

MEMORANDUM

Agenda Item No. 7(H)
(Second Reading 5-7-24)
December 12, 2023

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE:

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to procurement of contracts and purchases including the acquisition of professional services; amending sections 2-8.1, 2-8.5, 2-8.5.1, and 2-10.4 of the Code to implement the recommendations of the Professional Services Task Force and to delegate authority to the County Mayor to award professional services agreements consistent with the delegated authority for the award of other forms of agreements and making technical revisions; accepting and approving amendments to Implementing Order 3-34; accepting and approving amendments to Administrative Order 3-39, and restyling such administrative order as Implementing Order 3-39; creating, accepting, and approving Implementing Order 3-68; providing for the amendment of Implementing Orders 3-34, 3-39 and 3-68 by resolution; providing for the County Mayor to make technical revisions to Implementing Orders 3-34, 3-39 and 3-68

The accompanying ordinance was prepared by the Strategic Procurement Department and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.


Geri Bonzon-Keenan
County Attorney

GBK/gh


MDC001

Memorandum



Date: May 7, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Ordinance Relating to the Procurement of Contracts and Purchasing Including the Acquisition of Professional Services; Amending Sections 2-8.1, 2-8.5, 2-8.5.1, and 2.10.4 of the Code of Miami-Dade County to Implement the Recommendations of the Professional Services Task Force; Accepting and Approving Amendments to Implementing Order 3-34: Formation and Performance of Competitive Selection Committees; Accepting and Approving Amendments to Implementing Order No. 3-39: Standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting; and Creating Implementing Order No. 3-68: Use of Locally Headquartered Businesses for the Performance of Professional Architectural, Landscape Architectural, Engineering, or Surveying and Mapping Services

Summary

The purpose of this item is to obtain approval from the Board of County Commissioners (Board) to amend Sections 2-8.1, 2-8.5, 2-8.5.1 and 2.10.4 of the Code of Miami-Dade County (Code) relating to the procurement of contracts and purchasing, including the acquisition of professional services. This item adopts and approves amendments to Implementing Order (I.O.) 3-34: Formation and Performance of Competitive Selection Committees and Implementing Order No. 3-39: Standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting. In addition, this item creates I.O. No. 3-68: Use of Locally Headquartered Businesses for the Performance of Professional Architectural, Landscape Architectural, Engineering, or Surveying and Mapping Services. These Code and I.O. changes are to implement recommendations of the Professional Services Task Force (Task Force) in its final report presented to the Board on October 3, 2017, as well as incorporate significant enhancements from the Administration to achieve a more equitable distribution of contracts and expedite the procurement process. In addition, the item makes technical changes to the Code and authorizes the County Mayor or County Mayor's designee to make technical changes to I.O. 3-34, 3-39, and 3-68.

Background

On May 17, 2016, the Board adopted Resolution No. R-414-16, which created the Task Force for the purpose of reviewing the County's existing legislation, administrative practices and procedures, and competitive solicitation documents for the purchase of professional services covered under Section 287.055 of the Florida Statutes (commonly known as the Consultants' Competitive Negotiation Act or "CCNA").

Recommendation

It is recommended that the Board adopt the attached ordinance approving amendments to Sections 2-8.1, 2-8.5, 2-8.1.1 and 2.10.4 of the Code. The existing Administrative Order No. 3-39 is also recommended to be amended and replaced with Implementing Order No. 3-39. The new I.O. updates the administrative procedure for the *Standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting* by enhancing the procurement process for Architectural and Engineering Services and improving the distribution of work for locally headquartered businesses. The establishment of I.O. 3-68 will provide for the use of locally headquartered businesses in the performance of professional services covered under the CCNA. Finally, because of the revisions made to the treatment of high and low scores in I.O. 3-39, a conforming revision is necessary in I.O. 3-34.

MDC002

I.O. 3-39 will provide for an orderly administrative process for the implementation, classification, tracking, acquisition, monitoring and reporting of professional architectural, engineering, landscape architecture, and land surveying and mapping services, including standard design-build services or other alternative project delivery methods. It shall be applicable to County project solicitations seeking the acquisition of professional services and general construction services that are governed by the CCNA, and bids on contracts for public construction works that are governed by Section 255.20 of the Florida Statutes and Section 2-10.4 of the Code.

The Task Force recommended the following, and the administration is supportive of such changes:

- Amend from an A.O. into an Implementing Order (I.O.) to establish the legislation and policy within;
- Implementation of the Locally Headquartered Business preference by assigning points to achieve a more equitable distribution of County contracts;
- Implementation of points to receive Local Preference;
- Allow for the Average Dollar Value to be used for scoring the amount of work awarded and paid by the County using a criteria based on a formula, instead of subjectively by the evaluating committee;
- Dropping of low scores in the process of normalizing outliers and allowing the firms' high scores to be factored in the rankings in both steps of the process; and
- Establish an Equitable Distribution Program process limited to locally headquartered firms where permitted by the funding source.

Based upon Strategic Procurement Department's (SPD's) review of A.O. No. 3-39, various changes detailed below are also being recommended:

- Ability for the County Mayor or Mayor's Designee to make the final determination of what selection criteria shall be utilized in the solicitation to address the needs of the project in the best interests of the County;
- Enable the County to consider different procurement processes currently utilized by the State of Florida and included in Florida Statutes;
- Allow the use of Alternative Technical Concepts (ATC) process for Step 2 evaluations on Design-Build projects, should the County wish to consider such process to foster creativity, by allowing proposers to incorporate into a single submittal any or all of the County approved ATCs, instead of the traditional multiple alternates submittal process;
- Authorize the County Mayor or Mayor's designee to appoint negotiation teams (i.e., teams that will include County staff, possibly from the client department or other professionals) without requiring members of the Competitive Selection Committee (CSC) to be a part of the negotiations process;
- Allow for all essential criteria to be considered in a First-Tier evaluation, without the need for a Second-Tier evaluation on lower contract value non-project specific solicitations, thereby expediting the procurement process;
- Enable flexibility in the evaluation of price by using different methodologies such as pricing formulas, or subjectively by the CSC, thereby replacing the adjusted bid process currently specified in AO. 3-39 for Design-Build projects;
- Ensure the CSC can continue in the Step/Tier 2 selection process should a member cease to serve after the Step/Tier 1, without having to re-empanel the CSC;
- Simplify the tie breaking procedures for the CSC scores, when members are tied on a recommended firm;
- Include Progressive Design Build Contracts as an option for the County to solicit in such a manner by establishing a collaborative approach to the way a construction project design is developed;

- Allow for the CSC to consider a proposing firm's request to change key personnel to substitute with other personnel in unforeseen circumstances;
- Implementation of points to receive local certified Veteran Business Enterprise preference; and
- Update references to the managing departments, thereby replacing The Office of Capital Improvements Construction Coordination (CICC) where needed, with SPD and the Internal Services Department (ISD), as applicable. The Office of Small Business Development (SBD) will continue to handle the construction projects and Equitable Distribution Program and other assigned duties.

Scope

The scope of the Code and I.O. changes to be approved through this item is countywide.

Delegations of Authority

The change to Section 2-8.1 of the Code would delegate to the County Mayor or the Mayor's designee the ability to award and reject bids for professional services up to \$1,000,000, consistent with the delegated authority for the award of other forms of agreements. This item also delegates authority to the County Mayor or County Mayor's designee to make technical revisions to I.O. 3-34, 3-39, and 3-69 (including any appendices).

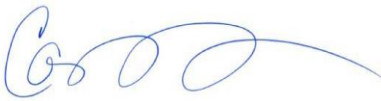
Fiscal Impact/Funding Source

These Code changes and I.O.s are not expected to have a fiscal impact to the County.

Track Record/Monitor

SPD, or successor department, is responsible for ensuring compliance with the commitments by the firms during the evaluation process. SBD, or successor department, is currently responsible for tracking payments for the certified small business enterprises. Consistent with this current practice, SBD will be responsible for compliance and enforcement of the locally headquartered business commitment by the proposers and monitoring of payments to contractors on contracts.

Attachments



Carladenise Edwards
Chief Administrative Officer

Memorandum



Date: May 7, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Social Equity Impact Statement for Ordinance Relating to Implementing Order (I.O) 3-39: Standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting

The proposed ordinance amends relevant sections of the Code of Miami-Dade County to update the process for the acquisition of professional services (and design-build services governed by the Consultants' Competitive Negotiation Act or ("CCNA")) to implement the recommendations of the Professional Services Task Force. The existing Administrative Order No. 3-39 governing these procedures would be replaced with Implementing Order ("I.O.") 3-39. The establishment of I.O. 3-68 will provide for the use of locally headquartered businesses in the performance of professional services covered under the CCNA. Due to the revisions made to the treatment of high and low scores in I.O. 3-39, a conforming revision is necessary in I.O. 3-34, which pertains to selection committees.

The new Implementing Orders are poised to bring positive changes in various aspects of our community, particularly focusing on local businesses and streamlining processes for the benefit of County staff, vendors, and the public as follows:

- **Boost to Locally Headquartered Businesses:** One of the significant social impacts of the adoption of I.O. 3-39 is the expected increase in contracts for locally headquartered businesses. By fostering an environment that encourages local procurement and engagement, the locally headquartered preference aims to strengthen the economic foundation of our community. This has the potential to create more employment opportunities, enhance community partnerships, and contribute to the overall growth and prosperity of our local economy.
- **Streamlined Process:** I.O. 3-39 is designed to simplify and enhance the procurement process included but not limited to simplification of tie-breaking process, alignment with the criteria stipulated by CCNA, utilization of alternate and flexible methods for design-build process, removal of subjectivity for the average dollar value criteria, implementation of points to receive local preference and local certified Veteran Business Enterprise preference. The anticipated outcome is a more straightforward, efficient, and expedient evaluation of proposals. This not only benefits County staff by streamlining their workflow, but also enhances transparency and fairness in the eyes of the public.

In summary, the adoption of I.O. 3-39 is anticipated to provide social benefits, particularly in the realms of local business engagement and the efficiency of the selection process for architectural, engineering and design build procurements. The outlined changes aim to create more local jobs, increase transparency, and maintain trust in the County's procurement process.

A handwritten signature in blue ink that reads "Carladenise Edwards".

Carladenise Edwards
Chief Administrative Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 7, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(H)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(H)
5-7-24

ORDINANCE NO. _____

ORDINANCE RELATING TO PROCUREMENT OF CONTRACTS AND PURCHASES INCLUDING THE ACQUISITION OF PROFESSIONAL SERVICES; AMENDING SECTIONS 2-8.1, 2-8.5, 2-8.5.1, AND 2-10.4 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO IMPLEMENT THE RECOMMENDATIONS OF THE PROFESSIONAL SERVICES TASK FORCE AND TO DELEGATE AUTHORITY TO THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD PROFESSIONAL SERVICES AGREEMENTS CONSISTENT WITH THE DELEGATED AUTHORITY FOR THE AWARD OF OTHER FORMS OF AGREEMENTS AND MAKING TECHNICAL REVISIONS; ACCEPTING AND APPROVING AMENDMENTS TO IMPLEMENTING ORDER 3-34; ACCEPTING AND APPROVING AMENDMENTS TO ADMINISTRATIVE ORDER 3-39, AND RESTYLING SUCH ADMINISTRATIVE ORDER AS IMPLEMENTING ORDER 3-39; CREATING, ACCEPTING, AND APPROVING IMPLEMENTING ORDER 3-68; PROVIDING FOR THE AMENDMENT OF IMPLEMENTING ORDERS 3-34, 3-39 AND 3-68 BY RESOLUTION; PROVIDING FOR THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE TECHNICAL REVISIONS TO IMPLEMENTING ORDERS 3-34, 3-39 AND 3-68; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on May 17, 2016, the Board adopted Resolution No. R-414-16 (the "Task Force Resolution"), creating the Professional Services Task Force ("Task Force") for the purpose of reviewing the County's existing legislation, administrative practices and procedures, and competitive solicitation documents for the purchase of professional services covered under section 287.055 of the Florida Statutes (commonly known as the Competitive Consultants' Negotiation Act or "CCNA"); and

WHEREAS, the Task Force Resolution specifically sought a review of section 2-10.4 of the Code of Miami-Dade County, Florida (the “Code”) and Administrative Order 3-39, all with the objective of achieving a more equitable distribution of County contracts in a manner that is consistent with the CCNA; and

WHEREAS, the Task Force Resolution directed the Task Force to evaluate the existing local preference, including whether the local business tax receipt is the most effective method of identifying local businesses eligible for preferential treatment in the procurement process, and possibility of creating a locally headquartered preference for professional firms; and

WHEREAS, on July 3, 2017, after conducting 11 meetings between September 2016 and March 2017 (including an industry meeting on March 7, 2017), the Task Force finalized its report (the “Task Force Report”) and presented it to the Board on October 3, 2017 (Legistar No. 171918); and

WHEREAS, as outlined in the Task Force Report, architectural and engineering firms based in Miami-Dade County would particularly benefit from procurement practices that allow them to develop experience on County contracts, which experience they then use to compete for other local, national, and international projects; and

WHEREAS, in making its recommendations, the Task Force considered that Miami-Dade County is one of the top-10 markets for architectural and engineering services in the United States, yet only two locally headquartered architectural and engineering firms are on the Engineering News Record’s 2022 list of the top-500 architectural and engineering firms; and

WHEREAS, despite the County’s efforts to support local architectural and engineering firms, the Task Force Report found that, between September 24, 2012, and September 24, 2016, of \$495,000,000.00 expended by the County in architectural and engineering contracts, only \$55,000,000.00 went to locally headquartered firms; and

WHEREAS, among other modifications aimed at enhancing the procurement process for architectural and engineering services and improving the distribution of work, the Task Force Report recommended the enactment of a locally headquartered business preference for the procurement of professional services, that locally headquartered businesses receive a scoring advantage; and

WHEREAS, the Task Force Report recommended defining “locally headquartered business” in accordance with a definition used by the United States Supreme Court in *Hertz Corporation v. Friend*, which identifies the headquarters of a business entity as the location of its “nerve center”—where the entity’s high-level officers direct, control, and coordinate the entity’s activities; and

WHEREAS, insofar as “locally headquartered businesses” have stronger local roots than “local businesses,” because achieving “local” status under section 2-8.5 of the Code is attained by meeting comparatively less stringent standards, the use of the “locally headquartered business” standard for the award of a preference rewards greater investment in the community and is therefore an improvement over the existing practice; and

WHEREAS, under the modifications to Administrative Order 3-39 (which in accordance with Administrative Order 1-1 has been restyled as an Implementing Order), locally headquartered businesses will receive up to five points at the first and second tier evaluation levels and, based on

the percentage of work assigned to locally headquartered businesses acting as subconsultants, non-locally headquartered businesses will receive up to five points at the first and second tier evaluation levels; and

WHEREAS, while Administrative Order 3-39 in its existing form provides for the joint evaluation and scoring of dollars awarded and paid (i.e., without separate consideration of the dollars actually paid) and without assigning specific point values based on the dollars awarded and paid, the modifications to Administrative Order 3-39 further provide for the more equitable distribution of contracts through an “average dollar value” methodology, which provides for the calculation of average dollars awarded and paid to competing firms, with points provided to competing firms based on the comparative dollars they have been awarded and paid under County contracts (i.e., the firm with the highest average dollar value receives one point and the other firms are awarded greater points (up to five points) based on where in a range they fall in relation to the firm with the highest average dollar value); and

WHEREAS, other changes to Administrative Order 3-39 provide for the assignment of points to firms eligible for local preference and local certified veteran business enterprise preference under the Code, with harmonizing changes made to the appropriate sections of the Code; and

WHEREAS, further, the revisions to Administrative Order 3-39 provide for the dropping of low scores in the process of normalizing outliers and allowing the firms’ high scores to be factored into the rankings in both steps of the evaluation process; and

WHEREAS, in addition to changing how scores are transferred between the phases of evaluation in the architectural and engineering consultant selection process, the revised

Implementing Order 3-39 requires (with limited exceptions) all evaluations to proceed to the “second tier” where candidates are required to give oral presentations; and

WHEREAS, another significant change to Administrative Order 3-39 is to include the requirement that participation in the equitable distribution program—which awards architectural and engineering contracts for construction projects valued at equal to or less than \$4,000,000.00 or studies not exceeding \$500,000.00—be limited to locally headquartered businesses, unless the funding source prohibits the restriction of eligibility to locally headquartered businesses; and

WHEREAS, the Board desires to accomplish the purposes set forth in the accompanying memorandum, which is incorporated herein by reference, and to make technical changes to administrative orders and the Code; and

WHEREAS, the Board additionally desires to adopt the well-reasoned changes encompassed herein, creating or revising administrative orders and amendments to the Code, in the manner necessary to adopt such changes,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-8.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-8.1. **Contracts and purchases generally.**

- (a) *Scope.* Except as provided in subsections (b), >>(d),<< (f), (h), (l), and (m), this section shall apply to all contracts for public improvements and purchase of all supplies, materials and services other than professional services, >>except

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

where precluded by federal or state laws or regulations<<.

