



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

BOARD OF COUNTY COMMISSIONERS MEETING

April 20, 2021

9:30 A.M.

Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor

Office of the Commission Auditor (OCA)
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Research Notes**

**Item No. 3A1
File No. 210805**

Research: CB / Reviewer: PGE

RESOLUTION APPROVING THE CITY OF HIALEAH CODESIGNATION OF THAT PORTION OF WEST 18TH LANE DRIVE FROM WEST 18TH LANE TO WEST 84TH STREET AS “DR. JORGE AND CARLOS VALLEJO WAY”

Prime Sponsor: Chairman Jose “Pepe” Diaz, District 12
Requester: None
Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background check on “Dr. Jorge Vallejo” and “Carlos Vallejo” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Dr. Jorge Vallejo” and “Carlos Vallejo.” Pursuant to Ordinance No. 19-11, OCA verified that “Dr. Jorge Vallejo” and “Carlos Vallejo” are deceased. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 210805.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

Bulleted below is the relevant legislation relating to the background research process:

- [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.
- [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.
- [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.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 3A2
File No. 210670**

Research: CB / Reviewer: PGE

RESOLUTION APPROVING THE CITY OF NORTH MIAMI CODESIGNATION OF THAT PORTION OF NE 126TH STREET FROM NE 8TH AVENUE TO NE 9TH AVENUE AS “DR. GILBERT LEUNG WAY”

Prime Sponsor: Commissioner Jean Monestime, District 2

Requester: None

Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background check on “Dr. Gilbert Leung” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Dr. Gilbert Leung.” Pursuant to Ordinance No. 19-11, OCA verified that “Dr. Gilbert Leung” is living. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 210670.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

Bulleted below is the relevant legislation relating to the background research process:

- [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.
- [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.
- [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.

**BCC Meeting:
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Research Notes**

**Item No. 3A3
File No. 210746**

Research: CB / Reviewer: PGE

RESOLUTION APPROVING THE CITY OF SOUTH MIAMI'S CODESIGNATION OF A PORTION OF SW 64TH COURT FROM SW 70TH STREET TO MANOR LANE AS "BICYCLE BOB WELSH COURT"

Prime Sponsor: Commissioner Raquel A. Regalado, District 7

Requester: None

Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background check on "Robert C. Welsh" and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for "Robert C. Welsh." Pursuant to Ordinance No. 19-11, OCA verified that "Robert C. Welsh" is deceased. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 210746.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

Bulleted below is the relevant legislation relating to the background research process:

- [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.
- [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.
- [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.

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**Item No. 3A4
File No. 210749**

Research: CB / Reviewer: PGE

RESOLUTION APPROVING THE STATE ROAD CODESIGNATION OF U.S. 41/S.W. 8TH STREET BETWEEN S.W. 82ND AVENUE AND S.R. 973/87TH AVENUE AS THE “MANUEL H. ‘MANNY’ PIEDRA MEMORIAL HIGHWAY”

Prime Sponsor: Senator Javier D. Souto, District 10
Requester: None
Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background check on “Manuel H. Piedra” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Manuel H. Piedra.” Pursuant to Ordinance No. 19-11, OCA verified that “Manuel H. Piedra” is deceased. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 210749.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

Bulleted below is the relevant legislation relating to the background research process:

- [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.
- [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.
- [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.

**BCC Meeting:
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Research Notes**

**Item No. 5A Substitute
File No. 210887**

Research: JNF/MF/VW / Reviewer: PGE

ORDINANCE RELATING TO CERTAIN OFFICES THAT REPORT TO THE BOARD OF COUNTY COMMISSIONERS; AMENDING PROVISIONS OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE CHAIRPERSON OF THE BOARD SHALL HAVE RESPONSIBILITY FOR FISCAL REVIEW AND MANAGERIAL AND OPERATIONAL OVERSIGHT OF SUCH OFFICES; REVISING AND ESTABLISHING MANNER OF SELECTION AND REMOVAL OF DIRECTORS OF CERTAIN SUCH OFFICES; REQUIRING SUCH OFFICES TO RESPOND TO INQUIRIES BY THE CHAIRPERSON; TRANSFERRING THE MILITARY AFFAIRS BOARD FROM UNDER THE PURVIEW OF THE COUNTY MAYOR TO THE CHAIRPERSON; ELIMINATING CERTAIN RESPONSIBILITIES OF COUNTY MAYOR WITH RESPECT TO SUCH OFFICES; TRANSFERRING CERTAIN RESPONSIBILITIES OF COUNTY MAYOR WITH RESPECT TO SUCH OFFICES TO THE CHAIRPERSON; ELIMINATING CERTAIN OBSOLETE REFERENCES TO COUNTY MANAGER IN VARIOUS PROVISIONS OF THE CODE RELATING TO SUCH OFFICES; CREATING ARTICLES CLXV AND CLXVI OF CHAPTER 2 OF THE CODE; CODIFYING PROVISIONS RELATING TO CERTAIN OFFICES THAT REPORT TO THE BOARD; MAKING CONFORMING AND TECHNICAL CHANGES; AMENDING SECTION 2-1 OF THE CODE; REVISING DUTIES OF THE CHAIRPERSON IN THE BOARD'S RULES OF PROCEDURE; APPROVING AND ADOPTING FISCAL YEAR 2020-21 MID-YEAR SUPPLEMENTAL BUDGET ADJUSTMENTS AND AMENDMENTS; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 210574]

Prime Sponsor: Jose "Pepe" Diaz, District 12

Requester: N/A

Committee Action Date: N/A

ANALYSIS

The proposed ordinance is a substitute to the original item – [File No. 210574](#) – which was adopted on first reading at the March 16, 2021 meeting of the Board of County Commissioners (BCC). A series of sunshine meetings were held between the sponsor, Chairman Diaz, and other members of the County Commission, requesting clarification on the proposed amendments, ultimately resulting in this substitute item. The proposed ordinance seeks to implement changes to provisions of Chapter 2 of the County Code related to offices that report to the BCC. Generally, the changes provide for restructuring reporting relationships for these offices, prescribing that the Chairperson of the Board (Chair) is to have responsibility for fiscal review and managerial and operational oversight. Language codifying the Chair's existing authority to impose appropriate disciplinary action on directors, up to and including dismissal, is included for each of the offices reporting to the BCC, with the exception of the Office of the Commission Auditor, an entity created by a voter-approved County Charter Amendment. Additionally, the Military Affairs Board is transferred from the Mayor's purview to that of the Chair.

The proposed ordinance removes language stating that the Mayor is the official spokesperson on behalf of the County for federal and state legislative issues that have been adopted by resolution and/or included in the legislative packages approved by the BCC, and instead adds that the Chair shall be the official spokesperson on behalf of the County Commission for Board-approved federal and state legislative issues. Added language clarifies that neither the Mayor, nor members of the Commission, are precluded from speaking and lobbying on behalf of the County in support of Board-approved federal or state legislative issues.

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File No. 210887**

Research: JNF/MF/VW / Reviewer: PGE

The table below captures a comparative analysis of select jurisdictions across the United States with a strong mayor or county executive form of government. It is not indicative of the total population of jurisdictions with strong mayors across the United States. Most strong mayors are in a mayor-council form of government and are directly elected by citizens to that office. The principal characteristics of a strong mayor are: (1) the mayor is the chief executive officer, centralizing executive power; (2) the mayor directs the administrative structure, appointing and removing department heads; (3) while there is a separate legislative body, the mayor has veto power; and (4) the mayor oversees daily operations.

The table specifically highlights the population of the selected jurisdictions, including the form of government and the role of the mayor or chief executive as the official spokesperson, particularly in matters of intergovernmental relations.

Jurisdiction	Population ¹	Form of Government	Government Representation Official
Miami-Dade County, FL	2,716,940	County government with strong mayor. <u>Home Rule authority. Strong Mayor structure with the Board of County Commissioners</u> as the legislative body. Chairman and Vice Chairman of the board <u>elected</u> biennially by Board members.	<u>Section 2-1791</u> of the Code of Miami-Dade County states that the Mayor is the official spokesperson on behalf of the County for federal and state legislative issues that have been adopted by resolution and/or included in the legislative packages approved by the Board. Language in <u>Legistar File No. 210574</u> would amend this to make the Chair of the Board of County Commissioners the official spokesperson of the BCC on legislative issues.
Denver County, CO	727,211	City-County consolidated government. <u>City-County consolidation</u> with Home Rule authority. Strong mayor structure with the <u>City Council</u> as the legislative body. City Council President <u>elected annually</u> by Council members.	The Mayor, through vested authority to assign duties (<u>§ 2.2.8, Code of the City and County of Denver, CO</u>), has appointed: <ul style="list-style-type: none"> • a Director of Regional Affairs to serve as a spokesperson to regional elected officials and staff in Colorado; • a Legislative Director to oversee the Mayor's legislative agenda at the State and local level and communicate with City Council members and staff; and • a Director of Federal Affairs and National Engagement to serve as the spokesperson and coordinator to the Federal government. <p>Although not required by Charter, the Mayor and City Council currently jointly develop positions and advocate on state legislative issues to ensure the City and County speaks with one voice.²</p>
Duval County (Jacksonville), FL	957,755	City-County consolidated government. <u>City-County consolidation</u> with Home Rule authority. <u>Strong Mayor structure with the City Council as the legislative body.</u> Council President and Vice President elected annually by Council members.	Mayor's Office includes intergovernmental relations staff. No explicit mention of government representation authority in Charter or Code.
New York City, NY	8,336,817	City-County consolidated government.	No mention of government representation authority in City Charter.

¹U.S. Census Bureau, QuickFacts, Population Estimates as of July 1, 2019 <https://www.census.gov/quickfacts/fact/table/US/PST045219>

² Email communication on April 14, 2021 with Wael B. Khalifa, Special Aide to the Mayor, Office of the Mayor, City and County of Denver.

Jurisdiction	Population ¹	Form of Government	Government Representation Official
		Mayor-Council form of government with a strong mayor and is composed of five boroughs: Brooklyn, Bronx, Manhattan, Queens, and Staten Island.	<p>The Mayor's Office of Intergovernmental Affairs coordinates the City's interaction with the City, State and Federal Legislative Affairs Offices, as well as the offices of the City Comptroller, Public Advocate and Borough Presidents.</p> <p>New York City's Comptroller's Office has a Bureau of Public Affairs serving as the principal liaison to the public, mayoral agencies, and federal, state and local authorities.</p> <p>New York City's boroughs also have offices and/or directors of intergovernmental affairs.</p>
Orleans Parish, LA	390,144	Mayor-Council form of government.	No express section of the Code necessitates the Mayor's representation in state and federal governmental relations. In practice, the Mayor is the governmental representative in state and federal relations. ³
Prince George's County, MD	909,327	County Council - County Executive form of government.	<p>Section 402 of the Code sets forth the County Executive as the Chief Executive Officer responsible for faithful execution of the laws, appointment of agency heads and the submission to the Council of recommendations for measures for legislative action.</p> <p>The County's intergovernmental affairs function resides in the Mayor's Office.</p>
Salt Lake County, UT	1,160,437	Strong County Mayor structure with County Council as the legislative body . Chairman and Vice Chairman of the Council elected annually by Council members.	Section 3.04 of the Code of Salt Lake County states that the County Mayor is to serve as the intergovernmental relations liaison.
San Francisco County, CA	881,549	City-County consolidation with Home Rule authority. Strong County-City	Section 3.100 of the Code of San Francisco states that the Mayor shall be the Chief Executive Officer and the official representative

³ Email communication on April 7, 2021 with Monika A. Gerhart, Director of State Relations, City of New Orleans.

Jurisdiction	Population ¹	Form of Government	Government Representation Official
		Mayor structure with the Board of Supervisors as the legislative body. The President of the Board of Supervisors is elected on odd-numbered years by the Board of Supervisors for a two-year term.	of the City and County. The County-City Mayor shall be responsible for the coordination of all intergovernmental activities of the City and County.
St. Louis County, MO	994,205	Strong County Executive structure with County Council as the legislative body . Chairman and Vice Chairman of the Council elected annually by the Council members.	Section 3.050 of the Charter of St. Louis County states that the County Executive shall represent the County.
City of Atlanta, GA	506,811	Strong Mayor structure with the City Council as the legislative body. President of the Council elected for a four-year term after each regular municipal election.	Section 3-104 of the Charter of Atlanta states that the Mayor shall represent the city in affairs of intergovernmental relations, promote and improve the government of the city, encourage the growth of the city, and promote and develop the prosperity and social well-being of its people.

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Research Notes**

**Item No. 5A Substitute
File No. 210887**

Research: JNF/MF/VW / Reviewer: PGE

Background information and specific changes to the Code, by office, are detailed below.

Office	Background Information and Proposed Amendments
Office of the Commission Auditor (OCA)	<p>OCA was created and established by a Miami-Dade County Home Rule Charter Amendment adopted by the voters on September 10, 2002. The ballot question is depicted below.</p> <div style="text-align: center;"> <p>Charter Amendment Creating the Position of Commission Auditor</p> <p>Shall the Charter be amended to create the Office of Commission Auditor to be selected by and report directly to the Board of County Commissioners with the responsibility to provide the Commission budgetary, audit, management revenue forecasting, and fiscal analyses of Commission policies, and county services and contracts?</p> </div> <p>Section 9.10 of the County Charter states as follows:</p> <ol style="list-style-type: none"> 1) The Commission Auditor, who shall be a certified public accountant, will be selected by the County Commission and shall report directly to the County Commission; and 2) The County Commission shall provide by ordinance for the specific functions and responsibilities of the Commission Auditor, which shall include but not be limited to providing the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts. <p>Ordinance No. 03-2, adopted by the BCC on January 23, 2003, sets forth OCA's functions and responsibilities, including scope of authority. The language of this ordinance was incorporated in the Code as Article XLVII, Sections 2-471 – 2-481, which the proposed ordinance seeks to amend.</p> <p>Section 2-471 of the County Code states that the Commission Auditor reports solely to and receives direction from the BCC. The proposed ordinance would add language to this Code section as well as Section 2-478 stating the following:</p> <ul style="list-style-type: none"> • The Chair shall be responsible, on behalf of the BCC, for having fiscal review and operational oversight of OCA, including, but not limited to, the authority to establish general workplace policies for the office, conduct performance evaluations of the Commission Auditor, and monitor the administration of the affairs of the office. Such review and oversight by the Chair shall be done in accordance with generally accepted government auditing standards to ensure that there is sufficient independence by the Office of the Commission Auditor and that no interference or influence external to the office adversely affects the independence and objectivity of the Commission Auditor. • The Chair shall monitor and work closely with the Commission Auditor to ensure that the policy direction of the BCC as set forth in the work plan is carried out.

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Research: JNF/MF/VW / Reviewer: PGE

- The Commission Auditor shall respond to inquiries by the Chair as to the status and progress of tasks under the approved work program as well as all directives and mandates requested by the BCC.

[The Government Auditing Standards](#) referenced in the amended language are published by the United States Government Accountability Office as guidance for auditors and audit organizations auditing federal, state, and local government programs and provides for certain safeguards that should be implemented to ensure that an audit organization remains independent. Section 3.54 of the Government Auditing Standards states that threats to independence may be mitigated if the head of the audit organization meets any of the following criteria in accordance with constitutional or statutory requirements:

- a. directly elected by voters of the jurisdiction being audited;
- b. elected or appointed by a legislative body, subject to removal by a legislative body, and reporting the results of engagements to and accountable to a legislative body;
- c. appointed by someone other than a legislative body, so long as the appointment is confirmed by a legislative body and removal from the position is subject to oversight or approval by a legislative body, and reports the results of engagements to and is accountable to a legislative body; or
- d. appointed by, accountable to, reports to, and can only be removed by a statutorily created governing body, the majority of whose members are independently elected or appointed and are outside the organization being audited.

**Jay Malina
International
Trade Consortium
(ITC)**

The proposed ordinance would amend [Section 2-1503](#) of the County Code to state that the [ITC](#) executive director shall be appointed by the Chair rather than by a majority vote of the full BCC membership. The screening committee, still comprised of five members of the BCC appointed by the Chair, would propose the top three candidates to the Chair, rather than to the full BCC, for consideration, and the Chair, rather than the full BCC, would interview and ultimately select the ITC executive director.

The executive director currently reports to both the BCC and the ITC, has the authority to administer the ITC's activities, to hire and terminate employees of the ITC, as well as, on behalf of the ITC, to increase the number of its employees with prior BCC approval. The ITC currently has the power to remove the ITC executive director, subject to ratification by the BCC, or the BCC may, by a majority vote of the full BCC, remove the ITC executive director. The BCC currently provides fiscal review and oversight as well as programmatic focus and direction to the ITC.

