



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

**TRANSPORTATION, MOBILITY AND PLANNING
COMMITTEE**

February 9, 2021

6:00 P.M.

Commission Chambers

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Commission Auditor

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Research Notes**

**Item No. 3C
File No. 210088**

Research: JNP / Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$12,265,000.00 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$119,778,000.00 FOR CONTRACT NO. BW9808-0/22 FOR THE PURCHASE OF SECURITY GUARD SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY EXTENSIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

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

RESEARCH FINDINGS

The Department of Transportation and Public Works (DTPW) has exhausted its \$107,512,926 allocation six years and five months into this eight-year contract for security guard services. The \$12,265,000 additional allocation (11% contract increase) would only sustain DTPW's security needs until September 2021, a year prior to the contract's expiration on September 30, 2022. It is unclear why this request for additional expenditure authority, which would be the contract's first modification, does not include the department's needs until contract expiration.

ADDITIONAL INFORMATION

This request for additional expenditure authority for the purchase of security guard services for DTPW would modify a \$107,512,926 contract (Contract No. BW9808-0/22) awarded to 50 State Security Services in 2014 via Resolution No. [R-755-14](#). U.S. Security Associates, Inc. [acquired 50 State Security Services in 2016](#). Subsequently in 2018, Allied Universal [acquired U.S. Security Associates, Inc.](#)

In the Mayoral Memorandum, the Administration cites the cost of a nightly security detail at Lehman Center/Palmetto Yard to protect the new Metrorail train cars against vandalism as one of the causes of the department exhausting its allocation under the contract prematurely. In April 2020, an [item](#) to award *Contract No. IRP278-DTPW19-CT* for the installation of a new decorative, high security perimeter fence and gates intended to better prevent unauthorized access to the facility was ultimately withdrawn due to the Board's concerns that the \$5,302,525 contract was being funded with People's Transportation Plan Bond Program funds.

The County sued U.S. Security Associates, Inc. (Case No. 12-13930 CA 09) in 2012 for breach of contract, breach of the implied dealing of good faith and fair dealing, and unjust enrichment in an effort to collect past due User Access Program and Inspector General fees, which the County inadvertently failed to deduct when paying invoices under *Contract No. 437, Security Guard Services for Special Taxing Districts*. The Board approved a \$40,000 settlement agreement with the vendor on May 6, 2014 via Resolution No. [R-418-14](#).

Resolution No. [R-718-17](#) directs the Administration to commence planning for reprocurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services. Given this contract's expiration date of September 30, 2022, the Administration should commence planning for reprocurement of this contract no later than March 30, 2021.

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**Item No. 3B
File No. 202558**

Research: VW / Reviewer: PGE

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND ATKINS NORTH AMERICA, INC. FOR CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR THE METROMOVER COMPREHENSIVE WAYSIDE SYSTEM OVERHAUL, CONTRACT NO. IRP249-DTPW18-CEI, IN AN AMOUNT NOT TO EXCEED \$7,380,604.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$670,964.00; AUTHORIZING THE USE OF \$5,028,604.00 IN 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 THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

Prime Sponsor(s): None

Requester: Department of Transportation and Public Works

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

The fiscal impact for this professional services agreement (PSA) is \$7,380,604 which includes a contingency allowance amount of \$670,964. This project is funded as part of the FY20-21 Adopted Budget and Multi-Year Capital Plan. The funding source is People's Transportation Plan (PTP) Bond Program Funds.

ADDITIONAL INFORMATION

[Resolution No. R-1204-05](#) directs the County Mayor to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants. The mayoral memo does not indicate why in the department's assessment the required professional services cannot be performed in-house. The PSA will be used to facilitate replacement or refurbishment of major Metromover subsystems that have not been replaced or refurbished in over 34 years and have reached the end of their design life. These subsystems include the Automatic Train Control System, Data Transmission System with Supervisory Control and Data Acquisition, several Power Distribution System elements (e.g., low voltage breakers, protective relays, ground switches, etc.), guideway switch equipment and Central Control Facility equipment. The project is part of the larger Metromover Comprehensive Wayside Overhaul project that is part of the Five-Year Implementation Plan of the People's Transportation Plan covering fiscal years 2020-2025. The current estimated People's Transportation Plan cost for this project is \$90,964,000.¹

No Small Business Enterprise (SBE) goals were set for the overall professional services agreement, but the project has been assigned an 18 percent DBE race-conscious goal. According to the PSA, Atkins North America Inc. has identified the following sub-consultants for the project:

- 305 Consulting Engineers, LLC
- MCO Construction & Services, Inc.
- HNTB Corporation

¹ Five-Year Implementation Plan of the People's Transportation Plan *Eighth Annual Update Covering Fiscal Years 2020-2025*, pg. 86; <https://www.miamidade.gov/citt/library/five-year-plan/2020/five-year-plan.pdf>

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Item No. 3B File No. 202558	Research: VW / Reviewer: PGE
<ul style="list-style-type: none"> • PMA Consultants LLC <p>According to BMWS, as of February 6, 2021, of the four subcontractors identified for the project two are certified SBE firms:</p> <ul style="list-style-type: none"> • 305 Consulting Engineers, LLC • MCO Construction & Services, Inc. 	