(b)

- (1) *Bid requirement for certain purchases; delegation of authority to advertise, award and reject bids or proposals for certain purchases.* Formal sealed bids shall be secured for all contracts and purchases within the scope of this section when the transaction involves the expenditure of >>more than<< two hundred fifty thousand dollars (\$250,000.00) [~~or more~~], except that the Board of County Commissioners, upon written recommendation of the County Mayor or County Mayor's designee, may, by resolution adopted by two-thirds ($\frac{2}{3}$) vote of the members present, waive competitive bidding when it finds this to be in the best interest of the County. Any recommendation by the County Mayor for a waiver of competitive bidding shall, at a minimum, provide: (i) a written explanation of why competitive bidding processes should not be utilized, how the recommended waiver of competitive bidding is in the best interest of the County, and the steps taken to reduce or eliminate the future need for waivers of competitive bidding for the particular good or service; and (ii) a written description and summary of the findings of any market research or cost-benefit analysis conducted by the County Mayor or County Mayor's designee which supports a waiver of competitive bidding as the preferred method of procurement, including any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. Except as set forth in section 2-8.3(2) of the Code, the County Mayor or County Mayor's designee is hereby delegated the authority to advertise for bid all County contracts, including contracts for public improvements, purchases of supplies, materials and services, and purchases of professional services, without the need for action by the County Commission. The County Mayor or County Mayor's designee shall be required to include in any such advertisement the measures approved by the Review Committee relating to the County's small and

community business programs established in this Code. The County Mayor or County Mayor's designee shall further be required to report to this Board on a bi-annual basis all contracts advertised with the measures included, and other steps taken to foster small and community business programs. The Commission Auditor shall review and evaluate the County Mayor's or County Mayor's designee exercise of authority delegated pursuant to this section and report the results of his or her evaluation to the Board of County Commissioners on a periodic basis. The County Mayor or County Mayor's designee is hereby delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services~~[[, other than professional architectural, engineering and other services subject to Section 2-10.4 and Section 287.055, Florida Statutes]]~~) costing one million dollars (\$1,000,000.00) or less, or in the case of miscellaneous construction contracts or purchasing programs designed to provide opportunities for Community Small Business Enterprises specifically authorized by Board ordinance or resolution five million dollars (\$5,000,000.00) or less, without the need for action by the County Commission. The authority to award contracts provided in the preceding sentence shall not constitute authority for the County Mayor or County Mayor's designee to exercise an option to renew any contract where the combined value for such contract's initial term and the option to renew would exceed one million dollars (\$1,000,000.00), and in such instances the County Mayor or County Mayor's designee shall obtain the prior authorization of the County Commission to exercise such option. The County Mayor or County Mayor's designee may recommend that the foregoing requirement to obtain prior Commission authorization to exercise an option to renew be waived for a specific contract when the County Mayor or County Mayor's designee deems it to be in the best interests of the County. The Inspector General shall be invited to participate as appropriate

in the processes by which the authority delegated hereby is exercised. The County Mayor or County Mayor's designee is delegated the authority to utilize any of the following processes for selection of a contractor to perform contracts for public improvements: competitive price bidding, request for proposals, or request for qualifications without the need for prior approval of the County Commission. The County Mayor or County Mayor's designee shall review all construction projects to determine whether the break-up of the project into smaller contracts will increase the opportunity for CSBEs to participate therein. The County Mayor or County Mayor's designee may designate appropriate County staff to exercise the authority delegated hereunder by implementing order, approved by the Board of County Commissioners.

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- (c) *Establishment of purchasing procedure by administrative order.* By administrative order, subject to the approval of the Board of County Commissioners, the ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< shall establish procedures for all purchases and the award of all contracts within the scope of this section. Except in the case of small purchase orders and sole source contracts, as defined by Administrative Order 3-2 or successor thereto, said procedures shall make it a condition of award that the contractor or entity receiving a contract or purchase from Miami-Dade County verify that all delinquent and currently due fees or taxes (including, but not limited to, real and personal property taxes, utility taxes, and occupational license taxes) collected in the normal course by the Miami-Dade County Tax Collector and County issued parking tickets for vehicles registered in the name of the contractor or business entity, have been paid. Failure to comply with this policy may result in debarment. Such purchasing procedures may include i) a petty cash program for the purchase of goods and services of not to exceed the amount specified in Administrative Order 3-6; and ii) a purchase card program for the purchase of goods and services of not to exceed the amount specified by Administrative Order for such program and in no event greater than that provided for

small purchases under Administrative Order 3-2. Notwithstanding any other Section of this Code or Resolution of this Board, purchases under the petty cash and purchasing card programs shall be subject only to the limitations, conditions and requirements specified in the Administrative Orders therefore and shall not be subject to the requirements specified elsewhere in this Code or in Board Resolutions applicable to County contracting or procurement.

(d) *Disclosure required of contractors and entities transacting business with Miami-Dade County.*

- (1) All contracts or business transactions or renewals thereof with Miami-Dade County, or any person or agency acting for Miami-Dade County, including but not limited to: Contracts for public improvements; contracts for purchase of supplies, materials or services >>(including professional services)<<; and leases, franchises, concessions or management agreements, shall require the person contracting or transacting such business with the County to disclose under oath his or her full legal name, and business address. Such contract or transaction shall also require the disclosure under oath of the full legal name and business address of all individuals having any interest (legal, equitable, beneficial or otherwise) in the contract; provided, however, no disclosure shall be required of subcontractors, materialmen, suppliers, laborers or lenders. Post office box addresses shall not be accepted hereunder. If the contract or business transaction is with a corporation the foregoing information shall be provided for each officer and director and each stockholder holding, directly or indirectly, five (5) percent or more of the outstanding stock in the corporation. If the contract or business transaction is with a partnership, the foregoing information shall be provided for each partner. If the contract or business transaction is with a trust, the foregoing information shall be provided for the trustee and each beneficiary of the trust. All assignments of any such contract or transaction, if otherwise authorized, shall comply with the provisions hereof. All transferees of interests required to be disclosed hereunder shall within thirty

(30) days of the transfer notify the County that the transfer has occurred. The ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< shall include in the resolution approving any assignment of any contract or business transaction or transfer of interest therein, or any change of ownership in contracts with the County, the names and business addresses of the officers, directors, partners or trustees, as applicable, of the companies involved in the contract assignment or business transaction or transfer of interest therein, or change of ownership. Notwithstanding anything in this section to the contrary, the foregoing disclosure requirements shall not apply to contracts with publicly-traded corporations, or to contracts with the United States or any department or agency thereof, the State or any political subdivision or agency thereof, or any municipality of this State. Any contract or transaction entered into in violation of this section shall be voidable.

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- (g) The ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< shall include language in the specifications for all County contracts providing that a bidder's or proposer's performance as a prime contractor or subcontractor on previous County contracts shall be taken into account in evaluating bids and proposals received for County contracts.

- (h) *Dedicated allowances, contingency allowances and additional service allowances on contracts involving the expenditure of more than \$500,000.* For any contract for the construction of public improvements and any professional service agreement involving the expenditure of more than \$500,000, an item shall be added to the ~~[[advertisement recommendation memorandum presented by the County Manager to the Board of County Commissioners]]~~ >>contract award recommendation<< identifying (1) each proposed dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each, and (2) the corresponding percentage of each proposed dedicated allowance, contingency allowance and additional services allowance in relation to the estimated contract price. When the aggregate percentage of all proposed non-

dedicated allowances, such as contingency allowances and additional services allowances, exceeds the applicable threshold set forth below, the ~~[[County Manager's advertisement]]~~ >>contract award<< recommendation shall also include specific information to define and substantiate the proposed utilization of the particular allowances:

- (1) Five percent of the contract price for new construction on public property;
- (2) Ten percent of the contract price for remodeling, renovation or expansion of existing facilities on public property, or for infrastructure projects within the public right-of-way; and
- (3) Ten percent of the contract price for professional service agreements.

For each contract covered by this subsection (h), an item shall be added to the ~~[[recommendation for award memorandum presented by the County Manager to the Board of County Commissioners]]~~ >>contract award recommendation<< identifying (1) each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each, and (2) the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

For each contract covered by this subsection (h), during the course of contract performance, the director of the department administering the contract shall: (1) review and maintain full and complete documentation to support the specific items and associated costs utilized under the contract's dedicated allowance, contingency allowance and additional services allowance, and shall maintain such information available for inspection as a public record; and (2) whenever the actual utilization of a dedicated allowance, contingency allowance or additional services allowance exceeds the particular dollar amount or percentage for that allowance stated in the ~~[[recommendation for award memorandum presented by the County Manager to the Board of County Commissioners, shall]]~~ >>contract award recommendation<< immediately inform the ~~[[County~~

~~Manager, or his designee,]]~~ >>Mayor or Mayor's designee,<< in writing, and shall disclose the actual, project-to-date utilization of that account including the specific items and associated costs incurred and the ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< shall promptly report the utilization of each such account to the Board of County Commissioners with a copy to the Director of >>the Strategic<< Procurement >>Department (or its successor department)<< and Director of Audit and Management Services >>(or its successor department)<<. The procedures provided in this subsection (h) shall not constitute a delegation of authority to increase the contract price or contract ceiling of any contract without approval of the >>Board of<< County ~~[[Commission]]~~ >>Commissioners<<.

- (i) >>Delinquent Vendors.<< This subsection shall apply to all county contracts for public improvements; purchases of all supplies, materials and services, including professional services; leases, franchises, concessions, management agreements and permits to do business on county property; and loan transactions.

~~[[ii]]~~ >>(1)<< No individual or entity who is in arrears in excess of the enforcement threshold, defined below, under any obligation or contract, including but not limited to those described in (h)(i) above, final non-appealable judgment, or lien with the County, or any of its agencies or instrumentalities, including the Public Health Trust (hereinafter referred to as "County"), either directly or indirectly through a firm, corporation, partnership or joint venture in which the individual or entity has a controlling financial interest as that term is defined in Section 2-11.1(b)(8) of this Code, shall be allowed to receive any additional County contracts described in (h)(i) above, purchase orders or extensions of County contracts until either the arrearage has been paid in full or the County has agreed in writing to a repayment schedule. Notwithstanding the above, the ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< may enter into or extend a contract or business transaction with any individuals or entities who are not current in their obligations to the County when the ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< determines it to be in the best interest of the County or when the ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< determines that

the individuals or entities are engaged in pending settlement negotiations regarding change orders. Such action shall be subject to ratification by the Board of County Commissioners. The ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< shall include language in the specifications of all contracts to which this subsection applies that the failure to meet the terms and conditions of any obligation or repayment schedule shall constitute a default of the subject contract and may be cause for suspension, termination and debarment, in accordance with the terms of the contract and the debarment procedures of the County.

~~[[iii]]~~>>(2)<< All contracts, business transactions and renewals thereof with the County to which this subsection applies, shall require the individual or entity seeking to transact business with the County to verify by affidavit that the individual or entity is current in its obligations to the County and is not otherwise in default of any County contract. Any contract or transaction entered into in violation of this subsection shall be voidable.

~~[[iv]]~~>>(3)<< By administrative order, the ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< shall establish procedures for the implementation of this subsection. Said procedures shall require the ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< to maintain a list of all individuals and entities who are not current in their obligations to the County. Such list shall be updated periodically and distributed or made available electronically to each County department, agency and instrumentality.

~~[[v]]~~>>(4)<< The ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< shall include language in all promissory notes and loan documents that require the borrower to assign the proceeds of any contract with the County or any of its agencies or instrumentalities to which the borrower or any firm, corporation, partnership or joint venture in which the borrower has a controlling financial interest is a party to the County in order to secure repayment of the loan.

~~[[vi] The provisions of the "cone of silence" as set forth in subsection 2-11.1(t)(a) as it pertains to the prohibition of any communications with the Mayor, County Commissioners or~~

~~their respective staffs shall apply to this subsection (h) and no repayment schedule or settlement agreement entered into by the County administration shall be reported to the Board of County Commissioners.]]~~

[[~~(vii)~~]]>>(5)<< "Enforcement Threshold," shall mean any arrearage under any individual contract, final non-appealable judgment, or lien with Miami-Dade County that exceeds \$25,000 and has been delinquent for greater than 180 days.

[[~~(+)~~]]>>(j)<< Each person or entity that seeks to do business with the County shall adopt a Code of Business Ethics ~~[[("Code")]]~~ and shall, prior to the execution of any contract between the contractor and the County, submit an affidavit, on a form provided by the County, stating that the contractor has adopted a Code >>of Business Ethics<< that complies with the requirements of this Section. Any person or entity that fails to submit the required affidavit shall be ineligible for contract award. The Code of Business Ethics shall apply to all business that the contractor does with the County and shall, at a minimum, require the contractor to comply with all applicable governmental rules and regulations including, among others, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and the Miami-Dade County False Claims Ordinance.

[[~~(+)~~]]>>(k)<< Electronic Commerce, Electronic Signatures, and On-Line Procurement of Goods and Services.

(1) Definitions.

[[~~(+)~~]]>>(i)<< *Electronic* means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

[[~~(2)~~]]>>(ii)<< *Reverse Auction* means a procurement method wherein bidders, anonymous to each other, electronically submit real-time bids on designated goods or services.

[[~~(3)~~]]>>(iii)<< *Electronic Signature* means a manual or electronic identifier or the electronic result of an authentication technique attached to, or logically associated with, a record that is intended by

the person using it to have the same full force and effect as manual signature.

- (2) On-Line Procurement. The ~~[[County Manager]]~~ >>Mayor or Mayor’s designee<< is authorized to pursue electronic commerce and on-line procurement of goods and services through the use of electronic means including the use of electronic signatures. Procurement by electronic means includes, but is not limited to, the advertising and receipt of competitive sealed bids, competitive sealed proposals and informal quotations, reverse auctions, vendor registration, and any other current or future procurement method or process.
- (3) Electronic Signatures. An electronic signature may be used to sign any contract, writing, bid, proposal, vendor registration document, affidavit, or similar submission for the purposes of procurement and contracting with the County and shall have the same force and effect as a written signature.

~~[[(*)—Reserved.]]~~

* * *

Section 2. Section 2-8.5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-8.5. Procedure to provide preference to local business in county contracts.

* * *

- (2) *Preference in purchase of personal property, general services, professional services, the purchase of or contract for construction or renovation of public works or improvements, and in the purchase of personal property, general services or professional services by means of competitive bid, request for proposals, qualifications or other submittals and competitive negotiation and selection. Except where federal or state law, or any other funding source, mandates to the contrary, Miami-Dade County and its agencies and instrumentalities, including the Public*

Health Trust, >>shall give<< preference to local businesses in the following manner:

* * *

(c) *Professional services procured pursuant to Section 287.055, Florida Statutes.* The application of local preference to professional services procured pursuant to Section 287.055, Florida Statutes shall be in accordance with the process outlined in ~~[[Section 2-10.4 of the Code of Miami-Dade County]]~~ >>Implementing Order 3-39, including, and notwithstanding anything to the contrary in the Code, with respect to the breaking of tie scores. The preference provided for in this subsection (c) may be waived in the manner allowed under Section 2-8.5(3) of this Code<<.

* * *

Section 3. Section 2-8.5.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-8.5.1. Procedure to Provide Preference to Local Certified Service-Disabled Veteran Business Enterprises in County Contracts.

* * *

(3) A Local Certified Veteran Business Enterprise that submits a proposal in response to an RFP, RFQ, >>or an<< RFI ~~[[or a Notice to Professional Consultants]]~~ that assigns weights to evaluation and selection criteria shall receive an additional five percent of the evaluation points scored on the technical portion of such bidder's proposal. >>For evaluations of professional services procured under Section 287.055, Florida Statutes, the application of local preference shall be in accordance with the process outlined in Implementing Order 3-39, including, and notwithstanding anything to the contrary in the Code, with respect to the breaking of tie scores. The preference provided for in this subsection (3) may be waived in the manner allowed under Section 2-8.5(3) of this Code.<<

* * *

Section 4. Section 2-10.4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-10.4. Acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services.

(1) *Definitions.*

* * *

(e) The term "project" shall mean that fixed capital outlay study or planning activity described in the public notice of Miami-Dade County pursuant to Section 2-10.4(2). The County Mayor or County Mayor's designee shall prescribe by Implementing Order, subject to approval of the Board of County Commissioners, procedures for the determination of a project under its jurisdiction. Such procedures may include:

1. Determination of a project which constitutes a grouping of minor construction, rehabilitation or renovation activities;
2. Determination of a project which constitutes a grouping of substantially similar construction, rehabilitation or renovation activities.

All project grouping contracts shall be subject to the approval of the ~~[[County Manager or his designated representative]]~~ >>County Mayor or County Mayor's designee<< to ensure compatibility and compliance with the Equitable Distribution Program.

(5) *Competitive selection committees for publicly announced projects or planning or study activities* ~~[[which are not provided under continuing contracts]]~~.

(a) For each project or planning or study activity

required to be publicly announced under subsection (2) of this Section, the County Mayor or County Mayor's designee shall appoint a competitive selection committee as set forth in the ~~[[Administrative]]~~ >>Implementing<< Order which implements this section.

