



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

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

BOARD OF COUNTY COMMISSIONERS MEETING

May 4, 2021

9:30 A.M.

Commission Chambers

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Commission Auditor

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**Item No. 3A1
File No. 210958**

Research: CB / Reviewer: PGE

RESOLUTION APPROVING THE CITY OF MIAMI CODESIGNATION OF SOUTHWEST 9TH STREET FROM SOUTHWEST 15TH AVENUE TO SOUTHWEST 20TH AVENUE AS “JUAN JOSE PERUYERO WAY”

Prime Sponsor: Commissioner Eileen Higgins, District 5

Requester: None

Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background check on “Juan Jose Peruyero” 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 “Juan Jose Peruyero.” Pursuant to Ordinance No. 19-11, OCA verified that “Juan Jose Peruyero” is deceased. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 210958.

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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Research Notes**

**Item No. 5B
File No. 210922**

Research: CB / Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF CURTISS PARKWAY BETWEEN DEER RUN AND PINECREST DRIVE AS “SEBASTIAN ORTIZ WAY”

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Requester: None

Committee Action Date: N/A

RESEARCH FINDINGS

OCA completed the required background check on “Sebastian Ortiz” 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 “Sebastian Ortiz.” Pursuant to Ordinance No. 19-11, OCA verified that “Sebastian Ortiz” is deceased. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 210922.

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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Research Notes**

**Item No. 8A1
File No. 210680**

Research: JNF & ES / Reviewer: PGE & EA

RESOLUTION APPROVING AIRLINE VIP CLUB LEASE AGREEMENT BETWEEN AMERICAN AIRLINES, INC. AND MIAMI-DADE COUNTY FOR THE CONSTRUCTION, EXPANSION, AND LEASE OF VIP CLUB SPACE AT MIAMI INTERNATIONAL AIRPORT NORTH TERMINAL GATES D-15 AND D-30 RETROACTIVE TO DECEMBER 1, 2016 FOR A TERM OF 10 YEARS AND AN ANNUAL RENTAL AMOUNT OF \$5,445,772.19 IN THE INITIAL YEAR AND ADJUSTED EACH YEAR THEREAFTER IN ACCORDANCE WITH RESOLUTION NO. R-1054-90, COMMENCING UPON THE COMPLETION OF CONSTRUCTION AND EXPANSION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL RIGHTS CONFERRED THEREIN, INCLUDING TERMINATION AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE THE COUNTY PROPERTY APPRAISER A COPY OF SAID LEASE

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Requester: Aviation Department (MDAD)

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

RESEARCH FINDINGS

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

- This item, a retroactive agreement with American Airlines for lease of space for VIP Clubs at Gates D-15 and D-30, would commence at the expiration date of the previous lease, November 30, 2016. American Airlines has leased the space since 2006, through two separate five-year lease agreements approved administratively pursuant to Resolution No. R-487-93. Resolution No. R-487-93, adopted by the Board on April 27, 1993, authorized the Mayor to execute certain standard form Aviation Department leases at rental rates established by the Board, for such term(s) as may be appropriate, with use and occupancy not to extend beyond five years. American Airlines has continued to lease space under the terms of the previous agreement established under the authority of Resolution No. R-487-93 on a month-to-month basis for an additional four years and five months. The authorizing resolution incorporates language stating that all leases, including month-to-month and year-to-year, where the term can be expected to exceed five years will continue to be submitted to the Board for consideration. Thus, given that MDAD approved American Airlines' renovation plans, construction of which commenced in October 2015 for the Gate D-15 Club and in February 2016 for the Gate D-30 Club, indicating that American Airlines' lease of this space at Miami International Airport was likely intended to be long term and beyond the authorized five years, it is unclear why Board approval is being sought retroactively rather than in 2016 in anticipation of the expiration of the 2011 lease.

FINANCIAL ANALYSIS

The initial annual rental amount, \$5,545,772.19, for the first year of the lease agreement beginning on December 1, 2016 is to be adjusted each year thereafter on October 1st pursuant to Resolution No. R-1054-90, which authorizes MDAD to recalculate, publish and implement annually the rental rates applicable to Terminal Building Class I through Class V rental properties and concourse use and related charges. The below table summarizes the schedule of annual rental amounts.

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Research: JNF & ES / Reviewer: PGE & EA

Figure 1 – American Airlines Rental Rates for VIP Clubs

Period	Annual Rental Rate
10/1/16 – 9/30/17	\$5,545,772
10/1/17 – 9/30/18*	\$5,953,907
10/1/18 – 9/30/19	8,001,702
10/1/19 – 9/30/20	8,457,518
10/1/20 – 9/30/21	\$7,901,391
TOTAL	\$35,902,167

* The renovation of the VIP Club at Gate D-30 resulted in square footage being added, and a consequential adjustment of the annual rental rate on August 8, 2018 from \$5,624,870 to \$7,850,357 producing a prorated rental rate for the period of 10/1/17 to 9/30/18 of approximately \$5,953,907.

The item provides for American Airlines paying the County a lump sum amount of \$6,749,755.69 for additional rental charges due from December 1, 2016 through February 28, 2021 as a result of the addition of 1,312 square feet to the VIP Club at Gate D-15 effective December 1, 2016 and the addition of 16,107 square feet to the VIP Club at Gate D-30 effective August 8, 2018.

MDAD estimates that American Airlines will pay the County a minimum of \$75,600,000 throughout the 10-year lease term.

On April 21, 2021, OCA requested the following financial and budgetary information from MDAD:

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 revenue in FY19-20	Provide the projected revenue in FY20-21
Rental Income, Budget Book, Volume 3, pg. 136	Operating Revenue Fund	AV3001-6441211	-	Estimated Retroactive Revenue: \$8,457,518	Estimated Revenue: \$7,901,391

ADDITIONAL INFORMATION

This [item](#) was deferred at the April 9, 2019 Board meeting. When the item was presented then, the annual rental amount was \$8,002,330.98 the first year of the lease and was to be recalculated each year thereafter, with the estimation that

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American Airlines would pay the County a minimum of \$80,000,000 over the 10-year lease term, which was scheduled to commence upon the resolution becoming effective rather than being retroactive.

Domestic airline passengers are at less than 40% and foreign travel is at approximately 15% of 2019 levels, as [reported by Bloomberg](#). In March 2021, passenger traffic was [down only 20.2%](#) from March 2020. As a result of relief provided by the federal government in the [American Rescue Plan Act of 2021](#), American Airlines was able to [rescind 13,000 planned furloughs](#). The American Rescue Plan included \$15 billion for airlines and airline contractors.

Detailed below is the guest count for the VIP Clubs at Gates D-15 and D-30, including the MIA-Flagship Lounge, which is part of the VIP Club at Gate D-30.

Registration Year	Lounge Used	Total Guests	D30 Combined
2018	MIA-D15	422,664	539,388
	MIA-D30	139,001	
	MIA-Flagship	400,387	
2019	MIA-D15	332,459	851,787
	MIA-D30	390,381	
	MIA-Flagship	461,406	
2020	MIA-D15	67,643	291,598
	MIA-D30	182,207	
	MIA-Flagship	109,391	
2021	MIA-D30	96,908	
Grand Total		2,602,447	

The VIP Club at Gate D-15 was temporarily closed beginning mid-March of 2020 due to COVID-19. The MIA Flagship Lounge has been closed since end of March 2020 due to the pandemic. The remainder of the VIP Club at Gate D-30 has remained open.

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**Item No. 8A4
File No. 210884**

Research: TA & JNF / Reviewer: PGE

RESOLUTION REJECTING ALL PROPOSALS RECEIVED IN CONNECTION WITH ISD PROJECT NO. A18-MDAD-01, CAPITAL IMPROVEMENT PROGRAM SPECIALIZED SERVICES FOR THE MIAMI-DADE AVIATION DEPARTMENT

Prime Sponsor: N/A

Requester: Aviation Department (MDAD)

Committee Action Date: N/A (waived out of 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

This solicitation was intended to award two qualified consultant teams for two separate Non-exclusive Professional Services Agreements (PSAs) each with an effective term of five years, with two five-year options to extend. Each PSA would have a total maximum compensation of \$25,000,000 for the initial five-year term, exclusive of any contingency allowances of fees. The funding sources for this contract, once awarded, would include future Aviation financing, such as commercial paper or bonds, and operating funds.

The potential fiscal impact associated with delaying award of these PSAs is difficult to quantify; however, there will be delays to the progress of MDAD's Capital Improvement Program. In order to meet priorities of the airlines and to keep smaller projects moving forward, MDAD has been accessing consultant services under other existing agreements and using internal staff, respectively.

ADDITIONAL INFORMATION

Timeline

Contract No. B701D - Project Support Services for the Terminal Optimization Program (TOP) at Miami International Airport evolved from an agreement for North Terminal Development Program project support services, award of which was [approved via bid waiver](#) on July 6, 2006. The contract received eight amendments for a total contract value of \$116,534,902 and was in place until April 30, 2018 with Sequeira & Gavarrete, Inc. (S&G), which was [acquired by Heery International, Inc. in 2007](#), as the awarded vendor. At the January 23, 2018 BCC meeting, the Board directed MDAD to not extend this contract past an eighth amendment.

On June 31, 2016, a Notice to Professional Consultants for the replacement contract, ISD Project No. A16-MDAD-02 entitled Terminal Optimization Program (TOP) – Project Support Services, was issued. Three proposals were received in response to the solicitation:

1. AECOM Technical Services, Inc.
2. Burns & McDonnell Engineering Company, Inc.
3. Heery International, Inc. (Incumbent)

The Competitive Selection Committee (CSC) [ranked Heery International, Inc. first](#) at its November 22, 2016 Second-tier evaluation. Second-ranked AECOM filed a protest to the recommendation on January 27, 2017, alleging that Heery International, Inc. had a conflict of Interest in performing the work under the NTPC and had been provided an unfair

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Research: TA & JNF / Reviewer: PGE

competitive advantage. The Internal Services Department (ISD) forwarded the complaint for investigation to the Commission on Ethics (COE). The COE issued its [Letter of Instruction](#) on April 13, 2017 outlining guidance for conflicts of interest protocol, which did not bar the top-ranked firm from being recommended for award. The Office of the Inspector General (OIG) issued findings in March 24, 2017 and subsequently on June 26, 2017 clearing allegations and stating that reported issues would not alter the committee's selection or rankings. While negotiations with Heery International, Inc. were successfully completed on May 19, 2017, a new selection committee was ultimately impaneled due to OIG's tangential finding—one of the selection committee members having not disclosed that her son worked for the third-ranked firm, Burns & McDonnell Engineering Company, Inc.¹ The newly impaneled CSC then [ranked AECOM Technical Services, Inc. first](#) at its October 31, 2017 Second-tier evaluation.

At the July 18, 2018 Economic Development and Tourism Committee, a rejection of the three proposals received in response to ISD Project No. A16-MDAD-02 was deferred. MDAD's justification for the rejection was that the TOP, for which project support services were solicited, was limited and did not address the long-term needs of the County's complete aviation system.