The proposed ordinance amends this language to state the following:

- The Chair shall be responsible, on behalf of the BCC and the ITC, for having fiscal review and managerial and operational oversight of the ITC, including, but not limited to, the authority to establish workplace policies for the ITC, conduct performance evaluations of the ITC executive director, and monitor the administration of the affairs of the ITC. The ITC executive director shall respond to inquiries by the Chair as to the status and progress

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Research: JNF/MF/VW / Reviewer: PGE

	<p>of tasks undertaken by the ITC as well as all directives and mandates requested by the BCC and the ITC.</p> <ul style="list-style-type: none"> • The ITC executive director may be removed with or without cause by a two-thirds vote of the full membership of the BCC then in office. However, the Chair shall have the authority, on behalf of the BCC, to counsel the ITC executive director and, if applicable, impose appropriate disciplinary action up to and including dismissal after consultation with the County's Human Resources Department and the County Attorney's Office. • The County Mayor shall promptly respond to requests from the ITC to provide information and to review proposed initiatives for fiscal and operational impact on departments. <p>The BCC remains responsible for providing programmatic focus and direction to the ITC.</p>
<p>Office of Intergovernmental Affairs</p>	<p>The proposed ordinance amends ARTICLE CXVIII, Sections 2-1782 – 2-1791 of the County Code related to the Office of Intergovernmental Affairs, created with passage of Ordinance No. 04-219 on December 16, 2004. The proposed changes are as follows:</p> <ul style="list-style-type: none"> • The salary and benefits package for the director, as recommended by the Director of the Employee Relations Department, needs to be approved solely by the Chair rather than by both the Mayor and the Chair. • Adds language stating the Chair shall have the authority, on behalf of the BCC, to counsel the director and, if applicable, impose appropriate disciplinary action up to and including dismissal after consultation with the County's Human Resources Department and the County Attorney's Office. The BCC's authority to remove the director, with or without cause, by a two-thirds vote of the full membership of the BCC remains under the proposed ordinance. • Amends the director selection process, now delineating that the Chair shall appoint the director, who shall be selected via an open and competitive process wherein a screening committee, comprised of five members of the BCC appointed by the Chair, interviews and evaluates applicants for the position of director and proposes a slate of the top three candidates from which the Chair will ultimately select the director after a final interview. Language stating that the Mayor or a designee may interview applicants and provide written recommendations to the BCC or may join the BCC when it interviews the recommended candidates is removed. • In the event it is not feasible to convene the BCC to provide direction on a pending urgent legislative issue, the director is to consult with the Chair or designee, with input from the County Attorney, to provide direction until such time the BCC meets and provides policy direction. The director is no longer required to also consult with the Mayor on these pending urgent legislative issues when it is not feasible to obtain direction from the full BCC. • Removes language stating that the Mayor shall be the official spokesperson on behalf of the County for federal and state legislative issues that have been adopted by resolution and/or included in the legislative packages approved by the BCC, and instead adds that the Chair shall be the official spokesperson on behalf of the <i>County Commission</i> for Board-approved federal and state legislative issues. Added language clarifies that the

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**Item No. 5A Substitute
File No. 210887**

Research: JNF/MF/VW / Reviewer: PGE

	<p>Mayor shall not be precluded from speaking and lobbying on behalf of the County in support of Board-approved federal or state legislative issues.</p> <ul style="list-style-type: none"> • Amends language to state that the Chair, rather than the County Manager, shall monitor and work closely with the director to ensure that the policy direction of the BCC is carried out. • Adds language stating that the Chair shall be responsible, on behalf of the BCC, for having fiscal review and managerial and operational oversight of the Intergovernmental Affairs Office, including, but not limited to, the authority to establish workplace policies for the Office, conduct performance evaluations of the director, and monitor the administration of the affairs of the Office. The director shall respond to inquiries by the Chair as to the status and progress of tasks undertaken by the Office as well as all directives and mandates requested by the BCC.
Office of Policy and Budgetary Affairs (OPBA)	<p>OPBA was created via Ordinance 20-128, adopted by the BCC on December 15, 2020. OPBA is under the purview of the BCC with the director reporting to and receiving direction from the BCC and the Chair. The proposed ordinance amends the director selection process, now delineating that, instead of being appointed by a majority vote of the full membership of the BCC then in office, the Chair shall appoint the OPBA director after an open and competitive selection process wherein a screening committee, comprised of five members of the BCC appointed by the Chair, interviews and evaluates applicants for the position of director and proposes a slate of the top three candidates from which the Chair will ultimately select the director after a final interview.</p> <p>Sections 2-2418 – 2-2422 of the County Code is further amended as follows:</p> <ul style="list-style-type: none"> • Adds language stating that the Chair shall be responsible, on behalf of the BCC, for having fiscal review and managerial and operational oversight of the OPBA, including, but not limited to, the authority to establish workplace policies for the office, conduct performance evaluations of the director, and monitor the administration of the affairs of the office. The OPBA director shall respond to inquiries by the Chair as to the status and progress of tasks under the approved work plan as well as all directives and mandates requested by the BCC. • Clarifies that the OPBA director may be removed with or without cause by a vote of two-thirds of the full membership of the BCC then in office and adds language stating that the Chair has the authority, on behalf of the BCC, to counsel the director and, if applicable, impose appropriate disciplinary action up to and including dismissal after consultation with the County’s Human Resources Department and the County Attorney’s Office. • Clarifies the fiscal review function of the office, adding language that OPBA is to provide fiscal review and oversight of any of the offices that are under the direction of the BCC upon direction by the Chair to provide such review and oversight. The district offices of individual Board members shall not be included in this fiscal review.
Military Affairs Board	<p>The proposed ordinance would place the Military Affairs Board, an entity created pursuant to Ordinance No. 12-37, adopted by the Board on May 15, 2012, under the purview of the Board and the Chair. Section 2-2105 is amended as follows:</p>

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File No. 210887**

Research: JNF/MF/VW / Reviewer: PGE

	<ul style="list-style-type: none"> • A selection process for the Executive Director is delineated in the proposed ordinance. Whereas in current language the Mayor may hire an individual to serve as the Military Affairs Board Executive Director upon receiving a recommendation from the BCC, the proposed language states the Executive Director is to be selected via an open and competitive process wherein a screening committee, comprised of five members of the BCC appointed by the Chair, interviews and evaluates applicants for the position of Executive Director and proposes a slate of the top three candidates from which the Chair will ultimately select the Executive Director after a final interview. • Language is added stating that the Executive Director may be removed with or without cause by a vote of two-thirds of the full membership of the BCC, rather than by the Mayor. Additionally, the Chair shall have the authority, on behalf of the BCC, to counsel the director and, if applicable, impose appropriate disciplinary action up to and including dismissal after consultation with the County's Human Resources Department and the County Attorney's Office. • The Office of the Chair, rather than the Mayor, is to provide the Military Affairs Board with any additional staff necessary to perform its powers and duties, as determined by the Chair. • The Chair shall be responsible, on behalf of the BCC for having fiscal review and managerial and operational oversight of the Military Affairs Board, including, but not limited to, the authority to establish workplace policies for the Military Affairs Board, conduct performance evaluations of the Executive Director, and monitor the administration of the affairs of the Military Affairs Board. The Executive Director shall respond to inquiries by the Chair as to the status and progress of tasks undertaken by the Military Affairs Board as well as all directives and mandates requested by the BCC.
Offices of Agenda Coordination, Protocol, Media, and Support Staff Services	<p>The proposed ordinance creates Code Sections 2-2424 – 2-2426 to codify the following offices:</p> <ul style="list-style-type: none"> • Office of Agenda Coordination • Office of Protocol • Office of Board of County Commissioners Media • Office of Support Staff Services <p>The new language states the following:</p> <ul style="list-style-type: none"> • Each office shall be headed by a director, who shall be appointed by the Chair pursuant to an open and competitive selection process wherein a screening committee, comprised of five members of the BCC appointed by the Chair, interviews and evaluates applicants for the position of director and proposes a slate of the top three candidates from which the Chair will ultimately select the director after a final interview. • The director of each office shall have the power to appoint, employ, remove, and supervise such assistants, employees, and personnel as deemed necessary to provide appropriate support to such offices. • The director of each office may be removed at any time with or without cause by a two-thirds vote of the full membership of the BCC then in office. However, the Chair shall have the authority, on behalf of the BCC, to counsel the director of each office and, if

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	<p>applicable, impose appropriate disciplinary action up to and including dismissal after consultation with the County's Human Resources Department and the County Attorney's Office.</p> <ul style="list-style-type: none"> Each of these offices shall report to the BCC. Notwithstanding that these offices shall report to the BCC, the Chair shall be responsible, on behalf of the BCC, for having fiscal review and managerial and operational oversight of these offices, including, but not limited to, the authority to establish workplace policies for these offices, conduct performance evaluations of the directors, and monitor the administration of the affairs of these offices. Each office shall respond to inquiries by the Chair as to the status and progress of tasks undertaken by such office as well as all directives and mandates requested by the BCC.
<p>Office of Community Advocacy</p>	<p>The proposed ordinance creates Code Sections 2-2427 – 2-2429 to codify the Office of Community Advocacy.</p> <p>The language states that the Office of Community Advocacy shall provide administrative support to the following advisory boards established by the Board:</p> <ul style="list-style-type: none"> (a) Community Relations Board; (b) Miami-Dade County Interfaith Advisory Board; (c) Commission for Women; (d) Miami-Dade County Hispanic Affairs Advisory Board; (e) Miami-Dade County Black Affairs Advisory Board; (f) Miami-Dade County Domestic Violence Oversight Board; (g) Miami-Dade County Asian-American Advisory Board; (h) Elder Affairs Advisory Board; (i) Miami-Dade County Lesbian, Gay, Bisexual, Transgender, Queer ("LGBTQ") Advisory Board; and (j) the Dr. Antonio Jorge Social and Economic Development Council for Miami-Dade County. <p>The language further states the following:</p> <ul style="list-style-type: none"> The Office of Community Advocacy shall be headed by an executive director, who shall be appointed by the Chair pursuant to an open and competitive selection process wherein a screening committee, comprised of five members of the BCC appointed by the Chair, interviews and evaluates applicants for the position of executive director and proposes a slate of the top three candidates from which the Chair will ultimately select the executive director after a final interview. The executive director shall have the power to appoint, employ, remove, and supervise such assistants, employees, and personnel, including program directors for the advisory boards that the Office of Community Advocacy supports, as deemed necessary to provide appropriate support for the functions of the Office of Community Advocacy. The executive director may be removed at any time with or without cause by a two-thirds vote of the full membership of the BCC then in office. However, the Chair shall have the authority, on behalf of the BCC, to counsel the executive director and, if applicable,

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impose appropriate disciplinary action up to and including dismissal after consultation with the County's Human Resources Department and the County Attorney's Office.

- The Office of Community Advocacy shall report to the BCC. Notwithstanding that the Office of Community Advocacy shall report to the BCC, the Chair shall be responsible, on behalf of the BCC, for having fiscal review and managerial and operational oversight of the Office of Community Advocacy, including, but not limited to, the authority to establish workplace policies for the office, conduct performance evaluations of the executive director, and monitor the administration of the affairs of the office.
- The Office of Community Advocacy shall respond to inquiries by the Chair as to the status and progress of tasks undertaken by the office as well as all directives and mandates requested by the BCC.

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Research Notes**

**Item No. 51
File No. 210195**

Research: CB / Reviewer: PGE

ORDINANCE CREATING THE OLD TOWN FLORIDIAN COMMUNITY DEVELOPMENT DISTRICT

Prime Sponsor: None

Requester: Parks, Recreation and Open Spaces Department

Committee Action Date: 2/17/2021 – Board of County Commissioners Meeting

RESEARCH FINDINGS

OCA completed the required background research regarding the initial members of the Board of Supervisors of the Old Town Floridian Community Development District – Rosa A. Zamora, Carlos J. Tosca, Aninely Mayoral, Jose I. Gonzalez and Mario A. Hernandez – which yielded no adverse informational findings. This report is being provided as a Supplement to BCC Agenda File Item Number 210195.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

Bulleted below is the relevant legislation relating to the background research process:

- [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 or appointments by the BCC.

**BCC Meeting:
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Research Notes**

**Item No. 5B
File No. 210406**

Researcher: TA / Reviewer: PGE

RESOLUTION DECLARING AS SURPLUS ONE COUNTY-OWNED PROPERTY LOCATED AT 16990 NE 18TH AVENUE, NORTH MIAMI BEACH, FLORIDA 33162, AND REVISING THE INVENTORY LIST OF REAL PROPERTIES, AFTER A PUBLIC HEARING, TO INCLUDE SUCH PROPERTY IN ACCORDANCE WITH SECTION 125.379(1), FLORIDA STATUTES; AUTHORIZING CONVEYANCE, IN ACCORDANCE WITH SECTION 125.379(2), FLORIDA STATUTES, OF THE PROPERTY TO DAK CONSULTING SERVICES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AT A PRICE OF \$10.00, FOR THE PURPOSE OF REHABILITATING SUCH PROPERTY WITH HOUSING TO BE RENTED TO QUALIFIED FAMILIES PARTICIPATING IN THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED, TO PROVIDE COPIES OF THE RECORDED COUNTY DEED AND THE RESTRICTIVE COVENANT REQUIRED THEREIN TO THE PROPERTY APPRAISER, TO EXECUTE A RENTAL REGULATORY AGREEMENT AND ENFORCE THE PROVISIONS THEREIN, AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

Prime Sponsor: Commissioner Sally A. Heyman

Requester: N/A

Committee Action Date: 3/11/21 – Public Housing and Community Services Committee

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 the conveyance of this 8,500 square foot lot with a 3,400 square foot structure is \$10.00 paid to the County. According to the Property Appraiser's website, the 2020 market value is \$439,332 and the assessed value is \$367,031. The Internal Services Department has been responsible for maintenance of the property at a cost of approximately \$562 annually. Upon redevelopment of the existing structure into a duplex or triplex, the property will return to the taxable assessment roll and generate property taxes for the County and the City of North Miami Beach. According to the Property Appraiser's Tax Estimator, based on the 2020 market value, the property taxes would be \$9,773.78.

ADDITIONAL INFORMATION

The subject property located at 16990 NE 18 Avenue (Folio: 07-2208-002-1680) was transferred to the County in 2019. It was previously used as a medical facility and administrative offices for the Public Health Trust.

DAK Consulting Services, LLC (DAK) has been an active corporation since 2015, according to Sunbiz. The business address is in Hallandale Beach (a residential condominium), with no Local Business Tax Receipt on file in Broward County or Miami-Dade County. Dunn & Bradstreet reflects the following business profile, which was last updated on January 10, 2021:

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**Item No. 5B
File No. 210406**

Researcher: TA / Reviewer: PGE

DAK Consulting Services, LLC

Year Started	2016
Principal	David Kleinman
Business Address	200 Golden Isles Dr. Hallandale Beach, FL 33009-5891
Line of Business	Business Consulting Services
Annual sales (estimated as of June 6, 2020)	\$31,116
No. of employees	1

An internet search found only general corporate information regarding this firm. A public records search via Westlaw for the company and its principal, David A. Kleinman, revealed no adverse findings. No affiliations or references to any projects were found for this developer online, although the LinkedIn Profile for Mr. Kleinman credits him with the following projects:

- Custom homes at Oakbrook in Boca Raton
- 18 Indian Creek Rd.
- 22 Indian Creek Rd.
- Lalique Store Bal Harbour Shops
- 180 South Island Dr. Golden Beach
- 175 Fiesta Way Ft. Lauderdale
- 169 Fiesta Way, Ft. Lauderdale, FL
- 4431 Nautilus Dr. Miami Beach, FL
- 1415 W 24th St. Sunset Island III Miami Beach
- Penthouse "C" at The Setai Miami Beach
- High rise buildings Jade Beach (Sunny Isles), Icon Brickell, Towers at Dadeland, Marina Palms, Biscayne Landing, Capital at Brickell (Sales Center)
- K-12 Broward County Public Schools SMART BOND PROGRAM School Renovations

According to Miami-Dade and Broward County property records, besides his Homesteaded residence (the same as his business address), Mr. Kleinman is the owner of a 3/1 single family home (non-Homesteaded) located at 1595 NE 180 Street, North Miami Beach, with a 2020 market value of \$229,197.