- (b) For each such project, the competitive selection committee shall evaluate current statements of qualifications and performance data on each firm which has requested consideration for that project and shall select several of the candidate firms based on their qualifications, approach to the project and the ability to furnish the required services, in the manner more particularly identified in the ~~[[Administrative]]~~ >>Implementing<< Order which implements this Section. The competitive selection committee shall then identify, after a properly noticed public hearing, at which public hearing each of the several selected candidate firms shall be given reasonable time to make their presentations, no less than three (3) firms, in order of preference, found to be the most highly qualified to perform the required services. If less than three (3) firms are found most highly qualified then each such firm, in order of preference, shall be identified.
- (c) The competitive selection committee shall report its findings, together with supporting data, to the County Mayor or County Mayor's designee and shall file a copy of its findings with the Clerk of the Board of County Commissioners.
- (d) The ~~[[County Manager]]~~ >>County Mayor or County Mayor's designee << shall select no less than three (3) firms, in the order of preference (provided that at least three (3) firms are identified in accordance with subsection (b) above) by the competitive selection committee to be the most highly qualified to perform the required services. The competitive selection committee shall rank the firms in the order of their competence and qualification after considering such factors as the ability of professional personnel, past performance,

willingness to meet time and budget requirements, locations of the firms, the recent, current, and projected workloads of the firms, and the volume of work previously awarded to the firm by the agency with the object of effecting an equitable distribution of contracts among qualified firms. The competitive selection committee shall score the firms based on a qualitative evaluation of the selection criteria (the "Qualitative Score") but shall base its recommended ranking on the aggregate ranking provided by members of the selection committee (the "Ordinal Score") all as more particularly described in the Implementing Order. The competitive selection committee shall report to the County Mayor or the County Mayor's designee the recommended ranking of the firms including both Qualitative Scores and Ordinal Scores. The competitive selection committee shall report no fewer than three (3) firms determined to be the most highly qualified, provided at least three (3) qualified firms have responded to the solicitation.

Following the review of the selection committee's report, the County Mayor or County Mayor's designee shall determine the final ranking of firms in the order of competence and qualification upon application of the criteria set forth in subsection (d) above and the local preference considerations set forth in subsection (e) below. The County Mayor or County Mayor's designee shall at all times abide by the principle of selection of the most highly qualified firms. ~~[[The County Mayor or County Mayor's designee shall file the names of the firms he selects together with his order of preference with the Clerk of the Board of County Commissioners.]]~~ >>The County Mayor or the County Mayor's designee shall determine the order in which negotiations are conducted with the firms ranked by the County Mayor or County Mayor's designee.<< The County shall then negotiate a contract in accordance with the procedures set forth hereafter.

- (e) ~~[[If two firms, one local and one nonlocal are within five (5) percent of each other's total Qualitative~~

~~Scores, and for design build solicitations, the adjusted low bid, as defined in the corresponding Implementing Order, the local firm shall be ranked higher than the nonlocal firm in the final ranking of the County Mayor or Mayor's designee made in accordance with this subsection. In case of a two-tiered evaluation process, the local preference shall also apply at the conclusion of the first tier to allow eligible local proposers within five percent of the points assigned to those recommended to participate in the second tier evaluation. For purposes of this subsection, the term local firm shall have the same meaning as local business in Section 2-8.5 of this Code.]] >> Except where federal or state law, or any other funding source, mandates to the contrary, the preferences accorded to local businesses or locally headquartered businesses, as those terms are defined in Section 2-8.5 of this Code, shall be as provided in Implementing Order 3-39. The preference provided for in this subsection (e) may be waived in the manner allowed under Section 2-8.5(3) of this Code.<<~~

~~[[f) The provisions of this subsection shall not apply to continuing contracts.]]~~

(6) *Competitive negotiations.* >>Competitive negotiations shall be conducted in the order determined by the County Mayor or the County Mayor's designee under Section 2-10.4(5)(d) in accordance with the process for negotiations specified in Implementing Order 3-39. For all lump sum or cost plus a fixed fee contracts in which the fee will exceed fifty thousand dollars (\$50,000.00), the County will require the firm receiving the award to execute a truth-in-negotiation certificate as required by Chapter 287, Florida Statutes.<<

~~[[a) The County Mayor or County Mayor's designee shall appoint a negotiation committee who shall attempt to negotiate a professional services contract for each project or planning or study activity required to be publicly announced under subsection (2) of this Section with the firm which he has ranked first for a compensation which the negotiation committee has determined to be fair, competitive, and reasonable. In~~

~~arriving at a compensation figure the negotiation committee shall conduct a detailed analysis of the cost of the professional services required, and shall give full consideration to the extent and complexity of the services required. For all lump sum or cost plus a fixed fee contracts in which the fee will exceed fifty thousand dollars (\$50,000.00), the County will require the firm receiving the award to execute a truth in negotiation certificate as required by Chapter 287, Florida Statutes.~~

- ~~(b) Should the negotiation committee be unable to negotiate a satisfactory contract with the firm that has ranked first at a price which the negotiation committee believes to be fair, competitive, and reasonable, negotiations with that firm shall be formally terminated. The negotiation committee shall then undertake negotiations with the firm which the County Mayor or County Mayor's designee ranked second. Failing accord with this firm, such negotiations shall terminate, and negotiators shall then undertake negotiations with the firm ranked third by the County Mayor or County Mayor's designee.~~

- ~~(c) Should the negotiation committee be unable to negotiate a satisfactory contract with any of the selected firms, additional firms shall be selected in accordance with the procedure set forth herein. Negotiations shall continue in accordance with this section until an agreement is reached. The negotiated agreement shall be presented to the Board of County Commissioners for approval.]]~~

~~* * *~~

Section 5. Implementing Order 3-34, titled "Formation and Performance of Competitive Selection Committees," in substantially the form attached hereto as Exhibit A, is accepted and approved, and may be amended from time to time by resolution adopted by the Board.

Section 6. Implementing Order 3-39, titled "Standard process for construction of

capital improvements, acquisition of professional services, construction contracting, change orders and reporting,” in substantially the form attached hereto as Exhibit B, is accepted and approved, and may be amended from time to time by resolution adopted by the Board.

Section 7. Implementing Order 3-68, titled “Use of locally headquartered businesses for the performance of professional, architectural, landscape architectural, engineering, or surveying and mapping services,” in substantially the form attached hereto as Exhibit C, is created, accepted, and approved, and may be amended from time to time by resolution adopted by the Board.

Section 8. The County Mayor or County Mayor’s designee is hereby authorized and directed to make technical revisions to Implementing Orders 3-34, 3-39, and 3-68, including any forms appended thereto, and to ensure that the latest versions of such documents are available on the County’s publicly available repositories for implementing orders.

Section 9. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 10. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 11. It is the intention of the Board of County Commissioners, and it is hereby ordained, that sections 5-8 of this ordinance shall be excluded from the Code of Miami-Dade County.

Section 12. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

GKS For GBK

Miguel A. Gonzalez

MAG

Implementing Order



Implementing Order No.: 3-34

Title: FORMATION AND PERFORMANCE OF COMPETITIVE SELECTION COMMITTEES

Ordered: ~~[[7/6/2023]]~~ >>insert ordering date<< **Effective:** ~~[[7/16/2023]]~~ >>insert effective date<<

AUTHORITY:

Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter and Section 1.01 of the Code of Miami-Dade County.

SUPERSEDES:

This Implementing Order (I.O.) supersedes and replaces previous I.O. 3-34 ordered ~~[[April 4, 2023, and effective April 14, 2023]]~~ >>insert ordering date, and effective insert effective date<<.

SCOPE:

Notwithstanding any contrary provision of any other Administrative Order (A.O.) or Implementing Order, this Implementing Order establishes procedures for the formation and performance of competitive selection committees (Committees or Committee) in Miami-Dade County's competitive procurement process, including Committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.

POLICY:

The County shall utilize Committees that are comprised of fair, impartial, objective, and qualified individuals capable of evaluating the subject matter area in a competitive procurement process for the evaluation of offers, proposals, and qualifications submitted by individuals and firms seeking contract award. The provisions of this Implementing Order address the County's internal administrative processes and are not intended to serve as a basis to challenge the ultimate selection or contract award recommendation in any particular procurement action or to create any rights for any participant in a bid contest or other proceeding. This Implementing Order governs all County procurement processes involving such Committees. All Committee proceedings shall be audiotaped by the County Mayor's designee.

FORMATION OF COMPETITIVE SELECTION COMMITTEES:

Competitive Selection Committee Pool

A pool consisting of potential County Committee members shall be established and administered by the Small Business Development (SBD) division of the Internal Services Department or such other County Mayor designee. The pool shall consist of the County's executives, professionals, and subject matter experts within the County or from the private or non-profit sectors, other governmental/quasi-governmental organizations, and retired executives.

Pool members, including members who are not County employees, as well as the non-voting technical advisor shall be required to attend a workshop prior to serving on any Committee facilitated by the Strategic Procurement Department or a County Mayor

designee. The workshop shall train pool members on the Committee's role and responsibilities, the pertinent legislation (including Florida's Government in the Sunshine laws, the County's Conflict of Interest and Code of Ethics Ordinance, and County procurement rules and regulations), and provide a forum for discussion regarding membership on a Committee.

For contract awards for the purchase of professional architectural, engineering, landscape architectural, or land surveying and mapping services, or for any other contract awards with an estimated value equal to or exceeding ten-million dollars (\$10,000,000.00), the Committee shall be composed of five voting members and shall include an assistant or deputy director from the affected County user department. For all other contract awards with an estimated value under ten-million dollars (\$10,000,000.00), the Committee shall be composed of three voting members. A simple majority of the voting members of a Committee shall constitute a quorum necessary to hold meetings and take any action. Unless an exception is made in writing by the County Mayor or County Mayor's designee, all voting members of a Committee shall attend all meetings at which vendor presentations are made and proposals are evaluated. Attendance at Committee meetings through the use of remote media technology, where otherwise permitted by State and County law, shall be permitted provided a physical quorum of voting members of a Committee are present.

Competitive Selection Committee Formation and Appointment

Committees shall be formed as follows:

- A. The County Mayor or County Mayor's designee shall determine the composition of each Committee based on the appropriate expertise required for each acquisition. Committee members shall be subject matter experts from within the County or from the private or non-profit sectors, other governmental organizations, or retired executives. In forming a Committee to replace an established contract, the County should, when practicable and in the best interest of the County, appoint the County employee charged with managing the existing contract, as a non-voting technical advisor to the Committee. In forming the Committee primary consideration shall be given to appointing County and non-County members with appropriate experience, knowledge, and subject matter expertise. To the maximum extent practicable, the appointment of Committee members among those who hold the appropriate experience, knowledge, subject matter expertise should be balanced in its representation of the Miami-Dade County community with regard to ethnicity and gender. Except in the case of an assistant or deputy director serving on a five-member Selection Committee, where possible, County employee Committee members should not be appointed who are in the same department and are direct reports to other members of the Committee.
- B. The Selection Committee Coordinator shall be a non-voting procurement professional employee of the department or agency issuing the solicitation. The Selection Committee Coordinator shall administer the process and shall not be a member of the Committee.
- C. The County Mayor or County Mayor's designee may appoint non-voting technical advisors to supplement the technical expertise of selection committees. Technical advisors are official members of the Committee but may not cast a vote and are not counted for purposes of quorum.

- D. The County Mayor or County Mayor's designee shall appoint three alternate voting members at the time the Committee is appointed. The Selection Committee Coordinator may convert alternate voting members to voting members in the event that substitution of a voting member is required. If the alternate voting member has not attended all prior meetings of the Committee, the substitution will only be allowed before any scoring meeting has occurred.

Upon notice, SBD or such other administrator designated by the County Mayor shall consult with the issuing department or agency and recommend Committee appointments to the County Mayor or County Mayor's designee within seven (7) calendar days.

PERFORMANCE OF COMPETITIVE SELECTION COMMITTEES:

Within ten (10) calendar days following the deadline for submitting proposals, the Selection Committee Coordinator shall prepare a list of respondents and subcontractors and transmit that list with an accompanying affidavit to Competitive Selection Committee members for completion. Each individual, including any non-voting technical advisors, appointed to a Committee shall sign the accompanying affidavit attesting to his/her neutrality in performing the duties of a Committee member ("Neutrality Affidavit") and acknowledge that his/her service on such committee shall be in compliance with the Conflict of Interest and Code of Ethics Ordinance (Sec. 2-11.1) and submit it to the Selection Committee Coordinator within three (3) business days. An individual who provides false information may be subject to investigation and prosecution under Florida law. County employees providing false information shall also be subject to disciplinary action up to and including dismissal from County employment. All Committee members shall affirm and acknowledge that service on the Committee is subject to the requirements and prohibitions of the County's Code of Silence Ordinance and the State of Florida's Government in the Sunshine Law.

Moreover, and in accordance with the Resolution No. R-449-14, individuals appointed to the Committee must submit their updated resume, through the Selection Committee Coordinator, to the Commission Auditor at the same time as they submit their Neutrality Affidavit. Within five (5) business days following receipt of resumes by the Selection Committee Coordinator, the Commission Auditor shall conduct background checks for all Committee members verifying no family control, financial interest, and/or employment (past or present), with any vendor or proposed subcontractor under consideration by the Committee.

The Committee Auditor shall submit the results of the background check to the issuing department overseeing the competitive process. The Commission Auditor will also submit the results of the background checks to the Commission on Ethics and Public Trust for further review of the findings. The Commission on Ethics and Public Trust shall endeavor to provide any response within fourteen (14) calendar days.

Any request by County staff to be excused from Committee service must be in writing, delineating serious and legitimate reasons, and must be signed by the Department/Agency Director and sent to the County Mayor or County Mayor's designee through Small Business Development or other administrator. In the event that a Committee member is excused from service, an identified alternate shall assume the responsibilities of a voting Committee member.

SMALL BUSINESS ENTERPRISE COMPLIANCE REVIEW:

Within ten (10) calendar days following the deadline for submitting proposals, the County Mayor or County Mayor’s designee or such other authorized person shall review all proposals and, if necessary, request SBD or such other County Mayor designee to review any applicable proposal materials for compliance with or applicability of any relevant Small Business Enterprise Program goals, measures, or preferences. SBD or such other County Mayor designee shall conduct its review and provide any applicable response within ten (10) calendar days after receiving a request from the County Mayor or County Mayor’s designee.

For the avoidance of doubt, the timelines provided here shall govern in the absence of any applicable deadlines provided elsewhere in the County Code, other County administrative/implementing orders, or other applicable law. In the event of a conflict between this implementing order and any deadlines provided elsewhere for review of Small Business Enterprise Program goals, measures, or preferences, the earlier deadline shall prevail.

SCORING GUIDELINES:

Except for Committees procuring “Professional Services” as defined by Section 2-10.4 of the Code of Miami-Dade County, Committee members shall be provided written guidelines and shall use the guidelines in preparing their scores for the evaluation of each criteria identified in the solicitation.

The guidelines shall be in substantially the form provided below:

Rating	Score as a Percentage of Total Available Points for Criteria	Guidelines
Excellent	90-100%	The proposal’s response to the criteria is complete and well defined, providing relevant supporting details and examples. The response to this criteria indicates a high prospect for outstanding performance on the resulting contract. All or a majority of the expectations for this criteria are clearly met or exceeded.
Good	70-89%	The proposal’s response to the criteria is generally complete and well defined, providing reasonably well-developed responses with a good amount of relevant supporting details and examples. The response to this criteria indicates a moderate to high prospect for good performance on the resulting contract. Most of the expectations are met for this criteria.

Fair	50-69%	The proposal's response to the criteria is fairly complete but lacking some definition or clarity. The response is not well developed to address the criteria and provides limited supporting details and examples. The response to this criteria indicates a prospect of achieving satisfactory performance on the resulting contract, but there may also be some risk. Few of the expectations are demonstrated to be met for this criteria.
Poor	49% or below	The proposal's response to the criteria is not complete or provides minimal information, lacking sufficient details and examples. The response to this criteria indicates a moderate to high risk of not achieving satisfactory performance on the resulting contract. Does not demonstrate ability to meet expectations for this criteria.

The Selection Committee Coordinator shall schedule an initial scoring meeting to occur within thirty (30) calendar days after completion of all required background checks, SBE compliance reviews, responsiveness opinions in accordance with I.O. 2-13, or other applicable determinations. However, if the Selection Committee Coordinator reasonably determines a solicitation to be complex by virtue of its technical subject matter, contract award amount, or other relevant factors, then the initial scoring meeting shall be scheduled no later than sixty (60) days after completion of all required background checks, SBE compliance reviews, responsiveness opinions in accordance with I.O. 2-13, or other applicable determinations to provide Committee members sufficient time to review all proposal materials. If the Selection Committee determines that any additional meetings are required to, for example, receive oral presentations from prospective bidders or provide additional time to review proposals prior to scoring, then such meetings shall occur no later than fifteen (15) calendar days after the initial scoring meeting of the Selection Committee.

