



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

**TRANSPORTATION, MOBILITY AND PLANNING
COMMITTEE**

April 13, 2021

12:00 P.M.

Commission Chambers

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Research Notes**

**Item No. 3A
File No. 210540**

Research: TA / Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01307 TO BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC. FOR THE PURCHASE OF METROMOVER COMPREHENSIVE WAYSIDE SYSTEM OVERHAUL FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS IN A TOTAL AMOUNT NOT TO EXCEED \$152,920,983.22, CONSISTING OF \$22,042,300.00 FROM A FEDERAL TRANSIT ADMINISTRATION GRANT AND \$130,878,683.22 FROM CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR A FOUR-YEAR TERM; 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 OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR A PORTION OF THIS PROJECT WHICH WAS ADDED TO THE FIVE-YEAR IMPLEMENTATION PLAN ON MARCH 06, 2018

Prime Sponsor: None

Requester: Internal Services Department (ISD)

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 contract award is \$152,920,983.22, which includes a base amount of \$146,620,983.22 and a 4.3% contract allowance of \$6,3000,000. The funding sources for the project are People's Transportation Plan (PTP) funds and Federal Transit Administration funds. The Citizen's Independent Transportation Trust (CITT) approved the item on March 25, 2021.

The mayoral memo indicates that only one proposal was received, and several non-responding firms provided a variety of reasons for why they did not submit a proposal. There is no reference as to whether the contracting department engaged the sole proposer in price negotiations in an attempt to achieve any savings, or if the \$2,000,000 credit was a result of such negotiation. When the solicitation for this project was being initiated, DTPW's estimate in February 2019 was \$116,310,573.00, which included a 10% contingency allowance of \$10,573,688.00. Thus, the proposed contract award of \$152,920,983.22 represents an approximately **31%** increase (or 30% with the \$2,000,000 deduction) over the original estimate.

The recommended vendor, Bombardier Transportation (Holdings) USA, Inc., included a provision in its Price Schedule (page 16 of the agenda item) that if the contract is approved by the CITT on or about March 25, 2021 and the contract is executed on or before May 21, 2021, a credit of \$2,000,000 will be applied to the Total Base Contract and applied to the Schedule of Values in accordance with Section 7.2.1 of the Special Provisions of the contract; such section was not attached to the agenda item. The credit represents approximately 1.36% of the base contract price. Assuming this item is approved favorably in the April Committee cycle and is adopted at the May 4, 2021 Board meeting (as currently scheduled for consideration), this deadline can be met, even accounting for the ten-day effective period.

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The Price Schedule includes a lump sum amount of \$1,287,972.51 for “Public Relations and Community Awareness”. There is no detail in the agenda item as to what this entails and what services the County requested under this line item. OCA’s review of the solicitation document found that this line item was added under “Other Costs” by the proposer and specifies that Media Relations Group (MRG), a Disadvantaged Business Enterprise (DBE)-certified, woman-owned public information company, will be utilized to assist with such outreach as follows (page 36 of the Technical Proposal):

- Develop a Community Awareness Plan (CAP), involving notification of key stakeholders, resolving controversial issues prior to construction, and establishing a process for achieving effective community awareness and public involvement.
- Prior to the start of construction, elected officials would be identified and briefed on the project per the County requests, including County Commissioners and City of Miami officials.
- Create a Project “hot line” for incoming inquiries, complaints, and concerns.
- Creation and maintenance of the Project Website.
- Pre-Construction Open House Public Information Workshop (in person or virtual).
- Determine which stakeholders will be temporarily impacted during construction and proactively work and coordinate with them.
- Construction Advisories and Informational materials throughout the project.
- Manage relations with the media.

ADDITIONAL INFORMATION

Bombardier Transportation (Holdings) USA, Inc., was a subsidiary of Bombardier, Inc., but was recently acquired by Alstom, a French multinational company in the rail transport industry and in the fields of passenger transportation, signaling, and locomotives. The acquisition was completed on January 28, 2021 and the [announcement](#) by Alstom characterized the merger as creating a global mobility leader employing over 75,000 employees in 70 countries, with combined proforma revenue of \$18.7 billion and a comprehensive product portfolio, R&D innovation capabilities, and extensive commercial reach. Bombardier’s [announcement](#) indicated that the sale of its rail business completed its repositioning as a business jet company. In 2020, the divestment of certain business lines was a strategy by Bombardier, Inc. to reduce its heavy debt load and improve its balance sheet, as rating agencies such as S&P Global ratings and Moody’s Investor Service changed its [outlook](#) to “negative” from “stable” when the company was trying to raise more than \$9 billion in U.S. debt.