The developer originally requested a 20-year affordable housing restriction, but has agreed to the 30-year time frame required by the Deed and Rental Regulatory Agreement. The Deed and Rental Regulatory Agreement require that the property only be rented to families whose incomes (as defined in Section 420.0004, Florida Statutes) do not exceed 120% of the most recent median family income for the County as reported by the United States Department of Housing and Urban Development. According to the Public Housing and Community Development Department, the current income levels according to household size are as follows:

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**Item No. 5B
File No. 210406**

Researcher: TA / Reviewer: PGE

Household Size	120% of Median Income
1	\$76,800
2	\$87,840
3	\$98,760
4	\$109,680
5	\$118,560
6	\$127,320
7	\$136,080
8	\$144,840
9	\$153,600

As evidenced by pictures of the property, major renovations are required:



**BCC Meeting:
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Research Notes**

**Item No. 5C
File No. 210474**

Research: JNF / Reviewer: PGE

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND (“BOND”) PROGRAM PROJECT NO. 161- “UNINCORPORATED MUNICIPAL SERVICE AREA – INFRASTRUCTURE IMPROVEMENTS”, AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04, AFTER A PUBLIC HEARING, TO CHANGE THE PROJECT NAME AND LOCATION; APPROVING ALLOCATION OF \$577,000.00 TO THE CITY OF MIAMI BEACH OF PROJECT NO. 161 FUNDS FOR INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH DEVELOPMENT OF SABRINA COHEN ADAPTIVE RECREATION CENTER TO BE BUILT AT 5301 COLLINS AVENUE, MIAMI BEACH, FLORIDA 33140

Prime Sponsor: Commissioner Eileen Higgins, District 5

Requester: None

Committee Action Date: 3/11/21 - Recreation and Culture Committee (RCC)

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

No funds originally allocated to Project No. 161 (\$577,000) have been spent to date. This item authorizes a significant modification to the Building Better Communities General Obligation Bond Program Project No. 161 to allow for the allocation of the full \$577,000 to the City of Miami Beach for the design and construction of the public infrastructure improvements associated with the development of the [Sabrina Cohen Foundation Adaptive Recreation Center](#).

ADDITIONAL INFORMATION

In 2004, the voters of Miami-Dade County approved the issuance of general obligation bonds in the amount of \$2.9 billion, \$352,182,000 of which were to be utilized for public infrastructure projects as outlined in Resolution No. [R-914-04](#). The corresponding ballot question read as follows:

To construct and improve walkways, bikeways, bridges and access to the Seaport, and other municipal and neighborhood infrastructure improvements to enhance quality of life, described in Resolution No. R-914-04, adopted July 20, 2004, shall Miami-Dade County issue General Obligation Bonds to pay cost of such projects in a principal amount not exceeding \$352,182,000, bearing interest not exceeding maximum legal rate, payable from ad valorem taxes?

Project No. 161, one of the original projects listed in Appendix A of Resolution No. R-914-04, was listed as follows:

Project No.	Municipal Project Location	BCC District	Project Name	Project Description	Street Address	Allocation
161	UMSA	5	Unincorporated Municipal Service Area – Infrastructure Improvements	Various infrastructure improvements to include but not limited to.	Various	\$577,000

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Research Notes**

**Item No. 5C
File No. 210474**

Research: JNF / Reviewer: PGE

				sidewalks resurfacing and guardrails in District 5		
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This item modifies the municipal project location from UMSA to Miami Beach and the name of the project from “Unincorporated Municipal Service Area – Infrastructure Improvements” to “Infrastructure Improvements” to allow for allocation to the City of Miami Beach for the design and construction of the public infrastructure improvements associated with the development of the Sabrina Cohen Foundation Adaptive Recreation Center, which will consist of a City of Miami Beach-owned building for community wellness and recreation programs focusing on persons with various disability needs along with associated public, outdoor facilities and amenities.

**BCC Meeting:
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Research Notes**

**Item No. 5E
File No. 210663**

Research: CB / Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF HOMESTEAD AVENUE FROM BANYAN STREET TO SW 184TH STREET AS “LEE C. JAY AVENUE”

Prime Sponsor: Commissioner Kionne L. McGhee, District 9

Requester: None

Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background check on “Lee C. Jay” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Lee C. Jay.” Pursuant to Ordinance No. 19-11, OCA verified that “Lee C. Jay” is deceased. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 210663.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

Bulleted below is the relevant legislation relating to the background research process:

- [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.
- [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.
- [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.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 5F
File No. 210660**

Research: CB / Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF SW 76th AVENUE FROM SW 74TH STREET TO SW 78TH STREET AS “IRA SULLIVAN WAY”

Prime Sponsor: Commissioner Raquel A. Regalado, District 7

Requester: None

Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background check on “Ira Sullivan” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Ira Sullivan.” Pursuant to Ordinance No. 19-11, OCA verified that “Ira Sullivan” is deceased. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 210660.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

Bulleted below is the relevant legislation relating to the background research process:

- [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.
- [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.
- [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.

**BCC Meeting:
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Research Notes**

**Item No. 5G
File No. 210839**

Research: CB / Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF S.W. 78th STREET FROM S.W. 77TH AVENUE TO S.W. 87TH AVENUE AS 'JAMES WEIR WAY" BY A THREE-FIFTHS VOTE OF BOARD MEMBERS PRESENT

Prime Sponsor: Commissioner Raquel A. Regalado, District 7

Requester: None

Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background check on "James Weir" and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for "James Weir." Pursuant to Ordinance No. 19-11, OCA verified that "James Weir" is living. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 210839.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

Bulleted below is the relevant legislation relating to the background research process:

- [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.
- [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.
- [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.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8F2
File No. 210393**

Researcher: TA / Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY UP TO \$9,718,000.00 FOR A TOTAL MODIFIED PREQUALIFICATION POOL AMOUNT OF \$12,148,000.00 FOR PREQUALIFICATION POOL NO. RTQ-01337 FOR PURCHASE OF POLYMER FOR WATER TREATMENT FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 3/11/21 – County Infrastructure, Operations, and Innovations Committee

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 modification is \$9,718,000 for a total modified prequalification pool amount of \$12,148,000. When the original prequalification pool was established via [Resolution No. R-955-20](#), expenditure authority of \$2,430,000 was allocated for the first year only. The proposed additional allocation for the last four years of the pool (specifically, \$2,429,500 per year) equates to approximately four times the existing one-year allocation. According to the Bid Tracking System (BTS), only \$275,000 has been expended as of March 8, 2021. Thus, based on a utilization rate of approximately \$68,700 per month over a four-month period, the proposed allocation appears to exceed actual usage, unless there are other factors that are to be considered, such as delays in payments to the vendor or seasonal changes in demand.

ADDITIONAL INFORMATION

The original prequalification pool was established with two firms: Kemira Chemicals and Polydyne, Inc. While the mayoral memo indicates that no vendors have been added since inception of the pool, BTS reflects one additional vendor that is currently under review to be pre-qualified: Solenis, LLC, which was a pre-qualified vendor under the previous pool and is a non-Local firm. Pursuant to [Resolution No. R-395-12](#), the addition of this vendor to the pool may be subject to future Board ratification. Competition associated with a third vendor may yield more favorable pricing for the County.

A Small Business Enterprise (SBE) set-aside would apply to a spot market quotation if three SBE firms were available in the pool; if there are less than three SBEs, a SBE Bid Preference would apply. However, none of the current pool members are SBE certified. According to the Business Management Workforce System, as of March 8, 2021, there are two SBE firms associated with the required Commodity Codes: 88570 *Hardness Control Chemicals; Chelating Agents, Phosphonates, Polyphosphates, Polymer Flocculants, etc.* and 88577 *Polymer Flocculants, Color, Thickening, Dewatering, Coagulant Aid, Not Hardness Control*: Expert Dewatering, Inc., and Pancar Industrial Supply Corporation.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8F3
File No. 210396**

Research: JNF / Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY UP TO \$65,402,000.00 FOR A TOTAL PREQUALIFICATION POOL OF \$81,753,000.00 FOR PREQUALIFICATION POOL NO. RTQ-01360 FOR PURCHASE OF WATER AND WASTEWATER TREATMENT PARTS, SERVICES AND EQUIPMENT FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 3/11/2021 - County Infrastructure Operations & Innovations Committee (CIOIC)

RESEARCH FINDINGS

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

1. OSHA Violations
 - a. One of the current vendors in the pool, Ryan Herco Products Corp., has five open [OSHA violations](#) issued on December 4, 2020, three of which are deemed serious, resulting in a \$780 penalty being issued. In addition, the vendor has two closed serious [violations](#) that were issued on July 29, 2016 and resulted in a \$6,750 penalty.
 - b. One of the current vendors in the pool, Tencarva Machinery Company, LLC, has eight closed [OSHA violations](#); five were serious violations issued on December 20, 2016 and March 29, 2017 that resulted in penalties amounting to \$15,000.
2. Relevant Pending Litigation
 - a. An employee of the Miami-Dade County Water & Sewer Department sued one of the pool's vendors, Condo Electric Industrial Supply, Inc., for negligence (*Michael Jerome Kelly et al. v. Condo Electric Industrial Supply, Inc. et al.*, Case No. 2020-008859-CA-01 filed on April 22, 2020 in the Eleventh Judicial Circuit, Miami-Dade County). The County contracted with the defendant-vendor to inspect, repair, and maintain the guard and safety rails surrounding all the sewer containment areas in the Central District Wastewater Treatment Plant. The defendant-vendor allegedly failed to maintain the guardrails in the water treatment plant, causing plaintiff to fall and suffer injuries after operating the remote control of the vacuum truck and leaning against the guardrail, which then collapsed. A judgment of voluntary dismissal was entered as to defendant Condo Electric Industrial Supply, Inc. on March 23, 2021.
 - b. One of the pool's vendors, Ovivo USA, LLC, is the defendant in a breach of contract, negligent misrepresentation, and negligence lawsuit for damages in the amount of \$1,680,196 (*Nash Cascadia Verde LLC v. Ovivo USA LLC*, Case No. 20-2-05445-9 filed on March 12, 2020 in Superior Court, Pierce County, WA). Defendant negligently designed the water filtration system for a water treatment plant, resulting in damages to plaintiff. Trial is scheduled for April 18, 2022.

FINANCIAL ANALYSIS

This item authorizing additional expenditure authority for *Prequalification Pool No. RTQ-01360, Water and Wastewater Treatment Parts, Services and Equipment* has a fiscal impact of \$65,402,000 for the remainder of the five-year term. The pool, established via Resolution No. [R-727-20](#) on July 21, 2020, had an initial allocation of \$16,351,000 for the first year, with the understanding that a modification would be presented when an additional allocation was quantified and needed for the remainder of the pool. While the requested modification represents a 400% increase from the original allocation, considering that the additional allocation would be for the remaining four years of the pool, the annual allocation of the requested modification represents a slight decrease (\$500) per year from that of the original allocation.

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Research Notes**

**Item No. 8F3
File No. 210396**

Research: JNF / Reviewer: PGE

The former pool for these services, 9138-5/19-5, had a cumulative value of \$66,603,312 for a 10-year and six-month term, representing an annual allocation of \$6,343,173. The current pool, with a modified cumulative allocation of \$81,753,000 for a five-year term, will have a \$16,350,600 average annual allocation, a 158% increase from that of the prior pool.

OCA requested the following financial and budget information from ISD:

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	Explain why this expenditure or revenue was not budgeted for, including how the expenditure will be addressed, or what the revenue will be utilized for.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
Project numbers: 9654120 budget book page 77, Project 9650041 budget book page 84, Project 2000000580 budget book page 69	WASD Revenue Bonds Sold, Future WASD Revenue Bonds, WIFIA, SRF, Wastewater Connection Charges	ERs S049343, S049651 & W016830	Budgeted	N/A	\$286 Million

ADDITIONAL INFORMATION

Four (40%) of the prequalified vendors currently in the pool have local addresses, which is lower than the 75% local vendor threshold prescribed by Resolution No. [R-477-18](#). OCA could not verify the local address for PSI Technologies, Inc. as stated in the Mayoral Memorandum. An April 13, 2021 search on the Business Management Workforce System for the pool's Commodity Codes, NIGP 89077 - Waste Water Reclamation Systems, Including Parts and Accessories; NIGP 89078 - Water Filters and Filter Elements, Except Boiler, Photographic Darkroom, and Swimming Pool: Cartridges, etc.; NIGP 89079 - Water and Wastewater Disinfecting Ozonators; NIGP 96895 - Wastewater Treatment Plant, Operations, and Testing; and NIGP 96896 - Water and Wastewater Treatment Services, yielded the following 10 certified local Small Business Enterprise firms:

- Bax International, Corp., dba Bravo Plumbing and Mechanical Supply
- Deen Construction Company, dba Deencon
- Generating Systems, Inc.
- IMF Estimating & Construction, Corp.
- MAG Construction, Inc., dba Miami Plumbing Services
- Overnight Success, Inc.

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- Ricmon Group LLC
- RJR Construction, Inc.
- SCR Mechanical, LLC
- United Underground Utility Corporation

This analysis speaks to the availability of SBEs, not to whether the SBEs are capable of or interested in delivering the needed scope of work.

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Research Notes**

**Item No. 8F4
File No. 210398**

Researcher: TA / Reviewer: PGE

RESOLUTION 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; RATIFYING AN EMERGENCY PURCHASE FOR THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$447,626.61 FOR EMERGENCY COOK CHILL TANKS 1 & 2 REPLACEMENT AT TGK, EMERGENCY CONTRACT NO. E-10075 FOR A ONE-YEAR TERM

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 3/11/21 – Community Safety and Security Committee

RESEARCH FINDINGS

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

The following was noted:

1. This emergency contract ratification should have come to the Board within 120 days of the emergency being declared or the reason for the delay must be set forth in the ratification item as required by Board resolution. (See the Additional Information section.)

FINANCIAL ANALYSIS

The fiscal impact for this emergency contract ratification is \$447,626.61 for the one-time purchase of two cook chill tanks for the Miami-Dade Corrections and Rehabilitation Department (MDCR). While the emergency contract was processed administratively in March 2020, the manufacturing of the cook chill tanks to MDCR's specifications required approximately 32 to 34 weeks lead time. The Bid Tracking System (BTS) reflects that the full funds have been released, indicating that full payment has been made to the vendor and the purchase and installation has been completed.

ADDITIONAL INFORMATION

MDCR's justification for this emergency procurement was that both cook chill tanks at Miami-Dade Turner Guilford Knight Correctional Center were over 30 years old and in critical need of replacement because they were no longer in repairable condition and operating at limited capacity. Because no existing contract was identified to be accessed, a quote was solicited from the manufacturer providing repair services for the existing equipment, and the department determined the pricing was fair given the scope of work. To ensure that competition is possible and avoid the need for emergency purchases, the department is undergoing a review of the current kitchen equipment in its various facilities to allow them to proactively meet future needs.

[Resolution No. R-454-13](#) requires that the ratification of this emergency contract should have been brought to the Board within 120 days of such emergency; in the event that the Mayor is unable to bring the ratification to the Board within the time frame, the Mayor shall explain in writing the reason for the delay in bringing the ratification item to the Board. Thus, since the emergency contract modification occurred in March 2020, the ratification should have been considered by the Board no later than July 2020. The mayoral memo does not speak to the reason for the delay in bringing this item to the Board.

No Small Business Enterprise (SBE) measures were set for this contract due to it being an emergency. The local distributor of the equipment and installation services, TWC Services, Inc., is not a certified SBE. According to the

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Researcher: TA / Reviewer: PGE

Business Management Workforce System (BMWS), there is currently no certified SBE firm associated with the required NIGP Commodity Code 04550 *Kitchen Units, Compact, Complete*.

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**Item No. 8F5
File No. 210399**

Research: VW / Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY UP TO \$11,357,390.00 FOR A TOTAL MODIFIED PREQUALIFICATION POOL AMOUNT OF \$58,857,390.00 FOR PREQUALIFICATION POOL NO. 9711-0/23 FOR PURCHASE OF PIPE AND FITTINGS FOR WATER AND WASTEWATER SERVICES FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT

Prime Sponsor(s): None

Requester: Internal Services


Committee Action Date: 3/11/2021 – County Infrastructure, Operations and Innovations Committee (CIOIC)

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 prequalification pool was established on January 1, 2014 and is set to expire on December 31, 2023. According to a BTS search conducted on April 16, 2021, of the \$47,500,000 allocated for the pool \$40,576,623.43 has been depleted leaving a balance of \$6,923,376.57 with 33 months left in the contract. If the additional expenditure amount is approved, the contract's cumulative allocation will increase by approximately 24% from \$47,500,000 to \$58,857,390. On an annual basis the value of the additional expenditure authority is roughly 16% lower than the annual allocation of the original prequalification pool: \$4,008,491 for the additional expenditure amount compared to \$4,750,000 for the original prequalification pool.