In May 2019, MDAD developed a Capital Improvement Plan (CIP) to address the County's entire aviation system needs, inclusive of passenger operations, cargo, and general aviation. The CIP envisioned in 2019 included a series of capital projects from the former TOP as well as long-term plans to address all capacity and operational needs. In addition to the capital project needs at general aviation airports, the CIP addresses MIA's capital project needs with five sub-programs as detailed below:

4. North Terminal Program
 - a. Gate Optimization Project
 - b. D60 Redevelopment
5. Central Terminal Program
 - a. Central Terminal Redevelopment
 - b. Concourse F Modernization
 - c. Concourse G Demolition and Apron
6. South Terminal Program
 - a. South Terminal Expansion
 - b. Apron Expansion
7. Cargo Program
 - a. Taxiway R, Fuel Tender, and Ramp Expansion
 - b. Building 702 Expansion and Apron
 - c. Fumigation Facility
8. Miscellaneous Program
 - a. Roadway and Bridge Improvements
 - b. Bus Maintenance Facility
 - c. North Terminal Ground Service Equipment (GSE)
 - d. South Terminal GSE and Auto Fueling Station
 - e. Park 6 Garage
 - f. New On-Airport Hotels

¹ Reported by ISD at the July 18, 2018 Economic Development and Tourism Committee meeting.

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On July 10, 2019, the Board adopted two companion resolutions: Resolution No. [R-721-19](#), a rejection of all bids for ISD Project No. A16-MDAD-02 for consultant selection regarding MDAD's TOP project and Resolution No. [R-722-19](#), approval of a Request to Advertise ISD Project No. A18-MDAD-01 for consultant selection regarding MDAD's CIP Specialized Services Project, a project broader in scope than the TOP project. The goal of the RTA was to retain two specialized Architectural/Engineering (A/E) firms to implement the CIP, rather than just one A/E firm as solicited for in ISD Project No. A16-MDAD-02 where all bids were rejected. The two firms were to provide services only when requested by MDAD staff, at a compensation amount of up to \$35,839,375 per firm for the initial contract term of five years and two five-year options to extend. According to the Mayoral Memorandum for Resolution No. R-722-19, the item was brought before the Board for approval, even though [Section 2-8.1 of the County Code](#) delegates authority to the Mayor to advertise bids for all County contracts, to allow for Board input prior to the solicitation being advertised to the industry due to the significance and countywide impact of the CIP.

The present item before the Board rejects all proposals received for ISD Project No. A18-MDAD-01 in order to issue a replacement solicitation that will consider new criteria as part of the evaluation process. The solicitation was advertised on December 6, 2019 and five submittals were received by the deadline of January 31, 2020. The CSC's First-tier meeting was held on November 6, 2020 wherein the CSC elected to invite the four highest proposers to the Second-tier phase. The Second-tier meeting was held on December 7, 2020, wherein the CSC recommended the two top-ranked firms, Hill International, Inc. and CBRE Heery, Inc., to proceed to negotiations. Neither the COE or the OIG has issued reports regarding this solicitation.

New Solicitation Criteria

The basis for the rejection of all proposals received for ISD Project No. A18-MDAD-01 *Capital Improvement Program Specialized Services* was to issue a replacement solicitation that considers the following criteria:

1. Workforce Training, Local Hire Commitment and Workplace Safety
2. Support Diversity
3. Resiliency and Energy Efficiency
4. Forward Looking
5. Efficiency

The County's Code and Board resolutions legislatively mandate or establish policies for competitive procurements within the authority provided under the County Charter; the applicability to the latest solicitation were enumerated on Section 1.11 of the NTPC.² The applicable legislation related to the above criteria include:

- [Section 2-8.8: Fair Subcontracting Practices](#) – it is the policy of the County to promote diversity in the use of Subcontractors on Miami-Dade County projects and to allow opportunities for subcontracting to as many qualified Subcontractors as possible.
- [Ordinance 07-65 Sustainable Buildings Program](#) and [Implementing Order 8-8](#) – Established as County policy the institution of sustainable development practices and measures into buildings owned, financed, and/or operated by the County.
- [Ordinance 98-30: County Contractors Employment/Procurement Practices](#) – Requires County contractors to demonstrate that their employment and procurement practices do not discriminate against minorities and women.

² Only the form of the solicitation approved for advertisement by the Board on July 19, 2019 via Resolution No. [R-721-19](#) was available for OCA's review in time for publishing.

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- [Resolution No. R-617-17: Envision Sustainable Infrastructure](#) – Requires the Sustainable Infrastructure “Envision” Sustainable Rating System for Miami-Dade County infrastructure projects to be incorporated into the planning, design, construction and operation of County-funded infrastructure projects.
- [Resolution No. R-1106-14](#) – Set the aspirational policy of Miami-Dade County that all individuals and entities in Miami-Dade County have a full, fair and meaningful opportunity to participate in County-funded and Public Health Trust-funded contracting regardless of race, gender or ethnic origin, reflective of the diversity of the County.

Other County legislation that relate to the referenced criteria, but do not currently apply to professional services contracts, include:

- [Community Workforce Program](#) – Section 2-1701 of the Code requires review of Capital Construction Contracts/Work Orders for public improvements equal or greater than \$250,000 located in Designated Target Areas (DTAs) to apply a local workforce goal and require that a minimum of 10% of the persons performing the construction trades and labor work under the contract be residents of DTAs. Contractors performing work at the Airport and Seaport may hire residents of DTAs other than the DTA where the project is located and are not required to give first priority to persons residing in the DTA where the project is located.
- [Residents’ First Training and Employment Program](#) – Section 2-11.17 of the Code requires, for construction projects valued in excess of \$1,000,000 funded completely or partially by Miami-Dade County or improvements on County-owned land, for all persons employed on a project to perform construction to have completed the OSHA 10 Hour safety training and for the prime contractor to make its best reasonable efforts to have 51% of all construction labor hours performed by Miami-Dade County residents.
- [Employ Miami-Dade](#) – Administrative Order No. 3-63 requires, for construction projects valued in excess of \$1,000,000 funded completely or partially by Miami-Dade County or improvements on County-owned land, that contractors make a good faith effort to fill at least 20% of the labor workforce required per the Contractor’s Construction Workforce Plan from the Employ Miami-Dade Register through Career Source South Florida. Positions filled from the Employ Miami-Dade Register must be full-time, for at least 120 days, in order to be considered towards attainment of the 20% labor workforce threshold herein.

The above programs are designed to increase employment opportunities for residents of underdeveloped and underserved residential areas, as well as to maximize employment of local residents. These provisions may apply where state/federal laws or regulations do not mandate the contrary.

The exact requirements and expectations for the criteria specified in the mayoral memo are unknown at this time; however, the general criteria could be met in various ways. Possible examples include requiring vendors to:

- Practice strategies to maximize training and workforce development for underrepresented communities and local residents, such as through mentorships.
- Commit to ensuring diversity and local participation in internal hiring, as well as in subconsulting and subcontracting while complying with race-conscious Disadvantaged Business Enterprise (DBE) requirements.
- Propose and incorporate sustainable design initiatives to achieve greater efficiency and reduce cost and emissions, leveraging the expertise of the County’s Resilience Office.
- Utilize industry appropriate technology and digital platforms to allow for greater innovation and productivity.
- Maintain plans for dealing with COVID-19 and other pandemic or emergency situations.

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- Propose benchmarks and milestones to ensure the work progresses timely and resources are efficiently dedicated.

While these services are to be paid for at least in part with Federal Aviation Administration (FAA) funds, because these services are contract-based, as opposed to project based, local ordinances can apply to this contract. Notwithstanding any other issues with the procurement process, the County Attorney's Office has confirmed that the subject criteria could be negotiated into contracts without having to re-solicit, depending on the specific requirements that are added beyond what is already required in the solicitation. For example, there may be a limitation to increasing diversity of teams because the team composition could impact the evaluation and ranking by the CSC. No formal legal opinion has been requested by the Administration from the County Attorney for this solicitation.

Comparison with other PSAs on the May 4, 2021 Board agenda

OCA surveyed PortMiami and the Department of Transportation and Public Works to determine if the solicitations for other PSAs before the Board on May 4, 2021 included terms and conditions that considered and/or employed certain factors. The comparison with the subject solicitation is detailed below.

	8A4 (File No. 210884) MDAD	8J2 (File No. 210685) PortMiami	8J3 (File No. 210688) PortMiami	8N5 (File No. 210439) DTPW
Workforce Training, Local Hire Commitment, and Workplace Safety	NO The NTPC, however, does include a provision providing information regarding the Employ Miami-Dade Program, as required by IO 3-63 .	NO The solicitation for these PSAs did not include terms and conditions that considered “workforce training programs”. Miami-Dade County’s Community Workforce Program applies to Capital Construction Projects and Work Orders (See Section 2-1701, Miami-Dade County Code). Per IO 3-63, competitive solicitations for professional services shall include information regarding Employ Miami-Dade for informational purposes. (NTPC Section 1.30) YES (Workplace Safety) (Criterion 2A of Section 3.3 of NTPC)	NO <i>The department cited NTPC Section 1.8 & 1.32 for workforce training programs, but these sections of the NTPC make reference to the Business Management Workforce System and do not apply.</i>	YES (Workplace Safety) <i>NTPC Section 1.11 regarding applicable legislation was cited by the department. OCA identified aforementioned Criterion 2A of</i>
	YES (Workplace Safety) Criterion 2A of Section 3.3. of NTPC states the following: <i>Evaluation of the respondent's understanding of the scope of work, which may include but not be limited to studies performed that may affect the</i>			

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	<p><i>specific project being evaluated for: key design elements, contract, approach to the project, understanding and awareness of the permitting requirements involved with the project and <u>health and safety programs as applicable.</u> Evaluation of respondent's past experience and knowledge on similar type projects.</i></p>		<p><i>Section 3.3 in this NTPC.</i></p>
Support Diversity	<p>YES The NTPC includes an aspirational policy regarding diversity. Pursuant to Resolution No. R-1106-15 County vendors are encouraged to utilize a diverse workforce that is reflective of the racial, gender and ethnic diversity of Miami-Dade County and employ locally-based small firms and employees from the communities where work is being performed in their performance of work for the County. This policy shall not be a condition of contracting with the</p>	<p>YES Pursuant to Resolution No. R-1106-15, vendors are encouraged to utilize a diverse workforce that is reflective of the racial, gender and ethnic diversity of Miami-Dade County and employ locally-based small firms and employees from the communities where work is being performed in their performance of work for the County. This policy shall not be a condition of contracting with the County, nor will it be a factor in the evaluation of solicitations unless permitted by law. (NTPC Section 1.29)</p>	<p>YES <i>The department cited NTPC Section 1.22 regarding local certified veteran business enterprise preference. The aspirational policy regarding diversity is also included in this NTPC (Section 1.29)</i></p>

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	County, nor will it be a factor in the evaluation of solicitations unless permitted by law. (NTPC Section 1.29)		
Resiliency and Energy Efficiency	YES In accordance with Ordinance 14- 79 , the Consultant shall consider the potential impacts of sea level rise. (NTPC Section 1.27)	YES In accordance with Ordinance 14- 79, the Consultant shall consider the potential impacts of sea level rise. (NTPC Section 1.27)	YES (NTPC Section 1.11) <i>OCA identified aforementioned provisions regarding Sea Level Rise in this NTPC (Section 1.27)</i>
Forward Looking – such as the impact of COVID-19 on the ability of vendor to perform the scope of services required within the contract term	NO The NTPC was issued on December 16, 2019, prior to COVID-19.	NO This PSA was advertised April 25, 2019; therefore, the solicitation did not include COVID-19 implications. Both consultants currently have other PSAs at PortMiami, and COVID-19 has not affected their performance. Furthermore, epidemics are covered within Section IV of both Professional Services Agreements.	NO (Project was solicited prior to COVID-19)

Another proposed criterion in the Mayor’s recommendation was a category referred to as “Efficiency”, but it was not clear if the intent was in relation to the procurement process or the performance of the required services.