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Research Notes**

**Item No. 3F
File No. 202091**

Research: TA / Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONSTRUCTION CONTRACT FOR THE METRORAIL ACOUSTICAL BARRIER REPLACEMENT PHASE 3 (PART 2 OF 2) PROJECT, TO HALLEY ENGINEERING CONTRACTORS, INC. IN THE AMOUNT OF \$35,212,080.00 (INCLUSIVE OF A CONTINGENCY ALLOWANCE ACCOUNT OF \$3,189,280.00), FOR A TERM OF 610 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

Prime Sponsor(s): Commissioner Eileen Higgins
Requester: Department of Transportation and Public Works
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

The fiscal impact for this construction contract award is \$35,212,080, which includes a contingency allowance amount of \$3,189,280 for any unforeseen work and a dedicated allowance amount of \$130,000 for structural damage repairs. This project is funded as part of the FY20-21 Adopted Budget and Multi-Year Capital Plan. The funding source is People's Transportation Plan (PTP) Bond Program Funds.

ADDITIONAL INFORMATION

The construction contract was signed by Halley Engineering Contractors, Inc. (Halley) on September 14, 2020, but the item was not scheduled for Committee consideration until February 2021. As the barriers being replaced include ones associated with various system incidents in the last few years, installing new barriers expeditiously would improve public safety.

The mayoral memo states that Halley has not been awarded any County contracts within the last three years, per the Firm History Report provided by the Division of Small Business Development (SBD). However, the SBD report was generated on September 10, 2020 and an updated report was not obtained when the item was placed on the agenda. As of February 5, 2021, Halley has been awarded one contract with the County as a prime: Contract No. CIP168-DTPW19-CT1 Metrorail Acoustical Barrier Replacement Phase 3 (Part 1 of 2) valued at \$30,525,860 awarded by the Board via [Resolution No. R-1005-20](#) on October 6, 2020.

This contract award recommendation is one of separate construction contracts related to acoustical barrier removal and replacement along the Metrorail system, including:

Contract Number	Contract Title	Contract Value	Start Date	End Date	Prime Contractor
380773	Acoustical Barrier Replacement - Phase 1 (Resolution R-150-19)	\$2,819,465.62	10/24/2018	12/20/2019	Maytin Engineering Corp.

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Research: TA / Reviewer: PGE

394585-A	Acoustical Barrier Replacement - Phase 2 – Removal (Resolution No. R-604-19)	\$2,107,000.00	6/6/2019	12/11/2019	Gomez Construction Company
394585-B	Acoustical Barrier Replacement - Phase 2 – Removal (Resolution No. R-605-19)	\$2,448,000.00	6/6/2019	1/20/2020	Ebsary Foundation Company
CIP168-DTPW19-CT1	M.Rail Acoustical Barrier Replacement P3 (<i>Part 1 of 2</i>) (Resolution No. R-1005-20)	\$30,525,860.00	11/16/2020	5/20/2022	Halley Engineering Contractors Inc.

As indicated above, Halley was awarded the *Phase 3 (Part 1 of 2)* of this contract, utilizing the same subcontractor as they have identified for this new contract. The subcontractor, Maytin Engineering Corp. (Maytin), was also awarded as the Prime on another acoustical barrier replacement contract. It is not clear why the removal and installation services were not issued as a consolidated contract for the complete project, rather than in phases, especially given that the same contractors appear capable of doing the work and the first contract was awarded only three months ago. The mayoral memo also emphasized the benefits of having the same contractor doing the work to ensure continuity and avoid conflicts between contractors during removal and installation. In addition, there is often cost savings and efficiencies associated with consolidating contracts with similar scopes of work.

According to the Capital Improvements Information System (CIIS), the Notice to Proceed for *Phase 3 (Part 1 of 2)* contract was issued by the Department of Public Works on December 3, 2020. Thus, not enough time has elapsed for an interim evaluation to be done for Halley. Per the Business Management Workforce System (BMWS), Maytin has been awarded at least two County construction contracts since 2018 (valued at \$2,819,466 and \$9,975), but no Contractor Evaluations appear in the CIIS. [Administrative Order No. 3-42](#) requires departments to evaluate firm performance on construction and architectural and engineering contracts, with a minimum of one project evaluation at the end of each project.