	Cumulative Allocation	Annual Allocation
Prequalification Pool No. 9711-0/23	\$47,500,000	\$4,750,000
Additional Expenditure Authority for Prequalification Pool No. 9711-0/23	\$11,357,390	\$4,008,491
		 16%

ADDITIONAL INFORMATION

The additional expenditure authority to the pool is being requested by the Miami-Dade Water and Sewer Department (WASD) to continue purchasing cast ductile iron and cast gray-iron pipes and fittings to support the County's water and wastewater plants as well as water distribution and wastewater collection systems. The original prequalification pool No. 9711-0/23 was established on January 1, 2014. Additional expenditure authority in the amount of \$19,000,000 was approved by the Board on May 17, 2016 through [Resolution No. R-382-16](#). The original award value of the pool was \$28,500,000 which when combined with the \$19,000,000 of additional expenditure authority totals \$47,500,000.

WASD provided the following justification for the increased expenditure request. WASD uses the contract to purchase various ductile pipes and fitting such as: plug valves, butterfly valves, check valves, gate valves, and iron pipes. WASD spends approximately \$472,324.66 monthly on the purchase of stock and non-stock items and in 2020 spent approximately \$26,628,386.20 on the contract, with the largest purchase being \$410,000.00 for a 60" Flanged Dezurik Plug Valve. As there is approximately 38 months left remaining in the contract term the requested amount will provide continuity of operations until the end of the contract term and be used extensively to support operational and capital projects.

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File No. 210399**

Research: VW / Reviewer: PGE

The prequalification pool specifies that the Small Business Enterprise (SBE) Bid Preference and Local Preference will be applied at the time of spot market competition where permitted by the funding source. An SBE set-aside applies for spot market competition up to \$100,000 where permitted by the funding source when there are three or more SBE-certified firms available.

According to BMWS, as of April 16, 2021, of the 12 vendors identified in the prequalification pool three are certified SBE firms:

- A&B Pipe and Supply, Inc.
- Corcel Corpo.
- Lehman Pipe and Plumbing Supply, Inc.

An April 16, 2021 search on the BMWS for the contract's commodity code, 670 - Plumbing Equipment, Fixtures, and Supplies yielded 11 Small Business Enterprise (SBE) firms:

- A & B Hardware, Inc.
- A & B Pipe and Supply, Inc.
- Ametrade, Inc.
- Bax International, Corp.
- Corcel Corp
- Green-Energy-Products.Com, LLC
- Javan Lumber, Inc.
- L.H.P Group, Inc.
- Lehman Pipe and Plumbing Supply Inc.
- Pankairos Investments, Corp.
- The Tool Place Corp.
- The Tools Man, Inc.

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Research Notes**

**Item No. 8F7
File No. 210113**

Research: VW / Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01441 GROUP 1 TO CONVERLOGIC INTER, LLC AND CONTRACT NO. FB-01441 GROUP 2 TO CONFIDEX, INC. FOR THE PURCHASE OF SMARTCARDS FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS WITH AN AMOUNT NOT TO EXCEED \$4,084,800.00, FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD FOR GROUP 1 TO CONVERLOGIC INTER, LLC AND GROUP 2 TO CONFIDEX, 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

Prime Sponsor(s): None

Requester: Internal Services

Committee Action Date: 3/11/2021 – County Infrastructure, Operations and Innovations Committee (CIOIC)

RESEARCH FINDINGS

According to the BPO of the current contract FB-00190, listed on BTS only \$2,439,215 of the contract's cumulative allocation of \$4,689,000 has been released, leaving a balance of \$2,249,785 with the contract set to expire at the end of next month. Based on correspondence with ISD, a replacement contract is being requested because unused funds from the current contract cannot be used once the contract expires.

FINANCIAL ANALYSIS

The fiscal impact for the contract is \$4,084,800 for a period of five-years. The annual allocation for the replacement contract is roughly 9% lower than the annual allocation of the current contract due to lower pricing: an annual allocation of \$816,960 for the current contract versus an annual allocation of \$893,143 for the previous contract.

On March 16, 2021 OCA requested the following financial and budget information from ISD:

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	Explain why this expenditure or revenue was not budgeted for, including how the expenditure will be addressed, or what the revenue will be utilized for.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
N/A	Operating	MT410300		\$201,230	\$720,000

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File No. 210113**

Research: VW / Reviewer: PGE

ADDITIONAL INFORMATION

The contract under consideration is a replacement contract for contract FB-00190 which took effect on February 1, 2016 and is set to expire on April 30, 2021. Resolution No. [R-718-17](#) directs the Administration to commence planning for reprourement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services, inclusive of option to renew periods. The contract's original expiration date was January 31, 2021. The expiration date was administratively extended by three months through April 30, 2021. Given the incumbent contract's original expiration date of January 31, 2021, the Administration should have commenced planning for reprourement of this contract no later than July 31, 2019.

The contract will allow the Department of Transportation and Public Works to purchase contactless smartcards, otherwise known as Easy Cards and Easy Tickets. Easy Cards are reloadable plastic cards which allow transit users to prepay for fares and load monthly and weekly fare packages. Easy Tickets are paper-based disposable tickets which allow transit users to prepay for fares.

The recommended vendors for the replacement contract are: Converlogic Inter, LLC and Confidex Ltd. Confidex Ltd is an incumbent from the previous contract. The other incumbent from the previous contract, Ask-intTag, is an out of state firm that has been replaced by Converlogic Inter, LLC a local firm, created in 2014, with its principal address in Doral, Florida. It should be noted that as of March 9, 2021 a search for Confidex Ltd on the State of Florida Division of Corporations website yielded no results indicating the firm is not registered with the State of Florida Division of Corporations.

According to the Blanket Purchase Order of the current contract FB-00190 listed on the Bid Tracking System only \$2,439,215 of the contract's cumulative allocation of \$4,689,000 has been released, leaving a balance of \$2,249,785 with the contract set to expire at the end of next month.

An April 14, 2021 search on the Business Management Workforce System for the contract's commodity codes, 31875 – Tickets; 31877 – Tickets, Pre-Encoded; 94676 – Smartcards, Limited and Standard Use Proximity Integrated Circuit Card (LU-PICC AND PICC), yielded no certified DBE, LBD, or SBE firms. No SBEs will participate in any aspect of the contract's scope of work.

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Research Notes**

**Item No. 8F8
File No. 210390**

Researcher: MF / Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$3,855,000.00 RESULTING IN A TOTAL EXPENDITURE AUTHORITY OF \$25,843,000.00 FOR PREQUALIFICATION POOL NO. RTQ-9535-1/21-1 FOR PURCHASE OF TOOLS AND ACCESSORIES FOR MULTIPLE DEPARTMENTS

Prime Sponsor: None

Requester: Internal Services Department

Committee Action Date: 3/11/21 – County Infrastructure, Operations, and Innovations Committee

RESEARCH FINDINGS

OCA's review of the item yielded information pertaining to the following vendors in the prequalification pool:

1. Applied Industrial Technologies – Dixie, Inc. – the company is a co-defendant in a lawsuit filed February 18, 2021 (*Frisky v. A.R. Wilfley & Sons, Inc. et al*, Case No. GD-21-001355) in the Court of Common Pleas (Allegheny Co.), Pennsylvania. The complaint alleges that as a direct result of the actions of the defendants, the plaintiff suffered inhalation of asbestos fibers and suffered severe and serious injuries, including lung cancer, post-traumatic anxiety reaction, and severe pain and discomfort. As of March 8, 2021, the case docket indicates the plaintiff had been granted a motion to add three more companies to the list of co-defendants.
2. Fastenal Company – a class-action suit was filed against the vendor on February 4, 2021 (*David Loaiza v. Fastenal Company, et al*, Case No. 2:21-CV-01034) in the U.S. District Court, Central District of California (Los Angeles). According to the complaint, the defendant violated the Americans with Disabilities Act, stating the company website is inaccessible to the visually impaired who use screen reading software to access the Internet, and violated the Unruh Civil Rights Act of California, also against the visually impaired. The plaintiffs are requesting a jury trial. The case is pending further court action.
3. Genuine Parts Company – the vendor is a co-defendant in a lawsuit filed March 1, 2021 (*Andreychak v. Alcoa*, Case No. RG21090227) in the Superior Court, Alameda County (California). Per the complaint, the plaintiff has been diagnosed with mesothelioma because the defendants allegedly exposed the plaintiff to asbestos.

FINANCIAL INFORMATION

The fiscal table below depicts the expenditure under this item will derive from the general fund. The requestor Department did not indicate the reason(s) why the additional expenditure was not budgeted. According to the information provided, the proposed additional expenditure for FY 2020-21 is \$2,311 cheaper than the previous actual expenditure from FY 2019-20.

Has the expenditure been budgeted for?			
If yes:		If no:	
Provide the budget line item where this expenditure can be identified.	Provide the funding source(s).	Provide the Financial index or account code.	Explain why this expenditure was not budgeted for, including how the expenditure will be addressed.

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File No. 210390**

Researcher: MF / Reviewer: PGE

Sub-Object 43510 - Other Repair & Maintenance Supplies	General Fund	Index Code AD323279G	No explanation provided; FY 2019-20 - Actual - \$37,311 FY 2020-21 - Projected - \$35,000
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OCA conducted due diligence of *Prequalification Pool No. RTQ-9535-1/21-1* in the Bid Tracking System (BTS) on April 14, 2021. Tables 1 and 2 below provide details.

Table 1 below depicts the award of the initial pool in May 2012 as well as the sole option-to-renew (OTR) term under this item.

Contract No.	Title	Contract Dates	Value	Annual Allocation
9535-1/21	Tools and Accessories - Prequalification	May 1, 2012 – April 30, 2017	\$10,994,000.06	\$2,198,800
9535-1/21-1 OTR Term	Tools and Accessories - Prequalification	May 1, 2017 – April 30, 2022	\$10,994,000.06	\$2,198,800

Table 2 below shows the OTR term's value, released amount thus far, and the remaining balance as of OCA's review of BTS on April 14, 2021.

Contract No.	Initial Value	Released Amount	Balance
9535-1/21-1 (OTR Term – expiring April 30, 2022)	\$10,994,000.06	\$9,653,016.53	\$1,340,983.53

Table 3 below depicts each of the departments requesting funds, their allocation amount, released amount and balance as shown in BTS as of April 13, 2021. As indicated below, Animal Services, Libraries, and Parks and Recreation have almost entirely depleted their allocation. In the case of Vizcaya Museum, the entity has a zero balance on its allocation.

Contract No. 9535-1/21-1			
Department	Allocation Amount	Released Amount	Balance
Animal Services	\$100,000	\$99,960.22	\$39.78
Aviation	\$345,000	\$239,229.94	\$105,770.06
Community Action and Human Services	\$101,000	\$39,991.80	\$61,008.20
Corrections and Rehabilitation	\$150,000	\$145,455.66	\$4,544.34
Enterprise Technology Services	\$4,000	\$1,472.40	\$2,527.60
Fire Rescue	\$729,000	\$719,258.26	\$9,741.74

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Researcher: MF / Reviewer: PGE

Housing and Community Development	\$188,000	\$116,969.41	\$71,030.59
Internal Services	\$801,000	\$486,154.55	\$314,845.45
Libraries	\$22,000	\$21,532.95	\$467.05
Transportation & Public Works	\$2,110,389.36	\$1,493,869.42	\$616,519.94
Police	\$230,000	\$191,157.98	\$38,842.02
Regulatory and Economic Resources	\$20,000	\$18,986.54	\$1,013.46
Parks and Recreation	\$604,068.28	\$604,012.77	\$55.51
Seaport	\$314,769	\$248,142.07	\$66,626.93
Solid Waste	\$262,841.39	\$228,692.02	\$34,149.37
Vizcaya Museum	\$21,932.03	\$21,932.03	\$0.00
Water & Sewer	\$4,990,000	\$4,976,198.51	\$13,801.49
TOTAL:	\$10,994,000.06	\$9,653,016.53	\$1,340,983.53

**BCC Meeting:
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Research Notes**

**Item No. 8F11
File No. 210761**

Researcher: TA / Reviewer: PGE

RESOLUTION APPROVING CONTRACT RFQ NO. MCC-9-18 FOR THE PURCHASE OF GENERAL CONTRACTOR FOR MISCELLANEOUS CONSTRUCTION CONTRACT FOR MIAMI-DADE AVIATION DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$70,000,000.00 FOR AN INITIAL FIVE-YEAR TERM AND ONE, TWO-YEAR OPTION TO RENEW TERM TO SUFFOLK/NV2A, A JOINT VENTURE, LLC; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE AND IMPLEMENTING ORDER 3-38

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 4/13/21 – Airports and Economic Development Committee

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 total project value for this contract award is \$50,000,000 for a five-year period. If the one, two-year option-to-renew is exercised, the total contract value will be \$70,000,000; however, the exercise of the two-year OTR will be subject to future Board approval. Under the MCC Program, individual costs for each project may not exceed \$5M in construction costs, excluding allowance accounts and/or applicable management fees.

ADDITIONAL INFORMATION

Overview of MDAD's MCC Program

The Miscellaneous Construction Contracts (MCC) Program for the Miami-Dade Aviation Department (MDAD) was established in 1986 to allow a licensed general contractor (GC) to subcontract miscellaneous construction projects at airport facilities in a timely and efficient manner. In 2009, the County created the MCC 7040 (set-aside for certified small businesses) and the MCC 7360 (open to all contractors) Programs that are managed by the Internal Services Department, Division of Small Business Development (SBD), which may be accessed by all County departments (including MDAD). These programs have proven to be successful at expediting the award of small construction contracts and providing opportunities for small businesses.

"Miscellaneous construction" includes, but is not limited to, renovations, refurbishments, repairs, modifications, upgrades, installation of landscaping and related lighting, irrigation and maintenance work, and various types of emergency and periodic maintenance projects. Project work orders may be for a minor task, such as roof repairs or installation of doors, or more complex work, including construction of a facility which involves major trades requiring an extensive range of construction knowledge.

While ISD/SBD's MCC 7040 and 7360 Programs have procedures established in [Implementing Order No. 3-53](#), no written procedures exist for MDAD's MCC Program. The value of each work order varies, but most MDAD projects are in the range of \$10,000 to \$2,000,000 (the limit per project under the MCC is \$5,000,000, excluding fees). Each

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Researcher: TA / Reviewer: PGE

work order is reviewed for measures by SBD. Construction documents, contract measures, and all pertinent project information is given to the GC, who competitively bids each project. The work is then awarded to the subcontractor who submits the lowest responsive and responsible bid. The GC is responsible for all work awarded under the MCC, including all construction administration and management, as well as all labor, equipment, and materials necessary to perform such duties. The GC is also expected to conduct outreach and provide technical assistance and training to help increase the overall participation level of minorities and small businesses.

According to MDAD, there is no pre-determined listing of MCC projects because the department cannot predict or anticipate all needs in advance. MDAD maintains a list of projects that are being worked on and work that may be required under those projects. Decisions for projects solicited under the MCC are primarily based on the dollar value (being under \$5M). The maximum expenditure authority is approved by the Board, but the actual projects are identified, solicited, and awarded administratively. The \$50M allocation for MCC-9 is based on historical usage that equates to \$10M per year, including the construction management fee paid to the GC, but MDAD has the flexibility to allocate funding to projects as needed.

The Board has awarded eight MCC contracts for MDAD:

- MCC-1-86 in the amount of \$12,471,787 achieved 39% Black Business Enterprise (BBE) participation and 12% Minority Business Enterprise (MBE) participation
- MCC-2-88 in the amount of \$16,000,000 achieved 19% BBE participation and 8% Disadvantaged Business Enterprise (DBE) participation
- MCC-3-91 in the amount of \$18,500,000 achieved 56% BBE participation and 14% DBE participation
- MCC-4-93 in the amount of \$30,000,000 achieved 44% BBE participation, 36% DBE participation, and 57% SBE-Con participation
- MCC-5-97 in the amount of \$30,225,000 achieved 44% SBE-Con participation
- MCC-6-02 in the amount of \$35,175,000 achieved 44% SBE-Con participation
- MCC-7-05 in the amount of \$60,125,000 achieved 33% SBE-Con participation
- MCC-8-10 in the original amount of \$50,125,000 achieved 18% SBE-Con participation at award. As of March 2021, actual SBE participation has been 48%.

