task Force that is to report its recommendations to the Board.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Eileen Higgins, District 5

Department/Requester: None

This item was forwarded to the BCC, as amended, with a favorable recommendation by the Public Safety and Rehabilitation Committee at its September 9, 2020 meeting. The item was amended to remove the provision regarding waiving competition to contract with the consultant firm, Ker-Twang, LLC, in the amount of \$250,000 for the purpose of advising the Task Force as it formulates its recommendations. Prior to passage, the following transpired.

- Commissioners Sosa and Martinez expressed their concerns and objection regarding the provision of this item entailing contracting with a consultant in the amount of \$250,000 for the purpose of advising the task force.
- Commissioner Diaz asked the Administration whether sufficient funding existed in the budget for contracting with the consultant, to which Deputy Mayor Jennifer Moon replied that the allocation would be from the \$1 million reserve that was created in the current year budget for the Community Disparities Subcommittee. Deputy Mayor Moon added that it was assumed in the budget projections that the \$1 million would be spent, thus not impacting the FY 2020-2021 budget.
- Commissioner Heyman stated that the Miami-Dade Criminal Justice Council's subcommittee on Public Safety on which she sits has already taken up this issue and suggested deferring the item until the sponsor consults with that entity to see what has been done.
- Commissioner Levine Cava expressed concerns regarding the deferral because the item is budgetary in nature and the Board will be voting on the budget soon. Commissioner Diaz requested that there be a placeholder in the budget to fund this item. Commissioner Levine Cava made a motion to reserve the funding for this item in the budget. Deputy Mayor Moon added that, since there is pending Board action, the funds would be reserved; the funds would be released if no Board action utilizing the funding was ultimately taken.
- Commissioner Higgins, the sponsor of the item, stated that the Task Force took into consideration the efforts of the Miami-Dade Criminal Justice Council and that it is the intention that the Task Force work alongside other entities spearheading the issue. The sponsor consented to removing the provision waiving competition to contract with a consultant in the amount of \$250,000, and the committee amended the item.
- Commissioner Heyman removed her motion to defer.

ANALYSIS

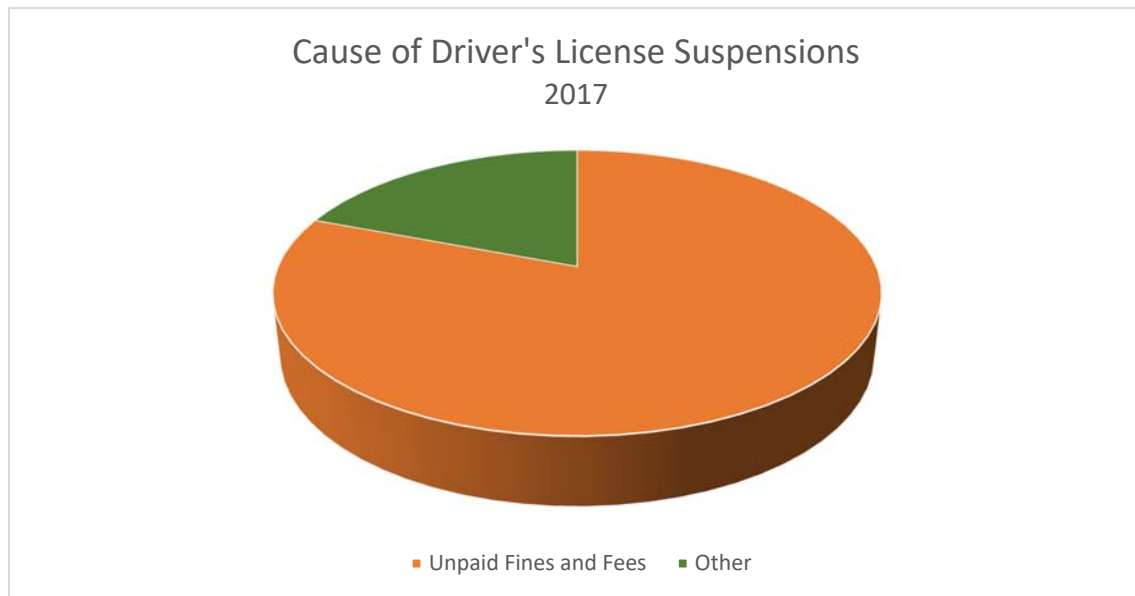
The purpose of this item is to establish a Driver's License Suspension Task Force (Task Force) that will engage in a comprehensive review of the suspension of driver licenses in the County. The Task Force will identify policies and practices for reducing driver license suspensions due to non-payment of fees and fines, in effect ameliorating the cost of collections, administration and enforcement related to suspended driver's licenses as well as the burden on impacted residents.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 11A5
File No. 201940**