Due Diligence

On February 3, 2020 the prime consultant of the top ranked team, Hill International, Inc., received a \$500,000 civil penalty owed to the Securities and Exchange Commission for violating Section 17(a)(2) and (3) of the Securities Act of 1933, 15 U.S.C. § 77q(a)(2) and (3) (*Securities and Exchange Commission v. Hill International, Inc. et al, Case No. 1:20-CV-00447 filed on January 16, 2020 in U.S. District Court, Southern District of New York*).

A 25% minimum DBE goal was established for this contract. The ownership and certification breakdown of the two top-ranked teams are presented below:

**BCC Meeting:
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Research Notes**

**Item No. 8A4
File No. 210884**

Research: TA & JNF / Reviewer: PGE

Top-ranked Team	Committed DBE Goal	Ownership	Local Address	DBE-certified	SBE-certified
Hill International, Inc.					
Alleguez Architecture, Inc.	3%	Woman/Hispanic	Yes	Yes	Yes
Alfredo J. Balsera, P.A. dba Balsera Communications	8%	Male/Hispanic	Yes	Yes	Yes
Fraga Engineers, LLC dba Fraga Engineers	4%	Woman/Hispanic	Yes	Yes*	Yes*
Nifah and Partners Consulting Engineers, Inc.	3%	Male/Black	Yes	Yes	Yes
Paco Technologies, Inc. (Paco Group, Inc.)	3%	Male/Hispanic	No (New York)	Yes	No
Sharp 10 Group, LLC	3%	Male/Black/Veteran	No (Palm Beach)	Yes	No
Architectural Design Consortium, Inc.	4%	Male/Black	Yes	Yes	Yes
Bermello Ajamil & Partners, Inc.	n/a	Male/Hispanic	Yes	No	No
T Y Lin International	n/a	Male/Asian	Yes	No	No
Alpha Construction & Engineering Corp. dba Alpha Corporation	n/a	Female/Unspecified	Yes	No	No
TJJA Architects PA	n/a	Male/Caucasian	Yes	No	Yes
Total DBE participation:	28%				
CBRE Heery, Inc.					
Bekka Group, Inc.	10%	Woman/Hispanic	Yes	Yes	Yes
De Zayas-Bitar Construction Co.	10%	Woman/Hispanic	Yes	Yes	Yes
Hammon & Associates	5%	Male/Black	Yes	Yes	Yes
EAC Consulting, Inc.	n/a	Male/Black	Yes	No	No
Total DBE participation:	25%				

Source: Business Management Workforce System (BMWS), 4/29/21.

* As of 4/30/21, certification renewal/expiration is pending for 3/31/21.

Department inquiries

On April 29, 2021, OCA requested the below information from MDAD and ISD Procurement; responses were not received by the publishing deadline.

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File No. 210884**

Research: TA & JNF / Reviewer: PGE

1. Please provide the NTPC and all of the CSC Reports for this solicitation (A18-MDAD-01) and any other previous solicitations, including A16-MDAD-02. (This was received from MDAD.)
2. Notwithstanding the intent to incorporate new criteria into the replacement solicitation, are there any reasons related to the procurement process that contributed to the recommendation to reject all proposals?
3. Are the new criteria applicable to any other existing PSAs? Is there any reason that precludes the ability for the new criteria to be negotiated into a contract with the top ranked firms?
4. What accounts for the delay between the issuance of the NTPC in December 2019 to the first CSC meeting being held in November 2020?
5. What are the funding sources for these contracts?
6. What is the projected timeline for the advertisement and award of the replacement solicitation? What impact will delays have on MDAD's CIP?
7. Considering that these services were contemplated since 2019, how are these needs currently being met? Are there any anticipated changes for the scope of the new solicitation?
8. Please confirm if the attached draft letter or a similar correspondence was issued regarding the referenced solicitation.
9. Provide any other formal correspondence pertaining to this solicitation either received by or sent by ISD.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F1
File No. 210540**

Research: TA / Reviewer: PGE

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

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 4/13/21 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 impact for this contract award is \$152,920,983.22, which includes a base amount of \$146,620,983.22 and a 4.3% contract allowance of \$6,300,000. The funding sources for the project are People's Transportation Plan (PTP) funds and Federal Transit Administration funds. The Citizen's Independent Transportation Trust (CITT) approved the item on March 25, 2021.

The mayoral memo indicates that only one proposal was received, and several non-responding firms provided a variety of reasons for why they did not submit a proposal. There is no reference in the mayoral memo as to whether the contracting department engaged the sole proposer in price negotiations in an attempt to achieve any savings, or if the \$2,000,000 credit was a result of such negotiation. The awardee signed the contract on December 31, 2020. The proposed Price Schedule (dated December 19, 2019) reflected an original base amount of \$152,928,750.69. When the solicitation for this project was being initiated, DTPW's estimate in February 2019 was \$116,310,573.00, which included a 10% contingency allowance of \$10,573,688.00. Thus, the proposed contract award of \$152,920,983.22 represents an approximately **31%** increase (or 30% with the \$2,000,000 deduction) over the original estimate.

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

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F1
File No. 210540**

Research: TA / Reviewer: PGE

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

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

ADDITIONAL INFORMATION

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

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

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

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Research: TA / Reviewer: PGE

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

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

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

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F2
File No. 210573**

Research: MF / Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY UP TO \$7,500,000.00 FOR A TOTAL MODIFIED PREQUALIFICATION POOL AMOUNT OF \$16,500,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00573 FOR PURCHASE OF METERS FOR WATER SERVICE - PARTS AND ACCESSORIES FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 4/15/21 - County Infrastructure Operations & Innovation Committee (CIOIC)

RESEARCH FINDINGS

OCA's review of this item yielded the following results:

1. The mayoral memo does not indicate the exact number of water meters, parts, and accessories that are anticipated for purchase and replacement under the additional expenditure authority for this pool. According to ISD, the department is on pace to replace more than 40,000 meters this year and is working on an accelerated meter replacement program, to mitigate non-revenue water losses, and improve the department's revenues. Currently, the plan is to continue this accelerated program for the next 2 years. If the department chooses to expand on AMI, the number and cost of meters purchased will increase.
2. Core and Main LP – the vendor is a co-defendant in a class-action lawsuit filed September 3, 2020 in the U.S. District Court, Central District of California (Riverside); (*Ishmael Perez v. Core and Main LP*, Case No. 5:20-CV-01821). The complaint alleges the defendants failed to pay timely wages, failed to provide accurate itemized wage statements, failed to provide with adequate off duty meal periods and rest period compensation and wrongfully terminated the employment of plaintiff and other class members in violation of the Labor Code. As of April 10, 2021, the case docket shows there are plaintiff(s) and defendants' motions for July and August 2021.
3. Neptune Technology Group, Inc. – the vendor is a defendant in a lawsuit filed December 14, 2020 in the U.S. District Court, Middle District of Alabama (Montgomery); (*Stanley v. Neptune Technology Group, Inc.*, Case No. 2:20-CV-01034). The complaint alleges the defendant discriminated against the plaintiff employee on account of her disability by failing to provide for reasonable accommodations and terminating her employment. As of April 10, 2021, the case docket shows there is a pretrial conference set for March 4, 2022 and a jury trial set for April 4, 2022.
4. Prequalification Pool vendor Badger Meter Inc. dba National Meter and Automation is headquartered in Milwaukee, Wisconsin and not Indiana as stated in the mayor's memo. The company website may be accessed [here](#).

FINANCIAL ANALYSIS


The table below shows the original allocation amount, released amount, and balance under this prequalification pool (approved through Resolution No. [R-389-18](#)) effective from June 1, 2018 through May 31, 2023, as depicted in the Bid

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**Item No. 8F2
File No. 210573**

Research: MF / Reviewer: PGE

Tracking System as of April 10, 2021; in addition, the table illustrates the proposed additional expenditure and the pool's value increase from the initial allocation.

PREQUALIFICATION POOL NO. RTQ-00573		
Initial Allocation Amount	Released Amount	Balance
\$9,000,000	\$8,921,668.17	\$78,331.83
Proposed Additional Expenditure Amount: \$7,500,000		
Modified Prequalification Pool Amount: \$16,500,000		
Percentage Increase Total from Initial Allocation to Modified Prequalification Pool: 83% 		

On April 21, 2021, the following information was requested from ISD:

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
Water: 9650181, Wastewater: 9650361, 9653261,	Construction Renewal and Replacement Funds (Water and Wastewater)	W017299, S049858, S049924, S050036	Budgeted	\$3,598,417.63	\$2,500,000

ADDITIONAL INFORMATION

The mayoral memo is silent on the current lifespan of existing water meters that are expected to be replaced under this prequalification pool. According to ISD, the expected lifespan of meters based on size is as follows:

- 5/8: 14 years
- 1: 12 years
- 1.5": 10 years
- 2": 10 years
- 3" – 10": Replaced as needed. These meters are tested regularly and only replaced when beyond repair.