**SBE-Con or CSBE refers to certified Small Business Enterprise Construction firm.*

MCC-8-10

MCC-8-10 (often referred to as MCC-8) is the current MCC contract for MDAD valued at \$50,125,000, which was awarded via [Resolution No. R-1122-11](#) on December 19, 2011, with a term of four years, and one additional year to complete work authorized during the initial four-year term (expiration date of February 29, 2016). The awarded firm was Munilla Construction Management, LLC d/b/a MCM (MCM), who changed its name to Magnum Construction Management, LLC in December 2018. Four change orders have been approved by the Board as follows:

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**Item No. 8F11
File No. 210761**

Researcher: TA / Reviewer: PGE

MCC 8-10 Change Orders			
Date (Legislation)	Description	Amended Contract Value	Amended Contract Term
2/18/15 (Resolution No. R-187-15)	Increased contract amount by \$30,000,000 with no additional time to provide capacity to complete several major projects related to development of the North and South Terminals at Miami International Airport (MIA), the Miami Intermodal Center and the Central Boulevard relocation.	\$80,125,000 (59.9% increase from original contract amount)	February 29, 2016 (no change)
3/8/16 (Resolution No. R-228-16)	Increased contract amount by \$10,000,000 and extended the contract term by one year to provide contract capacity and time to continue working on critical projects at MIA.	\$90,125,000 (79.8% increase from original contract amount)	February 29, 2017
4/4/17 (Resolution No. R-384-17)*	Directed the Mayor to negotiate Change Order No. 3 with MCM and to execute such change order without the need for subsequent Board action. The negotiated amount was an increase of the contract amount by \$39,800,000 and an extension of the contract term by two years.	\$129,925,000 (159.2% increase from original amount)	February 29, 2019
7/23/19 (Resolution No. R-796-19)	Non-compensable time extension of 548 days (18 months) with no additional funding to provide for continuity of services until the award of MCC-9-18.	\$129,925,000 (no change)	August 29, 2020

* This item was amended and assigned a resolution number, but the final version is not shown in Legistar.

According to the Business Management Workforce System (BMWS), as of April 15, 2021, the total value of the contract is currently \$129,925,000.

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MCC-9-18 Procurement Process Timeline

September 20, 2016 – ISD Strategic Procurement Division (Procurement) advertised ITB-MDD-MCC-9-16 to select a General Contractor for the MCC Program for MDAD.

November 4, 2016 – Bids were received from six firms: NV2A Group, LLC (NV2A); Cherokee Enterprises, Inc.; TGSV Enterprises, Inc.; Munilla Construction Management, LLC, d/b/a MCM (MCM); GEC Associates, Inc.; and Turner Construction Company.

March 16, 2017 (1:48 pm – 3:40 pm) – At the March 16, 2017 Economic Development and Tourism Committee, the Mayor’s recommendation to reject all bids received for ITB-MDAD-MCC-9-16 (“MCC-9”) was on the agenda (“Item 3B”, [Legistar No. 170493](#)), but was deferred at the request of the Administration to allow time to explore more options before proceeding with the rejection. The rejection was on the basis that the number of hours for the construction management positions under Preconstruction Services were understated (due to MDAD staff errors), which resulted in the bids being skewed and not being representative of the costs of required services.

Also on the same agenda was Change Order No. 3 to the MCC-8-10 (“Item 2A”, [Legistar No. 170732](#)), to provide additional funding and extend the contract to allow time for the MCC-9 contract to be awarded. The existing contract expired February 28, 2017, but only existing work orders (prior to the expiration date) would continue and no new work orders would be issued if no action was taken.

An almost two hour discussion ensued regarding both items, despite “Item 3B” being considered as deferred. The two contractors that submitted the two lowest bids put comments on the record:

- Pedro Munilla, of MCM, objected to “Item 3B”, the rejection of all bids, as MCM submitted the lowest bid. Miguel DeGrandy, representing MCM, stated that MCM was ready to negotiate the new MCC-9 contract and noted that the bid document stated that: “The estimates indicated above are provided for bid evaluation purposes only.” Bid required vendors with 10 years of experience (understand bidding), utilization (all vendors had access to past usage upon request), and no vendors protested the specifications.
- Alex Heckler, representing NV2A, supported the rejection of all bids. He acknowledged that MCM had the lowest overall bid; however, the Pre-Construction hours were understated, and MCM was charging higher rates (\$100 per hour) for those services (NV2A was charging \$42-\$73 per hour). He also stated that NV2A’s commitment was for 25% SBE participation.

The County Attorney’s Office (Oren Rosenthal and David Murray) confirmed its opinion that it would have been a violation of State law to award the contract as is because [Fla. Stat. §255.20](#), regarding competitive bidding for construction services, requires the process to be “rationally related to the product being purchased” and due to the vast disparity between hours bid on and what actual utilization will be, there is no rational connection. For example, a scheduler/safety coordinator job classification was estimated at 420 hours, when the actual was 16,640; and a clerical position was estimated at 520 hours, when the actual should be 24,960, the best cure was to reject and rebid with the correct estimated hours. In addition, a bid waiver was not an option due to the faults in the solicitation. Some of the

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possible options were to resolicit in a qualitative manner (no price consideration), rebidding as an RFP (as it was done in the past), or restructuring the scope of the Prime and subs.

Commissioner Heyman moved to defer “Item 3B” to the next Committee in May 2017 (no Committee scheduled for April) and to forward with a favorable recommendation “Item 2A” (Change Order No. 3) with a month-to-month extension, rather than the one-year extension proposed in the item. Commissioner Sosa also requested clarification on the 10 year experience requirement for the bidders and the number of local offices they have.

April 4, 2017 (1:09 pm to 2:13 pm) – At the April 4, 2017 Board meeting, [Resolution No. R-384-17](#)¹ was adopted, which directed the Mayor to negotiate Change Order No. 3 with MCM without the need for subsequent Board action. As amended at the March 16, 2017 EDPC, the direction was to negotiate an extension on a month-to-month basis, up to one year and increase the contract amount by no more than \$6M.

Commissioner Edmonson had concerns that a month-to-month would not allow for new projects to be started under MCC-8. She proposed extending the contract to complete already ongoing projects under MCC-8 until such time that the MCC-9 contract is established to ensure continuity. In response to questions regarding why the MCC-9 procurement could not be salvaged, Assistant County Attorney David Murray reiterated that approximately 4,000 hours of staff time was estimated, when actual hours were actually over 100,000; thus, the bids do not reflect likely usage of the contract. Commissioner Edmonson ultimately moved to amend the item to allow for an extension for up to two years (or until the MCC-9 is awarded) and additional funding of up to \$18M and a contingency allowance to provide for completion of ongoing and new work orders for the E-Satellite and E Federal Inspection Services (EFIS) projects that were already underway under MCC-8. Her motion also included a direction for the Administration to report on the progress of the MCC-9 ITB on a quarterly basis.

Subsequent to Board approval, after a series of negotiations, both parties agreed to increase the contract amount by \$39.8M and to extend the contract term by two years. The monetary increase included \$18M to complete critical projects at MIA, a dedicated allowance of \$20M for unfinished mechanical and electrical work, and a contingency allowance account of \$1.8M for other emergency or unforeseen work. The two year extension was to provide the necessary time to develop an RFQ for the successor contract that allowed for a qualitative award based on experience instead of price, as directed by the Board (per Resolution No. R-585-17 – See June 6, 2017).

May 11, 2017 (2:06 pm – 2:10 pm and 2:34 pm – 2:47 pm) – At the May 11, 2017 Economic Development and Tourism Committee, the Mayor’s recommendation to reject all bids received for ITB-MDAD-MCC-9-16 (“MCC-9”) was forwarded with a favorable recommendation to the Board. A deferral was originally requested by the Administration because the MCC-8 amendment (Change Order No. 3) was being finalized and they were deciding how to move forward on the solicitation process. Commissioner Moss moved the item because there was no need to keep the solicitation in play if it was not legally sufficient. He also wanted clarification on the qualifications of firms to bid; specifically, years of experience. The solicitation, via addendum, took into consideration the construction management experience of individuals, not necessarily that of the bidding company. Representatives of MCM and NV2A, LLC put comments on the record:

¹ This is the assigned resolution number, but the amended final version was never submitted by the County Attorney to the Clerk’s Office.

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- Miguel DeGrandy, representing MCM, spoke regarding their opposition to allowing new companies to get credit for the experience of individuals that previously worked for other companies.
- Alex Heckler, representing NV2A, noted that their bid with real numbers was actually the lowest at \$10.5M versus MCM's \$22M. He emphasized that Principals' experience should be accounted for, and it would be unfair to only limit consideration of the company's experience.

June 6, 2017 (4:13 pm – 4:18 pm) – At the June 6, 2017 Board meeting, per [Resolution No. R-585-17](#)², the Board rejected all bids received in response to ITB-MDAD-MCC-9-16 and was amended by Commissioner Sosa to direct the Mayor to develop an RFQ that allows for a qualitative award based on experience instead of price for the selection of the General Contractor for the MCC. MDAD confirmed that the MCC8 contract was awarded as an ITB, but previous to that, the MCC contracts were awarded via an RFP process. Representatives of MCM and NV2A were allowed to put comments on the record:

- Miguel DeGrandy, representing MCM, noted that since everyone's bids were on the table, it was appropriate to do a qualitative solicitation. He stated that the ten years experience requirement of the company was deleted from the rejected solicitation and he hoped that it would be required for the RFQ.
- Michael Llorente, representing NV2A, spoke to the experience requirement to allow corporate officers with experience working at the Airport to satisfy the experience requirement as in the best interest of the County. He noted that their bid was \$12M cheaper than MCM when the actual hours were considered.

MDAD staff stated that they expected to present the RFQ in September 2017 for the Board's review.

September 6, 2018 to July 16, 2019 – An internal ISD Procurement Timeline indicates that MDAD provided a draft scope for MCC-9 on September 6, 2018 and it was not ready for review by the County Attorney's Office (CAO) until November 1, 2018. The CAO approved the solicitation package on November 26, 2018 and the Chief Procurement Officer Namita Uppal approved it on November 27, 2018. The agenda item to request approval to advertise the solicitation then underwent the agenda preparation process as of December 2018, but the deadline for April 2019 Committee was missed. The item was not placed on the agenda until the July 16, 2019 Tourism and Ports Committee.

February 28, 2019 – The Aviation Director approved Change Order No. 4 which provides a non-compensable time extension of 548 days from March 1, 2019 to August 29, 2020 with no additional funding via the delegated authority for Aviation per [Section 2-285 of the Code](#). The change order was to provide for continuity of construction services until an award was approved by the Board for the MCC-9-18 contract. As specified in the change order, in the event a successor contract is awarded prior to the termination of the MCC-8-10 contract, the County intended to terminate the contract for convenience.

² This is the assigned resolution number, but the amended final version was never submitted by the County Attorney to the Clerk's Office.

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July 16, 2019 (10:04 am and 10:35 am to 10:39 am) – At the July 16, 2019 Tourism and Ports Committee, the request to advertise RFQ-MCC-9-18 ([Legistar No. 191225](#)) and a [Supplement](#) to incorporate requests from small businesses, as requested by the CSBE Association, was forwarded with a favorable recommendation. Alex Heckler, representing NV2A, spoke in support of the RFQ approach. Dorothy Brown, representing the CSBE Association, spoke to advocate for terms and conditions that benefit small businesses, including waiving liquidated damages for small businesses and requiring the County to pay for storage costs of materials provided by small businesses (in reference to the Supplement).

July 23, 2019 – At the July 23, 2019 Board meeting, [Resolution No. R-796-19](#) (Legistar No. 191224) was adopted as a departmental consent agenda item to ratify Change Order No. 4 that was approved under the Mayor’s delegated authority on February 28, 2019. The item was approved as part of setting of the agenda with no discussion. An add-on [Supplement](#) stated that the request to advertise the RFQ would not be on the agenda because it was scheduled to be considered at a future Board meeting.

October 3, 2019 (1:22pm – 1:33 pm) – At the October 3, 2019 Board meeting, [Legistar No. 191225](#) was deferred to the next meeting to allow for industry and small business input in finalizing the solicitation and contract conditions, as MDAD was still considering the request of small businesses to waive liquidated damages. Director Sola projected an award by as early as February 2021. Then-Commissioner Cava voted No on the deferral.

October 29, 2019 (4:00 pm – 4:04 pm) – At the October 29, 2019 Board meeting, [Resolution No. R-1141-19 \(Legistar No. 191225\)](#) was adopted, authorizing the advertisement of RFQ-MCC-9-18. As part of the resolution, a final version of the [Supplement](#) to incorporate small business benefits as part of the General Terms and Conditions in the RFQ for the MCC-9 contract was adopted. Similar to the previous MCC contracts, the purpose of the RFQ was to seek a licensed general contractor to provide miscellaneous general contractor services at MDAD operated facilities for an initial five-year term and one, two-year renewal option. Under the RFQ, the County will negotiate price with the highest ranked responsive firm, using the previous eight MCC contracts as a baseline.

Then-Commissioner Cava inquired as to how the procurement will be expedited. Director Sola projected at least a 30- to 60-day solicitation and an evaluation period, so the award could be before the Board by March 2020. At least a status report was committed to in January if that timeframe was not met.

November 5, 2019 – RFQ-MCC-18 was advertised.

January 14, 2020 – Proposal Opening date. Eight proposals were received: Suffolk/NV2A, A Joint Venture, LLC (Suffolk/NV2A); Magnum Construction Management, LLC d/b/a MCM; Lemartec Corporation; Turner Construction; The Whiting/Turner Contracting Company; Thornton Construction Company, Inc.; CES Construction, LLC; and Nunez Construction, Inc.

January 15, 2020 – The Mayor issued a report to the Board on the status of the RFQ for MCC-9, which summarized the basic procurement milestones:

- Board approval of the solicitation on October 29, 2019
- Waiver of the Mayoral veto period on November 4, 2019
- Advertisement on November 5, 2019

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- Addendums issued, including extension of the proposal due date from December 20, 2019 to January 14, 2020.

It further confirmed that the procurement was under the Cone of Silence and additional time would be needed to conduct negotiations. It was placed on the January 22, 2020 Board agenda as an add-on report ([Legistar No. 200097](#)) and approved as part of the setting of the agenda with no discussion. This status report was provided as committed by Director Sola at the October 29, 2019 Board meeting. OCA was not able to locate any quarterly reports on the status of the MCC-9 ITB as required by [Resolution No. R-384-17](#) adopted on April 4, 2017.

February 2020 – An internal ISD Procurement Timeline indicates that ISD Procurement reviewed the proposals for responsiveness and the Competitive Selection Committee (CSC) was scheduled to meet in March 2020 but was cancelled due to COVID-19. Due to delays in rescheduling and appointing a new member, the meeting was not held until May 14, 2020.

May 14, 2020 – The CSC convened and ranked Suffolk/NV2A first with 462 points and MCM second with 457 points. The CSC recommended moving forward with negotiations with the highest ranked proposer.

May 18, 2020 to March 11, 2021 – A series of correspondence from MCM and Suffolk/NV2A to the Administration begins from May 18, 2020, with the last letter being sent from MCM on March 11, 2021. These 15 letters were not uploaded to the Bid Tracking System (BTS).

March 9, 2021 – The Chairperson of the CSC submitted its report, recommending the negotiation of pricing proceed with Suffolk/NV2A. ISD Director Tara Smith approved the recommendation on March 10, 2021.

March 9, 2021 Airports and Economic Development Committee (AEDC)

The management fee being paid to MCM under the current contract valued at \$129,925,000 is approximately 6.3% (\$8,200,000). Traditionally (such as under MCC-1 to MCC-7), work orders issued during the contract term may proceed until they are completed, even after the contract expires. However, the MCC-8 contract specifically provided that no work may continue beyond the expiration of the contract (i.e., one year after the expiration of the contract, or August 29, 2021). Thus, MDAD recently made an administrative decision to begin de-scoping projects and cancelling work orders to ensure that all ongoing or new projects can be completed by August 29, 2021, resulting in concerns from small businesses who were counting on that work. An add-on discussion item [1F1 Discussion item regarding MIA Airport](#) was placed on the March 9, 2021 Airports and Economic Development Committee (AEDC) by AEDC Chairman Hardemon.

At this meeting, the Committee members discussed various options for ensuring that these small businesses would not be negatively impacted, such as the County taking over construction management for projects that are ongoing once the MCC-8 contract expires, extending the MCC-8 contract, or working with the awarded MCC-9 contractor to take over those projects. MCM stated on the record that their preference was for the MCC-8 contract to not be extended because they were working under the 2011 pricing; however, they would be willing to follow the County's direction.