Researcher: JFP Reviewer: PGE

In Florida, driver's license suspension is used as a mechanism to collect fines and fees. Section 322.245, Florida Statutes prescribes suspension of driver license in the following circumstances: upon failure of those charged with a specified offense under Chapter 316, Chapter 320, or Chapter 322, Florida Statutes to comply with directives ordered by traffic court; upon failure to pay child support in certain cases as provided in Chapter 61, Florida Statutes; or upon failure to pay any financial obligation in any other criminal case. In 2019, nearly 2 million out of Florida's 16.6 million drivers had their licenses suspended due to unpaid fines and fees. 2017 data from Florida Highway Safety and Motor Vehicles shows that 250,063 drivers in Miami-Dade County had their driver license suspended for failure to pay fines or fees, accounting for 80.8% of the County's total driver's license suspensions in 2017.



Based on recent 2020 data, 665,000 drivers in Miami-Dade County currently have a suspended license. In order to have a suspension lifted, the driver must pay all court costs and fines in full, or make payment arrangements to clear the suspension, in addition to a \$60 fee to have the driving privilege reinstated. The below illustration depicts the cycle of a driver's license suspension. Due to the accumulated financial burden, impacted residents are left without their driving privileges for longer periods, oftentimes leading to job loss or criminal prosecution for driving with a suspended license.



Source: Fines and Fees Justice Center - October 2019

The Community Disparities Subcommittee's July 15, 2020 meeting included a presentation by Ker-Twang, LLC, the firm named in the original item as the consultant that would advise the Task Force (the amended item removes this provision). The presentation highlighted that the policy of suspending licenses due to unpaid fines and fees has a disparate effect on the population. Data from 2012 to 2015 shows that 59% of people arrested for driving with a suspended license are African American. Additionally, the firm found that one New Mexico county spends at least \$1.17 to collect every dollar of revenue it raises through fees and fines, raising questions about the efficacy of these policies which are intended to be revenue-generating.

Among the recommendations the firm offered to remedy the issue were offering modern payment options and giving residents adequate access to information to make it easier for people to comply with legal financial obligations. Specifically, the recommendations were as follows:

- Reduce down payment to enroll in a payment plan;
- Reduce optional 40% surcharge for collections agencies;
- Offer flexibility for a bad month;
- Implement State law capping payment plans at 2% of income; and
- Use digital notifications.

One example of a jurisdictions that has had success implementing similar policies is San Francisco, CA, where lowering the fee to enroll in payment plans caused the number of people paying their tickets to quadruple and increased revenue over 300%. Additionally, Palm Beach County offered flexible payment plans, improved customer service, and reduced

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 11A5
File No. 201940**

Researcher: JFP Reviewer: PGE

the surcharge for collection agencies from 40% to 25%, ultimately resulting in a 23% reduction in charges for driving with a suspended license.

Judge Steven Leifman, Associate Administrative Judge for the Eleventh Judicial Circuit Court of Florida, mentioned in a subsequent presentation the great implications this issue has on our entire community. Once a person's license is suspended, their insurance coverage ceases, so those who do have insurance have much higher premiums. Moreover, felony convictions can result for three violations of driving with a suspended license, making it more difficult for people to obtain housing and employment. Judge Leifman underscored the importance of a community solution to this problem. Virtual traffic court and an Online Court Resolution Program where compliance can be shown via affidavit, thereby eliminating the need to come into court, are among the solutions currently being implemented to increase access to the courts when resolving suspended license matters.

The Task Force the subject item creates will identify the causes of driver license suspensions and perform an analysis on the fines and fees imposed pursuant to Florida Statutes and the County Code, as well as enumerate the County or other governmental cost of collections associated with fines and fees. The goal of the Task Force is to examine alternative policies to address driver license suspensions that are unrelated to driving-related offenses and implement an improvement process benefitting all stakeholders—the County, the Clerk of Courts, municipal police departments, the State Attorney's Office, and County residents.