Bombardier, Inc., based in Montreal, was one of the largest manufacturers of railway rolling stock in the world, including high-speed trains, subway cars, tramways and signaling systems, yet there had been ongoing issues regarding the company’s train unit financial stability. In fact, in [August 2020](#), “negative developments” around the train unit’s operations and finances impacted Alstom’s negotiations to buy the rail division. There have also been issues with the company’s rail cars. In the past year or so alone, high profile examples include:

1. In January 2020, [MTA New York City Transit](#) had to put 298 new subway cars out of service for inspection, due to problems with the door mechanism in two incidents and at least 16 [other](#) incidents. In [June 2020](#), the trains had to be pulled from service again after unexpected uncoupling of trains.
2. In March 2020, an 8 mile monorail in [São Paulo, Brazil](#) had to remain out of operation for a period of time so that Bombardier could investigate problems, such as a tire bursting.

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3. In December 2020, [Bay Area Rapid Transit](#) decided to temporarily stop accepting new rail cars to give Bombardier time to resolve reliability issues. The new cars received were routinely stopping while in service and stay stalled until the operator reboots the system. There were additionally issues with the wheels, in that they developed flat spots and had to be removed to be re-surfaced. Maintenance issues were also experienced in 2018.
4. It was reported in November 2019 that [Swiss Federal Railways](#) was awaiting deliveries of double-decker express trains ordered as early as 2013, but they were not expected to be delivered until summer 2021, due to technical problems with the trains.

Article 23: Work Day and Hours (page 26 of the agenda item) of the contract identifies 11 County-observed holidays. The listing does not include Juneteenth that was designated in October 2020 as a paid County holiday to be observed on June 19 of each year via [Resolution No. R-1124-20](#).

No Small Business Enterprise (SBE) goals were applied to this project due to the federal funding. A race-conscious DBE Goal of 18% was applied. The subcontractors meeting the DBE goal were not identified in the item and not available by publishing time for OCA to review.

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**Item No. 3F
File No. 210305**

Researcher: MF / Reviewer: PGE

RESOLUTION AUTHORIZING AMENDMENT TO THE CONSTRUCTION AGREEMENT APPROVED UNDER RESOLUTION NO. R-454-18 TO INCREASE THE CONTRACT IN THE AMOUNT OF \$14,554.00 FOR A TOTAL REVISED CONTRACT AMOUNT OF \$302,481.00 AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPROVE EXPENDITURES UP TO THE NEW AMOUNT, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

Prime Sponsor: None

Requester: 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.

FINANCIAL ANALYSIS

The previous amount between the County and CSX Transportation, Inc was approved under Resolution No. [R-454-18](#). The proposed increase under this item for replacement of the railroad crossing surface at SW 112 Street in the vicinity of SW 108 Court is for an additional \$14,554, which represents a 5% contract increase.

According to the Business Management Workforce System, the only other active contract for CSX Transportation, Inc. was approved through Resolution No. [R-661-20](#) for a one-year period from August 5, 2020 to August 5, 2021 in the amount of \$436,037 for the replacement of a railroad crossing surface at North Waterway Drive in the vicinity of SW 72 Avenue.

ADDITIONAL INFORMATION

CSX Transportation, Inc. has had seven Occupational Safety and Health Administration (OSHA) cases in various states from 2016 through 2020 – all of which are now closed. Of those complaints, three had corresponding fines totaling \$44,117. A full list of the respective OSHA issues may be accessed [here](#).

According to a [news article](#) from October 2020, CSX Transportation, Inc. was the subject of a whistleblower complaint through OSHA, which ordered for the company to reinstate and pay more than \$95,000 in back wages to a terminated employee who had reported unsafe work conditions resulting in injury.

Additionally, the mayoral memo does not indicate the detailed reasons why these coordination and engineering services were not forecasted when the initial award was established.