Various Committee members indicated a desire for the County Attorney to draft legislation to allow the subcontractors to continue their work on projects awarded during the contract term (i.e., these projects can continue and be completed after the MCC-8 contract expires). At Commissioner Regalado's request, the MDAD Director agreed to provide a status report on all pending projects and look at rolling-back the de-scoping decisions but noted that if any projects are not completed in time, the County would ultimately be held liable for overseeing the projects and ensuring they are

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completed. Because there was not an immediate need to address this issue at Committee, the AEDC Chairman was designated to take the lead on the legislation and consider requesting for it to be waived out of Committee and placed directly on the Board agenda by the Board Chairman.

The delay in award was attributed to the pandemic and prolonged negotiations. COO Jimmy Morales stated that the MCC-9 award recommendation was anticipated to be before the Board for consideration by July/August 2021.

March 8, 2021 – Because the Business Tax Receipt submitted as part of its proposal indicated two employees, ISD Procurement requested and received the Local Business Affidavit from Suffolk/NV2A. The affidavit affirmed that the firm had at least three full-time employees working exclusively on projects awarded to them for a continuous period of one year prior to the proposal submission. ISD Procurement has confirmed that no independent verification takes place.

March 17 to 19, 2021 – The County held multiple strategy and negotiation meetings with Suffolk/NV2A.

March 25, 2021 – The Mayor’s recommendation to award to Suffolk/NV2A was filed with the Clerk.

April 13, 2021 – The Mayor’s recommendation to award to Suffolk/NV2A ([Legistar No. 210761](#)) was an add-on to the April 13, 2021 AEDC agenda. There were arguments presented by representatives from the two top ranked proposers (Suffolk/NV2A and MCM). An Office of the Inspector General (OIG) memorandum dated April 12, 2021, in response to March 29 and March 30, 2021 correspondence received from MCM, was referenced, which addressed concerns raised by MCM regarding small business program compliance and application of local preference to the RFQ. The Administration’s position was that the MCC-9 contract was a clean procurement that complied with all County guidelines and regulations. The vote was 3 Yes (Commissioners Monestime, Garcia and Regalado) and 2 No (AEDC Chairman Hardemon and Board Vice Chairman Gilbert) to move the item with a favorable recommendation. The item was waived for consideration at the April 20, 2021 Board meeting.

Small Business Enterprise (SBE) Program Requirements

Page 4 of the MCC-9 Solicitation, *Section 1.10 Contract Measures*, makes reference to submission of a Make-Up Plan via the Business Management Workforce System (BMWS) prior to award of a future contract, if the contractor (proposer) has a SBE make-up requirement. Per [Section 10-33.02 of the Code](#) regarding the SBE-Construction (SBE-Con) Program, the Make-Up Plan must be submitted through BMWS as part of a Utilization Plan for contracts with SBE measures.

Small Business Development’s (SBD’s) Compliance Review memo dated January 31, 2020 regarding compliance with the 20% SBE-Con Subcontractor goal for all eight respondents to Project No. MCC-9-18 states in part:

“SBD has verified that none of the aforementioned firms are listed on the Goal Deficit Make-Up report as of January 1, 2020 and the History of Violations Report as of December 16, 2019 with an open violation.”

In response to correspondence from Daniel Munilla, President of MCM, dated July 27, 2020, SBD responded in a letter dated August 3, 2020 that Suffolk/NV2A, LLC (NV2A) did not have any outstanding SBE make-up requirements.

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Suffolk/NV2A, A Joint Venture, LLC has a corporate registration under FEIN 83-0649046 (effective September 25, 2017). Thus, the SBD compliance review only considered Suffolk Construction Company, Inc. with a corporate registration under FEIN 04-2776356.

On April 13, 2021, SBD informed OCA that Suffolk Construction Company, Inc. recently submitted a make-up plan via BMWS for the new Cruise Terminal V project (Contract No. DB18-SEA-01), a \$175M Design-Build Contract that was awarded under the [Seaport Expedite and Acceleration Ordinance](#) on December 24, 2019 and ratified by the Board via [Resolution No 1084-20](#) on October 20, 2020. In a letter dated December 20, 2019, Suffolk sent a letter to SBD committing to make up its deficit on this project. SBD advised that the make-up plan, which it approved on April 8, 2021, was submitted due to the start of the construction phase of the project. SBD noted that the utilization of SBE-Con firms was not necessary for the design portion of the work, which was recently completed. In addition to the make-up work, Suffolk must still meet the established goals on this project: 8.91% SBE-CON goal, 4% SBE-Services goal, and a 18.5% SBE-A&E goal (totaling \$22,543,466).

Despite SBD's acceptance of the make-up plan, according to SBD's *Compliance Report of Open and Closed Small Business, Wage and/or Workforce Violations in the last three (3) years as of April 15, 2021*, Suffolk Construction Company, Inc. is still showing an SBE Goal Deficit amount of \$4,230,728.16 which has been open since November 24, 2015. There are no violations showing for Suffolk/NV2A.

The OIG report speaks to the discrepancy in the way SBD certifies businesses and how ISD Procurement determines Local Preference eligibility. The report stated that SBD confirmed there would be conformity moving forward.

Local Preference Policy

[Section 2-8.5 of the Code](#) regarding Local Preference defines a local business as:

1. Having a local business tax (currently referred to as a Business Tax Receipt, BTR) or at least one year prior to bid or proposal submission and a physical address located within Miami-Dade County;
2. Employing at least three full time employees of the vendor for the continuous period of one year prior to the bid or proposal submission; and
3. contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way.

Per Section 2-8.5(2)(e), in the case of a qualitative process, if a non-local business is the highest ranked proposer and the ranking of a local proposer is within 5% of the ranking obtained by the non-local proposer, then the highest ranked local proposer shall have the opportunity to proceed to negotiations or advance to the next step in the solicitation process with the County. Page 8 of the MCC-9 RFQ, Section 4.5 *Local Preference* states:

"If...a non-local Proposer is the highest ranked responsive and responsible Proposer, and the ranking of a responsive and responsible local Proposer is within 5% of the ranking obtained by said non-local Proposer, then the CSC will recommend that a contract be negotiated with said local Proposer."

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Page 7 of the MCC-9 Solicitation, *Section 4.2 Evaluation Criteria*, lists the scoring criteria as follows:

	<u>Evaluation Criteria</u>	<u>Points</u>
1.	Proposer's experience, qualification, capabilities and past performance in providing the type of Services described in this RFQ	40
2.	Experience and qualifications of Key Management Staff, including Key Management Staff to be provided by subconsultants/subcontractors	30
3.	Proposer's approach to providing the Services described in the RFQ, including Pre-Construction Project Order Processes, Construction Phase Services, SBE-CONS Program, and Training	30

As evidenced above, there are no additional points provided for being Local.

The 1st ranked firm (Suffolk/NV2A) and 2nd ranked firm (MCM) both indicated meeting the Local Preference requirements in their respective proposal submissions. To meet the BTR requirement, the firms must have had its BTR at least one year prior to proposal submission which occurred on January 14, 2020.

Per [Section 10-1 of the Code](#) regarding *County Contractors*, the term Contractor is defined as (emphasis added):

“any person, firm, joint venture or corporation that engages in the business under express or implied contract, in any of the trades, or who undertakes or offers to undertake or purports to have the capacity to undertake, or submits a bid to, or does himself, or by or through others, engage in the business of doing a trade, or a Miami-Dade County or Municipal Department qualified by the holder of an Authorized Employee Certificate of Competency or other qualifying agent....”

Business Tax Receipt (BTR) Regulations

Per [Fla. Stat. §205.053](#) regarding *Business tax receipts; dates due and delinquent; penalties*:

“All business tax receipts shall be sold by the appropriate tax collector beginning August 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year.Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the tax due, in addition to any other penalty provided by law or ordinance...”

Per [Section 8A-178 of the Code](#) regarding *Issuance of Local Business Tax, Receipt*:

“(1)...The Tax Collector, before issuing a local business tax receipt based wholly or in part upon capacity, number of persons employed, or any other contingency, shall require the person applying for such receipt to file, under oath, a statement giving full and complete information relative to the capacity, number of persons employed, or other contingency, as the case may be. The applications and statements required by this section shall be retained as a part of the records of the Tax Collector's Office. It shall be the duty of every receiptholder to notify the Tax Collector in writing of any changes affecting the local business tax receipt during the receipt year....”

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(4) Any person applying for or renewing a Miami-Dade County local business tax receipt must comply with all statutory prerequisites to issuance of a local business tax receipt as may be set forth in Chapter 205, Florida Statutes or any other applicable law at the time of application or renewal.

(5) Unless otherwise provided by state law, any person applying for, or renewing, a Miami-Dade County local business tax receipt to practice any profession or engage in or manage any business or occupation regulated by the Department of Business and Professional Regulation, the Florida Supreme Court, any other state regulatory agency, including any board or commission thereof, or a statewide or national professional association, must exhibit an active state and/or national certificate, registration, or license or proof of copy of the same, before such local business tax receipt may be issued, as required by Section 205.194, Florida Statutes, any other section of Chapter 205, or other provisions of Florida law as may from time to time be enacted....

(6) The failure of a person to file a written application for a local business tax receipt shall not affect the Tax Collector's authority to assess the local business tax and issue a receipt in addition to the imposition of penalties provided for in this article, where a business or professional is found to be operating without the required receipt.

(7) Any person who, in an original or renewal application to the Tax Collector for a local business tax receipt based upon capacity, number of persons employed, or any other contingency, makes a false statement under oath of capacity, number of persons employed, or other contingency, shall be deemed guilty of a misdemeanor and punished as provided by law.”

While the Code speaks to associated penalties with delinquent tax receipt payments or operating without a paid BTR, there is no reference to payment of BTRs in arrears.

The County’s [Business Tax Receipt application](#) requires that if your business is regulated by a State or County Agency, you must present a copy of an active license. For a Contractor, a “copy of State license from the Florida Department of Business and Professional Regulation” is required.

The OIG noted in its report that ISD Procurement, in consultation with the County Attorney, has historically accepted payments of BTRs for prior years to meet the one year BTR requirement and that there is nothing in the Code that requires a firm’s licenses to be in place for a full year prior to qualifying for local preference. The OIG also noted that Suffolk/NV2A has provided documentation and an affidavit of the three employees that have been employed for a continuous period for a one year period prior to proposal submission.

Additional Information

- No formal bid protest was filed for this RFQ.
- At the June 6, 2017 Board meeting, the Board adopted a rejection of all bids received in response to ITB-MDAD-MCC-9-16, which had been advertised in September 2016. The solicitation details and supporting documentation does not appear to exist in ISD Procurement’s Bid Tracking System.

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- At the April 13, 2021 AEDC meeting, changes to MCM’s key personnel were referenced. A general internet search did not find any disclosed personnel changes.³ Generally, a change in key personnel alone does not automatically disqualify a proposal, but could impact the way a proposal is evaluated. The MCC-9 Solicitation appears to be silent on this issue, although the “experience and qualifications of Key Management Staff” comprised 30% of the total evaluation score. If a material change has occurred, a responsibility review by ISD Procurement may be beneficial to ensure that the substituted personnel is just as, or more qualified, than those listed in the original proposal.
- There are two additional legislative items that are related, but separate, from the award of MCC-9:
 - [Legistar No. 210623](#): This resolution directs the Mayor to exercise the assignment clause in the MCC-8 contract to assign to Miami-Dade County certain outstanding work orders unable to be completed by the expiration date of MCC-8 (August 29, 2021); requiring a report to the Board within 30 days. This was forwarded with a favorable recommendation to the Board at the April 13, 2021 Airports and Economic Development Committee. It is scheduled for Board consideration on May 4, 2021. *The proposed MCC-9 contract provides that Suffolk/NV2A may perform construction services on those projects under MCC-8 whose scope of work exceeds the MCC-8 contract stop date of August 28, 2021 (the list of such projects is included as page 5 of Item 8F11).*
 - [Legistar No. 210762](#): This ordinance would increase the authority to award and reject bids under the MCC Program from \$5M to \$15M. As written, this only applies to ISD’s MCC7040 and 7360 Programs that is codified in [Section 2-8.2.7.01 of the Code](#) and in [Implementing Order No. 3-5](#). If adopted, this will all more construction projects to be expedited under the MCC Program (without requiring Board approval or ratification). SBD currently submits quarterly reports to the Board detailing contracting activities, including SBE measures and the number of awards and total dollars awarded. It is scheduled for Board consideration on April 20, 2021.

³ A [LinkedIn Profile](#) for Alberto Calderin showed one job listing for MCM.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8K1
File No. 210367**

Research: JNF / Reviewer: PGE

RESOLUTION DECLARING A PORTION OF COUNTY-OWNED PROPERTIES LOCATED ON THE SOUTHWEST OF LOTS 11 THROUGH LOT 15 BY NW NORTH RIVER DRIVE AS SURPLUS; AUTHORIZING THE CONVEYANCE OF SUCH PROPERTIES TO THE CITY OF MIAMI, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, FOR \$10.00 FOR THE PURPOSE OF A RIGHT-OF-WAY DEDICATION; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO EFFECTUATE THE CONVEYANCE AND TO ENFORCE THE PROVISIONS SET FORTH IN THE COUNTY DEED, INCLUDING, BUT NOT LIMITED THE COUNTY'S REVERSIONARY INTEREST

Prime Sponsor: Commissioner Eileen Higgins, District 5

Requester: Public Housing and Community Development

Committee Action Date: 3/11/21 - Public Housing and Community Services Committee (PHCSC)

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 conveyance of the portion of County-owned properties located on the Southwest of lots 11 through 15 by NW North River Drive will be for a nominal price of \$10.00.

ADDITIONAL INFORMATION

The City of Miami requested right-of-way dedication to the public for street purposes, in accordance with [Chapter 54, Article II, Section 54-58](#) of the Code of the City of Miami, Florida, as a condition to issuing a permit for development of The Gallery on the River. The conveyance of 1,076 square feet of County property to the City of Miami pursuant to [Section 125.38, Florida Statutes](#) is necessary to meet the minimum width requirement (50 feet) for all public streets in the City. The Gallery on the River, located on an approximately 1.66 acre site at 401 NW North River Drive and 540 NW 5th Street within the City of Miami, is the second phase of redevelopment of Jack Orr Plaza and will provide approximately 160 units of rental housing to be occupied by persons or families of low, moderate or middle income.

The below table details the market land value and lot size of the property for which this item authorizes conveyance.

Folio No.	Address	Lot Size	2020 Market Land Value
01-0107-010-1110	455 NW 6 th Avenue	1,076 Sq. Ft.	\$1,076

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8K2
File No. 210369**

Research: VW / Reviewer: PGE

RESOLUTION APPROVING, PURSUANT TO SECTION 17-02 OF THE CODE OF MIAMI DADE COUNTY, A LOAN OF UP TO \$300,000.00 OF DOCUMENTARY STAMP SURTAX FUNDS TO HTG PARADISE, LLC OR RELATED ENTITY FOR THE DEVELOPMENT OF THE MAX'S LANDING AFFORDABLE HOUSING PROJECT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A CONDITIONAL LOAN COMMITMENT AND STANDARD SHELL CONTRACTS, STANDARD SHELL DOCUMENTS, AMENDMENTS AND OTHER DOCUMENTS OR AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SUBORDINATE OR MODIFY THE TERMS OF CONTRACTS, AGREEMENTS, AMENDMENTS AND LOAN DOCUMENTS, AND TO EXERCISE THE TERMINATION, WAIVER, ACCELERATION AND OTHER PROVISIONS

Prime Sponsor: Joe A. Martinez, District 11

Requester: Public Housing and Community Development

Committee Action Date: 3/11/2021 – Public Housing and Community Services Committee (PHCSC)

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 item is allocating prepaid Documentary Surtax Program funds to the Max's Landing affordable housing project. There is no negative fiscal impact to the County's General Fund.

On March 16, 2021 OCA requested the following financial and budget information from PHCD:

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	Explain why this expenditure or revenue was not budgeted for, including how the expenditure will be addressed, or what the revenue will be utilized for.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
Page 121 of the PHCD Budget Narrative	Documentary Stamp Surtax	N/A		N/A	\$300,000 ¹

¹This is an early repayment of a 2009 Surtax Loan set to mature in 2041, the repaid funds are proposed for allocation to another project by the same developer. This per Sec 17.02 of the County Code.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8K2
File No. 210369**

Research: VW / Reviewer: PGE

	Loan Repayment				
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ADDITIONAL INFORMATION

The conditional loan agreement under consideration in the item will redeploy \$300,000 of Documentary Surtax Program funds from HTG Veranda Senior, Ltd. to HTG Paradise, LLC, both subsidiaries of the parent company Housing Trust Group (HTG). HTG Veranda Senior, Ltd. was loaned \$300,000 by the Miami-Dade County Documentary Surtax Program on September 1, 2009 through [Resolution No. 1071-09](#) for the Veranda Senior affordable housing project. Resolution No. 1071-09 approved the allocation of roughly \$19,281,810 in Documentary Surtax funds for the construction and rehabilitation of affordable rental housing as part of the FY 2009 Mid-Year Funding Cycle.