The volunteer Task Force is to consist of 11 appointed members:

- Two appointed by the County Mayor with one from the County's Information and Technology Department;
- One appointed by the Chief Judge of the Circuit Court for the Eleventh Judicial Circuit;
- One appointed by the Miami-Dade County Clerk of Court;
- One appointed by the Miami-Dade County State Attorney;
- One appointed by the Chair of the Miami-Dade State Legislative Delegation;
- One appointed by the Miami-Dade County Public Defender;
- One appointed by the Miami-Dade County Association of Chiefs of Police;
- One appointed by the Miami-Dade County League of Cities; and
- Two appointed by community advocacy organizations selected by the County Mayor, at least one of which has been impacted directly by a debt-related driver license suspension.

Requisite community engagement in the process will be achieved by arranging public meetings and inviting directly impacted members of the community to participate in its meetings. The Task Force is to submit its final written recommendations to the Board no later than 180 days after the first meeting of the Task Force, and no later than 360 days following the resolution's effective date, as the Task Force is slated to sunset shortly thereafter. The Task Force will be aided by staff and support identified by the County Mayor, including at least one employee from the Office of Management and Budget, and legal support from the County Attorney's Office.

ADDITIONAL INFORMATION

The below table depicts select jurisdictions which enacted legislation or implemented policies related to the suspension of driver licenses for non-payment of fees, fines and costs that are unrelated to traffic violations.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 11A5
File No. 201940**

Researcher: JFP Reviewer: PGE

Jurisdiction	Governing Authority	Enacted/Recommended Policy
California	AB 103, (enacted June 27, 2017)	Bans suspension of driver's licenses for unpaid court debts
District of Columbia	District Law L22-0175 (effective October 30, 2018)	Reinstated nearly 66,000 driver licenses that were suspended for unpaid tickets or missed hearings. DMV's licensing system was programmed to no longer suspend driver licenses (D.C. resident) or driving privileges (non-D.C. resident) due to failure to pay a moving violation, failure to pay a moving violation after being found liable at a hearing, and failure to appear for a hearing on a moving violation. The law allows offenders to pay off all or part of what they owe through community service.
Maine	LD 1190 (enacted July 9, 2018)	Abolishes driver license suspensions for failure to pay fines and fees imposed in criminal cases, except traffic offenses. Because the bill defines all moving violations as driving offenses, this bill does not prohibit driver's license suspensions for unpaid traffic violations. Previously, failure to pay a fine related to a criminal offense resulted in an automatic driver's license suspension.
Michigan	Recommendation by the Michigan Joint Task Force on Jail and Pretrial Incarceration; Bill introduced in the Michigan Legislature on June 11, 2020 (House Bill 5846)	Reserving driver's license suspension only for driving-related offenses, eliminating this penalty for non-payment of fines and fees.
Mississippi	Policy implemented by the Mississippi Department of Public Safety (effective January 1, 2017)	Eliminated automatic suspension of licenses for unpaid court debt, instituted waiver of the \$100 reinstatement fee, and required consideration of indigency before suspending licenses.
Vermont	Vermont ACT 147 (enacted May 31, 2016)	The Act modifies provisions related to driver's license suspensions. Specifically, it (1) terminates suspensions imposed because of a person's failure to appear on a criminal traffic offense charged before July 1, 1990; (2) creates a driver's license restoration program; (3) terminates suspensions of driver's licenses that were imposed because of laws that use suspension of licenses as a penalty for non-driving conduct; (4) changes the remedies available for failure to pay traffic violation judgments; (5) develops a hearing in which the officer must consider evidence of an ability to pay the traffic violation judgment; and (6)

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 11A5
File No. 201940**

Researcher: JFP Reviewer: PGE

encourages state agencies to promote the new payment option plans and hearings regarding ability to pay.

APPLICABLE LEGISLATION/POLICY

Section 322.245, Florida Statutes, prescribes suspension of driver license upon failure of person charged with specified offense under Chapter 316, Chapter 320, or Chapter 322, Florida Statutes to comply with directives ordered by traffic court or upon failure to pay child support in non-IV-D cases as provided in chapter 61, Florida Statutes or failure to pay any financial obligation in any other criminal case.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display_Statute&Search_String=322.245&URL=0300-0399/0322/Sections/0322.245.html

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>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 11A13
File No. 201769**