**BCC Meeting:
May 4, 2021
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**Item No. 8F2
File No. 210573**

Research: MF / Reviewer: PGE

According to [industry standards](#) as highlighted in Water Technology Magazine, although the lifespan of a water meter is approximately 20 years, research shows that water meter reading systems are usually upgraded at an average of 8.2 years. According to the [City of Pasadena, Texas](#), the typical useful life of a water meter is between 15 to 20 years. In 2017, the city began to overhaul water meters that were at the time 17 years old.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F5
File No. 210598**

Research: JNF / Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01676 GROUP 1 TO TOTAL CONNECTION, INC. FOR ITEM 1 AND CONTRACT NO. FB-01676 GROUP 1 TO PANCAR INDUSTRIAL SUPPLY CORP. FOR ITEM 2 FOR THE PURCHASE OF ODOR CONTROL CHEMICALS AND ATOMIZING SYSTEMS, INSTALLATION, PARTS AND SERVICES FOR THE SOLID WASTE MANAGEMENT DEPARTMENT AND THE MIAMI-DADE WATER AND SEWER DEPARTMENT WITH AN AMOUNT NOT TO EXCEED \$1,184,993.00, FOR A THREE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD FOR GROUP 1 TO TOTAL CONNECTION, INC. FOR ITEM 1 AND PANCAR INDUSTRIAL SUPPLY CORP. FOR ITEM 2, 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: None

Requester: Internal Services

Committee Action Date: 4/15/21 - County Infrastructure Operations & Innovations Committee

RESEARCH FINDINGS

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

1. 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. Given this contract's original expiration date of November 30, 2020, the Administration should have commenced planning for reprourement of this contract no later than May 30, 2019. The Invitation to Bid was not issued until July 28, 2020.
2. The item does not comply with Resolution No. [R-515-19](#), which requires that approval for award of successor contracts or extensions occur 60 days prior to contract expiration. The existing contract under this item is set to expire May 31, 2021; the item is before the Board May 4, 2021.

FINANCIAL ANALYSIS

This contract, *Contract No. FB-0167, Odor Control Chemicals and Atomizing Systems, Installation, Parts and Services*, replaces *Contract No. FB-00006, Odor Control Chemicals* approved via Resolution No. R-876-14 in the amount of \$1,331,000 for a six-year term commencing on December 1, 2014 and expiring on November 30, 2020. The current cumulative value of *Contract No. FB-00006* is \$1,441,917, reflecting two prorations approved on September 23, 2020 and November 16, 2020 in the amount of \$55,458 each, with each proration extending the contract three months for a total six-month extension until May 31, 2021.

This replacement contract, by contrast, is for an amount not to exceed \$1,184,993 for a three-year term, representing an annual value increase of 78%. The Mayoral Memorandum cites an increase in the unit price for a chemical and the addition of a new chemical requiring purchase utilizing this contract as reasons for the annual increase.

The table below shows the departmental allocation and funding source for the replacement contract as compared to the current contract.

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File No. 210598**

Research: JNF / Reviewer: PGE

Department	Funding Source for Replacement Contract	Departmental Allocation under Current Contract, FB-00006	Departmental Allocation under Replacement Contract, FB-0167
Solid Waste Management	Proprietary Funds	\$222,931	\$738,068
Water and Sewer	Proprietary Funds	\$1,209,043	\$446,925
Transportation and Public Works	N/A	\$9,943	\$0
TOTAL		\$1,441,917	\$1,184,993

On April 21, 2021, OCA requested the following financial and budgetary 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
- DSWM	Proprietary Funding	Department ID: SW05020202 Account: 5224300000 - OTHER OUTSIDE CONTRACTUAL SRVC Department ID: SW05020203 Account: 5224300000 - OTHER OUTSIDE CONTRACTUAL SRVC	Budgeted	\$29,435.00	\$44,700.00
- DSWM	Proprietary Funding	Department ID: SW05020201 Account: 5490140000 - CHEMICALS Department ID: SW05020202 Account: 5490140000 - CHEMICALS Department ID:	Budgeted	\$72,775.02	\$121,000.00

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File No. 210598**

Research: JNF / Reviewer: PGE

		SW05020203 Account: 5490140000 - CHEMICALS			
- DSWM	Proprietary Funding	Department ID: SW14020100 Account: 5490140000 - CHEMICALS Department ID:SW14020200 Account: 5490140000 - CHEMICALS Department ID:SW14020300 Account: 5490140000 - CHEMICALS	Budgeted	\$5,125.00	\$12,000.00
Wastewater: 964120 (WASD)	Revenue Bonds	S049495, S049794	Budgeted	\$1,116,343.85	\$5,335,026

ADDITIONAL INFORMATION

Total Connection, Inc. an SBE, is an incumbent vendor under the replacement contract. The other vendor under the current contract, Ideal Supply, Inc., did not submit a bid for the replacement contract. Although a local vendor, Ideal Supply, Inc. is inactive and was [dissolved administratively](#) on September 28, 2018 for failure to file an annual report to the state.

The two vendors being recommended for award in Group 1 are Pancar Industrial Supply Corp. (recommended for award for Group 1, Item No. 1 – Big D Sewer-D chemical) and Total Connection, Inc. (recommended for award of Group 1, Item No. 2 – Pyranha-Odaway Odor Control Concentrate chemical). Both vendors are local, certified SBEs.

The solicitation's Group 2 for atomizing systems, installation, parts and services was established under delegated authority given the value of the pool (\$421,000). There are two prequalified vendors under Group 2a (Parts, Accessories and Components): Hydraulic Sales and Service, Inc. and Maintenance Services 360, LLC. Maintenance Services 360, LLC is a local, certified SBE. There were no vendors prequalified under Group 2b (Turn Key projects).

Total Connection, Inc. was the defendant in three separate commercial eviction proceedings, including one open case filed on January 4, 2021 in Broward County (*Sunset Lakes Shops Ltd, v. Total Connection, Inc.*, Case No. CACE21000090). The other two cases were filed on November 25, 2019 in Miami-Dade County (*Bridgerock Properties, LLC v. Total Connection Inc.*, Case No. 2019-025619-CC-23) and April 9, 2019 in Broward County (*Sunset Lakes Shops Ltd. v. Total Connection Inc.*, Case No. CACE19007642).

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F6
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.

According to MDAD, the program budget is based on anticipated needs. The department does not produce a list of projects that would be earmarked for MCC-9. As projects are identified for the MCC program, work orders are issued. The projects assigned will all be within the current per project limit of the MCC-9 program, which is \$5 Million, not counting the MCC-9 fee. The program is monitored by the Facilities Division and the Finance Division. All work orders will be monitored through invoices and against the scope of the work order and associated documents. All projects will be monitored for time and budget.

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. While MDAD has utilized the 7040 and 7360 programs, the GC has not managed any of those projects nor has been paid to manage any of those projects.

**BCC Meeting:
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**Item No. 8F6
File No. 210761**

Researcher: TA / Reviewer: PGE

“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. General MCC Program procedures are referenced in the contract, but there is no description of MDAD’s own administrative procedures and guidelines, such as their process for identifying and prioritizing projects and monitoring of projects/expenditures, approval paths/delegated authority and accountability, and general oversight guidelines, to include reporting and tracking of project status and small business goal compliance, etc. Starting on Page 43 of the agenda item, Section 2.9 of the MCC General Terms and Conditions (T&Cs) describes the project order process. The T&C’s mainly spell out the contract terms and responsibilities of the General Contractor, such as project order preparation and plan requirements, subcontracting, compensation terms, County legislative requirements, termination provisions, etc.

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 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

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- 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.*

MDAD's MCC history is summarized as follows:

<i>Contract</i>	<i>Date of award</i>	<i>Solicitation method</i>	<i>Board Approval</i>	<i>Awarded Vendor</i>	<i>Award Amount</i>	<i>MDAD Director</i>
MCC-1-86	8/13/1986*	RFP	Resolution^	Tatum, Gomez, Smith & Vitale Construction, Inc.	\$12,471,787	Richard H. Judy
MCC-2-88	3/7/1989*	RFP	Resolution^	CRSS Constructors, Inc.	\$16,000,000	Richard H. Judy
MCC-3-91	7/25/1991*	RFP	Resolution^	Gerrits/Urban, JV	\$18,500,000	Rick Elder
MCC-4-93	12/14/1993	RFP	R-1608-93	TGSV/C2M/Sterling Joint Venture	\$30,000,000	Rick Elder
MCC-5-97	4/13/1999	RFP	R-334-99	Dacra/DMI JV	\$30,225,000	Rick Elder
MCC-6-02	1/23/2003	RFP	R-32-03	TGSV Construction	\$35,175,000	Angela Gittens
MCC-7-05	9/12/2006	RFP	R-955-06	Mike Gomez Construction	\$60,125,000	Jose Abreu
MCC-8-10	12/19/2011	ITB	R-1122-11	Munilla Construction	\$50,125,000	Jose Abreu
					\$252,621,787	

* Date on contract.

^ Resolution No. was not available.

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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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 28, 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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Researcher: TA / Reviewer: PGE

(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.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F6
File No. 210761**

Researcher: TA / Reviewer: PGE

- 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 was adopted as an add-on item at the April 20, 2021 Board meeting. *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.*
 - [Legistar No. 210762](#): This ordinance would have increased the authority to award and reject bids under the MCC Program from \$5M to \$15M. The item was withdrawn by the sponsor, Vice-Chairman Gilbert, at the April 20, 2021 Board meeting.
- This item was deferred at the April 20, 2021 Board meeting at the Administration’s request to allow them more time to consider new information and make a final recommendation. Commissioners Garcia and Martinez voted “No” on the deferral.

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

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F8
File No. 210582**

Research: MF / Reviewer: PGE

RESOLUTION RETROACTIVELY 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; AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY FOR CONTRACT NO. BW 10006-0/21 IN AN AMOUNT UP TO \$276,780.00 FOR THE PURCHASE OF MEDICAID MANAGED CARE CONSULTING SERVICES FOR THE MIAMI-DADE FIRE RESCUE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: 4/15/21 - Community Safety and Security (CSSC), which was cancelled.

RESEARCH FINDINGS

OCA's review of item yielded the following findings:

1. According to the mayoral memo, the Fire Department (MDFR) did not have adequate time to competitively bid for additional ET3 consulting services while simultaneously submitting a federally required application prior to the department's deadline for the Center for Medicare and Medicaid Services program. According to ISD, MDRF was notified about the opportunity to apply for the ET3 program on August 6, 2019. Applications were due by September 19, 2019, leaving less than 60 days to complete a lengthy application, and not able to compete these additional services. Resolution No. [R-718-17](#) requires that the Administration commence planning for re-procurement no later than 18 months prior to the expiration of contracts.
2. The item does not comply with Resolution No. [R-515-19](#), which requires that approval for award of successor contracts or extensions occur 60 days prior to contract expiration. The existing contract under this item is set to expire May 31, 2021; the item is slated to go before the BCC on May 4, 2021.

FINANCIAL ANALYSIS


According to e-Procurement, additional monies are needed to cover the cost incurred for the ET3 services, FY 2016 audit support, and FY 19 and FY 20 Public Emergency Medical Transportation cost reports in the amount of \$276,780.

The table below shows the current contract's initial allocation amount, released amount, and balance as of the date of this review via the Bid Tracking System (BTS) on April 10, 2021; in addition, the table depicts the contract's value and percentage increase from the existing amount to the requested additional expenditure authority.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F8
File No. 210582**

Research: MF / Reviewer: PGE

CONTRACT NO. BW 10006-0/21 Vendor: Public Consulting Group		
Initial Allocation Amount	Released Amount	Balance
\$300,000	\$240,000	\$60,000
Additional Expenditure Request under this Item: \$276,780		
Total Contract Value with Additional Expenditure Request: \$576,780		
The additional contract expenditure of \$276,780 signifies an increase of 92% in the contract's value.		
		