While the loan was set to mature on May 31, 2041, HTG Veranda Senior, Ltd. paid off the loan in its entirety on September 8, 2020. The parent company, HTG, is now requesting that the funds be redeployed from HTG Veranda Senior, Ltd. to HTG Paradise, LLC for the construction of a new affordable housing project Max's Landing, formerly Paradise Lake Apartments. Per the loan agreement, the term of the loan is 30 years, and the interest rates are as follows: 0% interest during the construction phase in years 1 and 2 and 1% interest-only payments for years 3 to 30 from the development cash flow. The 1% interest is accruing and due at maturity with the full principal also being due at maturity. This loan is conditioned on the repayment of the HTG Veranda Senior, LTD., loan in the amount of \$300,000 which the borrower already fulfilled on September 8, 2020. The loan agreement stipulates that if the loan funds are to come from SHIP or Surtax funds then the loan can only be used for the development of affordable housing for residents with household incomes not greater than 140% of AMI. If the loan funds are to come from HOME or CDBG funds, then the loan may only be used for the development of affordable housing for residents with household incomes not greater than 80% of AMI.

On February 11, 2020 HTG had secured \$21.6 million in financing for the Max's Landing, formerly Paradise Lakes Apartments, affordable housing development. The \$21.6 million includes \$14.5 million in 9 percent Low Income Housing Tax Credit Equity from City Real Estate Advisors, a \$5.5 million loan from KeyBank, and \$1.6 million in soft financing from Miami-Dade County.² Paradise Lakes Apartment is a three-story 76-unit building which will have units set aside for residents earning between 30 percent to 80 percent of the AMI, with monthly rents ranging from \$401 to \$1,443.

² <https://therealdeal.com/miami/2020/02/11/developer-scores-financing-for-west-kendall-affordable-housing-project/>

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8L2
File No. 210404**

Research: CB / Reviewer: PGE

RESOLUTION APPOINTING MATTHEW PORTER TO THE AGRICULTURAL PRACTICES ADVISORY BOARD

Prime Sponsor: Kionne L. McGhee, District 9

Requester: Clerk of the Board

Committee Action Date: 3/9/2021 – PortMiami and Environmental Resilience Committee (PRC)

RESEARCH FINDINGS

OCA completed the required background research regarding the appointment of Matthew Porter to the Agricultural Practices Advisory Board. The research yielded no adverse informational findings for the appointee. This report is being provided as a Supplement to BCC Agenda File Item Number 210404.

FINANCIAL ANALYSIS

N/A

ADDITIONAL INFORMATION

Bulleted below is the relevant legislation relating to the background research process:

- [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 or appointments by the BCC.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8M1
File No. 210251**

Researcher: MF / Reviewer: PGE

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER FOR THE AWARD OF AN OPERATIONS AND MANAGEMENT AGREEMENT OF A BIO-HAZARDOUS WASTE DISPOSAL FACILITY ON COUNTY-OWNED PROPERTY TO STERICYCLE, INC., WITH A POSITIVE FISCAL IMPACT TO THE COUNTY OF AT LEAST \$5,500,000.00 FOR 20 YEARS INCLUDING THE INITIAL 10 YEAR TERM OF THE OPERATIONS AND MANAGEMENT AGREEMENT AND THE TWO, FIVE-YEAR RENEWAL TERMS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR DESIGNEE TO EXECUTE SAME AND EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN INCLUDING OPTIONS TO RENEW AND CANCELLATION PROVISIONS

Prime Sponsor(s): None

Requester: Solid Waste Management Department

Committee Action Date: 3/11/21 – County Infrastructure, Operations, and Innovations Committee

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

As shown below, the funding source for this item is derived from Disposal Funds, for which revenues – and not expenditures – are associated with this item. As depicted, the estimated revenue to be collected for Fiscal Year 2020-21 stands at \$224,000.

Has the expenditure been budgeted for?			
If yes:			If no:
Provide the budget line item where this expenditure can be identified.	Provide the funding source(s).	Provide the Financial index or account code.	Explain why this expenditure was not budgeted for, including how the expenditure will be addressed, and actual expenditures for FY 2019-20 and FY 2020-21
DSWM Budget Book page Number 30	Disposal Funds	SWRD00152970	There are revenues but no expenditures associated; FY 2019-20 Actuals -\$232,787 FY 2020-21 Projected - \$224,000

According to the proposed contract between Stericycle and the County, the vendor will pay the County the monthly amount of \$19,086.44, plus sales tax. Subsequently, starting on July 1, 2021 and each July 1st thereafter, the monthly rent for the current year shall be adjusted upward by the percentage increase over the prior year, as per the Bureau of Labor Statistics' Consumer Price Index (CPI). Under this agreement, the CPI will be capped at 5% per year for the initial 10-year term and recurring renewal terms, which are listed as two, five-year renewals – for a total of 20 years. If the CPI were to exceed the 5% threshold, the CPI increase shall be applied to CPI increases in future years when the CPI is less than 5%.

**BCC Meeting:
April 20, 2021
Research Notes**

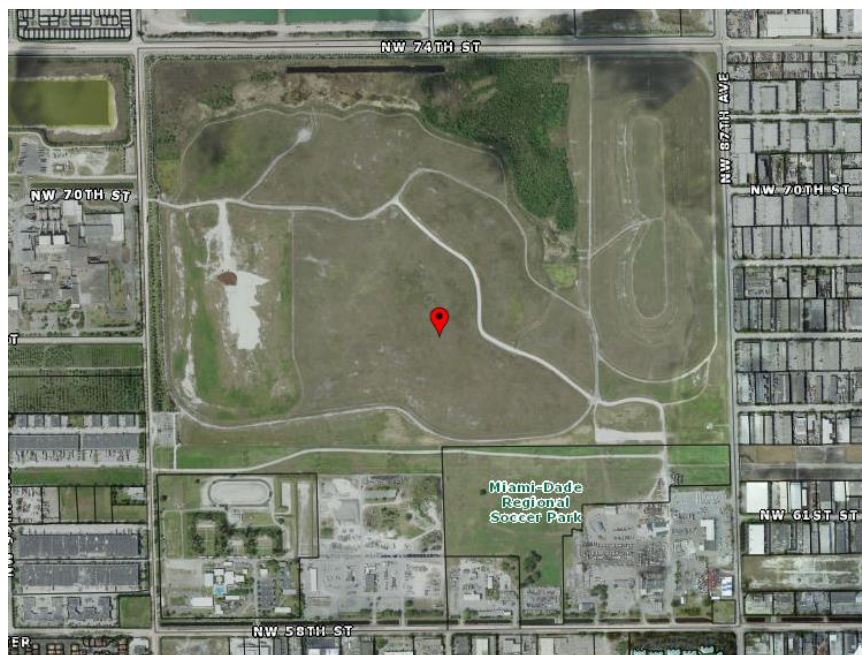
**Item No. 8M1
File No. 210251**

Researcher: MF / Reviewer: PGE

ADDITIONAL INFORMATION

[Stericycle, Inc.](#) specializes in bio-hazard medical and waste collection, as well as performing regulatory and performance training. Among the vendor's clientele are healthcare and professional offices, hospitals, pharmaceuticals and biotech, retailers and pharmacies, dentists, veterinarians, schools and universities, and governmental entities including the military.

The illustration below portrays the County-owned bio-hazardous waste disposal site for this item located at 8795 NW 58 Street in Doral.



**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8N32
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: 3/9/21 – Transportation, Mobility and Planning Committee

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 table below depicts the funding for this item for both FY 2019-20 and the current FY 2020-21.

Has the expenditure been budgeted for?			
If yes:			If no:
Provide the budget line item where this expenditure can be identified.	Provide the funding source(s).	Provide the Financial index or account code.	Explain why this expenditure was not budgeted for, including how the expenditure will be addressed.
Volume 2 2000000133 Page 150	City of Miami Road Impact Fees; Florida Department of Transportation	MTULINECTMIA CPEMT02LINE MT0V15UNDER1	N/A - This is a Change Order for time only. FY 2019-20 Actual Expenditures: \$8,378,650 FY 2020-21 Projected Expenditures: \$1,247,016

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 March 16, 2021, the County issued a total of \$12,861,155.78 in 21 separate checks to Central Pedrail, JV. This means that 90%, 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.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8N32
File No. 210268**

Researcher: MF / Reviewer: PGE

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)	R-1020-18 October 2, 2018	\$14,255,556	Central Pedrail, JV	First half-mile completed February 2021
Phase II, 2.14 miles (Design-Build Services)	R-971-20 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)	R-265-18 March 20, 2018	\$5,000,000	N/A (Expected to go to procurement)	Expected completion April 2026
PSA for the segments	R-497-20 May 19, 2020	\$1,999,801.16	Kimley-Horn & Associates	Ongoing

ADDITIONAL INFORMATION

OCA reviewed the Capital Improvements Information System (CIIS) on April 14, 2021. The recommended firm has three evaluations on file and has an average score of 3.1 out of a maximum total of 4.0. Bulleted below are the evaluation dates and respective scores for Central Pedrail, JV.

- 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).

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 13th 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 13th Street to Southwest 19th Avenue; Phase III stretches 7.3 miles from Southwest 19th Avenue to the Dadeland South Metrorail Station. According to The Underline webpage, (www.theunderline.org), the project will open in phases. Once completed, the entire construction cost for the project is estimated at \$109,000,000.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8N36
File No. 210302**

Research: 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: 3/9/21 – Transportation, Mobility and Planning Committee

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:

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8N36
File No. 210302**

Research: TA / Reviewer: PGE

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.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8N37
File No. 210339**

Research: TA / Reviewer: PGE

RESOLUTION APPROVING A CONTRACT AWARD FOR PROFESSIONAL SERVICES AGREEMENTS WITH A&P CONSULTING TRANSPORTATION ENGINEERS, CORP. AND CALVIN GIORDANO & ASSOCIATES INC., TO PROVIDE CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR VARIOUS DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS PROJECTS (PROJECT NO. E17-DTPW-02; CONTRACT NO. 20200114 & 20200115) IN AN AMOUNT NOT TO EXCEED \$3,000,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$272,727.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT

Prime Sponsor: None

Requester: Department of Transportation and Public Works

Committee Action Date: 3/11/21 – County Infrastructure, Operations, and Innovations Committee

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.)
3. The award recommendation does not include a description of the due diligence conducted to determine contractor responsibility as required by Board resolution. (See the Additional Information section.)

FINANCIAL ANALYSIS

The fiscal impact for award of two Professional Services Agreements (PSAs) is \$3,000,000, which includes a contingency allowance amount of \$272,727. The applicable projects are funded as part of the FY20-21 Adopted Budget and Multi-Year Capital Plan. This work is to be funded by Secondary Gas Tax, Road Impact Fees, and People's Transportation Funds. Any tasks will be based on the department's needs and, per page 1 of the agreement (or page 12 of the agenda item), task work orders will be assigned with additional selection criteria: (a) firm expertise and (b) consultant staff availability to do the work. As such, no minimum amount of work or compensation is guaranteed.

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 that should have been conducted before proceeding with this award recommendation.

[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 required work history or performance record information. According to the Capital Improvements Information System (CIIS), as of March 5, 2021, the evaluation summary is as follows:

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8N37
File No. 210339**

Research: TA / Reviewer: PGE

Prime Consultant	Number of Evaluations	CIIS Evaluation Rating
A & P Consulting Transportation Engineers, Corp.	37	3.8
Calvin Giordano & Associates, Inc.	12	3.7

According to the Business Management Workforce System (BMWS), the three-year work history (March 5, 2018 to March 5, 2021) for each firm is as follows:

Prime Consultant	Number of Contracts	Total Value
A & P Consulting Transportation Engineers, Corp.	7	\$4,940,137
Calvin Giordano & Associates, Inc.	6	\$732,000

[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. 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 no adverse findings, including verifying that the firms have no Small Business Enterprise (SBE) or Wage Program violations in the past three years.

The mayoral memo indicates that Responsible Wages apply to this project; however, in accordance with [Section 2-11.16 of the County Code](#), Responsible Wages apply to construction contracts. OCA verified that the project worksheet issued by the Division of Small Business Development (SBD) on July 9, 2019 did not apply wages to this engineering project.

The project worksheet further indicated that at least two SBEs expressed their capability to perform the work at the time, but no SBEs actually bid on this project when it was solicited in October 2019. In fact, only the two recommended firms submitted proposals. The Competitive Selection Committee convened on December 17, 2019, and the recommended firms submitted their Fair Subcontracting Policies and Certificates of Insurance (which are required pre-award) in March 2020, but DTPW and Office of Management and Budget approval for this project was not until January 2021. The Mayor's Office approved this award on February 4, 2021. Both awardees have signed their respective PSAs, but those pages have not been dated.

A SBE Architectural and Engineering Services (A/E) goal of 30% was set for these PSAs; both consultants are meeting the goal utilizing SBE sub-consultants. On March 5, 2021, the SBE certification status of the subconsultants were verified. According to SBD's compliance memo dated November 26, 2019, the teams are as follows:

A & P Consulting Transportation Engineers, Corp.	
Azimuth 360 Consulting Group, Inc.	2%
Castillo Engineering, Inc.	15%
Pinnacle Consulting Enterprises, Inc.	13%
Total	30%

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8N37
File No. 210339**

Research: TA / Reviewer: PGE

Calvin Giordano & Associates, Inc.	
Bolton Perez & Associates, Inc.*	20%
Hammond & Associates	3%
R.J. Behar & Company, Inc.	7%
Total	30%

*This firm graduated from the SBE Program on December 31, 2020; however, in accordance with [Section 10-2.4.01 of the County Code](#) pertaining to the SBE A/E Program, the firm was certified at the time of the proposal submission and thus may count as credit towards the SBE goal for this contract.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8N38
File No. 210340**

Research: JNF / Reviewer: PGE

RESOLUTION APPROVING A CONTRACT AWARD FOR PROFESSIONAL SERVICES AGREEMENTS IN AN AMOUNT ESTIMATED AT \$3,000,000.00 WITH 28 CONSULTING FIRMS TO PROVIDE GENERAL LAND AND ENGINEERING SURVEYING SERVICES (PROJECT NO. E19-DTPW-04; CONTRACT NO. 20190152) 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: 3/11/2021 - County Infrastructure Operations & Innovations Committee (CIOIC)

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

These Professional Service Agreements (PSAs) for General Land and Engineering Surveying Services, totaling the estimated amount of \$3,000,000 for a term of three years, will be utilized by the following departments: DTPW, Aviation, Water and Sewer, Internal Services, Regulatory and Economic Resources, Public Housing and Community Development, Parks, Recreation and Open Spaces, and Seaport. Funding will be derived from project specific funding sources, which must be provided at the time work orders are issued. An estimated \$2 million will be from Charter County Transportation Surtax funds.

The contract's negotiated fee schedule reflects a 10% increase from the previous contract rates for field personnel and equipment, and a 15% increase for office staff for the first year. A 1.5% annual increase will be in effect for the duration of the contract.

Consultants under a similar previous three-year contract performed approximately \$2,580,000 worth of work while DTPW's Survey Section performed an average of \$5,000,000 worth of services per year (\$15,000,000 for the contract term).

OCA requested the following financial and budget information from DTPW:

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8N38
File No. 210340**

Research: JNF / Reviewer: PGE

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	Explain why this expenditure or revenue was not budgeted for, including how the expenditure will be addressed, or what the revenue will be utilized for.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21
N/A	N/A	N/A	This Item has no funding source assigned. The user departments requesting these services would do so for specific projects previously approved by the Board with a defined funding Source.	-	-

ADDITIONAL INFORMATION

These PSAs with 28 consulting firms, of which 23 (82%) have local addresses will be utilized as needed by County departments, with work orders being issued to the firms in order based on the total amount awarded to each firm for countywide projects during the previous three years.

Each firm's average evaluation rating, out of a possible 4.0, is detailed below.