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Item No. 31
File No. 210629

Researcher: VW / Reviewer: PGE

RESOLUTION APPROVING THE USE OF UP TO \$490,000.00 IN CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THE PROJECT ENTITLED PUSH - BUTTON CONTRACT FOR TRAFFIC SIGNAL IMPROVEMENTS - SOUTH AWARDED UNDER THE MISCELLANEOUS CONSTRUCTION CONTRACT 7040 PLAN FOR THIS PROJECT WHICH WAS PART OF THE ORIGINAL PEOPLE'S TRANSPORTATION PLAN

Prime Sponsor: None

Requester: Transportation and Public Works (DTPW)

Committee Action Date: N/A

RESEARCH FINDINGS

1. An April 10, 2021 search of AUM Construction, Inc. on the Capital Improvements Information System (CIIS) lists 37 performance evaluations with an average evaluation score of 2.6. Six of the 37 performance evaluations listed had a score less than 2.
2. AUM Construction Inc. is currently involved in a lawsuit, *Michael L Peverill Plaintiff v. Aum Construction Inc Defendant* (CACE19-012131) filed in the 17th Judicial Circuit, Broward County against the firm on June 12, 2019 where the plaintiff claims that negligence on the part of the firm in a construction project involving lighting retrofits led to the plaintiff incurring bodily injury. The case status is pending.

FINANCIAL ANALYSIS

The [original People's Transportation Plan \(PTP\)](#) included \$476 million for public works projects. The PTP funds to be provided to the Transportation and Public Works Department were for major highway and road improvements totaling \$309 million and for neighborhood improvements totaling \$167 million. According to the [Five-Year Implementation Plan of the People's Transportation Plan](#) (Fiscal Years 2020-2025), \$91,425,000 were originally allocated for the Neighborhood Improvements Program (Capital Budget Project# 2000000535) with an estimated PTP balance of \$9,557,000. The item under consideration proposes to use \$490,000 in PTP funds allocated for the Neighborhood Improvements Program to fund roadway improvement projects in the Push-Button Contract for Traffic Signal Improvements - South (RPQ No. 20200150, MCC 7040 Plan).

ADDITIONAL INFORMATION

On July 29, 2020, DTPW issued a recommendation for award to AUM Construction, Inc for the Push-Button Contract for Traffic Signal Improvements - South (RPQ No. 20200150, MCC 7040 Plan). An April 10, 2021 search of AUM Construction, Inc. on the Capital Improvements Information System (CIIS) lists 37 performance evaluations with an average evaluation score of 2.6. Six of the 37 performance evaluations listed had a score less than 2. The lowest performance evaluation score received by the firm was a score of 1.2 on June 19, 2018 for a project entitled "Safe Route to School Phase # 13". The project was for contract MT 20160349 in an amount of \$371,173 for DTPW. The project Scored a 1 out of 4 in the following categories: schedule, cooperation, coordination, completeness, responsiveness, commitment, personnel, and management.

On December 19, 2017, the Board adopted [Resolution No. R-1243-17](#) which approved the use of Charter County Transportation Surtax funds in the amount of \$1,272,957.44 to AUM Construction, Inc. for the Contract for Traffic Signal Improvements - North (RPQ No. 20160055, MCC 7040 Plan) and \$1,239,092 to AUM Construction, Inc. for the Contract for Traffic Signal Improvements - South (RPQ No. 20160056, MCC 7040 Plan). On June 18, 2019 the Board adopted [Resolution No. R-679-19](#) which approved the use of Charter County Transportation Surtax funds in the

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File No. 210629**

Researcher: VW / Reviewer: PGE

amount of \$3,389,130.79 to AUM Construction, Inc. for the Push-Button Contract for Traffic Signal Improvements – North (RPQ No. 20180074, MCC 7040 Plan) and \$3,307,233.82 to AUM Construction, Inc. for the Contract for Push-Button Contract for Traffic Signal Improvements - South (RPQ No. 20180075, MCC 7040 Plan).