On April 21, 2021, the following information was requested from ISD:

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 41, 3rd bullet under Division Comments	Medicaid Revenue	Revenue: FRROPSCPEPRG & FRROPSIGTPGM Expense: FREADSUPPORT 21030		\$374,350	\$476,780 (The \$276,780 from this item for and the new annual contract amount of \$200,000)

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F9
File No. 210596**

Research: JNF / Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY UP TO \$1,372,800.00 FOR A TOTAL MODIFIED PREQUALIFICATION POOL AMOUNT OF \$3,386,800.00 FOR PREQUALIFICATION POOL NO. RTQ-00674 FOR PURCHASE OF RENTAL TRAILERS, TRUCKS AND VANS FOR THE MIAMI-DADE CORRECTIONS AND REHABILITATION AND ELECTIONS DEPARTMENTS

Prime Sponsor: None

Requester: Internal Services

Committee Action Date: 4/15/21 - Community Safety and Security 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 current cumulative value of *Prequalification Pool No. RTQ-00674* is \$2,014,000, reflecting a \$100,000 modification approved on December 5, 2018. With approval of the present request for additional expenditure authority in the amount of \$1,372,800, an increase of 68%, the pool will have a modified cumulative allocation of \$3,386,800.

There are eight user departments under this pool. The two departments requesting additional expenditure authority are Corrections and Rehabilitation (\$172,800) and Elections (\$1,200,000). Corrections and Rehabilitation has nearly exhausted its \$94,000 allocation and Elections has utilized \$1,042,565 of its original \$1,374,000 allocation, leaving \$331,435 remaining three years into the 10-year contract.

On April 21, 2021, OCA requested the following financial and budgetary 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
- (MDCR)	General Fund	CRFLEETMGMT/25210 (CR02020300, account 5252100000)	-	\$49,141	\$57,600
Account: 52521100000 FY 2020-21	General Fund	ELEOPERATION/EL05010000	-	\$251,000	\$325,000

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F9
File No. 210596**

Research: JNF / Reviewer: PGE

Adopted Budget, Volume 3, Page # 211 (Elections)					
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ADDITIONAL INFORMATION

This pool replaced *Prequalification Pool No. 5800-5/17* with approval of Resolution No. [R-391-18](#) on May 1, 2018. The previous pool was valued at \$7,202,000 for a ten-year, six-month term and expired on June 30, 2018. The item before the Board in 2018 stated that the allocation for the replacement pool was significantly lower than the former pool's allocation due to prior usage and forecasted demand. However, two user departments—Corrections and Rehabilitation and the Police Department—have nearly exhausted their allocations two years and 10 months into the 10-year contract. The Police Department is not requesting additional expenditure authority at this time.

The Elections Department primarily utilizes the rental services of this pool during municipal, county, gubernatorial, primary, and presidential election cycles. The Department of Corrections and Rehabilitation will be using the additional allocation to supplement its fleet while the department is pivoting toward its long-term vehicle procurement plan. The other user departments (Animal Services, Fire Rescue, Medical Examiner, Police, Solid Waste Management, and Transportation and Public Works) utilize the pool to transport constituents, personnel, and equipment during unforeseen emergencies.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F10
File No. 210898**

Research: VW / Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-01622 TO PIONEER TECHNOLOGY GROUP, LLC FOR THE PURCHASE OF A CRIMINAL COURT CASE MANAGEMENT SYSTEM IN A TOTAL AMOUNT NOT TO EXCEED \$32,920,000.00, CONSISTING OF \$26,920,000.00 FOR THE INITIAL FIVE-YEAR TERM AND TWO, FIVE-YEAR OPTIONS TO RENEW TERM, AND \$6,000,000.00 FOR THE PURCHASE OF OPTIONAL PRODUCTS AND SERVICES TO CONVERT HARD COPY CASE FILES FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING THE PURCHASE OF THE OPTIONAL PRODUCTS AND SERVICES TO CONVERT HARD COPY CASE FILES AND ANY CANCELLATION, OPTIONS TO RENEW OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

Prime Sponsor: None

Requester: Internal Services Department (ISD)

Committee Action Date: Forwarded to the BCC by the BCC Chairperson due to cancellation of the 4/15/2021 Community Safety and Security Committee (CSSC) meeting.

RESEARCH FINDINGS

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

1. The cumulative contract allocation according to the mayoral memo is \$32,920,000 while the cumulative contract allocation according to the contract's price and payment schedule is 33,073,071.41. According to the ISD the difference in contract value is due to rounding. Rounding was done to make the allocations simpler and because the request was for contingency funds not an exact value. According to ISD, the rounding was kept to a minimum, whereby the total for the initial term was rounded to the thousand, as this is the term during which contingent funds will most likely be used and rounded to 500 in the OTR terms because it seemed excessive to round to the thousand for those terms.

FINANCIAL ANALYSIS

The fiscal impact for the contract is \$32,920,000, consisting of \$26,920,000 for the initial five-year term and two five-year options to renew and \$6,000,000 for the purchase of optional products and services to convert hard copy case files for the Information Technology Department (ITD). Outlined in the table below is the cost breakdown of the contract's initial five-year term, the two five-year options to renew, and the optional products and services pricing. The numbers according to the contract's payment and pricing schedule differ from the numbers provided in the mayoral memo due to rounding by ISD. The numbers in the table are derived from the Contract No. RFP-01622's Price and Payment Schedule (Appendix B).

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F10
File No. 210898**

Research: VW / Reviewer: PGE

Initial 5 Year Contract Term	
Total Cost for Licensed Software and Services	\$8,830,000
Total Cost for Included Interfaces	\$911,250
Total for Maintenance and Support Fees	\$999,486.56
Total for Software Escrow Fees	\$4,000
Total Cost of Warrant Related Licenses	\$350,000
Total Cost of Warrant Related Implementation Services	\$240,000
Subtotal =	\$11,334,736.56
15% Contingency	\$1,611,710.48
Total =	\$12,946,447.04
Option-to-renew 1 & 2	
OTR 1 – Maintenance and Technical Service Fees (Years 6 - 10)	\$5,087,386.60
OTR 1 – Software Escrow Fees (Years 6 - 10)	\$10,000
OTR 1 – Warrant License	\$1,750,000
OTR 1 Subtotal =	\$6,847,386.60
OTR 2 – Maintenance and Support Service Fees (Years 11 - 15)	\$5,365,397.77
OTR 2 – Software Escrow Fees (Years 11 - 15)	\$10,000
OTR 2 – Warrant License	\$1,750,000
OTR 2 Subtotal =	\$7,125,397.77
Total =	\$13,972,784.37
Optional Products and Services Pricing	
Traffic Case Management	\$2,777,040
Parking Violations Case Management	\$1,520,400
Prosecutor Case Management	\$1,856,400
Subtotal=	\$6,153,840
Grand Total =	\$33,073,071.41

ADDITIONAL INFORMATION

The purpose of this project is to replace the County's existing IBM mainframe hosted, in house developed Criminal Justice Information System ("CJIS") with Pioneer Technology's Benchmark Court Case Management System (CCMS). CJIS is the system of record in the County for criminal and juvenile cases, from time of arrest/inception to case disposition. CJIS is used by approximately 150 local agencies that include municipal, state and federal law enforcement agencies. It is used to track over 120,000 open felony, misdemeanor, and juvenile cases. At close to 10 million online transactions per year and producing approximately 1,000 reports, it is one of the largest legacy systems maintained by ITD.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F10
File No. 210898**

Research: VW / Reviewer: PGE

The project has been divided into five workstreams as part of the implementation of the CCMS: Change Management & Training, Project Management, Operational/Functional, Technical and Testing. According to the project schedule, the CCMS is scheduled to become operational in October of 2025.

In March 2019, the County issued RFP-01208 to select a proposer to provide the Court Case Management System. The solicitation later resulted in a cancellation/rejection of all proposals due to non-responsiveness issues and inability to meet operational/technical needs. On July 9, 2020, through [Resolution No. R-614-20](#), the Board rejected all proposals received in response to RFP-01208 and approved limiting the competition under RFP-01622 to only those six proposers who previously responded to RFP-01208, citing technical complexities, significant operational impacts of the project, and a need to expedite a contract award.

The Competitive Selection Committee (CSC) was tasked with evaluating, scoring, and ranking the responsive proposals received in response to the solicitation. Technical discussions and evaluation meetings were held to review the proposers' experience and qualifications, approach to providing services, solution functionality, and proposed pricing. After completion of this review, the CSC conducted scoring in accordance with the criteria outlined within the solicitation. The initial scores were as follows:

Pre-Oral Presentation Scores

Proposer	Technical Score (max. 4500)	Price Score (max. 500)	Total Combined Score (max. 5000)	Proposed Price for Initial Contract Term*
Tyler Technologies, Inc.	3935	410	4345	\$16,387,000
Pioneer Technology Group	3602	405	4007	\$10,984,000
CourtView Justice Solutions, Inc. dba equivalent	3355	345	3700	\$11,218,681
Journal Technologies, Inc. (Option 1)	2219	252	2471	\$10,261,000
Journal Technologies, Inc. (Option 2)	1867	223	2090	\$11,473,000

The CSC decided to hold oral presentations, inclusive of system demonstrations, with the three highest ranked proposers, Tyler Technologies, Inc., Pioneer Technology Group and CourtView Justice Solutions, Inc. dba equivalent. Following completion of the oral presentations, a final technical discussion and evaluation meeting was held. The final scores were as follows:

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8F10
File No. 210898**

Research: VW / Reviewer: PGE

Post-Oral Presentation Scores

Proposer	Technical Score (max. 4500)	Price Score (max. 500)	Total Combined Score (max. 5000)	Proposed Price for Initial Contract Term
Pioneer Technology Group	4100	450	4550	\$10,984,000
Tyler Technologies, Inc.	3924	330	4254	\$16,387,000
CourtView Justice Solutions, Inc. dba equivalent	3370	370	3740	\$11,218,681

The Office of the Inspector General (OIG) reviewed this procurement and found no material concerns with how it was administered per an OIG report dated April 29, 2021.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8J2
File No. 210685**

Research: TA / Reviewer: PGE

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND EAC CONSULTING, INC. FOR CIVIL INFRASTRUCTURE ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$3,300,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$300,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, TO EXERCISE ANY CANCELLATION AND OTHER PROVISIONS CONTAINED THEREIN, AND TO APPROVE THE CONTINGENCY TIME EXTENSION AND CONTINGENCY EXPENDITURE LIMITED TO 10 PERCENT OF THE BASE CONTRACT AMOUNT

Prime Sponsor: None

Requester: PortMiami

Committee Action Date: 4/13/21 PortMiami and Environmental Resilience 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 report on the results of an 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 a listing of previous contracts in the past three years for the recommended firm as required by Board resolution (See the Additional Information section).