Researcher: JFP Reviewer: PGE

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO NEGOTIATE AND FINALIZE A JOINT USE AGREEMENT WITH THE UNITED STATES OF AMERICA FOR THE CREATION OF A FIXED BASE OPERATOR DEVELOPMENT ADJACENT TO THE HOMESTEAD AIR RESERVE BASE, TO PERFORM ALL NECESSARY DUE DILIGENCE, TO FINALIZE THE TERMS OF A PROPERTY EXCHANGE BETWEEN THE COUNTY AND THE UNITED STATES OF AMERICA, AND TO PLACE A RESOLUTION SEEKING BOARD APPROVAL OF SAME, OR ALTERNATIVELY, A STATUS REPORT, DIRECTLY ON THIS BOARD'S AGENDA WITHOUT COMMITTEE REVIEW PURSUANT TO ORDINANCE NO. 14-65

ISSUE/REQUESTED ACTION

Whether the Board should direct the Mayor to take all actions necessary to negotiate and finalize a joint use agreement with federal agencies for the creation of a fixed base operator for general aviation activity at Homestead Air Reserve Base.

PROCEDURAL HISTORY

**Co-Prime Sponsors: Commissioner Dennis C. Moss, District 9 and Commissioner Jose "Pepe" Diaz, District 12
Department/Requester: None**

This item was forwarded to the BCC with a favorable recommendation by the Public Safety and Rehabilitation Committee at its September 9, 2020 meeting. Before passage, Commissioner Diaz requested to be a co-prime sponsor of the item.

ANALYSIS

The purpose of this item is to direct the Mayor to engage in continued negotiations with federal agencies to finalize a joint use agreement for general aviation operations at Homestead Air Reserve Base. The Federal Aviation Administration (FAA) defines *joint-use airport* as an airport owned by the Department of Defense, at which both military and civilian aircraft make shared use of the airfield. While the Board first passed a resolution to negotiate a joint use agreement with the federal government to allow limited civilian use of Homestead Air Reserve Base (HARB) in 2015, the journey to have civilian operations at HARB began long before when the Base Closure and Realignment Commission (BRAC) recommended realignment of Homestead Air Force Base pursuant to the Defense Base Closure and Realignment Act. The 1993 BRAC decision required the Air Force to dispose of 1,632 acres deemed to be in excess to military needs and surplus to the needs of the federal government.

A series of events led to the County pursuing a joint use agreement limited to general aviation activity, as the restrictions prescribed by the Air Force's Second Supplemental Record of Decision allowed for mixed-use development while prohibiting construction of a commercial airport at the site because of environmental impact considerations. A joint use arrangement would, however, allow private aircraft other than commercial air carriers to operate out of HARB.

Joint use agreements provide an alternative for communities seeking positive economic impact from underutilized military airfields while providing military planners with a mechanism to increase the usage of their installations and avoid closure orders from future BRAC decisions. Additionally, underutilized tarmac and excess property may be reenergized resulting in incremental revenues for the operation and maintenance of the military airfield. Joint use is also a critical step toward receiving additional federal funding under the Airport Improvement Program (AIP) and the Military Airport Program (MAP) for the planning and development of Homestead Air Reserve Base.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 11A13
File No. 201769**

Researcher: JFP Reviewer: PGE

OCA's Comparative Analysis

OCA conducted a survey of four U.S. joint use installations to determine the varying uses and economic impacts thereof in order to investigate the economic potential of Homestead Air Reserve Base as a joint use facility. Surveys were sent to Homestead Air Reserve Base and the following bases as well as their civil counterparts: March Air Reserve Base and March Joint Powers Authority, Joint Base Charleston and Charleston International Airport, Westover Air Reserve Base and Westover Metropolitan Airport, and Scott Air Force Base and MidAmerica St. Louis Airport. There were two respondents to the survey: March Air Reserve Base and Scott Air Force Base. The results of the survey are detailed below.

	March ARB and March Inland Port	Scott AFB and MidAmerica Airport
Date Airfield Established	March 1918 as March Field	August 1917 as Scott Field
Date of BRAC Decision	Selected for BRAC March 1993 with effective date of March 1996	N/A – Scott AFB is still an active duty base that was not subject to BRAC.
Date Air Reserve Base Established	April 1996	N/A – Scott AFB is still an active duty base.
Date of Joint Use Agreement	Initial agreement between March Joint Powers Authority (MJPA) and United States Air Force: May 7, 1997. Current agreement effective March 19, 2014	November 1997
Current size in acres	2,150 acres. The BRAC decision resulted in 4,400 acres of property and facilities being declared surplus and available for disposal actions	2,400 acres (MidAmerica St. Louis Airport is an additional 5800 acres)
Current Military Mission (including number and type of aircraft)	Train and deploy citizen Airmen in support of global mobility operations. 452 Air Mobility Wing assigned aircraft include 14 KC-135 and 9 C-17 aircraft. Partner units assigned aircraft include MQ-9 and F-16 aircraft	Managing a domestic aeromedical evacuation system, commanding and supervising all operational support airlift within the US and providing initial qualification training for C-9 pilots
Civilian Carrier(s) and other businesses co-located on the former federal property	Amazon, Omega Air Refueling, UPS Seasonal, General Aviation	Not former federal property-greenfield addition to Scott AFB. On civil side: Boeing Production, Boeing Test, North Bay Produce, National Air Helicopter, Allegiant