The firm recommended for award of the contract, AUM Construction Inc., is currently involved in a lawsuit which was filed against the firm on June 12, 2019 in the 17th Judicial Circuit, Broward County by the plaintiff, Mr. Peverill. The complaint alleges that AUM Construction Inc. removed portions of a sidewalk in contravention of standards governing road construction and maintenance in Florida during a lighting retrofit construction project which led to plaintiff being injured while crashing his scooter on the missing section of the sidewalk. The case status is pending.

According to the Occupational Safety and Health Administration ([OSHA](#)) website, as of April 12, 2021, AUM Construction, Inc. was cited on March 21, 2016 for a “serious” type violation with a penalty of \$1,360. The violation was closed on November 17, 2016.

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**Item No. 3J
File No. 210632**

Research: TA / Reviewer: PGE

RESOLUTION APPROVING CONTRACT AWARD TO HORIZON CONTRACTORS, INC. IN THE AMOUNT OF \$4,960,268.70, FOR PROJECT ENTITLED ROADWAY IMPROVEMENTS TO NW 97 AVENUE FROM NW 58 STREET TO NW 70 STREET AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE THE 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 include a listing of previous contracts in the past three years for the recommended firm as required by Board resolution (See the Additional Information section).
2. The award recommendation does not include a description of the due diligence conducted, including a safety record review, to determine contractor responsibility as required by Board resolution. (See the Additional Information section.)

FINANCIAL ANALYSIS

The fiscal impact for this construction contract award is \$4,960,268.70, which includes a base amount of \$4,452,517, a 10% contingency allowance amount of \$445,251.70, and other allowances totaling \$62,500. This project is funded as part of the FY20-21 Adopted Budget and Multi-Year Capital Plan. The funding source is Road Impact Fees (RIF) District 1.

The three lowest responsive and responsible bids received for this project were 18%, 15%, and 13% lower than the department's in-house cost estimate. The mayoral memo does not specify what accounts for the difference, such as if the County's estimate assumed higher labor rates and/or materials and supplies costs. It also does not disclose whether the County and its design consultant met with the recommended contractor to review its bid, as is often done when bids come in much lower than the County's estimate.

ADDITIONAL INFORMATION

[Resolution No. R-421-16](#) directs the Mayor to 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 required listing of contracts (i.e., the "Firm History Report" generated by SBD). The mayoral memo makes conflicting references to Horizon Contractors, Inc. being awarded nine construction contracts according to the Capital Improvements Information System (CIIS) on page 4 of the agenda item and, again according to the CIIS, being awarded one contract in the last five years on page 5 of the agenda item. OCA's review of the CIIS on April 8, 2021 found 11 awarded contracts from 2009 and earlier. According to the Business Management Workforce System (BMWS), the actual amount awarded between March 31, 2018 and March 31, 2021 (the previous three years) is one contract totaling \$7,292,647 (see Graphic 1).

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Graphic 1: Current Contracts Awarded to Horizon Contractors, Inc.

Contracts as Prime Contractor

Actions	Contract Number & Title	Prime Contact	Status	Dates	Award Amount	Paid Amount
View	20180064: RDWAY IMP SW 137 AVE FROM HEFT TO US1	Jose Sanchez		4/9/2019 to 2/3/2021	\$7,292,647	\$4,242,056
Number of contracts as prime: 1					\$7,292,647	\$4,242,056

Source: BMWS, 4/8/21

[Resolution No. R-187-12](#) directs the Mayor to include with any award recommendation a description of the due diligence investigation performed to determine the Contractor's responsibility. As a part of the due diligence, the safety record of the recommended contractors and subcontractors must also be considered pursuant to [Resolution No. R-1181-18](#). This item does not specify the due diligence conducted by DTPW, to include verifying corporate status and performance and compliance data. OCA's due diligence revealed that according to the *Compliance Report of Open and Closed Small Business, Wage and/or Workforce Violations in the last three (3) years as of Apr 8, 2021* from the Small Business Development (SBD) website, the recommended contractor, Horizon Contractors, Inc., had an open Responsible Wages violation. The violation in the amount of \$1,202.29 was issued on December 4, 2020 related to an Aviation contract (MDAD-P256E) for underpayment of an employee. Pursuant to [Section 2-11.16 of the County Code](#) pertaining to County Construction Contracts (Responsible Wages), prior to any future award, the firm must pay employees the wages due and provide proof of payment to SBD. On April 9, 2021, SBD confirmed that documentation was sent to them on January 28, 2021, but it had not been processed yet, and the violation would be rescinded because the contractor had inaccurately reported the payroll and benefits, but had in fact paid the employee correctly. As of April 12, 2021, the wages violation still shows as open on the SBD website (enclosed).