No Small Business Enterprise (SBE) goals were set for this contract due to insufficient SBE availability; however, Halley's subcontractors are certified SBEs. According to BMWS, as of February 5, 2021:

- Maytin is a certified SBE Construction firm with two open construction contracts.
- Eastern Rail Corp. is a certified SBE Goods & Services (G&S) firm that is currently a vendor under two existing G&S pools.

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**Item No. 3G
File No. 202560**

Researcher: MF / Reviewer: PGE

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND 305 CONSULTING ENGINEERS, LLC FOR CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS' INFRASTRUCTURE RENEWAL PROJECTS, CONTRACT NO. CIP193-DTPW18-CEI (1), IN AN AMOUNT NOT TO EXCEED \$5,500,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$500,000.00; AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR THE INFRASTRUCTURE RENEWAL PLAN AND THE METRORAIL ACOUSTICAL BARRIER REPLACEMENT PROJECTS WHICH WERE ADDED TO THE FIVE-YEAR IMPLEMENTATION PLAN ON MARCH 7, 2017 AND MARCH 6, 2018; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

Prime Sponsor(s): None

Requester: Transportation and Public Works (DTPW)

Committee Action Date: N/A

RESEARCH FINDINGS

OCA's due diligence review of the recommended contractor and sub-contractors yielded the following:

1. Recommended sub-consultant, A & P Consulting Transportation Engineers Corp., was sued in 2018 as part of the firm's involvement in the FIU bridge collapse for which the company was a co-defendant with more than 25 other firms. In a July 10, 2019 news article, The Miami Herald reported that A & P Consulting Transportation Engineers Corp. was one of six companies that had reached settlement agreements with the families of the six people who died and the eight injured in the March 15, 2018 incident.
<https://www.miamiherald.com/news/local/article232520567.html>

ADDITIONAL INFORMATION

OCA conducted a search of the recommended consultant and five sub-consultants in the Capital Improvements Information System on February 5, 2021 and found the following: Prime contractor 305 Consulting Engineers, LLC, Inc. has one evaluation on record with a score of 3.8 out of a maximum total of 4.0. Records also indicate that all five sub-consultants recommended for award have previously conducted business with the County. Sub-consultant A & P Consulting Transportation Engineers Corp. has 36 evaluations on record with an average score of 3.8. Sub-consultant Atkins North America, Inc. has 37 evaluations on record with an average score of 3.9. Sub-consultant Manuel G. Vera and Associates, Inc. has 3 evaluations on record with an average score of 3.1. Sub-consultant PMA Consultants, LLC has 3 evaluations on record with an average score of 3.6. Sub-consultant Professional Service Industries, Inc. has 88 evaluations on record with an average score of 3.8.

Resolution No. [R-828-19](#) establishes a policy for disclosure of past and present discrimination lawsuits in solicitation submissions. The Administration is directed to require that any respondent being considered for a competitive or non-competitive award disclose any lawsuit filed against it that contain allegations of discrimination and the disposition of such lawsuits for a period of 10 years prior to the date of the solicitation or non-competitive award recommendation.

As it pertains to additional legal actions, recommended sub-consultants Atkins North America, Inc. and Professional Service Industries, Inc. were found to be defendants in separate legal cases involving terminated employees. A lawsuit was filed January 29, 2021 against Atkins North America, Inc. in Los Angeles County Superior Court, alleging wrongful

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Researcher: MF / Reviewer: PGE

termination (Case No. 21ZSTCV03605). The complaint alleges the company violated the Labor Code by wrongfully terminating an employee and discriminating against him based on age. According to the latest information on the case, there is a case management conference scheduled for April 30, 2021. A lawsuit was filed June 12, 2020 against Professional Service Industries, Inc. in Orange County, California, Superior Court, alleging wrongful termination of an employee based on age discrimination (Case No. 30-2020-01148197-CU-WT-CJC). According to the latest information on the case, there is a mandatory conference scheduled for December 2022 and a jury trial scheduled for January 2023.

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**Item No. 3I
File No. 210102**

Research: VW / Reviewer: PGE

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND ZYSCOVICH, INC. FOR PROFESSIONAL SERVICES FOR TRANSIT AND PUBLIC WORKS PROJECTS, CONTRACT NO. CIP215-DTPW19-DE (7), IN AN AMOUNT NOT TO EXCEED \$5,500,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$500,000.00; AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR THE METRORAIL STATIONS REFURBISHMENT AND METRORAIL ESCALATORS REPLACEMENT AND ELEVATORS REFURBISHMENT PROJECTS WHICH WERE ADDED TO THE FIVE-YEAR IMPLEMENTATION PLAN ON MARCH 6, 2018; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

Prime Sponsor(s): None

Requester: Department of Transportation and Public Works

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

The fiscal impact for this professional services agreement (PSA) is \$5,500,000, which includes a contingency allowance amount of \$500,000. This project is funded as part of the FY20-21 Adopted Budget and Multi-Year Capital Plan. The funding source is People's Transportation Plan (PTP) Bond Program Funds.

