



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

**COMMISSION AUDITOR'S  
INFORMATIONAL RESEARCH**

**TRANSPORTATION, MOBILITY AND PLANNING  
COMMITTEE**

**March 9, 2021**

**3:00 P.M.**

**Commission Chambers**

Yinka Majekodunmi, CPA  
Commission Auditor

Office of the Commission Auditor (OCA)  
111 N.W. First Street, Suite 1030  
Miami, FL 33128  
(305) 375-2524

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**TMPC Meeting:  
March 9, 2021  
Research Notes**

**Item No. 3L**  
**File No. 210268**

**Researcher: MF / Reviewer: PGE**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 BETWEEN MIAMI-DADE COUNTY AND CENTRAL PEDRAIL, JV FOR THE PROJECT ENTITLED PHASE 1 – THE UNDERLINE “THE BRICKELL BACKYARD” EXTENDING THE CONTRACT DURATION BY 176 CALENDAR DAYS

**Prime Sponsor:** None

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

**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.

**ADDITIONAL INFORMATION**

OCA reviewed the Capital Improvements Information System (CIIS) on March 5, 2021. The recommended firm has three evaluations on file. Bulleted below are the dates of each evaluation and the performance score average out of a maximum total score of 4.0.

- October 18, 2019 – score of 3.3
- February 18, 2020 – score of 3.0
- February 9, 2021 – score of 2.9 (according to records, the lower score is due to the firm's inability to meet project deadlines).

Pursuant to Resolution No. [R-1020-18](#), the County approved an agreement with Central Pedrail, JV for construction services for Phase I for a contracted amount of \$14,255,556 for a term of 548 days, with an estimated completion date of June 10, 2020; however, due to several circumstances, including the COVID-19 pandemic, completion of Phase I was delayed and an additional 176 calendar days are being requested under this item.

- According to the Finance Department's Vendor Payment Inquiry Application, between March 26, 2019 and December 24, 2020, the County has issued a total of \$12,580,148.51 in 20 separate checks to Central Pedrail, JV. This means that 88.2%, out of the total \$14,255,556 contract award amount, has been paid. As outlined in the mayor's memo, the funding sources derive from: City of Miami, Road Impact Fees, and Florida Department of Transportation.

The table below provides a summary of the contract awards per phase of the Underline project. Upon OCA's request, DTPW provided the status of each phase.

Phase	Award Date / Legislation	Amount	Contractor	Status
Phase I, 0.5 miles (Contractor Agreement)	<a href="#">R-1020-18</a> October 2, 2018	\$14,255,556	Central Pedrail, JV	First half-mile completed February 2021

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Phase II, 2.14 miles (Design-Build Services)	<a href="#">R-971-20</a> October 6, 2020	\$17,672,554.52, plus Supplemental Agreement No. 1 for \$1,487,718.92 = <hr/> \$19,160,273.44	Lead Engineering Contractors	Scheduled for completion mid- 2023
Phase III, 7.36 miles (FDOT Agreement)	<a href="#">R-265-18</a> March 20, 2018	\$5,000,000	N/A (Expected to go to procurement)	Expected completion April 2026
PSA for the segments	<a href="#">R-497-20</a> May 19, 2020	\$1,999,801.16	Kimley-Horn & Associates	Ongoing

The half-mile segment of Phase I (aka Brickell Backyard) of The Underline opened to the public on February 26, 2021 ([Forbes News Article](#)). The area stretches a half-mile from the Miami River along Southwest First Avenue to Southwest 13<sup>th</sup> Street and includes amenities such as a gym area, community stage, gaming tables and dining tables. Phase II of the project stretches 2.14 miles from Southwest 13<sup>th</sup> Street to Southwest 19<sup>th</sup> Avenue; Phase III stretches 7.3 miles from Southwest 19<sup>th</sup> Avenue to the Dadeland South Metrorail Station. According to The Underline webpage, ([www.theunderline.org](http://www.theunderline.org)), the project will open in phases. Once completed, the entire construction cost for the project is estimated at \$109,000,000.