The mayoral memo states that Horizon Contractors, Inc.'s average evaluation rating is 3.0 out of a possible 4.0 points based on a total of six evaluations. OCA's verification of the ratings in the Capital Improvements Information System (CIIS) found that there are actually only 5 evaluations for this contractor, but the 3.0 average rating still applies. OCA notified SBD, who manages CIIS, that another contractor's evaluation was incorrectly attributed to Horizon Contractors, Inc.'s evaluation summary report. Horizon's last two ratings were below 3.0:

1. MCC Contract PW20060399 (DTPW - \$1,000,000 award amount): Overall rating of 2.6 – ratings of “2” for cooperation, responsiveness, commitment, and personnel. (8/22/14)
2. Project 20070616 (PTP Roadway Improvements along SW 136 Street, from SW 152 Avenue to SW 139 Court, located within Commission District 11 – DTPW - \$5,423,112.89 award amount): Overall rating of 2.5 – ratings of “2” for schedule, cost effectiveness/efficiency, accuracy and technical skills, responsiveness, and quality. (11/4/10)

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No evaluations have been done for this firm since August 2014, despite having been awarded, as shown in Graphic 1, a contract with the term April 9, 2019 to February 3, 2021. As contained in the first Whereas clause of [Resolution No. R-421-16](#), the quality of a contractor's past work for the County is an important factor in determining whether a contractor should be awarded a County contract. [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.

The mayoral memo states that the bid opening date was October 7, 2020. It should be noted that the bid bond expired on March 28, 2021 and the bid was valid until April 5, 2021. A bid bond is typically required for bidding on County construction projects. According to [The Balance Small Business](#), a bid bond is a guarantee provided by the bidder to ensure that if the bidder fails to honor the terms of the bid, the owner or developer will be compensated. It also helps prevent contractors from submitting frivolous or inappropriately low bids to win a contract.

The estimated Notice to Proceed (NTP) date is April 5, 2021; however, due to this item likely being scheduled for consideration by the Board in May 2021 upon a favorable recommendation in the April Committee cycle, it will be a later NTP date.

It is not clear why the mayoral memo states that the number of bid packages issued was 10, while the number of bids received was 20. The bid detail and tabulation and the construction contract were not included in the agenda item and were not available at the time of publishing for OCA's review.

A Small Business Enterprise (SBE) Construction (Con) goal of 15% and a SBE Services (S) goal of 1.62% were set for this contract. The Prime contractor is meeting the goal utilizing subcontractors per SBD's Compliance Review dated October 28, 2020. On April 8, 2021, OCA verified the SBE certification status of the identified firms and that none of the firms had open small business program or wage violations within the past three years or adverse safety records.



HORIZON CONTRACTORS, INC.

2-11.16, Responsible Wages and Benefits for Construction Services - (1) A fourth underpayment violation shall constitute a default of the subject contract and may be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. (2) A contractor with unpaid wages or penalties shall not be deemed responsible to perform subsequent County construction contracts and shall be ineligible to be awarded such contracts for so long as the identified underpayment or any penalties imposed therefor remain outstanding, not to exceed three years.

ID #	Date of Violation	Project Number	Dept	Underpayment Amount Identified	Underpayment Amount Recovered	SBE Goal Deficit Makeup Amount	SBE Goal Deficit Makeup Balance	Unpaid Penalty	Violation Reason	Violation Status	Closed Date
3772	12/04/2020	MDAD-P256E	AV	\$1,202.29				\$0.00	Underpayment of Employee	Open	
2-11.16 - Summary				\$1,202.29				\$0.00			

NOTICE TO CONTRACTING DEPARTMENTS AND THE PUBLIC HEALTH TRUST:

The following checked items must be addressed by the subject firm before the issuance of a new award, as a prime or subcontractor:

<input type="checkbox"/>	Unpaid Penalty	This firm has an unpaid penalty. Prior to any future award, the firm must submit a check made payable to Miami-Dade County in the amount of unpaid penalty to the Small Business Development Division of the Internal Services Department.
<input type="checkbox"/>	Small Business Enterprise Make-up Plan	This firm has an open Small Business Enterprise Goal Deficit Makeup balance and is required to submit an SBE Makeup Plan for any bid/proposal via the Business Management Workforce System addressing all portions of its makeup balance. This requirement does not apply to contracts with a 100% Set-aside measure.
<input checked="" type="checkbox"/>	Unpaid Wages	This firm has wages due to its employees. Prior to any future award, the firm must pay employees the wages due and provide proof of payment to the Small Business Development Division of the Internal Services Department.

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**Item No. 3K
File No. 210634**

Researcher: MF / Reviewer: PGE

RESOLUTION APPROVING A CONTRACT AWARD FOR PROFESSIONAL SERVICES AGREEMENTS WITH 11 CONSULTING FIRMS TO PROVIDE MATERIALS TESTING, CONSULTING AND TRAINING SERVICES (PROJECT NO.E19-DTPW-07; CONTRACT NO. 20190202) AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENTS AND EXERCISE ALL PROVISIONS CONTAINED THEREIN ON BEHALF OF MIAMI-DADE COUNTY AND AUTHORIZING THE USE OF VARIOUS FUNDING SOURCES INCLUDING CHARTER COUNTY TRANSPORTATION SURTAX FOR THOSE PROJECTS IDENTIFIED IN THE ORIGINAL EXHIBIT 1 OF THE PEOPLE'S TRANSPORTATION PLAN AND PROJECTS IDENTIFIED IN THE FIVE-YEAR IMPLEMENTATION PLAN OF THE PEOPLE'S TRANSPORTATION PLAN ADOPTED JANUARY 22, 2020 AND BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDS

Prime Sponsor: None

Requester: Transportation and Public Works (DTPW)

Committee Action Date: N/A

RESEARCH FINDINGS

OCA's review of the item yielded the following finding:

1. It is unclear from the mayoral memo what the planned projects are under this item.

FINANCIAL ANALYSIS

The table below depicts the firms under this contract that have a previous history with the County as shown in the Business Management Workforce System (BMWS), including contract title, term, status and value. The vendors, as shown in BMWS, may be prime, sub-consultants, or sub-contractors in each of the contracts shown.

PSA FOR CONTRACT NO. 20190202				
Vendor	Contract Title	Term	Status	Value
Airquest Environmental Inc.	Asbestos, Survey West Transfer Station	12/4/2020 – 12/4/2025	Active	\$1,645
	Asbestos Training – New Direction	11/15/2019 – 11/15/2024	Active	\$5,000
	Multiple Parks Asbestos Testing	10/19/2020 – 10/19/2025	Active	\$200,000
	Design Building for Bridge Replacement at N. Miami Ave. over Little River Canal	9/28/2017 – 2/12/2021	Active	\$2,925,350
Vendor	Contract Title	Term	Status	Value
Apex Companies, LLC	Asbestos Survey at Various DSWM locations	1/26/2021 – 1/26/2026	Active	\$25,000

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Researcher: MF / Reviewer: PGE

	Site Preparation and Storm Water Master Plan	3/8/2021 – 3/8/2026	Active	\$500,000
Vendor	Contract Title	Term	Status	Value
ATC Group Services, LLC	Asbestos Testing and Project Monitoring	4/17/2020 – 4/17/2025	Active	\$200,000
Vendor	Contract Title	Term	Status	Value
EBS Engineering, Inc.	Continuous Professional Services for Federally Funded Projects	2/7/2017 – 2/6/2022	Active	\$1,650,000
	PSA for Engineering Services for DTPW	3/7/2017 – 3/6/2022	Active	\$20,130,000
Vendor	Contract Title	Term	Status	Value
GLE Associates, Inc.	Multiple Asbestos Survey, Testing and Monitoring Services	7/13/2020 – 7/13/2025	Active	\$100,000
Vendor	Contract Title	Term	Status	Value
NV5 Inc. (KACO)	Road Canal Geotechnical Engineering Services	3/7/2018 – 3/7/2023	Active	\$52,000
	Geotechnical Services for Various DTPW Projects	5/29/2020 – 5/29/2025	Active	\$54,060
	Geotechnical Testing: Various Sites	4/16/2020 – 4/16/2025	Active	\$7,736
	MDFR Roof Asbestos Testing	3/6/2020 – 3/6/2025	Active	\$28,000
	Continuous Professional Services for Federally Funded Projects	2/7/2017 – 2/6/2022	Active	\$1,650,000
	Cruise Terminal F Expansion	8/27/2020 – 10/31/2022	Active	\$120,751,934.94
Vendor	Contract Title	Term	Status	Value
Terracon Consultants Inc.	Truck Wash Roof Repairs	2/17/2021 – 2/17/2026	Active	\$21,000