During the scoring meeting, the Selection Committee Coordinator shall monitor the points awarded to each vendor by each Committee member. In the event that a Committee members score for a criteria varies in excess of thirty-three percent (33%) of the average score award by all Committee members by criteria, the Selection Committee Coordinator shall request that such Committee member provide a verbal justification in the meeting for the score. The Selection Committee Coordinator should encourage Committee members to discuss this criteria including the justification provided. The Committee members may change their scores based on the specific discussion. Should the variation remain, the Selection Committee Coordinator shall confirm and state on the record the justification provided by the Committee member. This justification shall be included in the Selection Committee Coordinator's report to the County Mayor or County Mayor's designee. Upon review of the such score and the justification, the County Mayor or County Mayor's designee may accept or reject that selection Committee member's score and a report of such decision shall be provided to the Board of County Commissioners for solicitations requiring approval of the Board. In addition, if any of the deadlines established in this Implementing Order are missed, then the County Mayor shall disclose the missed deadlines and the department that missed the relevant deadline in the County Mayor's memorandum contained in the agenda package where the related matter is presented to the Board for consideration.

~~[[SCORING OF SELECTION COMMITTEES FOR PURCHASE OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, AND LAND SURVEYING AND MAPPING SERVICES:~~

~~For selection committees procuring “Professional Services” as defined in Section 2-10.4 of the Code of Miami Dade County, the highest and lowest final score for each firm in the first evaluation tier shall be discarded and not used to compute the final total score of such firm.]]~~

SELECTION COMMITTEE CONSIDERATION OF REPORTS AND FINDINGS OF THE MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL OR MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST:

The County Mayor or County Mayor’s Designee shall provide to the Committee all reports and findings of the Miami-Dade Office of the Inspector General (“OIG”) or the Miami-Dade County Commission on Ethics and Public Trust (“COE”) which find substantiated allegations or adverse findings, conclusions, or recommendations regarding any vendor or proposed subcontractor under consideration by the Committee within seven years of the submittal date of the proposals being evaluated (collectively, “Reports”) for consideration in accordance with the evaluation of each applicable criteria identified in the solicitation. In the event the OIG or COE issues a Report after the Committee has scored and ranked the vendors the County Mayor or County Mayor’s designee may re-empanel the Committee to consider if such Report would change the previous rankings of the vendors. If the Committee determines that the Report would change the previous rankings of the vendor identified in the Report, then the Committee shall re-score the vendor identified in the Report solely based on the impact the information identified in the Report would have on the scoring of the vendor in accordance with the applicable criteria identified in the solicitation, re-rank the vendors, and submit a written justification for the revised rankings to the County Mayor or County Mayor’s designee. Upon review of such re-ranking and the justification, the County Mayor or County Mayor’s designee may accept or reject the new rankings and a report of such decision shall be provided to the Board of County Commissioners for solicitations requiring approval of the Board. The County Mayor shall, in any recommendation to the Board of County Commissioners, either attach all reports and findings issued by the OIG or the COE and considered by the Committee or provide a description of such reports and findings and a link to where such reports and findings may be viewed.

ADMINISTRATIVE LEAVE FOR SELECTION COMMITTEE MEMBERS:

County employees shall only be entitled to receive any applicable administrative leave for their work on Competitive Selection Committees if they serve as a scoring member and have timely completed all committee-related duties, and such administrative leave must be used within one year from the date that the employee completes his or her service as a scoring member of a Competitive Selection Committee.

EFFECTIVE DATE:

This Implementing Order shall become effective after approval by the Board of County Commissioners.

[[Administrative]] >>Implementing<< Order

[[Administrative]] >>Implementing<< Order (“IO”) No.: 3-39

Title: Standard process for construction of Capital improvements, acquisition of professional services, construction contracting, change orders and reporting

Ordered: [[6/17/2003]] >>[insert ordering date]<<

Effective: [[6/23/2003]] >>[insert effective date]<<

AUTHORITY:

[[Section 4.02 of the]] >>The<< Miami-Dade County Home Rule Amendment and Charter [[and Charter]] >>including, without limitation, among others, Sections 1.01 and 2.02 A;<< [[Section 2-10.4 of the Code Of Miami-Dade County]] [[Section]] >>Sections 255.20 and<< 287.055 of >>the<< Florida Statutes >>.<< and Sections >>2-8.1, 2.8..1.1.1 2-8.22 , and 2.10.4,<< [[2-285, 2-8.2.6 and 2-8.2.7]] of the Code of Miami-Dade County >>(the “Code”);<< and[[;]] Resolutions Nos. R-754-97, R-1403-97 >>.<< [[and]] R-1404-97 >>, and [insert ordering legislation]<<.References to legislations will be deemed to include amendments to the legislations once adopted and effective, as applicable . All legislations and Administrative/ Implementing Orders cited are deemed as being incorporated by reference in this Implementing Order (IO). Any references to the County Manager in past legislations will mean, for the purposes of this IO, the Mayor, and his/her designee(s).

SUPERSEDES:

This [[Administrative]] >>Implementing<< Order supersedes[[: Administrative Order No. 3-33 - Acquisition of Professional Services, ordered June 5, 2001 and effective June 15, 2001; Administrative Order No. 3-14 - Procedures for the Review of Construction Change Orders and Modifications to Architectural/Engineering Professional Service Agreements Regardless of Dollar Amount or Time Period, ordered and effective October 5, 1993; and Administrative Order No. 3-28 - Classifying, Tracking, Monitoring, and Reporting All Change Orders on Miami-Dade County Construction Projects, ordered February 2, 1999 and effective February 12, 1999]] >>Administrative Order (AO) No. 3-39, Standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting, ordered June 17, 2003, and effective June 23, 2003<<.

SCOPE:

This [[Administrative]] >>Implementing<< Order establishes the standard procedures for [[user departments to implement, classify, track, monitor and report capital construction projects unless specifically exempted by state or federal law. The Office of Capital Improvements Construction Coordination (CICC) shall be responsible for ensuring the consistency, transparency, and integrity of these processes. Additionally, CICC shall implement standards for status reporting throughout each project’s life cycle via an integrated management database comprised of existing systems and Web based

~~software managed by CICC.]] >> an orderly administrative process for the implementation, classification, tracking, acquisition, monitoring and reporting of professional architectural, engineering, landscape architecture, and land surveying and mapping services, including design-build and general construction services either through the Miscellaneous Construction Contracts (MCC) or other alternative project delivery methods.<<~~

~~>>This Implementing Order shall be applicable to Miami-Dade County project solicitations seeking the acquisition of Professional Services and general construction services as described above, which are governed by the Consultants' Competitive Negotiation Act, Section 287.055 of the Florida Statutes (the "CCNA"), "Local bids and contracts for public construction works", etc. ,Section 255.20 of the Florida Statutes, and Section 2-10.4 of the Code. <<~~

~~This [[Administrative]] >>Implementing<< Order does not apply when valid public emergencies have been formally declared pursuant to applicable laws and regulations. [[The provisions of this Administrative Order may be suspended, in whole or in part, at the discretion of the County Manager until normalcy has been restored.]]~~

~~[[APPLICABILITY:~~

~~This Administrative Order shall be applicable to Miami-Dade County projects funded in whole or in part by County funds, solicitations pursuant to Florida Statutes, Section 287.055 or where the County is the contract agency for construction contracting departments including, but not limited to, Aviation, Department of Environmental Resources Management, General Services Administration, Fire-Rescue, Miami-Dade Housing Agency, Miami-Dade Transit Agency, Office of Public Transportation Management, Park and Recreation, Public Works, Seaport, Solid Waste, Water and Sewer, Public Health Trust and the Performing Arts Center Management Office.]]~~

~~[[EXCEPTION:~~

~~The rules contained in this Administrative Order are advisory in that they are intended to provide guidance to County departments in the conduct of an orderly administrative process. Any deviation from these rules shall not constitute grounds for protest by the participants in the affected procurement. Chapter 2 of the Code of Miami-Dade County shall govern the County's actions at all times. This Administrative Order applies to all capital improvement professional service agreements and construction contracts except where restricted by federal, state or external regulations.]]~~

>>DELEGATION OF AUTHORITY; RESPONSIBILITIES OF INTERNAL SERVICES STRATEGIC PROCUREMENT DEPARTMENT ("SPD):

With respect to Covered Services, the County Mayor hereby delegates to the Director of the Strategic Procurement Department ("SPD"), the authority and responsibility to:

1. Provide advice regarding different project delivery methods and make recommendations to the client department on contracting strategies.

2. Prepare the solicitation documents for acquisition with input from the client department and advertise each solicitation.
3. Schedule, advertise, record, coordinate and conduct the selection and negotiation committee meetings for the acquisition of Covered Services including, without limitation, Professional Services included in CCNA .
4. Indicate, in applicable solicitation(s), any participation restrictions specific to the solicitation, and/or subsequent acquisition of Covered Services
5. Identify in the advertisement any restrictions, exclusions, and/or exemptions from consultant participation in the potential forthcoming services. Include clarification in the advertisement of who may or may not participate on the specific solicitation as a result of specific requirements, previous contractual engagements, conflict of interests, or competitive advantage.
6. Request and receive any additional/supplemental information from Proposers after submittal deadline.
7. Ensure compliance with this IO. <<
8. Issue Waivers to the extent that the Mayor is as allowed to issue Waivers and subject to the Mayor's limitations in issuing waivers. Any Waivers will be in conformity with applicable Administrative Orders (AOs) and/or Implementing Orders (IOs). Waivers exceeding the Mayor's authority will be presented to the (BCC) for their approval.

POLICY:

This ~~[[Administrative]]~~ >>Implementing<< Order shall govern all phases of the >>Miami-Dade County administrative process, through the Strategic Procurement Department, for the acquisition of Covered Services, unless otherwise provided. To the extent of the Mayor's authority, the County Mayor or Mayor's designee may grant written exemptions from the application of the Implementing Order where the County Mayor or Mayor's designee determines that it is in the best interest of the County. Waivers exceeding the Mayor's authority will be presented to the BCC for their approval. ~~<< [[capital improvement construction process including, but not limited to planning, design, and construction. CICC shall be responsible for facilitating the quality and cost-effective implementation of County capital improvement construction projects from initiation through planning, design, construction and project closeout; monitoring and reporting on project adherence to budgets and schedules; and monitoring critical sequencing of linked projects in accordance with County regulations.]]~~

~~[[Each user department shall be required to utilize a centralized information system to provide real-time project status. CICC shall provide a system for the implementation of countywide capital improvements policy and procedures relating to all aspects of project management and contract compliance. These policies and procedures shall provide the necessary operational guidance to ensure consistency in documentation, reporting, accountability, and management of construction projects (See Exhibit "A" – Sample Checklist). In conjunction with this effort, CICC shall coordinate the training of related personnel, including but not limited to, construction managers, project managers and~~

~~contract and specifications unit staff to ensure timely and effective implementation of these requirements. CICC shall be responsible for providing a capital project information system to track the life cycle of capital improvement projects. Such system shall interface with existing departmental systems whenever possible and allow real-time access to information via a Web-enabled application.]]~~

~~[[CICC shall develop and maintain standardized contract language and related forms. Standardized interpretation and enforcement of County contracts shall foster more consistent and equitable project management for all contractors among County departments. The County Manager may grant written exemptions from the standards where the protection of life, health, safety or welfare of the community, operational necessity or the preservation of public properties is concerned.]]~~

~~[[CICC shall ensure adequate advance public notice and citizen participation on County projects, including receiving specifications to ensure minimal adverse impact to the community and adherence to the Countywide Business Road Impact Assistance Loan Program.]]~~

~~[[CICC shall ensure that user departments utilize the capital improvement system to provide real-time status of projects. CICC shall conduct random inspections to verify that high quality construction and project management takes place both administratively and in the field during construction. CICC shall monitor consultant, contractor, and departmental performance on contracts and provide the BCC with reports on responsibility and responsiveness. CICC shall also provide the BCC with reports on controversial projects and recommend strategies to improve the process.]]~~

~~[[CICC shall administer the ratification process for expedite contracts, change orders and amendment or modifications, and shall prepare a ratification list and submit it to the BCC on a quarterly basis in January, April, July and October of each year (See Exhibit "B" — Sample Project Ratification List).]]~~

DEFINITIONS:

~~[[The following definitions, as well as additional terms necessary for understanding the provisions of this Administrative Order, shall apply:]]~~ >>This Implementing Order hereby incorporates by reference all definitions included in the Consultants' Competitive Negotiation Act ("CCNA"), 287.055, Fla. Stat. in addition to the following:<<

~~[[**A&E** means professional architectural, engineering, landscape architecture, land surveying and mapping services.]]~~

~~[[**Adjusted Bid** means an evaluation process where proposals are evaluated and assigned point values according to a rating system. Qualitative aspects are scored and totaled on a scale of 0 to 100 points and price is divided by that score to yield an "adjusted bid".]]~~

>>**Advancing Firms** means proposers selected by the Competitive Selection Committee

to advance to the next phase of the evaluation process. <<

Affiliates ~~[[mean]]~~ >>means two (2) or more related parties, << ~~[[business]]~~ >>Business<< concerns, organizations, corporations, limited liability companies, professional associations, partnerships , other business entities, or ~~[[individuals]]~~ >>individual relationships in which,<< ~~[[which are affiliates of each other if]]~~ directly or indirectly, (i) either one >>(1) party<< controls or has the power to control the other, or (ii) a third party controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, >>the bidder or Proposer, the principals, corporate officers, and managers of a bidder or Proposer, or the spouse, domestic partner, parents, stepparents, siblings, children or step children of a bidder or Proposer or the principals, corporate officers, partners, and managers thereof, which have a direct or indirect ownership interest in another bidder or Proposer,<< ~~[[identity of interests among family members,]]~~ shared facilities and equipment and common use of employees >>, or a business entity organized by a debarred entity, individual, or Affiliate(s) following the Debarment of a Contractor that has the same or similar management, ownership, or principal employees as the Contractor that was debarred or suspended, as defined in, Section 10-38 of the Code, “Debarment of contractors from County work “”.<<

>>**Affirmative Action Plan (AAP)** means a plan which sets forth the procedures the entity utilizes to demonstrate its track record in regard to equitable employment, promotion, and procurement practices.<<

>>**Alternative Technical Concept (ATC)** means a request by a shortlisted Design-Builder to have the County grant an exception to the Project’s advertised specifications for inclusion in a final submittal.<<

>>**Amendment** means a written supplemental agreement executed by the County and the vendor, covering Modifications to a Professional Services Agreement. <<

>>**Average Dollar Value (ADV)** means the calculation of the average of the total of the dollars awarded and paid by the County, for Professional Services, to the prime Firm and all sub-Consultants serving as prime firms in previous engagements, during the three-year period immediately preceding the submittal date.<<

BCC means >>the Miami-Dade County<< Board of County Commissioners.

>>**Best Value** means a process of selection in which the final selection criteria primarily includes qualitative subjective considerations in addition to price and not solely a low bid price.<<

Capital Construction Project or Capital Project means a grouping of activities from planning through construction uniquely identifying a constructed or modified fixed asset involving the construction trades.

Change Order means a written amendment executed by the County, the ~~[[Prime Contractor]]~~ >>vendor<< and the ~~[[Prime Contractor's]]~~ >>vendor's<< Surety >> (if required by the Contract, required insurance certificate if required by the Contract, or the bond) <<, covering modifications to the Contract.

>>**Client Department** means the County department requesting the procurement of Covered Services. <<

~~[[CICC means the Miami-Dade County Office of Capital Improvements Construction Coordination or the Capital Improvements Coordinator.]]~~

>>**Code of Miami-Dade County, Florida (Code)**<< means the >>systematic and comprehensive compilation of Miami-Dade County laws, rules, and/or regulations that is consolidated and classified according to subject matter. << ~~[[Code of Miami-Dade County, Florida.]]~~ References to the County Code are references to the codified ordinances of Miami-Dade County published online by Municode.

~~[[Community Business Enterprise or CBE means a firm as defined in Section 2 of the Code.]]~~

~~[[Community Small Business Enterprise or CSBE means a construction related enterprise as defined in Section 10-33.02 of the Code.]]~~

~~[[Compensation means monies paid to a firm by Miami-Dade County for professional services rendered.]]~~

>>**Consultants' Competitive Negotiation Act (CCNA)** means Section 287.055 of the Florida Statutes, as amended. The County may apply any state approved Professional Services solicitation methodology that complies with this Statute. The County may employ any solicitation or pricing methodologies used in CCNA or used by the State of Florida or any of its agencies, departments ,or instrumentalities. <<

Competitive Selection Committee ~~[[or CSC]]~~ >>**(CSC)**<< ~~[[as defined in Section 2-10.4(5) of the Code, shall be]]~~ >>means<< the committee appointed by the County ~~[[Manager]]~~ >>Mayor or Mayor's designee<< to evaluate qualifications and performance of the firms requesting consideration for the specific project and to rank the firms in order of preference ~~[[and select the most qualified firm(s) to perform the services]]~~ >>, as defined in Section 2-10.4(5) of the Code.