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 11A13
File No. 201769**

Researcher: JFP Reviewer: PGE

Total number of civilian flights (takeoffs and landings): 2015, 2016, 2017, 2018 and 2019	2018: 1,592 2019: 3,840 No significant civilian airport operations prior to 2018.	Carrier, Mil, GA 2015: 2,500 2016: 3,100 2017: 4,009 2018: 4,335 2019: approximately 4,800
Passengers: 2015, 2016, 2017, 2018 and 2019	MIPAA - None (except National Training Center Military)	2015: 55,000 2016: 115,000 2017: 130,000 2018: 154,000 2019: 157,000
Cargo operations: 2015, 2016, 2017, 2018, 2019	2015-2019 UPS, 2019 Amazon	None
Economic Impact (civilian operations) 2015, 2016, 2017, 2018 and 2019	Not Provided	Scott AFB/MidAmerica St. Louis Airport: \$3.4B

Of the two survey respondents, the installation which is most comparable to Homestead Air Reserve Base is March Air Reserve Base, as Scott Air Force Base remains an active duty base and has commercial flights as part of its MidAmerica Airport joint use arrangement. March Air Reserve Base, however, does not have significant commercial activity at its base but instead has cargo operations (UPS and Amazon) in addition to other general aviation activity, which more closely mirrors a potential joint use arrangement at Homestead Air Reserve Base where only general aviation would be permitted pursuant to the Second Supplemental Record of Decision.

Homestead Air Reserve Base and March Air Reserve Base are both long-standing, well-established, military installations within a major metropolitan area. Both were adversely affected by BRAC decisions which resulted in significant loss in size and mission. The difference lies in that March Air Reserve Base established a joint use agreement in 1997 creating March Inland Port, which produced positive economic impact on the Inland Southern California region (Riverside and San Bernardino counties).

While March Air Reserve Base and March Inland Port reported that the economic impact of civilian operations from 2015 to date is unknown, its annual total (civilian and military) economic impact based on 2014 fiscal data is reported at \$579 million. By contrast, Homestead Air Reserve Base's annual economic impact was estimated at \$331 million for Fiscal Year 2018. With a minimal civilian operation in place at the time, March Air Reserve Base and March Inland Port's 2014 economic impact is still 75% higher than the more recent estimated economic impact of Homestead Air Reserve Base. The increased annual civilian operations at March Air Reserve Base and March Inland Port, most recently recorded as 3,840 takeoffs and landings in 2019, will likely continue to boost the facility's economic impact. Its joint use agreement limits civilian airport operations to 21,500 takeoffs and landings, still allowing for significant growth of its civilian operations in the coming years.

However, there are barriers to generating a greater positive economic impact at Homestead Air Reserve Base through application of a joint use model. Given the restrictions imposed by the 2004 Second Supplemental Record of Decision

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 11A13
File No. 201769**

Researcher: JFP Reviewer: PGE

prohibiting commercial activity, landing fees would likely not apply at Homestead Air Reserve Base as a joint use installation with only general aviation activity. According to the Miami-Dade Aviation Department, while landing fees are generally assessed on private planes landing at Miami International Airport at a rate of \$1.62 per 1000 pounds of maximum landed weight, landing fees are not enforceable at general aviation airports.

Successful execution of a joint use agreement between the County and the federal government will necessitate balancing local and military interests, both short- and long-term. The terms of the joint use agreement will dictate the economic impact generated by the arrangement.

Proposed Resolution

In furtherance of executing a joint use agreement, this item directs the Mayor to (i) complete all necessary due diligence; (ii) identify all costs and legally available funding sources to the extent funding is required; (iii) negotiate and finalize the agreement; (iv) finalize the exchange of property between the County and the federal government; and (iv) place a resolution, including the proposed agreement, directly on the first available full Board agenda for consideration without the necessity of committee review. The item also directs the Mayor to submit a status report to the Board identifying any legal or other obstacles to the conveyance and whether legally available funding sources were identified, and describing the status of the negotiations as well as any issues that have arisen while providing recommendations for further action. This status report is to be placed directly on the Board agenda without the necessity of committee review no later than the earlier of 60 days from the effective date of the resolution or upon determination that no funding source is available, that legal or other impediments exist, or that negotiations are at an impasse.