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	Assessment – Coconut Grove Library Roof	9/18/2018 – 9/18/2023	Active	\$61,110
	FEMA Roof Repairs, Multiple Sites	3/25/2019 – 3/25/2024	Active	\$117,345
	ITD – 3 rd Floor Asbestos Survey	5/29/2020 – 5/29/2025	Active	\$2,894
	Replacement at Island Blvd.	7/14/2020 – 7/14/2025	Active	\$71,702
	Roof Replacement – Design and Engineering Services	3/10/2020 – 3/10/2025	Active	\$200,000
	Soil Foundations and Material Testing	3/30/2021 – 3/30/2026	Active	\$87,906
	Continuous Professional Services for Federally Funded Projects	2/7/2017 – 2/6/2022	Active	\$1,650,000
	NE 10 Ave. Bridge Replacement	8/27/2019 – 8/27/2024	Active	\$302,000
	PSA for Engineering Services for Miami-Dade Co.	3/7/2017 – 3/6/2022	Active	\$21,780,000
Vendor	Contract Title	Term	Status	Value
Wood Environment & Infrastructure Solutions, Inc.	Constructions Inspection Services	1/3/2018 – 1/3/2023	Active	\$200,000
	Environmental Cleanup, Compliance and Related Services	12/6/2016 – 12/20/2021	Active	\$3,300,000
	North Dade Landfill Stormwater Assessment	10/4/2018 – 10/4/2023	Active	\$65,000
	Special Inspector for African Heritage Cultural Arts Center	10/29/2020 – 10/29/2025	Active	\$15,000
	MIA Taxi Lot Replacement	1/27/2021 – 1/27/2026	Active	\$400,000
	PSA for Engineering for DTPW	3/7/2017 – 3/6/2022	Active	\$18,590,000

**TMPC Meeting:
April 13, 2021
Research Notes**

**Item No. 3K
File No. 210634**

Researcher: MF / Reviewer: PGE

	Stormwater Sampling & Monitoring	9/23/2020 – 9/23/2024	Active	\$1,102,750
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ADDITIONAL INFORMATION

Pursuant to Resolution No. [R-63-14](#), due diligence shall be conducted by the County with respect to the responsibility of potential vendors and contractors including viewing the contractual history and background of the entities the County intends to contract with. Such history and background was not included in the mayoral memo for this item.

OCA's review of the item yielded information pertaining to two of the recommended 11 firms, pursuant to Resolution No. [R-818-19](#), which requires for the bidder or proposer to provide disclosure of discrimination lawsuits and in competitive and non-competitive solicitation documents the disclosure of lawsuits to include allegations of discrimination and their disposition for a 10-year period.

1. [NV5 Inc. \(KACO\)](#) and [Professional Services Industries, Inc.](#) – both companies are co-defendants in a negligence lawsuit filed March 30, 2021 (*Aspen Specialty Insurance Company v. Marker Group LLC et al*, Case No. CACE21006534) in the 17th Judicial Circuit Court, Broward County. The complaint alleges that the defendant(s) negligently operated and maintained construction equipment which contributed in part of full to a wall collapse causing damages to the plaintiff. As of April 9, 2021, there is no additional case docket information pertaining to case status.
2. [Professional Services Industries, Inc.](#) – the company is also a defendant in a lawsuit filed September 2, 2020 (*Manuel Rivera v. Professional Service Industries, Inc. et al*, Case No. 8:20-CV-01668) in the U.S. District Court, Central District of California (Santa Ana). The complaint alleges the defendant discriminated against the plaintiff based on age by creating a hostile work environment, failing to provide reasonable accommodation, and retaliating by terminating the plaintiff. As of April 9, 2021, the case docket reflects there is a pre-trial conference set for January 21, 2022 and a jury trial set for February 7, 2022.