FINANCIAL ANALYSIS

The fiscal impact for this Professional Services Agreement (PSA) is \$3,300,000, which includes a 10% contingency allowance of \$300,000. This project is funded as part of the FY20-21 Adopted Budget and Multi-Year Capital Plan (Budget Book) for the fiscal years up to FY24-25. According to page 181 of the Budget Book, this project (Infrastructure Improvements – Port Wide) has annual capital allocations until FY25-26. The funding source in the Budget Book is identified as “future financing”, but there is no specification as to what this funding consists of in the Budget Book or the mayoral memo. According to the PSA, Section V: Compensation (page 29 of the agenda item), any unspent portion of the contract ceiling will remain with the County.

On April 21, 2021, the following information was requested from PortMiami:

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
Construction - Budget Book page 181*	Financing	645430	N/A	N/A	\$660k

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8J2
File No. 210685**

Research: TA / Reviewer: PGE

** WSP USA, Inc. and EAC Consulting, Inc. provide staff augmentation, consulting support for multiple Seaport Department Capital Projects. Payments for these services are capitalized.*

**Page 181 lists Infrastructure. As new capital projects commence, these services may also be provided on additional projects.*

ADDITIONAL INFORMATION

A [“No-Sail Order”](#) imposed by the U.S. Centers for Disease Control and Prevention (CDC) has been in effect since March 14, 2020. A [“Framework for Conditional Sailing”](#) was issued on October 30, 2020 to allow for a gradual restart of cruising operations within the United States. The CDC has only recently (on April 2, 2021) published the [guidelines](#) for required COVID-19 agreements between cruise lines and the U.S. ports they utilize. Once such agreements are approved, cruise lines will then be required to operate test cruises with crew only before resuming passenger cruises. On [April 8, 2021](#), Governor Ron DeSantis and Attorney General Ashley Moody announced that they were suing the Biden Administration in federal district court to overturn the CDC’s Conditional Sailing Order.

Due to delays and the regulatory process, cruises have begun taking their business to other countries. According to [Cruise Critic](#), a cruise line review site owned by TripAdvisor, some examples (as of March 25, 2021) are as follows:

- Royal Caribbean Group, which includes Royal Caribbean International and Celebrity Cruises, has announced summer restarts for two of their ships in Europe: Jewel of the Seas in Cyprus from July and Celebrity Apex in Athens from June, offering itineraries around the Greek islands and Israel.
- Celebrity Cruises, Royal Caribbean, and Crystal have all announced summer 2021 cruises leaving from new homeports outside of the U.S., as a way to safely resume sailings for fully-vaccinated passengers.
- Celebrity Cruises will send its Celebrity Millennium on sailings out of St. Maarten beginning in June, while Royal Caribbean will homeport Adventure of the Seas out of Nassau, also starting in June, and Vision of the Seas in Bermuda as of late June.
- Olsen, MSC, Princess and Viking have announced domestic "round Britain" cruises exclusively for UK residents.
- On [April 7, 2021](#), Virgin Voyages announced it will begin passenger cruises on its Scarlet Lady in England starting on August 6, 2021 and plans to bring the ship to PortMiami on September 22 to begin Caribbean cruises.

[Resolution No. R-1204-05](#) directs the Mayor to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants and report the results of such inquiry together with any recommendation to the Board for award of such contracts. The mayoral memo does not report the results of this evaluation. According to the PSA, Section II: Professional Services (page 19 of the agenda item), work is to be assigned “equitably” by PortMiami, but there is no explanation of how this will be accomplished, such as considering whether in-house staff can do the work instead, or if the assignments will be on a rotation, based on the technical expertise of the consultant, or the availability of the consultant to complete the work in a timely manner.

According to the Business Management Workforce System (BMWS), there are currently at least three other PortMiami contracts for civil infrastructure engineering services, totaling \$6,600,000, including an existing contract with the recommended firm, EAC Consulting, Inc.:

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8J2
File No. 210685**

Research: TA / Reviewer: PGE

Contract No.	Contract Title	Contract Value	Start Date	End Date	Prime Contractor
E13-SEA-01	Non-exclusive PSA for Civil Infrastructure Engineering Services (SIC 871)	\$2,200,000	1/21/2015	6/2/2018	WSP USA Inc.
E13-SEA-02	Non-exclusive PSA for Civil Infrastructure Engineering Services (SIC 871)	\$2,200,000	12/15/2015	1/8/2021	T.Y. Lin International
E16-SEA-02	PSA-Civil Infrastructure Engineering Services	\$2,200,000	12/19/2017	1/15/2023	EAC Consulting, Inc.
Total		\$6,600,000			

[Resolution No. R-421-16](#) directs the Mayor to attach to all design and/or construction awards of \$1,000,000 or greater a list of all contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor's work. This item does not include the required listing of contracts (i.e., the "Firm History Report" generated by the division of Small Business Development), but does make reference to EAC Consulting, Inc. being awarded five contracts in the last three years totaling \$10,429,377. According to BMWS, the actual amount awarded between March 31, 2018 and March 31, 2021 (the previous three years) is one contract totaling \$500,000 (see Graphic 1); the other four contracts were awarded prior to this time frame.

(see graphic on next page)

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8J2
File No. 210685**

Research: TA / Reviewer: PGE

Graphic 1: Current Contracts Awarded to EAC Consulting, Inc.

Contracts as Prime Contractor

Actions	Contract Number & Title	Prime Contact	Status	Dates	Award Amount	Paid Amount
View	E15-MDT-03_0001: Continuous Professional Services For Federally Funded Projects	Christopher Bucknor		2/7/2017 to 2/6/2022	\$1,650,000	\$229,484
View	EDP-SP-2018-46: EAC General Engineering Services	Enrique Crooks		10/30/2020 to 10/30/2025	\$500,000	\$0
View	E15-WASD-01_0002: NF-ENGINEERING DESIGN AND RELATED SERVICES FOR THE DESIGN OF LARGE DIAMETER WATER AND WASTEWATER PIPELINES FOR THE WATER AND SEWER DEPARTMENT'S WASTEWATER AND WATER COLLECTION, TRANSMISSION AND DISTRIBUTION SYSTEM	Enrique Crooks		11/7/2016 to 12/31/2019	\$5,500,000	\$876,767
View	E15-PWWM-01: NF-NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT FOR NW SOUTH RIVER DRIVE FROM NW 32ND AVE TO NW 38 AVE	Enrique Crooks		2/7/2017 to 2/6/2020	\$579,377	\$229,484
View	E16-SEA-02: PSA-CIVIL INFRASTRUCTURE ENG SVCS	Enrique Crooks		12/19/2017 to 1/15/2023	\$2,200,000	\$1,969,967
Number of contracts as prime: 5					\$10,429,377	\$3,305,702

Source: BMWS, 4/8/21

No evaluations have been done for this firm since September 2014, despite having been awarded, as shown in Graphic 1, at least five contracts since 2016. As contained in the first Whereas clause of [Resolution No. R-421-16](#), the quality of a contractor's past work for the County is an important factor in determining whether a contractor should be awarded a County contract. [Administrative Order No. 3-42](#) requires departments to evaluate firm performance on construction and architectural and engineering contracts, with a minimum of one project evaluation at the end of each project.

A Small Business Enterprise (SBE) Architectural and Engineering Services (A&E) goal of 18% and a SBE Goods & Services (G&S) goal of 0.50% were set for this PSA. The Prime consultant is meeting the goal utilizing SBE sub-consultants. On April 28, 2021, the SBE certification status of the identified firms were verified. The certification for one of the certified firms (Basulto & Associates, Inc.) has an upcoming renewal for May 31, 2021.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8J3
File No. 210688**

Researcher: MF / Reviewer: PGE

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND WSP USA INC. FOR CIVIL INFRASTRUCTURE ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$3,300,000.00, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$300,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, TO EXERCISE ANY CANCELLATION AND OTHER PROVISIONS CONTAINED THEREIN, AND TO APPROVE THE CONTINGENCY TIME EXTENSION AND CONTINGENCY EXPENDITURE LIMITED TO TEN PERCENT OF THE BASE CONTACT AMOUNT

Prime Sponsor: None

Requester: PortMiami

Committee Action Date: 4/13/21 - PortMiami and Environmental Resilience Committee (PRC)

RESEARCH FINDINGS

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

1. The award recommendation does not report on the results of an 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 listing of previous contracts in the past three years for the recommended firm as required by Board resolution.

Lawsuits:

3. WSP USA, Inc. (Prime Consultant) – the company is a co-defendant in a lawsuit filed February 1, 2021 (*Worrell, Donnell v. Fpg Ch 350 Henry LLC Et al*, Case No. 0525138/2020) filed in the Supreme Court, Kings County, New York. The complaint alleges that as a direct result of the actions of the defendants, the plaintiff suffered serious personal injuries after being involved in an accident at the defendant's worksite. The complaint further states the defendant negligently, carelessly, recklessly, failed and omitted to properly construct, shore, equip, guard, arrange, operate and conduct the construction activities at the construction site, or provide reasonable and adequate protection and safety to the persons so employed therein, and more particularly to the plaintiff. As of April 6, 2021, there is a scheduled case conference for April 13, 2021.
4. A&P Consulting Transportation Engineers Corp. (Subconsultant) – the firm was a co-defendant in a lawsuit filed May 18, 2018 (*Carlos Chapman Et Al v. Munilla Construction Management, LLC, Et Al*, Case No. 2018-016746-CA-01) filed in the 11th Judicial Circuit, Miami-Dade County. The complaint is one of several involving the FIU pedestrian bridge collapse, which resulted in injuries and deaths. According to a July 2019 [news report](#), A&P was one of several companies that reached settlement agreements in this case.

FINANCIAL ANALYSIS

The fiscal impact for this Professional Services Agreement (PSA) is \$3,300,000, which includes a 10% contingency allowance of \$300,000. This project is funded as part of the FY 2020-21 Adopted Budget and Multi-Year Capital Plan (Budget Book) for the fiscal years up to FY 2024-25. According to page 181 of the Budget Book, this project (Infrastructure Improvements – Port Wide) has annual capital allocations until FY 2025-26. The funding source in the Budget Book is identified as “future financing;” there is no specification as to what this funding consists of in the Budget Book or the mayoral memo.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8J3
File No. 210688**

Researcher: MF / Reviewer: PGE

On April 21, 2021, the following information was requested from PortMiami:

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
Construction - Budget Book page 181*	Financing	645430	N/A	N/A	\$660k

* WSP USA, Inc. and EAC Consulting, Inc. provide staff augmentation, consulting support for multiple Seaport Department Capital Projects. Payments for these services are capitalized.

*Page 181 lists Infrastructure. As new capital projects commence, these services may also be provided on additional projects.