The 2015 resolution, Resolution No. R-1105-15 sponsored by Commissioner Diaz and Commissioner Moss, directed the Mayor to negotiate a joint use agreement with the federal government to allow limited civilian use of Homestead Air Reserve Base and to present a status report on such negotiations to the Board within 90 days. According to September 2016 and June 2018 reports to the Board pursuant to this directive, the County's proposal to enter into a joint use agreement was reviewed by Homestead Air Reserve Base and then forwarded to the Air Force's Headquarters of Operations (AFHO). After review, the AFHO then forwarded the request to the Federal Aviation Administration (FAA) on June 2, 2016. After FAA review, the request would then require approval by the Air Force Reserve Command and the Secretary of the Air Force. The entire approval process was estimated to take one to three years, a process which the Homestead Air Reserve Base indicated it would attempt to expedite so that negotiations between the base and the County could then begin.

A letter dated February 28, 2020 from Ms. Jennifer L. Miller, Principal Deputy Assistant Secretary, United States Air Force to Miami-Dade County Mayor Carlos Gimenez conveyed the support of the Air Force, Air Force Reserve Command (AFRC) and the 482 Fighter Wing at Homestead Air Reserve Base for the joint use concept being applied at Homestead Air Reserve Base. However, Ms. Miller expressed the Air Force's concerns regarding the Miami-Dade Aviation Department (MDAD)'s proposed Fixed Base Operator (FBO) location, and proposed another location for the FBO that would separate civil and military operations and alleviate its security concerns. While not the location proposed by the Air Force, the FBO location now being proffered by MDAD (as indicated in the subject item) takes these factors into account. The south side of the airfield is the County's current preferred alternative for the location of the FBO for general aviation operations, as illustrated below.

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 11A13
File No. 201769**

Researcher: JFP Reviewer: PGE



ADDITIONAL INFORMATION

Airport Improvement Program (AIP) and the Military Airport Program (MAP)

AIP provides grants to public agencies—and, in some cases, to private owners and entities—for the planning and development of public-use airports that are included in the National Plan of Integrated Airport Systems. MAP is a grant set-aside from the AIP. Through MAP, FAA awards grant funds to the civil sponsor of a military airfield for the development of aviation facilities for the public. This program also assists new sponsors in converting former military airfields to public use to add system capacity and reduce congestion at existing airports experiencing significant delays. In addition, the MAP provides financial assistance to the civilian sponsors who are converting, or have already converted, military airfields to civilian or joint military and civilian use. MAP grants may be used for projects not generally funded by the AIP, such as building or rehabilitating surface parking lots, fuel farms, hangars, utility systems, access roads, and cargo buildings.

https://www.faa.gov/airports/aip/military_airport_program/

APPLICABLE LEGISLATION/POLICY

Ordinance No. 14-65, adopted July 1, 2014, amends Section 2-1 of the County Code to require that reports prepared at the request of the Board be presented to the Board and reports prepared at the request of a committee of the Board be provided to such committee.

<http://intra/gia/matter.asp?matter=141471&file=true&yearFolder=Y2014>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 11A13
File No. 201769**

Researcher: JFP Reviewer: PGE

Resolution No. R-1105-15, adopted December 1, 2015, directs the Mayor to negotiate a Joint Use Agreement with the federal government to allow limited civilian use of Homestead Air Reserve Base.
<http://intra/gia/matter.asp?matter=160912&file=false&yearFolder=Y2016>

**BCC Meeting:
October 6, 2020
Research Notes**

**Item No. 15C1
File No. 201881**

Researcher: CB Reviewer: PGE

RE-APPOINTMENT AND APPOINTMENTS TO THE KENDALE LAKES LANDSCAPE MAINTENANCE
SPECIAL TAXING DISTRICT ADVISORY BOARD

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Clerk of the Board

ANALYSIS

OCA's background research on the nominees to the Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board – Marc Gauthier, Teresita Fernandez, Harvey Weisberg, and Yvonne Von Der Osten – yielded no adverse informational findings.

APPLICABLE LEGISLATION

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

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

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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).