[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 report the results of this evaluation. A review of the Capital Improvements Information System (CIIS) showed the following in terms of the number of evaluations on file for each firm and the average score of out a maximum total score of 4.0:

- Airquest Environmental Inc. – 0 evaluations
- Apex Companies LLC – 0 evaluations
- ATC Group Services LLC – 8 evaluations; average score 3.5
- EBS Engineering Inc. – 11 evaluations; average score 3.4
- GFA International Inc. – 3 evaluations; average score 3.3
- GLE Associates Inc. – 9 evaluations; average score 3.4
- NV5 Inc. (KACO) – 1 evaluation; score 3.7
- Preemptive Strike Environmental Inspections LLC – 0 evaluations
- Professional Services Industries Inc. – 0 evaluations
- Terracon Consultants Inc. – 44 evaluations; average score 3.7
- Wood Environment & Infrastructure Solutions Inc. – 81 evaluations; average score 3.8

**TMPC Meeting:
April 13, 2021
Research Notes**

**Item No. 3L
File No. 210646**

Research: JNF / Reviewer: PGE

RESOLUTION APPROVING CONTRACT AWARD TO H & R PAVING, INC. IN THE AMOUNT OF \$10,560,948.94, FOR PROJECT ENTITLED ROADWAY IMPROVEMENTS TO NW 58 STREET FROM NW 97 AVENUE TO NW 79 AVENUE AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE THE PROVISIONS CONTAINED THEREIN

Prime Sponsor(s): None

Requester: Transportation and Public Works

Committee Action Date: N/A

RESEARCH FINDINGS

OCA's review of the item produced the following findings:

- 1) H & R Paving has a total of 11 Occupational Safety and Health Administration (OSHA) [violations](#) from December 27, 2012 and February 25, 2015, including three serious violations and two repeat violations, resulting in \$18,550 in cumulative penalties.
- 2) 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.

FINANCIAL ANALYSIS

This contract in the amount of \$10,560,948.94 includes a base contract amount of \$9,520,408.13, a 10% construction contingency allowance (\$952,040.81), \$50,000 off-duty law enforcement office allowance, \$34,000 bituminous material adjustment allowance, \$2,000 permit allowance and a \$2,500 FPL connection allowance.

The awardee's base estimate was 23% below the County's cost estimate. It is unknown what accounts for this and whether a responsibility meeting was held to confirm whether the awardee would be able to perform the scope of work required without the need for future change orders.

The funding source is Road Impact Fees, District 1.

ADDITIONAL INFORMATION

Resolution No. [R-187-12](#), adopted February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending award of contracts exceeding \$1,000,000. Such information is absent from the Mayoral Memorandum. OCA's due diligence of the vendor being recommended for award revealed that H & R Paving is a defendant in an ongoing lawsuit, *Carrie Kessler v. Parcel DI Property, LLC et al* (Case No. 2020-009649-CA-01) filed on May 4, 2020 in the 11th Judicial Circuit, Miami-Dade County), wherein H & R Paving, Inc. allegedly 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. A motion calendar hearing is scheduled for May 6, 2021.

The contract measures assigned to this award are SBE-Con at 14.32% and SBE – Services at .11%. While the Mayoral Memorandum lists the subcontractors (Highway Striping, Inc., S.S.L. Corp., Quality Paving Corp.), it does not set forth how the contract measures will be met.

**TMPC Meeting:
April 13, 2021
Research Notes**

**Item No. 3L
File No. 210646**

Research: JNF / Reviewer: PGE

H & R has been awarded 105 County projects at award amounts totaling \$159,840,109. H & R Paving has 223 evaluations in the Capital Improvements Information System, with an average 3.2 rating 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.

The contract term is 730 days (2 years) with a 73-day contingency period. The Notice to Proceed for this project is estimated to be April 12, 2021, yet this item is not scheduled for Board consideration until May 4, 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).