Construction Manager-at-Risk ~~[[or]]~~ >>**(CM-at-Risk)**<< ~~[[as defined in Section 10-33.02 of the Code, replaces the general contractor, bids the work out to local trade contractors and is compensated to work cooperatively through the design phase to guarantee the project budget and schedule. The CM-at-Risk may provide a guaranteed maximum price and manage the trade contractors for quality, price and schedule. In most instances, the CM-at Risk firm is qualified under a general contractor's license.]]~~ >>means a procurement method which allows for a firm, following a competitive selection process,

to establish a maximum price, known as the Guaranteed Maximum Price (“GMP”) act as the general contractor, bid work to trade contractors, and work cooperatively through the design, bid, and construction phases with: the GMP and schedule.<<

>>**Consultant** means an Architect or Engineer or their authorized representatives identified in the Notice-to-Proceed letter, including but not limited to the resident Architect/Engineer, the Construction Manager, and the Architect/Engineer of Record.<<

~~Continuing Contract~~ [[shall mean the term “continuing contract” as defined in Section 2-10.4(1)(f) of the Code and Chapter 287 of Florida Statutes, as the same may be amended]] >>means a Contract for Professional Services entered in accordance with all the procedures of the CCNA and Section 2-10.4(1)(f) of the Code. <<

>>**Contract** means an executed agreement between an entity and Miami-Dade County. Term is synonymous with Professional Services Agreement (“PSA”), Design-Build Contract, or Construction Contract, as applicable. <<

>>**Contractor** means the individual, Firm, partnership, limited liability company, or corporation, or combination thereof, private, municipal, or public, including joint ventures, duly licensed under Florida Statutes, which, as an independent Contractor, has entered into a Contract with Miami-Dade County, who is referred to throughout the Contract Documents by singular in number and masculine in gender. <<

~~[[**County** means Miami-Dade County.]]~~

~~[[**County Manager** means the executive or administrator responsible for the day-to-day operations of County government or his/her designee.]]~~

>>**County Mayor or County Mayor’s Designee** means the chief executive officer responsible for the day-to-day operations of County government, or his/her designee. <<

County Regulations means a County ordinance, resolution, administrative order, implementing order, or specification.

~~[[**Countywide Business Road Impact Assistance Loan Program** means the loan program established by Resolution R-161-01 as amended by Resolution R-742-02, to provide relief to businesses adversely affected by County funded infrastructure improvement projects, by making available loans with reasonable interest and payment terms. Such projects may include but are not limited to: drainage, road resurfacing, road reconstruction, water and sewer improvements or other major repairs where County roads are disrupted and traffic is rerouted or access to businesses is blocked.]]~~

>>**Covered Services** means professional architectural, engineering, landscape architecture, and land surveying and mapping services, including design-build, general construction services, the Equitable Distribution Program (EDP), and other forms of alternative Project delivery methods, all as defined in the CCNA. <<

~~[[DBD means County Department of Business Development.]]~~

Debar or debarment means ~~>>action taken<<~~ to exclude a consultant or contractor, its individual officers, and its shareholders with significant interests, its qualifying agent and/or its affiliated businesses from County contracts, whether as a prime consultant or sub consultant ~~[[pursuant to]]~~ ~~>>as provided in<<~~ Section 10.38 of the County Code ~~[[Debarment of Contractors from County Work]].~~

~~[[Departments and Agencies mean departments, instrumentalities or branches of County government under the supervision of the County Manager.]]~~

Design-Build Contract means a single contract with a design-build firm for the design and construction of a public construction project ~~>>, as defined in the CCNA<<~~.

Design-Build Firm >> (a/k/a Design-Builder) has the meaning provided in the CCNA. ~~<< [[means a partnership, corporation or other legal entity that:~~

- ~~a. Is certified under Section 489.119 of Florida Statutes, to engage in a contract through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or~~
- ~~b. Is certified under Section 471.023 of Florida Statutes, to practice engineering; certified under Section 481.219 to practice architecture; or certified under Section 481.319 to practice landscape architecture.]]~~

Design Criteria Package ~~>>has the meaning provided in the CCNA. << [[means concise, performance-oriented drawings and or specifications of the public construction project. The design criteria package shall contain information regarding the County's expectations of a finished project. For a design-build project, the design criteria package shall contain sufficient information to permit design-build firms to prepare a bid or a response to an agency's request for proposal, or to permit an agency to enter into a contract. The design criteria package may be as brief as referencing the applicable standards for utility design to specifying performance-based criteria for a public construction project, including, but not limited to, the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, storm water retention and disposal, and parking requirements, as may be applicable to the project.]]~~

Design Criteria Professional ~~>>has the meaning provided in the CCNA.<< [[means an individual or a firm who holds a current certificate of registration under Chapter 481 of Florida Statutes, to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under Chapter 471 of Florida Statutes, to practice engineering and who is employed by or under contract to the agency for the~~

provision of professional architectural services, or engineering services in connection with the preparation of the design criteria package.]]

Equitable Distribution Program ~~[[or]]~~ **(EDP)** ~~[[represents the process to streamline solicitations for continuing contracts by distributing Architectural, Engineering and Landscape Architecture Professional Services to eligible firms on a rotational basis.]]~~
>>means a program administered by Internal Services Department that streamlines the solicitation process for Continuing Contracts, by distributing Professional Services to eligible firms on a defined basis. EDP Projects must have construction costs and study activities within the thresholds established in the CCNA for Continuing Contracts.

EDP Firms represent a group of A&E professional firms that hold a County Pre-Qualification Certificate and are approved by the County to participate in the Equitable Distribution Program.

Expedite Process means contracts, change orders, and amendment/modifications processed utilizing the authority stated in Sections 2.8.2.5 through 2.8.2.8 of the Code. Contract documents not eligible for processing under the expedited procedure shall be submitted through the normal process in accordance with Section 2.8.3 of the Code.

Firm >>has the meaning provided in the CCNA.<< ~~[[means any individual, firm, partnership, corporation, or other legal entity permitted by law to practice architecture, engineering, landscape architecture, design-build, land surveying and mapping services and may be used synonymously with the term team.]]~~

>>First Tier/Step 1 means the evaluation of responsive Proposers pursuant to the applicable criteria as specified in the Notice to Professional Consultants (NTPC) or Request for Design-Build Services (RDBS). <<

~~[[Florida Statutes, Section 287.055 means “The Consultant’s Competitive Negotiation Act”. The County may apply any state approved professional services solicitation methodology that is in compliance with this Statute.]]~~

Internal Services Department (ISD)>>, or successor department,<< means the ~~[[D]]~~>>d<<epartment of Miami-Dade County who is charged with the administration of facility management, design and construction management, fleet management, risk management, surplus property disposition services, >>and>> capital inventory management, ~~[[and small business program management and services]]~~. Additionally, ISD is engaged in real estate development and management, Americans with Disabilities Act compliance, elevator regulation and parking services.

>>Local Certified Veteran Business Enterprise means the program established under Section 2-8.5.1 of the Code and Section 295.187, Florida Statutes, the “Florida Veteran Business Enterprise Opportunity Act.” <<

>>Locally Headquartered Business (LHB) has the meaning provided in Section 2-8.5

of the Code. <<

>>Local Preference means the preference given under Sections 2-8.5 and 2-10.4 of the County Code. <<

Miscellaneous Construction Contract ~~[[or MCC]]~~ >>**(MCC)** has the meaning provided in Implementing Order (“IO”) 3-53.<< ~~[[means a type of contract established to procure competitive, cost effective, quality construction services for miscellaneous and emergency construction projects through the creation of a pre-qualified pool of contractors as approved by the Board of County Commissioners.]]~~

Modification means a written amendment >>or supplemental agreement<< executed by the County, the Professional Firm and the Firm’s Surety >> (if required by the agreement or the applicable bond) <<, covering modifications to the agreement.

Notice to Professional Consultants ~~[[or NTPC]]~~ >>**(NTPC)**<< means a document soliciting professional services >>under the CCNA<< which includes but it is not limited to a description of the scope of services, ~~[[technical certification]]~~ >>Technical Certification<< requirements, ~~[[notice of]]~~ selection criteria and methodology, Review Committee contract measures established for the subject project, data sheets or forms to be completed and submitted as part of the proposal, and submission deadline date.

>>Ordinal Score means the score after the individual CSC members’ total Qualitative Points, for each respondent, is converted in numerical order. For each CSC member, the highest Qualitative Points shall be equivalent to the lowest ordinal score.

>>Past Performance Evaluation (PPE) means an evaluation prepared by project managers of the performance of a Firm during or upon conclusion of a Project. <<

Pre-Qualification Certification ~~[[or PQC]]~~ >>**(PQC)**<< means the >>County’s<< ~~[[annual]]~~ certification process that includes, but may not be limited to, ~~[[technical certification]]~~ >>Technical Certification<<, affirmative action plan verification, >>and<< vendor registration ~~[[, and supplemental forms]].~~ ~~[[All prime consultant or sub-consultant firms are required to hold a County Pre-Qualification Certificate at the time of proposal submission deadline date and throughout the contract term if selected, without any lapses.]]~~

Prime Consultant ~~[[refers to the firm, which enters into a contract with the County and is responsible for coordinating the concerted and complementary input of several firms, individuals or related services to produce a complete study or facility. The prime consultant shall have full responsibility and liability for quality of performance by itself, as well as by sub-consultant professionals under its jurisdiction]]~~ >>means a Firm that enters into a PSA with the County to render Professional Services under a solicitation<<.

Professional Services >>has the meaning provided in the CCNA. << ~~[[means those services within the scope of the practice of architecture, engineering, landscape~~

~~architecture, land surveying and mapping, as defined by the laws of the State of Florida; or those performed by an architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.]]~~

Professional Services Agreement >>(PSA)<< ~~[[or PSA]]~~ means a ~~[[contractual relationship]]~~ >>Contract<< to provide ~~[[these]]~~ services within the scope of the practice of architecture, engineering, landscape architecture, land surveying and mapping, as defined by the ~~[[laws of the State of Florida]]~~ >>CCNA<< ~~[[; or these]]~~ >>and<< performed by an architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

Progressive Design Build Contract has the meaning provided in Section 337.025(2), of the Florida Statutes, as amended.

>>Project has the meaning provided in the CCNA. <<

>>Proposer means the person, Firm, entity or organization submitting a response to a solicitation. This term is synonymous with “Respondent,” “Prime Consultant,” or “Design-Builder.”<<

~~[[Qualifier means the individual who qualifies the firm for technical certification purposes to do business with the County and holds a license as required by Florida Statutes.]]~~

>>Qualitative Points means the point values assigned by CSC members for each selection criterion. <<

>>Request for Design-Build Services (RDBS) means a solicitation for acquisition of design-build services. The RDBS may include but it is not limited to a description of the scope of services, Technical Certification requirements, selection criteria and methodology, Design Criteria Package, forms to be completed and submitted as part of the proposal, and submission deadline date.<<

~~[[Respondent means a firm or team of firms in a prime/sub relationship submitting a proposal in response to a properly advertised Notice to Professional Consultants.]]~~

Responsibility ~~[[means that the standards pertaining to the determination of contractor, consultant or vendor responsibility shall be governed by procedures established by administrative order approved by the BCC. The County shall solicit offers from, award contracts to, and consent to subcontracts with responsible contractors only.]]~~ >>has the meaning established in Implementing Order 2-13. <<

>>Responsiveness has the meaning established in Implementing Order 2-13. <<

>>Request to Advertise (RTA) means a document prepared by a department to authorize and initiate the advertisement of a solicitation to contract for Covered Services

as applicable.<<

~~[[**Review Committee or RC** means the committee established by the County Manager to review proposed projects for the application of contract measures.]]~~

>>**Rotational Value (RV)** means a Firm's position in the EDP Pool. The Firm's position in the ranking is based on their Technical Certification categories and the RV. The RV is established by a Firm's three-year award and payment history. <<

~~[[**Schedule of Participation or SOP** means a form contained in the bid documents to report the planned participation of sub-contractors to meet a prescribed goal established in the contract.]]~~

>>**Second Tier/Step 2** means the evaluation of short-listed Proposers pursuant to the applicable criteria as specified in the NTPC or RDBS.<<

>>**Small Business Development, Office of (SBD)**, or successor department, is the department of Miami-Dade County charged with managing small business programs and services. <<

>>**Small Business Enterprise Goods Program (SBE-G&S)** means a small business certification designation used for the purchase of goods as defined in Section 2-8.1.1.1 .2 of the County Code. <<

>>**Small Business Enterprise Services Program (SBE-G&S)** means a small business certification designation used for the purchase of services as defined in Section 2-8.1.1.1.1 of the County Code. <<

>>**Small Business Enterprise Architecture & Engineering Program (SBE-A&E)** means a small business certification designation used for purchase of certain professional architectural, landscape architectural, engineering, or survey and mapping services, as defined in Section 2-10.4.01 of the County Code.<<

>>**Small Business Enterprise Construction Services Program (SBE-CON)** means a small business certification designation for construction related enterprise as defined in Section 10-33.02 of the County Code.<<

>>**Strategic Procurement Department (SPD)**, or successor department, means the department of Miami-Dade County charged with the administration of the processes and programs covered in this Implementing Order unless otherwise expressly specified.

~~**Sub-Consultant** for certain aspects of a project as a team member and provides such services under the guidance of the prime consultant.]] >>means an A&E Firm, which as a Team member, has input and responsibility for certain aspects of a Project, and who provides Professional Services under the discretion of a Prime Consultant/Contractor. Term is not synonymous with Sub-contractor. <<~~

>>Sub-contractor means a non-A&E Firm, which provides non-A&E services under the discretion of a Prime Consultant/Contractor. Term is not synonymous with Sub-consultant. <<

~~[[Suspension means an administrative action less severe than debarment, taken by the County Manager to exclude a consultant and/or contractor on a temporary basis from participating in County contracts.]]~~

>>Team means all Firms identified in the Proposer's submittal to provide services specified in the solicitation. <<

Technical Certification >>(TC)<< means a comprehensive review by the County Technical Certification Committee affirming a firm's eligibility to provide professional services to the County in various ~~[[technical]]~~ >>Technical Certification<< categories.

>>Technical Certification Committee means the committee appointed by the County Mayor or County Mayor's designee, pursuant to Section 2-10.4(5) of the Code, to review the statements of qualifications submitted by Firms to ascertain whether a Firm is fully qualified to render the required Professional Services to the County.<<

SECTION I - CAPITAL ~~[[CONSTRUCTION]]~~ >>IMPROVEMENTS<< PROJECT TRACKING AND REPORTING >>REQUIREMENTS<<

A. Initial Planning and Scheduling

All capital construction projects are subject to the Board of County Commissioners prioritization and budget approval. The planning and scheduling functions are ~~[[key]]~~ >>important<< to the success of a project and shall be an element of the initial phase of project development. Upon approval of a capital construction project by the BCC, the ~~[[user department]]~~ >>client department<< shall provide ~~[[CICG]]~~ >>SBD<< with all relevant project data including but not limited to the following:

1. Capital Budget assigned project number
2. Departmental project tracking number(s)
3. Project description
4. Project location
5. Commission district(s)
6. Needs assessment document

7. Funding source including time and use constraints when applicable
8. Initial project schedule including, but not limited to:
 - a. Planned completion of design criteria documents
 - b. Planned land acquisition if applicable
 - c. Planned start of the Architectural and Engineering design
 - d. Planned start of construction
 - e. Planned completion of project

B. Design Criteria

To the greatest extent possible, capital construction projects require that a design criteria document be prepared prior to the actual design creation. Larger or more complex projects may require a ~~[[design criteria professional]]~~ >>Design Criteria Professional<< service agreement to prepare these documents. ~~[[The procedure to utilize a professional service agreement for the creation of the design criteria document is described in SECTION II - ACQUISITION OF PROFESSIONAL SERVICES.]]~~ The completion of the design criteria document is the first milestone in the capital construction process. For a miscellaneous design project>>₁<< the design criteria package may be as simple as stating the applicable standards while for a building construction project it may include, but is not limited to, the following:

1. Function of the project
2. Design capacity requirements both short-term and long-term
3. Project constraints including, where applicable:
 - a. Funding
 - b. Time schedules
 - c. Footprint or proposed site plan
 - d. Land availability
 - e. Existing structures
 - f. Location of existing utilities, utility easements, or similar restrictions

- g. Ongoing operations impact
- h. Permitting and zoning issues
- i. Traffic planning
- j. Demographics
- k. Architectural style
- l. Landscaping
- m. Interagency/intergovernmental coordination of ~~[[on-going]]~~ >>ongoing<</future/planned projects.

If a professional service agreement is used for the acquisition of architectural and engineering services, the design criteria document should be part of the solicitation package. If it is anticipated that a professional service agreement will be utilized for the design effort, then ~~[[approximately thirty (30) calendar days]]~~ prior to the anticipated advertisement the department should have completed the scope of services and design criteria package. >>Exceptions to advertising without a completed design criteria package must be authorized by the Mayor or Mayor's designee prior to placement of the advertisement . << The scope of services and technical classifications for the project should be submitted to ~~[[DBD]]~~ >>SBD<< for the ~~[[setting]]~~ >>establishment<< of ~~[[Community]]~~ >>Small<< Business Enterprise ~~[[CBE]]~~ goals.

C. Land Acquisition

The appropriate Administrative >>and/or Implementing<< Orders, the County Code, ~~[[of Miami-Dade County]]~~ and Florida Statutes shall govern land acquisition.