ADDITIONAL INFORMATION

Small Business Development

According to the Business Management Workforce System (BMWS), there are currently at least three other PortMiami contracts for civil infrastructure engineering services, totaling \$6,600,000, including an existing contract with the recommended firm, WSP USA, Inc.:

Contract No.	Contract Title	Contract Value	Start Date	End Date	Prime Contractor
E13-SEA-01	Non-exclusive PSA for Civil Infrastructure Engineering Services (SIC 871)	\$2,200,000	1/21/2015	6/2/2018	WSP USA Inc.
E13-SEA-02	Non-exclusive PSA for Civil Infrastructure Engineering Services (SIC 871)	\$2,200,000	12/15/2015	1/8/2021	T.Y. Lin International
E16-SEA-02	PSA-Civil Infrastructure Engineering Services	\$2,200,000	12/19/2017	1/15/2023	EAC Consulting, Inc.
Total \$6,600,000					

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8J3
File No. 210688**

Researcher: MF / Reviewer: PGE

An 18% Small Business Enterprise (SBE) Architectural and Engineering (A&E) sub-consultant goal and 0.50% SBE-Services sub-contractor goal were set for this project. According to the Compliance Review by Small Business Development (SBD), the following firms will be utilized to meet the goals:

- Civil Works, Inc. (certified SBE A&E) to perform technical certification at 18%
- Espirito Santo Graphics, Inc. (certified SBE G&S) to provide copying services at 0.50%

Governor Lawsuit and CDC No-Sail Order

On April 8, 2021, Florida Gov. Ron DeSantis announced his intention to file a [lawsuit](#) against President Biden's Administration in an effort for the federal government to lift the "Conditional Sailing Order" from the CDC with the goal of allowing cruise liners to set sail once again. DeSantis stated the cruise industry's shutdown has hurt the state's tourism, leading to the loss of billions of dollars.

The "[No-Sail Order](#)" imposed by the U.S. Centers for Disease Control and Prevention (CDC) has been in effect since March 14, 2020. A "[Framework for Conditional Sailing](#)" was issued on October 30, 2020 to allow for a gradual restart of cruising operations within the United States. The CDC has only recently (on April 2, 2021) published the [guidelines](#) for required COVID-19 agreements between cruise lines and the U.S. ports they utilize. Once such agreements are approved, cruise lines will then be required to operate test cruises with crew only before resuming passenger cruises. Due to this delay and the regulatory process, cruises have begun taking their business to other countries. According to [Cruise Critic](#), a cruise line review site owned by TripAdvisor, some examples (as of March 25, 2021) are as follows:

- Royal Caribbean Group, which includes Royal Caribbean International and Celebrity Cruises, has announced summer restarts for two of their ships in Europe: Jewel of the Seas in Cyprus from July and Celebrity Apex in Athens from June, offering itineraries around the Greek islands and Israel.
- Celebrity Cruises, Royal Caribbean, and Crystal have all announced summer 2021 cruises leaving from new homeports outside of the U.S., as a way to safely resume sailings for fully-vaccinated passengers.
- Celebrity Cruises will send its Celebrity Millennium on sailings out of St. Maarten beginning in June, while Royal Caribbean will homeport Adventure of the Seas out of Nassau, also starting in June, and Vision of the Seas in Bermuda as of late June.
- Olsen, MSC, Princess and Viking have announced domestic "round Britain" cruises exclusively for UK residents.
- On [April 7, 2021](#), Virgin Voyages announced it will begin passenger cruises on its Scarlet Lady in England starting on August 6, 2021 and plans to bring the ship to PortMiami on September 22 to begin Caribbean cruises.

In-house Capabilities

[Resolution No. R-1204-05](#) directs the Mayor to evaluate in-house capabilities and expertise prior to contracting the services of outside consultants and report the results of such inquiry together with any recommendation to the Board for award of such contracts. The mayoral memo does not report the results of this evaluation. According to the PSA, (page 1 of the agenda item), work scope is to be assigned "equitably" by PortMiami, but there is no explanation of how this will be accomplished, such as considering whether in-house staff can do the work instead, or if the assignments will be on a rotation, based on the technical expertise of the consultant, or the availability of the consultant to complete the work in a timely manner.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N4
File No. 210305**

Researcher: MF / Reviewer: PGE

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

Prime Sponsor: None

Requester: Transportation and Public Works (DTPW)

Committee Action Date: 4/13/21 - Transportation, Mobility and Planning Committee (TMPC)

RESEARCH FINDINGS

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

FINANCIAL ANALYSIS

The previous amount between the County and CSX Transportation, Inc was approved under Resolution No. [R-454-18](#). The proposed increase under this item for replacement of the railroad crossing surface at SW 112 Street in the vicinity of SW 108 Court is for an additional \$14,554, which represents a 5% contract increase. Per DTPW, this increase was to satisfy additional coordination and engineering by the Railroad Company. The additional services were required because, during the construction of the rail-road upgrade, additional costs were incurred by the rail company for flagging operations. The original railroad estimate was done back in January 2018, and the construction was done November 2019.

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

On April 21, 2021, the following information was requested from DTPW:

(see table on next page)

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N4
File No. 210305**

Researcher: MF / Reviewer: PGE

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
2000000539- Resurfacing Countywide Improvements, Site 3001496 FY 2020-21 of Adopted Budget and Multi – Year Capital Plan. Volume 2 - Transportation and Public Works, Page 145	RIF(5)	CPEMT05C	N/A	N/A	N/A

ADDITIONAL INFORMATION

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

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

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N5
File No. 210439**

Research: JNF / Reviewer: PGE

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICE AGREEMENT BETWEEN GOAL ASSOCIATES, INC. AND MIAMI-DADE COUNTY FOR THE PROJECT ENTITLED DESIGN SERVICES FOR ROADWAY IMPROVEMENTS TO SW 127TH AVENUE FROM SW 136TH STREET TO SW 128TH STREET (PROJECT NO. E19-DTPW-05 CONTRACT NUMBER 20190131) IN AN AMOUNT NOT TO EXCEED \$383,970.13, INCLUSIVE OF A CONTINGENCY ALLOWANCE OF \$34,906.38; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

Prime Sponsor: None

Requester: Transportation and Public Works

Committee Action Date: 4/13/21 - Transportation, Mobility and Planning Committee

RESEARCH FINDINGS

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

- One of the subconsultants under this PSA, Rudy Garcia & Associates, Inc., is not a certified SBE, although a 100% Tier 3 Set Aside applied to the solicitation, signifying 100% of the contract must be awarded to a Tier 3 SBE-A&E firm (see Additional Information section).

FINANCIAL ANALYSIS

This Professional Service Agreement (PSA) for professional engineering design services in the amount of \$383,970.13 includes a base contract amount of \$349,063.75 and a 10% contingency allowance of \$34,906.38. The contract period is 1,095 days (3 years), including 365 days for post-design services during construction.

On April 21, 2021, OCA requested the following financial and budgetary 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
2000000540- ROAD WIDENING- COUNTYWDE, FY 2020-21 of Adopted Budget and Multi – Year Capital Plan. Volume 2 - Transportation and Public Works, Page 149	RIF (5)	CPEMT06C	-	-	-

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N5
File No. 210439**

Research: JNF / Reviewer: PGE

ADDITIONAL INFORMATION

Seven proposals were received in response to the solicitation for this non-exclusive design services PSA. The firm being recommended for award, GOAL Associates, Inc, is a local certified Small Business Enterprise (SBE) firm. A 100% Tier 3 Set Aside was applied, i.e. 100% of the contract must be awarded to a [Tier 3 SBE-A&E firm](#)—an SBE-A&E firm whose three-year average annual gross revenues are at least \$2,000,000.01 and do not exceed \$6,000,000 (for landscape architectural services, engineering, or surveying and mapping services).

The subconsultants authorized to perform professional services associated with the PSA pursuant to the agreement are:

- A.D.A. Engineering (SBE);
- ASA Consultants, Inc. (SBE);
- GEOSOL, Inc. (SBE); and
- Rudy Garcia & Associates, Inc.

OCA's due diligence on these four subconsultants revealed that Rudy Garcia & Associates, Inc. is not a certified SBE, and no firm by this name is registered to do business in Florida.

Additionally, GSLA Design is listed in the Mayoral Memorandum as a subconsultant under the PSA, yet Section XVIII of the PSA does not list this firm as one of the subconsultants authorized to perform professional services associated with the PSA. GSLA Design is a certified SBE.

GOAL Associates, Inc. has been awarded five County projects as the prime consultant at award amounts totaling \$660,783 and has been the subconsultant on five County projects at contract amounts totaling \$110,900. The firm has one evaluation in the Capital Improvements Information System at a rating of 3.0 out of a possible 4.0.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N6
File No. 210646**

Research: JNF / Reviewer: PGE

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

Prime Sponsor: None

Requester: Transportation and Public Works

Committee Action Date: 4/13/21 - Transportation, Mobility and Planning Committee

RESEARCH FINDINGS

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

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

FINANCIAL ANALYSIS

This contract in the amount of \$10,560,948.94 includes a base contract amount of \$9,520,408.13, a 10% construction contingency allowance (\$952,040.81), \$50,000 off-duty law enforcement office allowance, \$34,000 bituminous material adjustment allowance, \$2,000 permit allowance and a \$2,500 FPL connection allowance. The contract term is 730 days (2 years) with a 73-day contingency period.

On April 21, 2021, OCA requested the following financial and budgetary 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
2000000538 – ARTERIAL ROADS – COUNTYWIDE, FY 2020-21, Adopted Budget and Multi – Year Capital Plan. Volume 2 – Transportation and Public Works, Page 130	Road Impact Fee (RIF)	CPEMT01C	-	-	-

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N6
File No. 210646**

Research: JNF / Reviewer: PGE

ADDITIONAL INFORMATION

All 12 respondents to the solicitation proffered bids below the County's cost estimate. The firm being recommended for award, H & R Paving, Inc., had a base estimate 23% below the County's cost estimate. According to DTPW, a bid analysis was performed and reviewed by the project manager, finding no major issues to prevent a satisfactory completion of the project. The items for which unit prices provided were significantly below the County's cost estimate were not significant to the contract.

Resolution No. [R-187-12](#), adopted February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending award of contracts exceeding \$1,000,000. While this information is absent from the Mayoral Memorandum, the department reported to OCA that due diligence regarding H & R Paving, Inc. was performed on October 8, 2020 with no adverse findings. OCA's due diligence of the firm being recommended for award, conducted on April 27, 2021, revealed that H & R Paving is a defendant in an ongoing lawsuit, *Carrie Kessler v. Parcel D1 Property, LLC et al* (Case No. 2020-009649-CA-01) filed on May 4, 2020 in the 11th Judicial Circuit, Miami-Dade County), wherein H & R Paving, Inc. allegedly failed to construct or alter the sidewalk in a manner which would prevent the portion of the sidewalk over which plaintiff tripped from becoming elevated, resulting in injuries to plaintiff. A motion calendar hearing is scheduled for May 6, 2021.