ADDITIONAL INFORMATION

The Firm History Report attached to the item was prepared by the Division of Small Business Development in August 2020 and was not updated.

As required by [Resolution No. R-1204-05](#), which directs the County Mayor to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants, the mayoral memo indicates that according to the department's assessment the required professional services cannot be performed in-house due to the project size and specialized licensing requirements. However, there is no explanation of how such needs were met previously, as the scope of services includes routine and recurring work on existing or ongoing projects or infrastructure, such as roof and skylight replacement, installation or upgrade of signage, refinishing and modification of railings, re-roofing, landscape/hardscape improvements, drainage improvements, and floor refinishing/repairs. No previous contracts were found in the Business Management Workforce System (BMWS) or in the Capital Improvements Information System (CIIS) with the same or similar PSA description.

No Small Business Enterprise (SBE) goals were set for the overall professional services agreement, but individual work orders utilizing local funds will be reviewed for measures by the Division of Small Business Development. According to the PSA, Zyscovich, Inc. has identified the following sub-consultants for the project:

- Caltran Engineering Group, Inc.
- Nova Consulting, Inc.
- DDA Engineers, P.A.

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- NV5, Inc.
- EXP U.S. Services Inc.
- Olin Hydrographic Solutions Inc.
- GLSA Design, Inc.
- Program Controls, Inc.
- Kimley-Horn and Associates, Inc.

According to BMWS, as of February 6, 2021, of the nine sub-consultants identified for the project four are certified SBE firms:

- Caltran Engineering Group, Inc.
- Olin Hydrographic Solutions Inc.
- Program Controls, Inc.
- Kimley-Horn and Associates, Inc.

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**Item No. 3J
File No. 210105**

Research: TA / Reviewer: PGE

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND AECOM TECHNICAL SERVICES, INC. FOR PROFESSIONAL SERVICES FOR TRANSIT AND PUBLIC WORKS PROJECTS, CONTRACT NO. CIP215-DTPW19-DE (6), IN AN AMOUNT NOT TO EXCEED \$5,500,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$500,000.00; AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR THE METRORAIL STATIONS REFURBISHMENT AND METRORAIL ESCALATORS REPLACEMENT AND ELEVATORS REFURBISHMENT PROJECTS WHICH WERE ADDED TO THE FIVE-YEAR IMPLEMENTATION PLAN ON MARCH 6, 2018; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

Prime Sponsor(s): None

Requester: Department of Transportation and Public Works

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

The fiscal impact for this professional services agreement (PSA) is \$5,500,000, which includes a contingency allowance amount of \$500,000. This project is funded as part of the FY20-21 Adopted Budget and Multi-Year Capital Plan. The funding source is People's Transportation Plan (PTP) Bond Program Funds.

ADDITIONAL INFORMATION

The PSA agreement was signed by AECOM Technical Services, Inc. (AECOM) on September 28, 2020, but this item was not scheduled for Committee consideration until February 2021. The Firm History Report attached to the item was prepared by the Division of Small Business Development in September 2020 and was not updated. On October 20, 2020, AECOM was awarded a contract via [Resolution No. R-1117-20](#) valued at \$4,200,000.

As required by [Resolution No. R-1204-05](#), which directs the County Mayor to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants, the mayoral memo indicates that the department's assessment is that the required professional services cannot be performed in-house due to the project sizes and specialized licensing requirements. However, there is no explanation of how such needs were met previously, as the scope of services includes routine and recurring work on existing or ongoing projects or infrastructure, such as roof and skylight replacement, installation or upgrade of signage, refinishing and modification of railings, re-roofing, landscape/hardscape improvements, drainage improvements, and floor refinishing/repairs. No previous contracts were found in the Business Management Workforce System (BMWS) or in the Capital Improvements Information System (CIIS) with the same or similar PSA description.

No Small Business Enterprise (SBE) goals were set for this PSA, but individual work orders utilizing non-federal funds will be reviewed for small business measures by the Division of Small Business Development. According to BMWS, as of February 5, 2021, the following four subcontractors or sub-consultants of the eleven total are certified SBE firms:

- Creativision Media, Inc.

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File No. 210105**

Research: TA / Reviewer: PGE

- Curtis & Rogers Design Studio, Inc.
- Hammond & Associates, Inc.
- HBC Engineering Company

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).