D. Architectural and Engineering Design

Upon completion and review of the design criteria document, the ~~[[user department]]~~ >>client department<< shall enter the design phase of the project. ~~[[When the design has to be accomplished through the use of a professional service agreement, the procedure specified in Section II - Acquisition of Professional Services, shall apply.]]~~ Project progress reporting shall include, but is not limited to:

1. Planned commencement of design effort or notice to proceed to consultant
2. Planned thirty percent (30%) completion (50% for utility design)
3. Planned dry run plans review submission or seventy percent (70%) completion

4. Planned completion of construction specification documents
5. Planned start of construction ground breaking
6. Planned completion of project

E. Construction

Approximately thirty (30) calendar days prior to the anticipated advertisement date the ~~[[user department]]~~ >>client department<< should have completed the construction specifications package. The ~~[[user department]]~~ >>client department<< should create and submit the project data sheet with appropriate trade recommendations to ~~[[DBD for Review Committee consideration,]]~~ >>SBD<< to establish ~~[[Community Small Business Enterprise (CSBE)]]~~ >>SBE-CON<< goals. Also, the ~~[[user department]]~~ >>client department<< shall initiate the Request to Advertise obtaining required signatures and budgetary approvals. Information to be included on the Request to Advertise and Award Recommendation documents is provided in Section III - Construction Contracting. The Request to Advertise Project Memorandum shall include, but is not limited to, the following:

1. Pre-bid Meeting Date if applicable
2. Bid opening date
3. Planned Bid Award date
4. Planned pre-construction meeting
5. Planned Notice to proceed
6. Planned groundbreaking
7. Planned completion date

>>All capital improvement projects are subject to the Board prioritization and budget approval. The planning and scheduling functions are key to the success of a project and shall be an element of the initial phase of project development. Upon approval of a capital project by the Board, the client department shall enter into the County's available database, all relevant project data. <<

SECTION II – ACQUISITION OF PROFESSIONAL SERVICES

POLICY:

It is the policy of the County to have a fair and equitable selection and distribution process for the solicitation and award of ~~[[contracts for the performance of professional architectural, engineering, landscape architecture, land surveying and mapping, and design-build services.]]~~ >>Contracts for Covered Services. The procurement process will be performed depending on the type of Covered Services as follows:<<

~~[[PURPOSE:~~

~~This section of the Administrative Order establishes procedures for administering the selection process for the solicitation and award of contracts for professional architectural, engineering, landscape architecture, land surveying and mapping, design-build services, and CM-at-Risk.~~

~~The acquisition of professional architectural, engineering, landscape architecture, land surveying and mapping, and design-build services follow the basic process as outlined in this Administrative Order. All forms and formats referenced herein shall be promulgated by CICC and adjusted based on policy and procedure directives issued by the appropriate funding authority and may be modified to meet the specific requirements of the funding authority on projects so governed.~~

~~Professional service requests that are below the threshold for continuing contracts as established by Florida Statutes, Section 287.055, shall be procured through the use of the Equitable Distribution Program (EDP), unless specifically granted exemption by CICC due to the unavailability of the required technical expertise within EDP or the existence of other consultant agreements established for a specific purpose.]]~~

A. Request to Advertise >>(RTA)<< for ~~[[Professional]]~~ >>Covered<< Services

~~[[County departments shall request professional services under Florida Statutes, Section 287.055, applicable County ordinances, resolutions and administrative orders. When professional services are required in excess of the Florida Statutes, Section 287.055 thresholds for continuing contracts, user departments shall:~~

- ~~1. List the project and associated sites in the Automated Budget Development System, as referenced in the County's Capital Budget and Multi-Year Plan or the funding authority and approval allocated for the project.~~
- ~~2. Pursuant to Section 2-10.4.01 of the Code, submit project's relevant data for Review Committee consideration to establish project measures or set aside as deemed appropriate.~~
- ~~3. Prepare the Request to Advertise for Professional Services (RTA) form or electronic facsimile and forward it to the Office of Management and Budget (OMB) to certify funding availability unless exempted by OMB.~~

- ~~4. Upon certification from OMB that funding is available and assignment of project goals by the Review Committee, the user department shall prepare the Request to Advertise Project Memorandum, and submit the package to the County Attorney's Office (CAO) for approval as to legal sufficiency unless exempt by the CAO. The complete package, along with a detailed scope of work and design criteria document shall be submitted to CICC for review. Scope of services and design criteria may differ significantly based on the nature and complexity of the desired professional service agreement.~~
- ~~5. If CICC reviews and recommends that the project qualifies to be processed under the Expedite Ordinance, CICC shall submit the package to the County Manager's Office for concurrence and approval. Conversely, if the Capital Improvements Coordinator recommends that the contract is not eligible or deems it controversial or holding a special interest to the BCC, such recommendation shall be documented and the RTA documentation shall be returned to the user department for processing as a conventional Board Agenda item.~~
- ~~6. The County Manager's approval of the Request to Advertise shall constitute concurrent approval of the goals established by the RC. Upon approval, CICC shall file the documents with the Clerk of the Board, forward a copy to the user department and to the Architectural and Engineering (A&E) Division of CICC to proceed with advertisement.~~
- ~~7. CICC shall include all Requests to Advertise approved by the County Manager by the authority granted under the Expedite Ordinance No. 00-104 on a Project Ratification List, which shall be prepared on a quarterly basis and presented to the appropriate committee for approval, and subsequent submission to the Board for ratification.]]~~

>>Professional Services requests that are below the threshold for Continuing Contracts as established by the CCNA shall be procured through a Continuing Contract, or through the EDP, without an RTA. SPD may identify other opportunities for Continuing Contract services to address the needs of the client department that are in the County's best interest. When Professional Services are required in excess of the CCNA thresholds for Continuing Contracts, and for all Contracts which the County solicits outside of the EDP, the client departments shall:

- a. Develop a draft RTA based on the project and associated sites, pursuant to the County's Capital Budget and Multi-Year Plan, or the funding authority and approval allocated for the project;
- b. Pursuant to Section 2-10.4 of the Code, submit project's relevant data for SBD's consideration to establish project measures or set aside as deemed

appropriate, and make any appropriate recommendation for the process of selection, including any for the use of a one tier method of selection, upon application of the standards set forth below;

- c. Upon certification from the Office of Management and Budget (OMB) that funding is available, and establishment of project goals by SBD, the client department shall prepare a complete package, along with a detailed scope of work and design criteria document and submit to SPD for review. Scope of services and design criteria may differ significantly based on the nature and complexity of the desired professional service agreement;
- d. Finalize the RTA and forward it to the OMB to certify funding availability;
- e. Forward it to the Office of the County Attorney to review for legal sufficiency;
- f. Approval by the County Mayor or County Mayor's designee shall constitute concurrent approval of the measures established by SBD. Upon receipt of approval, SPD shall forward a copy to the client department, and to the Architectural and Engineering (A&E) Unit to proceed with an advertisement. <<

[[B]]>>2<<. Solicitation for [[Professional]] >>Covered<< Services

~~[[The Architectural and Engineering (A&E) Division of CICC shall review the scope of work and design criteria package and, as applicable, incorporate this information in a Notice to Professional Consultants (NTPC) for the solicitation of professional services. Florida Statutes, Section 287.055 and the Code Chapter 2-10.4, stipulate a public announcement for projects. The announcement shall be an abstract of the NTPC issued by the County Manager when a department requires professional services. CICC shall prepare the public announcement for publication in a newspaper(s) of general circulation and on the Internet. The announcement and the NTPC shall be available at the Vendor Information Center. The public announcement shall contain information on obtaining the NTPC, which details scope of services for the project and the procedures to be followed by any firm wishing to be considered to perform such services.~~

~~To ensure equity and adherence to all appropriate regulations governing the selection of a professional service provider, CICC shall coordinate and oversee the solicitation as follows:~~

- ~~1. Prepare and publicize the NTPC of solicitations for architectural, engineering, landscape architecture, land surveying and mapping professional services, and design-build services for the County.~~
- ~~2. Schedule, advertise, coordinate and conduct audiotaping of the meetings of selection and negotiation committees in accordance with~~

Administrative Order No. 3-31.

3. ~~Prepare reports, including findings, supporting data and summary meeting minutes for the Competitive Selection Committee (CSC).]~~

>>SPD shall review and approve the RTA for the scope of work, criteria, and pertinent information to be incorporated in the solicitation documents(s) for public advertisement. While SPD shall generally adhere to the criteria for selection set forth in this IO, the SPD Director or the Director's designee shall be entitled to make the final determination, in the exercise of his/her professional discretion, of what selection criteria shall be utilized in the solicitation to address the needs of the project in the best interests of the County.

The client department may recommend preferred project experience and qualifications as part of the solicitation evaluation criteria. To increase competition, any preferred criteria or pre-requisites recommended by client departments will be evaluated by SPD on a project-by-project basis. All project/staff experience pre-requisites are to be indicated as "preferred" instead of "required" in the solicitation document.

SPD shall prepare the public announcement for publication in a newspaper(s) of general circulation. The public announcement shall contain information on obtaining the solicitation document, inclusive of the scope of services for the project, and the procedures to be followed by any Firm wishing to be considered.

The Cone of Silence commences after the advertisement of the solicitation document. <<

~~[[C]]>>3<<. [[Selection Process]] >>Pre-qualification Certifications (PQC)<<~~

~~[[The selection process shall be performed by the CSC, appointed by the County Manager upon the recommendation of DBD, pursuant to Chapter 2 Section 2-10.4(5) of the Code. The process shall adhere to Florida Statutes, Section 287.055 and is typically composed of a two-tier system: First and Second-Tier. For the selection of professional services the (CSC) may waive the Second-Tier selection process by a majority vote and base their selection on the results of the First-Tier ranking only. Local preference shall be considered where applicable and in compliance with Section 2-8.5 of the Code. During the selection process, CICC shall monitor the points awarded to~~

~~each firm by the individual CSC members and investigate and recommend a corrective action by the CSC for any variation in excess of thirty-three percent (33%) of the average score award by all CSC members by criteria. Any such disparities must be resolved prior to continuing the selection process and finalization of the rating.~~

~~GICC shall be responsible for verifying that all respondent firms hold a County issued and approved Pre-Qualification Certification at the time of proposal submittal and throughout the contract term if selected, without any lapses (SECTION II, I, 1. Pre-Qualification Certification). Respondents who do not comply with the pre-qualification requirements shall be deemed unresponsive.]]~~

>>All Firms providing Professional Services are required to be prequalified and technically certified by the County. Proposers shall have an active PQC status at the time of negotiation and at Contract award recommendation. Technical Certification is required for Firms providing Professional Services at the time of proposal submittal deadline, evaluation, negotiation, and if selected, at the time of Contract award, and throughout the effective term of the Contract. If at the commencement of these phases, a Proposer and its Sub-consultants do not have the required Technical Certification, the proposal will be deemed non-compliant with the solicitation requirements and will not advance to the next step of the process. Should there be a lapse on the Technical Certification status in between the procurement phases, SPD will make the effort to have the Proposer cure the lapse prior to the next procurement phase, if the project timeline is not impacted. Client departments are responsible for verifying PQC/TC compliance at the time of Contract award and throughout the effective term of the Contract. <<

>>A Competitive Selection Committee (CSC) shall be appointed by the County Mayor or County Mayor's designee, pursuant to IO 3-34.

In a Two Tier selection process, if a member of the CSC is no longer serving on the CSC at the time of the Second Tier Selection, the remaining CSC members will continue with the process until the CSC concludes their deliberations and makes their recommendation.

The selection process shall adhere to the CCNA and Section 2-10.4 of the County Code in accordance with the guidelines established in this IO. By application of the criteria and processes set forth in this IO, the County intends to short list and select in the order of preference, not fewer than three (3) responsive and responsible proposals. If the County receives fewer than three (3) proposals, or fewer than three (3) proposals are determined to be responsive and responsible to perform the required services, the County may conduct an analysis of market availability for the specific subject services and at the County's sole discretion, may proceed with the proposal(s) received which are responsive and responsible. <<

>>Any requested changes to the proposed Team composition after the response deadline, including replacement of firm(s) or assigned personnel listed in the proposal, will only be considered (1) before the completion of Negotiations; and (2) solely in the case of unforeseen circumstances (e.g., a change in employment status outside the employer's control or a change in the organizational structure of any Team member).

Any such change to the proposed team submitted by the Proposer, is subject to County approval, in its sole discretion, which may include a review by the Client Department and SPD as to all matters concerning the requested change, including the time elapsed between the qualifying event and the submittal of the request, comparability of experience and qualifications and possession of required technical certifications (as applicable), and consultation with the County Attorney's Office.<<

>>**A. Notice to Professional Consultants (NTPC) Solicitation**<<

>>**1. Provisions**

SPD shall be responsible for the County's procurement of A&E Services with the coordination of the client departments. A&E Services solicitations shall comply with the CCNA. The following is applicable to the A&E Services process:

All Consultant selections shall proceed to Second Tier evaluation unless the following circumstances are applicable, (1) the solicitation is for work to be assigned through individual work orders for engineering Contracts with a value of less than \$5 million, or the solicitation is for work to be assigned through individual work orders for architecture Contracts with a value of less

than \$2 million, as specified in the solicitation document; or (2) the CSC waives the Second Tier by a majority vote when the solicitation allows a two-tier selection process. Under these two above referenced circumstances, the Consultant selection shall be based on the results of the First Tier evaluation only.

The NTPC may contain include limitations as to page count, font size, spacing and other format requirements relating to the proposal. The following are some, but not all, of the provisions which may typically be included in the NTPC:

- i. Except where restricted by federal, state laws, or external regulations, respondents must submit as either a Prime Consultant or Sub-consultant. Failure to comply with this provision may deem the proposals non-responsible.
- ii. Limit on the number of Teams that Consultants may participate in when responding to a solicitation as a Sub-consultant for the purpose of mitigating potential

Organizational Conflicts of Interest. Any such limitation shall be determined by the SPD Director or the Director's designee and included in the solicitation document.

- iii. If at any time the County has reason to believe that any person or Firm has provided incorrect information or made false statements in a proposal, or oral presentation before a selection committee, or if the misrepresentation is confirmed following a Contract award, the County Mayor or County Mayor's designee shall refer the matter to the Office of the Inspector General and/or other investigative agencies. This includes misrepresentation of information regarding dollars awarded and paid on all County Contracts. In addition to pursuing any other legal remedies, the County Mayor or Mayor's designee, may in his/her sole discretion, find the proposal non-responsible, and eliminate the Firm from consideration or if the misrepresentation is confirmed following Contract award, may terminate the Contract. Furthermore, the County Mayor or Mayor's designee may initiate Suspension and/or Debarment proceedings in accordance with the Code.

- iv. An accounting of all County awarded dollars allocated and paid for Professional Services, records, and performance evaluation history that will be used in the evaluation of proposals shall be maintained by the County.

2. Evaluation

The Architectural and Engineering Professional Services solicitations typically involve a two-tier selection process as specified in the criteria included in the solicitation document. The First Tier is the Evaluation of Experience and Qualifications and the Second Tier is the Oral Presentations.

As more particularly set forth below, the evaluation in both tiers involves the CSC's evaluation and application of points based on the CSC's qualitative evaluation of the proposals, and the concurrent application by SPD staff of certain points based on eligibility and/or established formulas. <<

[[4-]]>>a.<< **First-Tier Selection: (Maximum [[400]] >>110<< points)**

[[In accordance with the selection process, each Competitive Selection Committee member shall complete his or her evaluation sheet for each proposer based on the following selection criteria:]]

>>The CSC shall assign points based on the selection criteria set forth

in 1A, 2A, 3A, and 4A below which totals 90 points. SPD staff shall assign an additional 20 points based on the selection criteria set forth in 5A, 6A, 7A, and 8A as applicable to the project. <<

~~[[a.]]~~ ~~[[Criteria 1A: Qualifications of firms including the team members assigned to the project (50 points)]]~~ >>**Criterion 1A: QUALIFICATIONS OF THE TEAM MEMBERS ASSIGNED TO THE PROJECT** (Maximum of 40 points) <<

Evaluation of the qualifications of the ~~[[firm and]]~~ individuals >>and experience level of the professional and management staff<< to be assigned to the project, quality and availability of the >>project<< manager and staff of the ~~[[firm]]~~ >>Firm<< to be assigned ~~[[if any]]~~ >>, if any, including, any preferred qualifications as specified in the NTPC. <<. The qualifications shall also include, but not be limited to, familiarity with County Regulations and ~~[[experience level of professional and management staff]]~~ >>sustainability design principles as set forth in the solicitation documents. <<.

