



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

**AIRPORTS AND ECONOMIC DEVELOPMENT
COMMITTEE**

February 9, 2021

12:00 P.M.

Commission Chambers

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Commission Auditor

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AVIATION DEPARTMENT

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**AEDC Meeting:
February 9, 2021
Research Notes**

**Item No. 3A
File No. 210104**

Research: JNP / Reviewer: PGE

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND TY LIN INTERNATIONAL FOR CONCOURSE E NEW PRE-CONDITIONED AIR CHILLER PLANT, CONTRACT NO. E19-MDAD-01 IN AN AMOUNT NOT TO EXCEED \$3,041,944.00 FOR A TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN

Prime Sponsor(s): None
Requester: Aviation Department
Committee Action Date: N/A

RESEARCH FINDINGS

OCA's review of the item found no substantive legislative, procedural or administrative noncompliance. See the Additional Information section for historical and other background information on the item.

FINANCIAL ANALYSIS

This Professional Service Agreement (PSA) in the amount of \$3,041,944 includes a base estimate of \$2,758,508, a 10% contingency allowance (\$275,850) and a \$7,586 IG fee. The funding source is Future Aviation Financing under Adopted Budget and Multi-Year Capital Plan FY 2019-20 Project No. 2000000094 – Miami International Airport Concourse E Rehabilitation, funding years FY 2019-20 – FY 2022-23. [FY 2019-20 Adopted Budget and Multi-year Capital Plan, Volume 3, Page 129](#)

REVENUE SCHEDULE:	PRIOR	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	FUTURE	TOTAL
Aviation 2016 Commercial Paper	23,096	0	0	0	0	0	0	0	23,096
Aviation Revenue Bonds	75,000	0	0	0	0	0	0	0	75,000
FDOT Funds	44,660	2,303	873	37	8,504	0	0	0	56,377
Federal Aviation Administration	8,735	0	0	0	0	0	0	0	8,735
Future Financing	0	42,181	25,752	29,161	11,585	0	0	0	108,679
Reserve Maintenance Fund	73,798	0	0	0	0	0	0	0	73,798
TOTAL REVENUES:	225,289	44,484	26,625	29,198	20,089	0	0	0	345,685
EXPENDITURE SCHEDULE:	PRIOR	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	FUTURE	TOTAL
Construction	211,786	42,226	26,109	28,977	20,089	0	0	0	329,187
Planning and Design	13,503	2,258	516	221	0	0	0	0	16,498
TOTAL EXPENDITURES:	225,289	44,484	26,625	29,198	20,089	0	0	0	345,685

ADDITIONAL INFORMATION

This PSA with T.Y. Lin International, a foreign profit corporation with a local address, is for replacement of the existing chiller plant that does not have the capacity to support Concourse E at Miami International Airport long term and is reaching the end of its useful life. The new Pre-Conditioned Air Chiller Plant will serve 18 gates as well as the new aircraft mix and passenger boarding bridge configurations that are anticipated. The PSA is for a term of five years.

A 30% (\$600,000) SBE-A&E Goal and .5% (\$10,000) SBE-G&S Goal applied to the solicitation, both of which were achieved at award.

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Subconsultant/Subcontractor	Contract Measure
Alleguez Arhitecture, Inc.	5% (\$100,000)
Nifah and Partners Consulting Engineers, Inc.	5% (\$100,000)
SDM Consulting Engineers, ,Inc.	20% (\$400,000)
M.C.O. Construction & Services, Inc.	.5% (\$10,000)

T.Y. Lin International failed to meet the SBE-A&E Goal on a 2015 Seaport contract for civil infrastructure engineering services, *Contract No. E13-SEA-02*. SBD issued the violation to T.Y. Lin International for a \$122,159 SBE-A&E goal deficit on April 17, 2020, while the firm was in the evaluation and selection process for the present contract, *Contract No. E19-MDAD-01*. The violation resulted in a \$244,318 makeup requirement with a 20% penalty of \$24,432. Pursuant to SBD policy and [County Code Section 2-10.4.01](#), the firm must pay any unpaid penalties prior to any future award. T.Y. Lin International paid the penalty to the County on June 2, 2020, after the Competitive Selection Committee recommended the firm for award on April 29, 2020.

SBD has approved two makeup plan requests from the firm, the second of which, in the amount of \$200,000, would be fulfilled through this contract award in the form of an additional 10% (\$200,000) to subconsultant SDM Consulting Engineers, Inc. The first makeup plan, which the firm proposes to complete through a highway engineering services PSA, *Project No. E19-DTPW-12*, is in the amount of \$250,000. It is unclear why two makeup plans were submitted by the firm, and what commitments above the \$244,318 makeup requirement will need to be honored to the subconsultants identified in the two makeup plans.

In the past three years, T.Y. Lin International has been awarded five County Aviation Department contracts totaling \$15,547,537.

Contract No.	Project	Contract Amount
E16-MDAD-03	General Civil Engineering Services	\$5,513,750
EDO-AV-AA009A	E Satellite APM Bridge Certification	\$175,000
E16-MDAD-06	Flamingo and Dolphin Garages Repairs and Upgrades	\$5,447,787
E17-MDAD-05	Stormwater Pollution Prevention Plan	\$1,102,750
E18-MDAD-01	Fueling Systems Consulting Services at MIA & GAA	\$3,308,250
TOTAL		\$15,547,537

T.Y. Lin International has 12 evaluations in the Capital Improvements Information System, with an average 3.97 rating out of a possible 4.0.

The firm is the defendant in an ongoing wrongful death lawsuit (Case No. 2017-L-008009) filed on August 8, 2017 in Cook County Circuit Court, wherein T.Y. Lin International, who was contracted by the City of Chicago to provide construction management and consultant services to the City of Chicago's Department of Water management on various sewer improvement projects, was allegedly negligent in failing to provide protection, supervision and adequate instruction to its workers, resulting in decedent being buried alive while working in the trench dug of the firm's sewer improvement project. The case has been continued for active case management, with the next court action scheduled for March 22, 2021.

CONTRIBUTORS

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The Office of the Commission Auditor, Miami-Dade Board of County Commissioners

The Office of the Commission Auditor (OCA) was established in September 2002 by Ordinance 03-2 to provide support and professional analysis of the policy, service, budgetary and operational issues before the Miami-Dade Board of County Commissioners. The Commission Auditor's duties include reporting to the Board of County Commissioners on the fiscal operations of County departments, as well as whether the fiscal and legislative policy directions of the Commission are being efficiently and effectively implemented

These research notes, prepared in collaboration with the Miami Dade County departments as subject matter experts, is substantially less detailed in scope than an audit in accordance with the Generally Accepted Auditing Standards (GAAS). The OCA plans and performs the review to obtain sufficient, appropriate evidence to provide a reasonable basis for its findings and conclusions based on its objectives; accordingly, the OCA does not express an opinion on the data gathered by the subject matter expert(s).