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**Item No. 30  
File No. 210302**

**Researcher: TA / Reviewer: PGE**

RESOLUTION APPROVING AWARD OF THREE PROFESSIONAL SERVICE AGREEMENTS BETWEEN MARLIN ENGINEERING INC. AND MIAMI-DADE COUNTY, BETWEEN KIMLEY-HORN & ASSOCIATES INC. AND MIAMI-DADE COUNTY; AND BETWEEN BCC ENGINEERING LLC. AND MIAMI-DADE COUNTY FOR THE PROJECT ENTITLED PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES FOR DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS (PROJECT NO: E19-DTPW12; CONTRACT NO: 20190290, 20190309, AND 20190291) IN AN AMOUNT NOT TO EXCEED \$15,000,000.00 (\$5,000,000.00 PER AGREEMENT), INCLUSIVE OF THE CONTINGENCY ALLOWANCE; AND AUTHORIZING COUNTY MAJOR OR COUNTY MAYOR DESIGNEE TO EXECUTE THESE AGREEMENTS AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

**Prime Sponsor:** None

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

**Committee Action Date:** N/A

**RESEARCH FINDINGS**

OCA's review of the item found no substantive legislative, procedural or administrative noncompliance.

The following was noted:

1. The award recommendation does not make reference to the evaluation of in-house capabilities and expertise prior to contracting the services of outside consultants as required by Board resolution. (See the Additional Information section.)
2. The award recommendation does not include the contractor evaluation summary for the recommended firms as required by Board resolution (See the Additional Information section).

**FINANCIAL ANALYSIS**

The fiscal impact for the award of three Professional Services Agreements (PSAs) is \$15,000,000, with three consultants each being recommended for a \$5,000,000 contract. The contingency allowance will be determined on a project-by-project basis and is included in the total \$15,000,000 contract value.

**ADDITIONAL INFORMATION**

[Resolution No. R-1204-05](#) directs the Mayor to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants and report the results of such inquiry together with any recommendation to the Board for award of such contracts. The mayoral memo does not make reference to this evaluation being conducted, although the PSA (page 7 of the agreement, or page 19 of the agenda item) provides that DTPW, at its sole discretion, may elect to have any of the services provided by DTPW staff. This indicates that in-house staff may have the capability or capacity to do some portion of the work.

[Resolution No. R-421-16](#) directs the Mayor is attach to all design and/or construction awards of \$1,000,000 or greater a list of all contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor's work. This item does not include the performance record information. According to the Capital Improvements Information System (CIIS), as of March 4, 2021, the evaluation summary is as follows:

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Prime Consultant	Number of Evaluations	CIIS Evaluation Rating
Marlin Engineering, Inc.	8	3.5
Kimley-Horn and Associates, Inc.	33	3.7
BCC Engineering, LLC	13	3.5

All three consultants executed their respective PSAs in October 2020, but this item was not scheduled for Committee consideration until March 2021. The Firm History Reports included in the item were prepared by the Division of Small Business Development in October 2020 and have not been updated. According to the Business Management Workforce System (BMWS), as of March 4, 2021, the total value of contract awards to Kimley-Horn and Associates has increased by \$220,000 (from \$14,504,132 to \$14,724,132). The mayoral memo indicates that the Notice to Proceed is anticipated to be April 1, 2021, but this item is not scheduled for Board approval until April 20, 2021.

A Small Business Enterprise (SBE) Architectural and Engineering Services (A/E) goal of 19% was set for these PSAs; all three consultants are meeting the goal utilizing SBE sub-consultants. On March 4, 2021, the SBE certification status of the identified firms were verified. The proportion of non-certified vs. certified SBE firms on each of the teams is as follows:

Prime Consultant	Team Members		Proportion that is SBE Certified
	Non-Certified Firms	SBE Certified Firms	
Marlin Engineering, Inc.	8	11	58%
Kimley-Horn and Associates, Inc.	7	8	53%
BCC Engineering, LLC	3	9	75%

In addition to the lawsuits disclosed in its Due Diligence Affidavit, Kimley-Horn and Associates, Inc. is currently the subject of a lawsuit filed by Kwame K. Howard (*Howard v. Kimley-Horn & Associates, Inc.*, Case No. 1:20-CV-01666, U.S. District Court of Georgia; filed on April 17, 2020) for failure to provide an engineered grouting and monitoring plan. The Plaintiff sustained serious injuries when he lost control of his motorcycle at a bore under I-20 that was being filled by the Defendant. The Plaintiff is seeking not less than \$500 million in compensatory damages, expenses, fees and costs. The case is pending a jury trial, which has been delayed due to the pandemic until at least April 2021.

### **CONTRIBUTORS**

Phillip G. Edwards, Esq., Research Manager  
Tracie Auguste, M.P.A., Research Analyst  
Mireidy Fernandez, Ph.D., Research Analyst

### **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).