~~[[a. Criteria 2A: Knowledge and past experience of similar type projects (20 points)]]~~ >>**Criterion 2A: PAST EXPERIENCE ON SIMILAR PROJECTS** (Maximum of 30 points) <<

~~[[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 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 health and safety programs as applicable.]]~~ >>Evaluation of the Firm's past experience, professional role, and knowledge of similar projects, including any preferred experience as specified in the NTPC, Firm's understanding of the scope of work which may include, but not be limited to, studies performed that may affect the specific project being evaluated, key design elements, approach to the project, understanding and awareness of the regulatory, permitting and compliance requirements involved with the project, health and safety programs, and number of LEED accredited completed projects, as applicable.<<

~~[[b. Criteria 3A: Past performance of the firms (20 points)]]~~ >>**Criterion 3A: PAST PERFORMANCE OF THE FIRMS** (Maximum of 15 points) <<

Evaluation of ~~[[the firms on the team]]~~>>firms' past performance<<, overall interrelationship with proposed ~~[[sub consultants]]~~ >>Team members, << ~~[[and]]~~ responsiveness, experience in scheduling projects, and timely submittal of deliverables on past projects >>will be considered,

~~including performance on any non-County projects<<. [[Respondents shall submit a minimum of three (3) evaluations completed by professional references for work performed within a three-year period or another period stated within the NTPC. For respondents with previous County work experience, CICC shall provide the CSC the available performance evaluation data for each firm. The firms may be provided a standard performance questionnaire to augment the County's data.]]>>CSC members are required to review the available Past Performance Evaluation reports in the County's database as of the submittal due date.~~

Criterion 4A: FIRM'S PROJECT STAFFING AVAILABILITY, AND ABILITY TO MEET TIME AND BUDGET (Maximum of 5 points)

Evaluation of the Firm's staffing levels assigned to the project, including the Firm's ability to replace key personnel if so needed, their experience in scheduling projects, systems utilized to keep track of the project schedule, cost controls, familiarity with County guidelines and regulations, as well as tools and methods employed to avoid cost overruns, change orders, and project delays. <<

~~[[c. Criteria 4A: Amount of work awarded and paid by the County (5 points)]] >>**Criterion 5A: AMOUNT OF WORK AWARDED AND PAID BY THE COUNTY (Maximum of 5 points)** <<~~

~~[[The value for services awarded and paid to each prime consultant or sub-consultant firm(s) on the team including current County contracts for a three-year period from the submittal date of the solicitation shall be considered, with the consultant with the least dollars paid receiving the highest point value. The firm's prior year's net compensation and/or potential compensation for professional services rendered on County's projects shall also be considered. When reporting the dollar value of services performed as a prime consultant, the dollar value shall exclude the sub-consultant agreement or fees associated with the subject professional services performed.]]~~

>>SPD will use this criterion to distribute work equitably and consider amounts awarded and paid by the County for Professional Services. The formula used to determine a Team's awarded and paid amounts (Average Dollar Value or "ADV") is the sum of 50% of the dollars awarded for Professional Services to the prime Firm and all Sub-consultants by the County when they served as a Prime Consultant in previous engagements, during the three-year period immediately preceding the submittal date; plus 50% of the dollars paid for Professional Services to the prime Firm and all Sub-consultants by the County when they served as a Prime Consultant in previous engagements, during the three-year

period immediately preceding the submittal date. The highest amount awarded and paid by the County to any Firm responding to the NTPC shall be the Maximum ADV. The point total awarded for Criterion 5A is determined as a percentage ratio of each Team's ADV to the Team whose ADV is the highest ("Maximum ADV".)

The Team with the Maximum ADV shall receive one (1) point. The other Team shall receive points as follows:

<u>100% to >80% of Maximum ADV</u>	<u>1 point</u>
<u>80% to >60% of Maximum ADV</u>	<u>2 points</u>
<u>60% to >40% of Maximum ADV</u>	<u>3 points</u>
<u>40% to >20% of Maximum ADV</u>	<u>4 points</u>
<u>20% to >0% of Maximum ADV</u>	<u>5 points</u>

ADV calculations shall be based on the current information available within the County's database(s) and shall be performed by County staff in advance of the First-Tier meeting, but not communicated to the CSC until scoring is completed and submitted by the CSC to SPD staff for processing. <<

~~[[d.— Criteria 5A: Ability of team members to interface with the County (5-points)~~

~~Communication ability, proximity to the project, commitment to satisfy the County's requirements and familiarity with County guidelines.~~

~~A minimum of three (3) firms shall be selected. The CSC, by majority vote may determine the maximum number of firms to advance from the First-Tier selection to the Second-Tier selection (short-listed).~~

~~If three (3) or more firms are tied for the final position to advance to Second-Tier collection, the firms with the highest score on Criteria 1A shall advance. If a tie still exists, the CSC shall consider the firm with the highest score for Criteria 2A, then 3A, then 4A and so on until the tie is broken to determine which firm shall be advanced to Second-Tier selection.]]~~

>>Criterion 6A: USE OF LOCALLY HEADQUARTERED BUSINESSES
(Maximum of 5 points)

SPD staff shall assign points to all eligible Teams based on the percentage of Contract work assigned to Locally Headquartered Businesses (LHB) as specified in this Section in furtherance of Sections 2-8.5 and 2-10.4, County Code. Points will only be awarded to A&E firms assigned work associated with TC category(ies) required by the NTPC.

LHB will be included if it is an applicable criterion as will then be specified in the solicitation document .

If the Prime is not a LHB, then the following points will be assigned based on the percentage of work sub-contracted to the LHB Sub-consultants as set forth below:

<u>Percentage (%) of work assigned for LHB Sub-consultants</u>	<u>Points</u>
<u>< 5%</u>	<u>0</u>
<u>5% to <15%</u>	<u>1</u>
<u>15% to <25%</u>	<u>2</u>
<u>25% to <35%</u>	<u>3</u>
<u>35% to <45%</u>	<u>4</u>
<u>45% and over</u>	<u>5</u>

In the event a Locally Headquartered Business is the prime, and such Firm commits to perform a minimum of 50% of the value of the work of the Contract with its own forces, the Firm shall be entitled to an additional three (3) points on account of the Firm's own status as an LHB. Such Firm shall be entitled to an additional two (2) points based on subcontracting, as provided for all firms in the schedule below:

<u>Percentage (%) of work assigned for LHB Sub- consultants</u>	<u>Points</u>
<u>< 5%</u>	<u>0</u>
<u>5% to <15%</u>	<u>1</u>
<u>15% and over</u>	<u>2</u>

The LHB preference shall be implemented and enforced in accordance with the enforcement provisions set forth in the applicable enforcement implementing order.

The funding source for the project may affect applicability of Criterion 6A. A funding source may require disregarding this Criterion.

Criterion 7A: LOCAL PREFERENCE (5 points)

SPD staff shall assign five (5) points to all Teams eligible for Local Preference, per Sections 2-8.5 and 2-10.4 of the Code. The County will assign the points upon review of the submitted qualifying information meeting this requirement as specified in the NTPC.

The funding source for the project may affect applicability of Criterion 7A. A funding source may require disregarding this Criterion.

Criterion 8A: LOCAL CERTIFIED VETERAN BUSINESS ENTERPRISE PREFERENCE (5 points)

SPD staff shall assign five (5) points to all Teams eligible for Local Certified Veteran Business Enterprise preference, per County Code Section 2-8.5. The County will assign the points upon review of the submitted qualifying information meeting this requirement as specified in the NTPC

The funding source for the project may affect applicability of Criterion 8A. A funding source may require disregarding this Criterion.

Points awarded for Criteria 5A through 8A will be calculated by County staff in advance of the meeting and will be shared upon completion of scoring by the CSC. <<

~~[[2. — Second Tier Selection: (Maximum of 100 points)]]>>~~ **b. Second Tier Selection (Maximum 110 points)** <<. Note the CSC may decide, in their sole discretion not to hold Second Tier Selection in which case the recommendation will be based on First Tier Selection.

~~[[Second Tier evaluation provides the opportunity for the top firms identified in the First Tier selection to submit additional information and may involve an oral presentation. CICC shall schedule a public hearing and invite each team to make an oral presentation not to exceed a specified duration. Oral presentations, when required, shall be followed by a question and answer period.~~

~~The CSC shall evaluate the firms advancing to Second Tier selection based on the following selection criteria:]]~~

>>The Second-Tier meeting provides the opportunity for shortlisted firms identified at the First-Tier selection, to present additional information during an oral presentation based on the criteria set forth below. A question-and-answer period may also be involved. Furthermore, the CSC may request supplemental written information prior to or in lieu of oral presentations.

The CSC shall assign points based on the selection criteria 1B, 2B, and 3B which total 95 points. SPD staff shall assign an additional 15 points

based on the selection criteria 4B, 5B, and 6B as applicable to the project.

The oral presentation schedule will be based on the reverse order of the First Tier's final ranking of the Firms. <<

>>a. **Criterion 1B: QUALIFICATIONS OF PROFESSIONAL PERSONNEL AND TEAM MEMBERS ASSIGNED TO THE PROJECT** (Maximum of 40 points)

Evaluation of the qualifications and experience level of the professional personnel and Team members assigned to the project. The qualifications may include past experience with similar type projects and familiarity with County Regulations. <<

~~[[a. Criteria 1B: Knowledge of Project Scope (50 points)]]~~ >>b. **Criterion 2B: KNOWLEDGE OF PROJECT SCOPE AND PROJECT APPROACH** (Maximum of 40 points) <<

~~Evaluation of the respondent's understanding of the >>proposed<< scope of work, which may include>>_<< but not be limited to, studies performed that affect this project, key design elements[[,]] (a design scheme may be required)>>_<< [[and]] effects on the community involved>>_ and awareness of the permitting requirements including health and safety measures applicable to the project's scope. Respondents approach to the project, sustainable design principles as set forth in the solicitation document, and implementation of LEED requirements, as applicable<<. [[The managerial approach to the advertised solicitation shall also be evaluated, including the implementation of systems that shall be utilized to keep track of the project schedule, cost control, quality assurance and quality control, understanding and awareness of permitting requirements and health and safety programs.]]~~

~~[[b. Criteria 2B: Qualifications of team members assigned to the project (40 points)~~

~~Evaluation of the qualifications of the individuals to be assigned to the project, including the project manager and staff of the firm to be assigned (if any). The qualifications shall include, but not be limited to, experience with similar projects, management experience, and familiarity with County regulations.~~

~~c. **Criteria 3B: Ability to provide required services within schedule and budget (10 points)**~~

~~Evaluation of the respondent's overall management approach including~~

~~experience in scheduling projects, systems that will be used to keep track of the project schedule, cost control, quality assurance, and quality control, issues and methods employed to avoid cost overruns and project delays~~

~~At the conclusion of the respondent's proposal review and oral presentation, the CSC shall recommend to the County Manager, in order of preference, the most highly qualified respondents determined as follows:~~

- ~~1. Each CSC member shall assign points on a written ballot in accordance with the established evaluation criteria factors.~~
- ~~2. CICC staff shall record the totals for each respondent and read the information into the record. Final ranking shall be determined by the highest overall Second-Tier score and shall be forwarded to the County Manager for approval.~~

~~In the event of a tie vote, the first tiebreaker shall be the summation of the First and Second-Tier score totals. The firm with the highest total point value shall be the top-scoring firm. In the event a tie still remains, the CSC shall consider the firm with the highest points for Criteria 1B, then 1A, then 2B, then 2A until a top ranking firm is identified.~~

~~CICC staff shall assist the CSC to report its findings, specifically the three (3) most highly qualified firms, including supporting data, to the County Manager and shall file a copy with the Clerk of the Board.]]~~

>>Criterion 3B: PROPOSER'S PROJECT MANAGEMENT METHODOLOGY (Maximum of 15 points)

Staffing levels assigned to the project, their experience in scheduling projects, systems utilized to keep track of the project schedule, cost control, quality assurance, and quality control, as well as tools and methods employed to avoid cost overruns and project delays. Evaluation of the Firm's management approach to the proposed scope of services.

Criterion 4B: USE OF LOCALLY HEADQUARTERED BUSINESSES (LHB) (Maximum of 5 points)

SPD staff shall assign points to all eligible firms based on the percentage of Contract work assigned to LHB as specified herein. Points will only be assigned to A&E firms assigned work associated with TC category(ies) required by the NTPC.

If the Prime is not a LHB, then the following points will be assigned based on the percentage of work sub-contracted to the LHB Sub-consultants as

set forth below:

<u>< 5% LHB</u>	<u>0 points</u>
<u>5% to <15% LHB</u>	<u>1 point</u>
<u>15% to <25% LHB</u>	<u>2 points</u>
<u>25% to <35% LHB</u>	<u>3 points</u>
<u>35% to <45% LHB</u>	<u>4 points</u>
<u>45% and over LHB</u>	<u>5 points</u>

If a LHB is the prime, and such Firm commits to perform a minimum of 50% of the value of the work of the Contract with its own forces, the Firm shall be entitled to an additional three (3) points on account of the Firm's own status as a LHB. Such Firm shall be entitled to an additional two (2) points based on subcontracting, as provided for all firms in the schedule below:

<u>Percentage (%) of work assigned for LHB Sub-consultants</u>	<u>Points</u>
<u>< 5%</u>	<u>0</u>
<u>5% to <15%</u>	<u>1</u>
<u>15% and over</u>	<u>2</u>

The LHB preference shall be implemented and enforced in accordance with the enforcement provisions set forth in this Implementing Order and in Implementing Order 3-40. The County will provide the points upon review of the submitted qualifying information meeting the above criteria as specified in the NTPC.

The funding source for the project may affect applicability of Criterion 4B. A funding source may require disregarding this Criterion.

Criterion 5B: LOCAL PREFERENCE (5 points).

SPD staff shall assign five (5) points to all Teams eligible for Local Preference, per Sections 2-8.5 and 2-10.4 of the Code. The County shall assign the points upon review of the submitted qualifying information meeting this requirement as specified in the NTPC.

The funding source for the project may affect applicability of

Criterion 5B. A funding source may require disregarding this Criterion.

Criterion 6B: LOCAL CERTIFIED VETERAN BUSINESS ENTERPRISE PREFERENCE (5 points)

SPD staff shall assign five (5) points to all Teams eligible for Local Certified Veteran Business Enterprise preference, per Section 2-8.5 of the Code. The County shall assign the points upon review of the submitted qualifying information meeting this requirement as specified in the NTPC.

The funding source for the project may affect applicability of Criterion 6B. A funding source may require disregarding this Criterion.

Points assigned for Criteria 4B through 6B shall be calculated by SPD staff in advance of the meeting and will be shared upon completion of scoring by the CSC.

c. Tabulation of Scores (First Tier and Second Tier)

Each CSC member shall assign Qualitative Points on each respondent's evaluation report in accordance with the established evaluation criteria.

SPD shall record the Qualitative Points assigned to each Team by individual CSC members for each respondent and read the information into the record. SPD shall monitor the Qualitative Points assigned to each Team by individual CSC members. Any disparities for variation more than thirty-three percent (33%) of the average score awarded by all CSC members by criteria will be brought to the individual CSC member's attention during the meeting. The committee member will be afforded an opportunity to review/modify his/her disparate score(s).

SPD staff shall convert the qualitative scores for all criteria for each CSC into Ordinal Scores. If a tie exists in the Ordinal Scores of a CSC member, all tied Proposers shall retain the lowest Ordinal Score (i.e., highest ranking). The ordinal ranking sequence will then skip the number of tied rankings (i.e., if three firms are tied for 1st, all three will retain an ordinal score of 1 and the next highest ranked firm shall receive an ordinal score of 4), to the next highest ranked Proposer.

The lowest qualitative score for each Proposer will be discarded. The remaining qualitative scores will be totaled to yield the Adjusted Qualitative Points for each respondent. The highest Ordinal Score for

each Proposer will be discarded. The remaining Ordinal Scores of each CSC member for each Proposer shall then be totaled to yield the Adjusted Ordinal Score. The Proposers shall be ranked numerically starting with the total lowest Adjusted Ordinal Score.

Tiebreakers in the total Adjusted Ordinal Scores for the Final ranking shall be applied as follows:

First tiebreaker during First Tier and Second Tier will be the highest total Adjusted Qualitative Score.. During a First Tier meeting, if the tie remains it will be the highest total Qualitative Points for criterion 1A, followed by 2A, 3A, and 4A. During a Second Tier meeting, if the tie remains it will be the highest total Qualitative Points for criterion 1B, followed by 2B, and 3B.in that order, until the tie is broken.

The final ordinal ranking is then determined as the next order of business.