Resolution No. [R-1181-18](#) requires the consideration of safety records of prospective contractors and first-tier subcontractors for public construction projects and the inclusion of confirmation that those safety records were considered, as well as reports of any instances where the safety record may adversely affect a finding of contractor responsibility, in award memorandum to the Board. Such information was absent from the Mayoral Memorandum. OCA inquired as to H & R Paving's safety records. The department stated that OSHA Forms 300, 300A and 301 were reviewed for years 2019 and 2020. No incidents were reported during 2019 while one incident, a work-related injury resulting in 36 missed workdays, was reported in 2020.

H & R Paving, Inc. is a local, non-certified SBE-Con firm. The contract measures assigned to this award are SBE-Con at 14.32% and SBE-Services at .11%. While the Mayoral Memorandum lists the subcontractors (Highway Striping, Inc., S.S.L. Corp., Quality Paving Corp.), it does not set forth how the contract measures will be met. The department reported to OCA that H & R Paving's Utilization Plan consists of the following:

SBE-Con	14.32% Goal
Highway Striping, Inc.	2.2%
S.S.L. Corp.	12.12%
SBE-Services	.11%
Quality Paving Corp.	.11%

Highway Striping, Inc. is to perform striping work, S.S.L. Corp. is to perform electrical work, and Quality Paving Corp. is being contracted for site clean-up services.

H & R has been awarded 105 County projects at award amounts totaling \$159,840,109. H & R Paving has 223 evaluations in the Capital Improvements Information System, with an average 3.2 rating out of a possible 4.0. Its lowest evaluation at project conclusion was a 1.9 rating on a \$903,030 DTPW project completed on July 25, 2007.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N7
File No. 210632**

Research: TA / Reviewer: PGE

RESOLUTION APPROVING CONTRACT AWARD TO HORIZON CONTRACTORS, INC. IN THE AMOUNT OF \$4,960,268.70, FOR PROJECT ENTITLED ROADWAY IMPROVEMENTS TO NW 97 AVENUE FROM NW 58 STREET TO NW 70 STREET AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE THE PROVISIONS CONTAINED THEREIN

Prime Sponsor: None

Requester: Department of Transportation and Public Works (DTPW)

Committee Action Date: 4/13/21 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 include a listing of previous contracts in the past three years for the recommended firm as required by Board resolution (See the Additional Information section).
2. The award recommendation does not include a description of the due diligence conducted, including a safety record review, to determine contractor responsibility as required by Board resolution. (See the Additional Information section.)

FINANCIAL ANALYSIS

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

The three lowest responsive and responsible bids received for this project were 18%, 15%, and 13% lower than the department's in-house cost estimate. The mayoral memo does not specify what accounts for the difference, such as if the County's estimate assumed higher labor rates and/or materials and supplies costs. It also does not disclose whether the County and its design consultant met with the recommended contractor to review its bid, as is often done when bids come in much lower than the County's estimate. Per DTPW, an analysis was performed on the five lowest bids and the department confirmed that the prices submitted by Horizon Contractors, Inc. (Horizon) was in line with the industry prices. DTPW also sent a confirmation letter to Horizon to confirm four pay items that were substantially low as compared to the engineer's estimate and other bidders.

On April 21, 2021, the following information was requested from DTPW:

(see table on next page)

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N7
File No. 210632**

Research: TA / Reviewer: PGE

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
2000000540 – ROAD WIDENING – COUNTYWIDE, Funding Years: FY 2020 – 21 Adopted Budget and Multi – Year Capital Plan, Volume 2 – Transportation and Public Works, Page 146	Road Impact Fee (RIF)	CPEMT01C.	N/A	N/A	N/A

ADDITIONAL INFORMATION

[Resolution No. R-421-16](#) directs the Mayor to attach to all design and/or construction awards of \$1,000,000 or greater a list of all contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor's work. This item does not include the required listing of contracts (i.e., the "Firm History Report" generated by SBD). The mayoral memo makes conflicting references to Horizon Contractors, Inc. being awarded nine construction contracts according to the Capital Improvements Information System (CIIS) on page 4 of the agenda item and, again according to the CIIS, being awarded one contract in the last five years on page 5 of the agenda item. OCA's review of the CIIS on April 8, 2021 found 11 awarded contracts from 2009 and earlier. According to the Business Management Workforce System (BMWS), the actual amount awarded between March 31, 2018 and March 31, 2021 (the previous three years) is one contract totaling \$7,292,647 (see Graphic 1).

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

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

Source: BMWS, 4/8/21

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N7
File No. 210632**

Research: TA / Reviewer: PGE

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

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

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

No evaluations have been done for this firm since August 2014, despite having been awarded, as shown in Graphic 1, a contract with the term April 9, 2019 to February 3, 2021. As contained in the first Whereas clause of [Resolution No. R-421-16](#), the quality of a contractor's past work for the County is an important factor in determining whether a contractor should be awarded a County contract. [Administrative Order No. 3-42](#) requires departments to evaluate firm performance on construction and architectural and engineering contracts, with a minimum of one project evaluation at the end of each project.

The mayoral memo states that the bid opening date was October 7, 2020. It should be noted that the bid bond expired on March 28, 2021 and the bid was valid until April 5, 2021. A bid bond is typically required for bidding on County construction projects. According to [The Balance Small Business](#), a bid bond is a guarantee provided by the bidder to ensure that if the bidder fails to honor the terms of the bid, the owner or developer will be compensated. It also helps prevent contractors from submitting frivolous or inappropriately low bids to win a contract. Per DTPW, a request was made to extend the bid bond to July 4, 2021.

The estimated Notice to Proceed (NTP) date is April 5, 2021; however, due to this item being considered at the May 4, 2021 Board meeting, it will be a later NTP date.

It is not clear why the mayoral memo states that the number of bid packages issued was 10, while the number of bids received was 20. The bid detail and tabulation and the construction contract were not included in the agenda item. DTPW confirmed

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N7
File No. 210632**

Research: TA / Reviewer: PGE

that the number of bids received were 20, but only 10 hard copy bid packages were obtained, while the rest of the solicitations were downloaded from their website.

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

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N11
File No. 210629**

Researcher: VW / Reviewer: PGE

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

Prime Sponsor: None

Requester: Transportation and Public Works (DTPW)

Committee Action Date: 4/13/2021 – Transportation, Mobility, and Planning Committee (TMPC)

RESEARCH FINDINGS

1. An April 10, 2021 search of AUM Construction, Inc. on the Capital Improvements Information System (CIIS) lists 37 performance evaluations with an average evaluation score of 2.6. Six of the 37 performance evaluations listed had a score less than 2.
2. AUM Construction Inc. is currently involved in a lawsuit, *Michael L Peverill Plaintiff v. Aum Construction Inc Defendant* (CACE19-012131) filed in the 17th Judicial Circuit, Broward County against the firm on June 12, 2019 where the plaintiff claims that negligence on the part of the firm in a construction project involving lighting retrofits led to the plaintiff incurring bodily injury. The case status is pending.
3. On April 21, 2021, the CITT voted 7-2 to forward a recommendation to the Board of County Commissioners (BCC) to not approve the item as written. The CITT voted 8-1 to forward a recommendation to the BCC to approve the item if it was amended to specify that an alternative funding source other than Charter County Transportation Surtax funds be used for the itemized projects.

FINANCIAL ANALYSIS

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

On April 21, 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	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	Provide the actual expenditures in FY19-20	Provide the projected expenditures in FY20-21

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N11
File No. 210629**

Researcher: VW / Reviewer: PGE

Budget Book Page number, if applicable.			the expenditure will be addressed, or what the revenue will be utilized for.		
2000000535 - NEIGHBORHOOD INFRASTRUCTURE IMPROVEMENTS, FY 2020-21, Adopted Budget and Multi – Year Capital Plan. Volume 2 – Transportation and Public Works, Page 142	People's Transportation Plan (PTP)	CPEMTP907SGL CPEMTP908SGL			

ADDITIONAL INFORMATION

On July 29, 2020, DTPW issued a recommendation for award to AUM Construction, Inc for the Push-Button Contract for Traffic Signal Improvements - South (RPQ No. 20200150, MCC 7040 Plan). An April 28, 2021 search of AUM Construction, Inc. on the Capital Improvements Information System (CIIS) lists 37 performance evaluations with an average evaluation score of 2.6. Six of the 37 performance evaluations listed had a score less than 2. The lowest performance evaluation score received by the firm was a score of 1.2 on June 19, 2018 for a project entitled “Safe Route to School Phase # 13”. The project was for contract MT 20160349 in an amount of \$371,173 for DTPW. The project Scored a 1 out of 4 in the following categories: schedule, cooperation, coordination, completeness, responsiveness, commitment, personnel, and management.

On December 19, 2017, the Board adopted [Resolution No. R-1243-17](#) which approved the use of Charter County Transportation Surtax funds in the amount of \$1,272,957.44 to AUM Construction, Inc. for the Contract for Traffic Signal Improvements - North (RPQ No. 20160055, MCC 7040 Plan) and \$1,239,092 to AUM Construction, Inc. for the Contract for Traffic Signal Improvements - South (RPQ No. 20160056, MCC 7040 Plan). On June 18, 2019 the Board adopted [Resolution No. R-679-19](#) which approved the use of Charter County Transportation Surtax funds in the amount of \$3,389,130.79 to AUM Construction, Inc. for the Push-Button Contract for Traffic Signal Improvements – North (RPQ No. 20180074, MCC 7040 Plan) and \$3,307,233.82 to AUM Construction, Inc. for the Contract for Push-Button Contract for Traffic Signal Improvements - South (RPQ No. 20180075, MCC 7040 Plan).

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

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 8N11
File No. 210629**

Researcher: VW / Reviewer: PGE

According to the Occupational Safety and Health Administration ([OSHA](#)) website, as of April 28, 2021, AUM Construction, Inc. was cited on March 21, 2016 for a “serious” type violation with a penalty of \$1,360. The violation was closed on November 17, 2016.

On April 21, 2021, the CITT voted 7-2 to forward a recommendation to the Board of County Commissioners (BCC) to not approve the item as written. The CITT voted 8-1 to forward a recommendation to the BCC to approve the item if it was amended to specify that an alternative funding source other than Charter County Transportation Surtax funds be used for the itemized projects.

**BCC Meeting:
May 4, 2021
Research Notes**

**Item No. 11A10
File No. 210734**

Research: CB / Reviewer: PGE

RESOLUTION WAIVING, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, THE UINCORPORATED AREA RESIDENCY REQUIREMENT OF SECTION 2-98.7(A)(1) OF THE CODE; AND APPOINTING STEVEN MIRO TO THE PUBLIC NUISANCE ABATEMENT BOARD

Prime Sponsor: Commissioner Eileen Higgins, District 5

Requester: None

Committee Action Date: 4/15/2021 – Community Safety and Security

RESEARCH FINDINGS

OCA completed the required background research regarding the appointment of Steven Miro to the Public Nuisance Abatement 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 210734.

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.

CONTRIBUTORS

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

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

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