Firm	Evaluation Count	Average Evaluation Rating (out of a possible 4.0)
Aptim Environmental & Infrastructure LLC	9	3.6
Atkins North America Inc.	37	3.8
Avino & Associates, Inc	3	3.7
Bello and Bello Land Surveying Corporation	0	-
Biscayne Engineering Company, Inc	4	3.5
CPH Inc.	7	3.9
FR Aleman & Associates, Inc	2	3.5

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GPI Geospatial Inc	0	-
Hadonne Corp	0	-
HBK Engineering, LLC	0	-
HSQ Group, Inc	9	3.8
IBrucken Services, LLC	0	-
InfraMap Corp.	3	3.9
J. Bonfill and Associates Inc	7	3.7
JBM Data System, LLC	1	4.0
Juan C. Melendez, dba Orthotek	0	-
KCI Technologies, Inc	0	-
Keith and Associates Inc	0	-
Longitude Surveyors, LLC	0	-
Ludovici and Orange Consulting	10	3.3
Manuel G. Vera & Associates, Inc	3	3.1
Marlin Engineering, Inc	8	3.5
Maser Consulting, PA	0	-
Miller Legg & Associates, Inc	5	3.4
Premiere Design Solutions, Inc	5	3.9
Robayna and Associates, Inc	6	3.6
WGI, Inc	4	3.9
Woolpert, Inc	13	3.6

Source: Capital Improvements Information System

Maser Consulting, PA appears as an inactive foreign profit corporation on [Sunbiz](#). Maser Consulting, Inc., which has the same FEIN number as Maser Consulting, PA, changed its name to Colliers Engineering & Design, Inc. on December 14, 2020.

[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 Memorandum does not make reference to this evaluation being conducted before proceeding with this award recommendation. OCA posed the question to the department of whether such an evaluation was conducted. DTPW responded that an assessment was conducted to determine what amount of work the

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County can perform in-house and what type of work needs to be outsourced due to not having the specialized equipment needed to fulfill the scope of work required. DTPW's Survey Section has nine field crews and office personnel that work full time performing work for the department and other County agencies. This section can handle any type of work covered under technical category 15.01 (General Land and Engineering Surveying) and also has the ability to do small projects involving technical category 15.02 (Aerial photogrammetry) since DTPW has two survey grade drones. There are two other categories 15.03 (Underground Utility Location) and 15.04 (Hydrographic Surveys) that the department does not have the capability to perform since it requires a substantial investment in specialized heavy equipment and boats. These PSAs also include category 15.02 (Aerial Photogrammetry) to use consultants on large scale projects requiring the use of regular aircrafts. The department thus solicited these PSAs to handle excess work that could not be performed in-house and to handle certain types of jobs that the department's Survey Section does not have the specific equipment to perform.

This item received CITT approval on March 25, 2021, as required by [County Code Section 29-124\(f\)](#).

Relevant Pending Litigation

Hadonne Corp. is the defendant in an ongoing negligence lawsuit (Case No. CACE19023572) filed on November 13, 2019 in the 17th Judicial Circuit, Broward County, wherein Hadonne Corp., who was contracted by the plaintiff to serve as the surveyor on the project, was allegedly negligent in performing these surveying services, resulting in plaintiff incurring \$709,060 in damages to remove, remediate, and replace the defective portions of the project. The last action on the case as it relates to defendant Hadonne was the filing of an answer and affirmative defenses to plaintiff's second amended complaint on February 12, 2021.

Longitude Surveyors, LLC is the defendant in a recently filed (January 7, 2021) negligence lawsuit (Case No. 2021-000370-CA-01) in the Eleventh Judicial Circuit, Miami-Dade County, wherein Longitude Surveyors, LLC was allegedly negligent in performing survey and design work, resulting in the plaintiff's increased construction costs, amounting to more than \$485,000, to correct the errors. A hearing on defendant's motion to dismiss plaintiff's complaint took place on April 7, 2021. The results of this hearing were unknown at the time of publication of this research note.

WGI, Inc. is the defendant in a negligence lawsuit (Case No. 2020CA002166) filed on February 25, 2020 in the Fifteenth Judicial Circuit, Palm Beach County. The allegations against WGI, Inc. include failing to prepare project plans with reasonable care, supplying false, inaccurate and otherwise misleading information about the project, and failure to timely detect and correct defects, resulting in plaintiff incurring additional costs exceeding \$30,000. The last court action as it relates to WGI, Inc. was an answer to interrogatories filed on October 22, 2020.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 8N39
File No. 210342**

Researcher: VW / Reviewer: PGE

RESOLUTION APPROVING A CONTRACT AWARD FOR PROFESSIONAL SERVICES AGREEMENTS IN AN AMOUNT ESTIMATED AT \$10,000,000.00 WITH 21 CONSULTING FIRMS TO PROVIDE SOILS, FOUNDATION AND GEOTECHNICAL TESTING SERVICES (PROJECT NO. E19-DTPW-06; CONTRACT NO. 20190201) AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENTS AND EXERCISE TERMINATION PROVISIONS CONTAINED THEREIN AND AUTHORIZING THE USE OF VARIOUS FUNDING SOURCES INCLUDING CHARTER COUNTY TRANSPORTATION SURTAX FUNDS 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 ON JANUARY 22, 2020 AND BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDS

Prime Sponsor(s): None

Requester: Department of Transportation and Public Works

Committee Action Date: 3/11/2021 – County Infrastructure, Operations and Innovations Committee (CIOIC)

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 total fiscal impact of the Professional Services Agreements (PSAs) with the 21 consulting firms is \$10,000,000 with a contract period of 1095 days. Funds for the contract will come from Charter County Transportation Surtax and General Obligation Funds. The fiscal impact to the Charter County Transportation Surtax is estimated at approximately \$3 million over the three-year period of the PSAs. The cost of services will be charged to the specific project or activity requesting the services. The department requesting the services for the specific project will provide the funding source at the time a work order is issued. Work orders will not be issued under this contract unless the specific user department identifies the appropriate capital project and budget fund.

On March 16, 2021 OCA requested the following financial and budget information from DTPW:

Has the expenditure or revenue (as applicable) been budgeted for?					
If yes:			If no:	If applicable:	
Provide the budget line item where this expenditure or revenue can be identified. Include the Budget Book Page number, if applicable.	Provide the funding or revenue source(s).	Provide the Financial index or account code.	Explain why this expenditure or revenue was not budgeted for, including how the expenditure will be addressed, or what the revenue will be utilized for.	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21

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File No. 210342**

Researcher: VW / Reviewer: PGE

N/A	N/A	N/A	This Item has no funding source assigned. The user departments requesting these services would do so for specific projects previously approved by the Board with a defined funding Source.	N/A	N/A
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ADDITIONAL INFORMATION

The contract under consideration is an award of multiple PSAs with 21 consulting firms for services related to soils, foundations, and geotechnical testing for the following department: DTPW, Aviation, Water and Sewer, Internal Services, Regulatory and Economic Resources, Public Housing and Community Development, Parks, Recreation and Open Spaces, and Seaport. The services will include but not be limited to: geotechnical testing, monitoring wells, pre-stress/pre-cast fabrication inspection, pile driving, soils testing, asphalt and concrete testing, steel testing, and roofing inspecting/testing. The specified services are required for the design and construction of funded projects by the above departments.

According to the PSA there are no specific projects to be designated under the agreement. Rather the consultant will be issued work orders by the department director as the need for services arises, covering in detail the scope time for completion and compensation for the work to be accomplished. According to the mayoral memo, the work is to be assigned on a rotational basis with the initial order determined by the amount of money awarded countywide to each firm during the previous three years. Once each firm has been issued a work order, the list is re-established based on the amount of money awarded to each firm, updated to include the work orders issued under this contract.

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.

No Small Business Enterprise (SBE) goals were set for the overall professional services agreement, but the PSAs have the following firms as consultants for the project:

- Ardaman & Associates Inc.
- ATC Group Services LLC
- Blascom Engineering Inc.
- GCES Engineering Services LLC
- Geosol Inc.
- GFA International Inc.
- H2R Corp.
- HP Consultants Inc.

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**Item No. 8N39
File No. 210342**

Researcher: VW / Reviewer: PGE

- HR Engineering Services Inc.
- Maser Consulting P.A.
- NADIC Engineering Services Inc.
- NOVA Engineering & Environmental LLC
- NUTTING Engineering of Florida Inc.
- NV5 Inc. (KACO)
- Professional Services Industry Inc.
- Radise International LC
- Terracon Consultants Inc.
- Tierra South Florida Inc.
- Universal Engineering Sciences LLC
- Wingerter Laboratories Inc.
- Wood Environment & Infrastructure Solution

According to BMWS, as of April 14, 2021, of the 21 consultants identified for the project six are certified SBE firms:

- Blascom Engineering Inc.
- GCES Engineering Services LLC
- Geosol Inc.
- HP Consultants Inc.
- HR Engineering Services Inc.
- NADIC Engineering Services Inc.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 801
File No. 210212**

Researcher: MF / Reviewer: PGE

RESOLUTION APPROVING CHANGE ORDER NO. TWO IN THE AMOUNT OF \$923,133.72 TO POOLE & KENT COMPANY OF FLORIDA FOR CONTRACT NO. S-905R, CD 5.05 UPGRADE OF SEWAGE PUMP STATION NO. 0415 PURSUANT TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE, SECTION 2-8.2.12 OF THE COUNTY CODE

Prime Sponsor(s): None

Requester: Water and Sewer Department (WASD)

Committee Action Date: 3/11/21 – County Infrastructure, Operations, and Innovations Committee

RESEARCH FINDINGS

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

- Pursuant to Resolution No. [R-1001-15](#), which requires that 85% of the SBE goals are applicable to the portion of the contract work performed to date be met prior to the BCC considering a work order. The SBD memo attached to this item indicates the firm is compliant; notwithstanding, the SBD memo attached is from August 2020 – eight months from the time the SBD compliance requirement was reviewed.

FINANCIAL ANALYSIS

According to WASD staff, funding for this item has been budgeted and will derive from Bonds. As shown below, the actual expenditures for FY 2019-2020 were \$643,376 compared to \$1,640,848 for FY 2020-21 – a difference of \$997,472 or 155% higher for the current fiscal year.

Has the expenditure been budgeted for?			
If yes:			If no:
Provide the budget line item where this expenditure can be identified.	Provide the funding source(s).	Provide the Financial index or account code.	Explain why this expenditure was not budgeted for, including how the expenditure will be addressed.
Change Order No. 2 will be funded from the Sewer Pump Station Systems – Consent Decree Projects, Project # 964440, FY 2020-21 Adopted Budget and Multi-Year Capital Plan, Page # 67. Funding Sources are: Wastewater Connection Charges,	Bonds EW 667	S049028	Budgeted FY 2019-20 Actual Expenditures: \$643,376 FY 2020-21 Projected Expenditures: \$1,640,848

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**Item No. 801
File No. 210212**

Researcher: MF / Reviewer: PGE

WASD Revenue
Bonds Sold, and
Future WASD
Revenue Bonds.

According to OCA's analysis, the contract to Poole & Kent was first awarded the contract in 2017. Pursuant to Ordinance No. [14-77](#), the Mayor's purview encompassed the ability to amend contracts, as well as negotiate and designate change orders for funded capital projects pertaining to Consent Decree projects for the Water and Sewer Department. On September 4, 2019, the BCC approved the first change work order via Resolution No. [R-878-19](#) for a contract increase in the amount of \$418,601 and a 178-day non-compensable time extension.

Table 2 below depicts the value of the initial construction contract, the value of the first change order, and the value of this requested change order. The total value of two change orders is \$1,341,734.72 a 24% increase from the initial award.

Contract No. S-905R		
Initial Value	First Change Order Value	Second Change Order Value
\$5,646,610	\$418,601	\$923,133.72
	Cumulative Value with First and Second Change Order	Sub-total: \$1,341,734.72
Initial Total: \$5,646,610		New Total: \$6,988,344.72
		24% 

ADDITIONAL INFORMATION

OCA conducted due diligence of recommended vendor Poole & Kent Company of Florida in the Capital Improvements Information System (CIIS) on April 13, 2021 and the search yielded the following results:

- [Poole & Kent Company of Florida](#) has 70 evaluations on file with the County with an average score of 3.5 out of a maximum of 4.0.

**BCC Meeting:
April 20, 2021
Research Notes**

**Item No. 805
File No. 210591**

Research: VW / Reviewer: PGE

RESOLUTION APPROVING BETWEEN MIAMI-DADE COUNTY AND COMTECH ENGINEERING, INC.: (1) CHANGE ORDER NO. 1 TO CONTRACT NO. MCC 7040 RPQ T2308 FOR UPGRADES TO SEWAGE PUMP STATION 0414 IN THE AMOUNT OF \$301,585.40 AND A 318-CALENDAR DAY TIME EXTENSION; (2) CHANGE ORDER NO. 1 TO CONTRACT NO. MCC 7040 RPQ T2309 FOR UPGRADES TO SEWAGE PUMP STATION 0416 IN THE AMOUNT OF \$118,414.28; AND (3) CHANGE ORDER NO. 1 TO MCC 7360 RPQ P0201 FOR CD 5.7 UPGRADE OF SEWAGE PUMP STATION 0417 IN THE AMOUNT OF \$1,099,718.86 AND A 285-CALENDAR DAY TIME EXTENSION

Prime Sponsor(s): None

Requester: Water and Sewer Department (WASD)

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 cumulative fiscal impact for the three change orders under consideration in the item is \$1,519,718.54: \$301,585.40 for the first change order, \$118,414.28 for the second change order, and \$1,099,718.86 for the third change order. The funding source for the three change orders are derived from the FY 2020-21 Adopted Budget and Multi- Year Capital Plan Sewer Pump Station Systems- Consent Decree Projects, Project # 964440, specifically WASD Revenue Bonds Sold, Wastewater Connection Charges, and Future WASD Revenue Bonds. According to page 70 of Volume III of the 2020-21 Adopted Budget book, \$8,961,000 has been budgeted for Project # 964440 for the FY 2020-21 and \$2,021,000 has been budgeted for FY 2021-22.

ADDITIONAL INFORMATION

According to a BTS search the firm being considered for the change orders, Comtech Engineering Inc., was awarded bids for contracts 4907-3/13-3 and CICC7360-0/08. According to the Capital Improvement Information System (CIIS) database, on July 31, 2018, SBD sent a Notice of Intent to Violate to the prime, Comtech Engineering, Inc. (Comtech) for subtracting joint work on Project No. RPQ No. T2308, Upgrade of Sewage Pump Station 0414. Comtech subsequently sent the subcontract agreement indicating a proposed amount of \$6,687.00. SBD issued a Notice of Violation for subcontracting work to a firm that is not SBE-Construction certified. Comtech subsequently agreed to the violation and paid the penalty.

The table below shows a line item cost breakdown of the total change order value for the three change orders under consideration:

Item 1- Change Order No. 1 to the T2308 Contract	
Steel Plates for Temporary Generator	\$26,517.09
Supports for Check Valves and Suction Pipe	\$44,639.78
Plug Valves Chain Wheel Operators	\$6,267.37
Additional Guardrail for Exhaust Fan Ventilator	\$3,632.52
Redundant PLC & Close-Out Phase	\$220,528.64

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**Item No. 805
File No. 210591**

Research: VW / Reviewer: PGE

Total		\$301,585.40
Item 2- Change Order No. 1 to the T2309 Contract		
Flow Meter and Control Panel Installation, Including New Vault Roof with Traffic Rated Access Hatch		\$100,774.19
25-Amp Breaker for A/C Compressor		\$1,811.20
Conduits and Wires for Generator Emergency Stop		\$2,439.32
Limit Switches for Discharge Check Valves		\$13,389.57
Total		\$118,414.28
Item 3- Change Order No. 1 to the P0201 Contract		
Additional Electrical Work		\$260,000
Additional Wet Well Rehabilitation		\$177,928
New Redundant Programmable Logic Controller		\$165,887.08
VFDs Modification from 6-Pulse to 18-Pulse		\$144,798.97
Extended Bypass for 16-in Sewer Pipe Replacement		\$110,236.03
Generator Rehabilitation		\$90,960.38
Installation of Additional EPO to Isolate MH Vortex		\$45,041.46
Lightweight Concrete for Roofing System at Existing Roof Area		\$20,350
Broken Water Line Repair and Clean Up		\$17,367.47
Sanitary Pipe Connection of Pump Station's Bathroom & Roof Drainage Connection of Odor Control Room		\$16,459.64
Check Valves Supports		\$13,661.35
Generator Emergency Stop & Emergency Panic Hardware		\$12,993.52
Wet Well Staircase and Platform Guardrails		\$9,785
Additional Guardrail for Exhaust Fan Ventilator		\$5,562.19
Odor Control Unit Maintenance		\$4,767.75
Additional Spool Pieces at Discharge Header Pipes		\$3,920.02
Total		\$1,099,718.86

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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).