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~~[[B.]]>>3.<< PSA [[Contract]] Negotiations~~

~~[[The County Manager shall select, in order of preference, from the firms recommended by the CSC, the firm with whom the County shall enter into negotiations for each proposed award contract. CICC shall develop standard ranges for A&E fees to include multiplier, principal in charge, key professional personnel rates and additional service fees. For all Lump Sum Cost or Cost Plus a Fixed Fee contract in which a fee shall exceed one hundred and fifty thousand dollars (\$150,000), the County shall require the firm receiving the award to execute a Truth-In-Negotiation Certificate as mandated by Chapter 287 of the Florida Statutes. Negotiations shall be conducted as follows:~~

- ~~1. The County Manager shall appoint a negotiation committee, comprised of a minimum of three (3) members from the CSC. Two (2) members shall be representatives of the user department. The negotiation committee shall attempt to negotiate a Professional Service Agreement for the project with the firm that was ranked first by the County Manager for an amount of compensation, which the negotiation committee determines to be fair, competitive and reasonable. The chairperson shall be a representative from CICC and shall be responsible for scheduling, coordinating and audiotaping the meetings, in accordance with Administrative Order No. 3-31. CICC may delegate the responsibility for across the table negotiation to the user department's representative.~~
- ~~2. Should the negotiation committee be unable to negotiate a satisfactory contract with the firm that the County Manager ranked first, at a price that the committee deems to be fair, competitive and reasonable, negotiations with that firm shall be formally terminated by the County Manager. The~~

~~negotiation committee shall then undertake negotiations with the firm which the County Manager ranked second. Failing accord with this firm, such negotiations shall terminate, and negotiators shall then undertake negotiations with the firm ranked third by the County Manager.~~

- ~~3. Should the negotiation committee be unable to negotiate a satisfactory contract with any of the selected firms, the County Manager may choose to negotiate a professional service agreement with the next highest nominated firm until a satisfactory contract is reached, or the County Manager may reject all proposals and re-advertise the project.]]~~

>>After evaluations are completed, the CSC shall recommend to the County Mayor or designee, in order of preference, no fewer than the three (3) highest ranked firms deemed to be the most qualified, provided no fewer than three (3) firms have responded to the solicitation, and/or have been deemed responsive, pursuant to the CCNA, or however many fewer number of firms remain eligible for negotiations. The CSC's recommendation, in final ranking order, shall be forwarded to the County Mayor or designee for approval to negotiate a Contract for the solicited services. Upon the County Mayor or designee's approval, the County shall negotiate with the recommended Firm(s).

Negotiations shall be conducted as follows:

- i. SPD is to schedule, coordinate, and lead negotiations with support from the client department.
- ii. The County Mayor or designee will select a team of personnel, which may be referred to as the negotiation team, that he or she deems advisable to negotiate a Contract with the recommended firms(s). The client department and /or the SPD Director may recommend specific individual(s) who are experienced and knowledgeable with the subject matter to be part of the negotiations.
- iii. Should negotiations fail to achieve a mutually satisfactory PSA, negotiations with that Firm may be formally terminated by SPD . The negotiation team will proceed to negotiations with the next highest ranked Firm until a satisfactory agreement is achieved.
- iv. Upon failure to negotiate an agreement with any of the recommended firm(s), the County Mayor or designee may reject all proposals and re-advertise the project. <<

~~[[E.]]>>4.<< PSA [[Contract]] Award~~

- ~~[[1. Upon successful negotiation of the professional service agreement, the user department shall prepare the Award Recommendation form or~~

~~electronic facsimile for the selected firm with the recommended contract amount and forward it to OMB for certification of funds availability. If the contract amount differs from the user department's estimated cost by more than ten percent (10%) (increase or decrease), the user department shall justify the variance in the Award Recommendation Memorandum.~~

- ~~2. Once OMB approves funding, the user department shall prepare the Award Recommendation, Project Memorandum, including the Contract Award Recommendation, the DBD pre-award compliance review, along with other supporting documentation, and submit it to the County Attorney's Office for approval as to legal sufficiency. The complete package shall then be submitted to CICC for review and further processing.~~
- ~~3. CICC shall review the package and submit a recommendation to the County Manager's Office for final review and approval signature.~~
- ~~4. Upon approval by the County Manager of the award recommendation, CICC shall file the documents with the Clerk of the Board and forward a copy to the user department to notify all respondents of the award recommendation. If not approved for expedite processing, the package shall be returned to the user department for conventional processing.~~
- ~~5. The user department shall forward originals of the executed contract package to CICC for the County Manager's execution.~~
- ~~6. CICC shall prepare the Expedite Ordinance No. 00-104 Project Ratification List on a quarterly basis and present it to the appropriate committee for approval and subsequent submission to the BCC for ratification.~~
- ~~7. The user department shall provide CICC with copies of the Notice to Proceed, all work authorization information, and progress payment information on a timely basis.]]~~

>>Upon successful negotiation of a PSA, the SPD will prepare for and on behalf of client department who will present the Contract Award Recommendation (CAR) memorandum.

Upon approval of the CAR by the Board, County Mayor or designee, the CAR shall be filed with the Clerk of the Board of County Commissioners, and the client department shall notify SBD to remove the project from the Cone of Silence Report.<<

[[F.]]>>5.<< Rejection of All Respondents

If either the selection [[process]] or negotiations >>process<< fail to result in a [[contract]] >>Contract<< award, the [[user department]] >the SPD >_<< shall prepare a memorandum for and on behalf of the client department

>>addressed to the Board or the County Mayor, as applicable, for the client department to request rejection of all proposals.<< [[to Request to Reject all Proposals and Authorization to Re-Advertise.]] >>The rejection shall be filed with the Clerk of the Board, upon approval by the Board or County Mayor, as applicable, and the client department shall notify SBD to remove the project from the Cone of Silence Report.<<

>>6. Professional Services Agreement (PSA)

SPD will maintain, a draft form PSA for each client department. The PSA should:

- i. Require Professional Services firms to register with the County and maintain an active registration throughout the term of the Contract;
- ii. Require Professional Services firms to provide all documents required by applicable County Regulations, including, without limitation: certificates of good standing, and insurance certificates;
- iii. Require Professional Services firms, and all members of Contracting Teams, to maintain active Technical Certifications in the required categories for the project throughout the term of the Contract, and submit current paid and award records for all County Contracts; and
- iv. Provide a reasonable cure period for any curable violations of County requirements.<<

[[G.]]>>7.<< Managing the Professional Service Agreement

~~[[Professional service agreements typically consist of a series of deliverable items with scheduled due dates on each. The key to a successful project is good planning and documentation, as such, a pre-work conference shall take place between the selected consultant and the project manager to outline expectations and review reporting and billing procedures and minutes of this meeting shall be retained in the project file. It is important to closely monitor the consultants' performance and adherence to schedules as well as monitoring quality and the need for rework. To ensure that the project manager and the consultant have a clear understanding of the work product, all work authorizations, revisions, and instructions must be in writing, include the method of payment calculation and schedule of deliverables.~~

- ~~1. User departments shall submit copies of all work issuances to CICC on a timely basis, within five (5) days of issuance, and periodically report on project status.~~
- ~~2. Collect and submit copies of monthly utilization reports for all awarded professional service agreements to DBD. Project invoices may be held if monthly utilization reports are not current.~~

- ~~3. Notwithstanding the County Manager's change order authority, the user department shall notify CICC and DBD in writing of any post-award changes of team composition, scope of services or costs.~~
- ~~4. Notify CICC and DBD promptly when either the contract has expired and/or the budget has been fully expended in the Certificate of Completion or electronic facsimile required by CICC and DBD.~~
- ~~5. User departments shall submit to CICC a performance evaluation for each professional service agreement within thirty (30) calendar days of issuing the certificate of completion. Professional service agreements shall include language advising the firm(s) that a performance evaluation of the services rendered shall be completed by the user department and utilized by the County as evaluation criteria for future solicitations.~~
- ~~6. CICC shall collect performance evaluations for past County work for each applicable firm. Firms shall have the right to review their evaluations and submit a notice of appeal letter and a detailed rebuttal of the ratings contained therein, within thirty (30) days of the issuance date. If an evaluation is appealed by the applicable firm, then the County shall not utilize that evaluation when selecting a consultant until the appeal process has been resolved.]]~~

>>The client department shall manage the Consultant's performance in accordance with the PSA.

client departments shall complete periodic performance evaluation reports for each PSA. At a minimum, one (1) evaluation shall be completed per year, or on a more frequent basis, if Consultant performance warrants it. The client department shall prepare a final performance evaluation report within thirty (30) calendar days of issuing the Certificate of Completion. PSAs shall include language advising the Firm(s) that performance evaluations of the services rendered shall be prepared by the client department and may be utilized by the County as an evaluation criterion for future solicitations and consideration.

Firms shall have the right to review their performance evaluations report and submit a notice of appeal letter, and a detailed rebuttal of the ratings contained therein, within thirty (30) days of the issuance date of the evaluation to the Small Business Development Division. If any performance evaluation is appealed by the applicable Firm, then the County shall not utilize that evaluation when selecting a Consultant until the appeal process has been resolved.

Amendments to the PSA shall be prepared by the client department and presented to the BCC for approval.<<

>>B. Request for Design-Build Services Solicitation

1. Provisions

SPD shall be responsible for the County's procurement of design-build services with the coordination of the client departments. Design-build solicitations shall comply with the CCNA. The following is applicable to the design-build process:

- a. The Design Criteria Package shall be prepared by a Design Criteria Professional meeting the requirements as defined by the CCNA prior to advertisement. The County may procure the Design Criteria Professional through an NTPC or EDP as required by the project. The County Mayor or designee may grant exceptions to advertising without a completed Design Criteria Package.
- b. The Design Criteria Professional shall be responsible for the following, including but not limited to:
 - i. Preparing the Design Criteria Package for the design and construction of the public construction project.
 - ii. Reviewing responses submitted by the Design-Build Firms for compliance with the design criteria.
 - iii. Assuring compliance of project construction and Design Criteria Package, by supervising and approving the detailed construction documents of the project.
 - iv. Evaluating the construction project's compliance with the Design Criteria Package.
- c. The Design Criteria Professional who has been selected to prepare the Design Criteria Package is **not** eligible to render services under a Design-Build Contract executed pursuant to the Design Criteria Package and in accordance with CCNA.
- d. The Design Criteria Package shall contain any other items as required by procedures, laws, ordinances, or prevailing circumstances.
- e. The RDBS may include limitations as to page count, font size, spacing and other format requirements relating to the proposal.
 - i. Except where restricted by federal, state laws, or external regulations, respondents must submit as either a design builder or a Sub-consultant. Failure to comply with this provision may deem the proposals nonresponsive.

- ii. Limit on the number of Teams that Consultants may participate in when responding to a solicitation as a Sub-consultant. Any such limitation shall be determined by the County Mayor or County Mayor's Designee. and included in the solicitation document.
- iii. If at any time the County has reason to believe that any person or Design-Builder has provided incorrect information or made false statements in a proposal, or oral presentation before a selection committee, or if the misrepresentation is confirmed following a Contract award, the County Mayor or County Mayor's designee shall refer the matter to the Office of the Inspector General and/or other investigative agencies. This includes misrepresentation of information regarding dollars awarded and paid on all County Contracts. In addition to pursuing any other legal remedies, the County may in its sole discretion, find the proposal non-responsible, and eliminate the Firm from consideration or if the misrepresentation is confirmed following Contract award, may terminate the Contract. Furthermore, the County may initiate Suspension and/or Debarment proceedings in accordance with the Code of Miami Dade County.
- iv. All accounting of County awarded dollars and paid for Professional Services, records, and performance evaluation history that will be used in the evaluation of proposals shall be maintained by the County.

2. Evaluation

The selection for design-build services is based on a two-step process:

- i. Step 1 Evaluation is the evaluation of a design-build Team's qualifications based on the Step 1 evaluation criteria. Unless otherwise specified in the RDBS, the CSC will attempt to qualify no fewer than three (3) responsive and responsible firms unless the County had already proceeded with fewer than three (3) design builders to the Step 1 process, and by majority vote will determine the maximum number of responsive and responsible firms to advance to Step 2.
- ii. Only those advancing design builders from the Step 1 evaluation/selection process are eligible to submit a technical and price proposal in the Step 2 evaluation process.
- iii. Only advancing design builders found to be responsive and responsible who choose to offer a responsive and responsible

proposal shall participate in the Step 2 evaluations, which consist of the design builder Team presentation followed by a question-and-answer period.

iv. As more particularly set forth below, the evaluation in both Steps involves the CSC's evaluation and application of points based on the CSC's qualitative evaluation of the proposals, and the parallel application by SPD staff of certain points based on eligibility and/or established formulas.

a. Step 1 Evaluation:

The Step 1 evaluation shall be based on the selection criteria listed below, or as specified in the RDBS.

i. **Step 1 Selection: (Maximum 110 points)**

The CSC shall assign points based on the selection criteria 1A, 2A, 3A, and 4A which totals 95 points. SPD staff shall assign up to an additional 35 points based on criteria 5A, 6A, and 7A, as applicable to the project.

Criterion 1A: QUALIFICATIONS OF THE TEAM MEMBERS ASSIGNED TO THE PROJECT (Maximum of 45 points)

Evaluation of the qualifications of the individuals and experience level of the professional and management staff to be assigned to the project, including the Team's ability to replace key personnel if needed, quality and availability of key personnel, including any preferred experience as specified in the RDBS, and demonstrated project experience relative to this type of project.

Criterion 2A: KNOWLEDGE AND PAST EXPERIENCE OF SIMILAR TYPE PROJECTS (Maximum of 35 points)

Evaluation of the Design-Builder's understanding of the scope of work, and experience on previous similar type projects, including any preferred experience as specified in the RDBS. Consideration may also be given to key design elements, understanding and awareness of the permitting requirements involved with the project, and health and safety programs, as applicable.

Criterion 3A: PAST PERFORMANCE OF THE TEAM (Maximum of 10 points)

Evaluation of Team's past performance, overall interrelationship with proposed Team members, responsiveness, experience in scheduling projects and timely submission of deliverables on past projects, including any non-County projects. CSC members are required to review all Consultant/Contractor Past Performance Evaluation reports available in the County's database.

Criterion 4A: ABILITY OF TEAM MEMBERS TO INTERFACE WITH THE COUNTY (Maximum of 5 points)

Evaluation of design-build Team's communication ability, commitment to satisfy the County's requirements, familiarity with County Regulations, and sustainability design principles.

Criterion 5A: AMOUNT OF WORK AWARDED AND PAID BY THE COUNTY (Maximum of 5 points)

SPD will use this criterion to distribute work equitably and consider amounts awarded and paid by the County for Professional Services. The formula to determine a Team's awarded and paid amounts (Average Dollar Value or "ADV") is the sum of 50% of the dollars awarded for Professional Services to all Sub-consultants by the County when they served as a Prime Consultant in previous engagements, during the three-year period immediately preceding the submittal date; plus 50% of the dollars paid for Professional Services to all Sub-consultants by the County when they served as a Prime Consultant in previous engagements, during the three-year period immediately preceding the submittal date. The highest amount awarded and paid by the County shall be the Maximum ADV. The criterion is determined as a percentage ratio of each Team's ADV to the Team whose ADV is the highest ("Maximum ADV").

The Team with the Maximum ADV shall receive one (1) point. The other Team shall receive points as follows:

<u>100% to >80% of Maximum ADV</u>	<u>1 point</u>
<u>80% to >60% of Maximum ADV</u>	<u>2 points</u>
<u>60% to >40% of Maximum ADV</u>	<u>3 points</u>
<u>40% to >20% of Maximum ADV</u>	<u>4 points</u>

20% to >0% of Maximum ADV

5 points

ADV calculations shall be based on the current information available within the County's database(s) and shall be performed by County staff in advance of the First-Tier meeting, but not revealed to the CSC until scoring is completed and submitted by the CSC to SPD staff for processing.

Criterion 6A: LOCAL PREFERENCE (5 points)

SPD staff shall assign five (5) points; or if the Step 1 total Qualitative Points exceed 110, then this criterion shall be 5% of the Step 1 criteria maximum points excluding criteria points for Local Preference and Local Certified Veteran Business Enterprise; to all Teams eligible for Local Preference, per Sections 2-8.5 and 2-10.4 of the Code. The County shall assign the points upon review of the submitted qualifying information meeting this requirement as specified in the RDBS.

The funding source for the project may affect applicability of Criterion 6A. A funding source may require disregarding this Criterion.

Criterion 7A: LOCAL CERTIFIED VETERAN BUSINESS ENTERPRISE PREFERENCE (5 points)

SPD staff shall assign five (5) points; or if the Step 1 total Qualitative Points exceed 110, then this criterion shall be 5% of the Step 1 criteria maximum points excluding criteria points for Local Preference and Local Certified Veteran Business Enterprise; to all Teams eligible for local certified veteran business enterprise preference, per Section 2-8.5 of the Code. The County shall assign the points upon review of the submitted qualifying information meeting this requirement as specified in the RDBS.

The funding source for the project may affect applicability of Criterion 7A. A funding source may require disregarding this Criterion.

Points awarded for Criteria 5A through 7A shall be assigned by SPD staff in advance of the meeting and will be shared upon completion of scoring by the CSC.

b. Step 2 Evaluation:

The Step 2 evaluation shall be based on the selection criteria listed below, or as specified in the RDBS.

i. Step 2 Selection: (Maximum 110 points)

The CSC shall assign points based on the selection criteria 1B, 2B, and 3B which totals 80 points. Criterion 4B – Price, may be evaluated by the CSC or based on a formula calculated by SPD as specified in the RDBS. SPD staff shall assign up to an additional 30 points based on the selection criteria 4B, 5B, and 6B as applicable to the project.

Criterion 1B: PROJECT DESIGN APPROACH (Minimum of 1 point - Maximum of 30 points)

Evaluation of the project concept offered in the proposal including, but not limited to, the evaluation of design, including, but not limited to aesthetics, functionality, efficiency, and overall compliance with the County's objectives and requirements defined in the Design Criteria Package.

Criterion 2B: PROJECT CONSTRUCTION APPROACH (Minimum of 1 point - Maximum of 30 points)

Evaluation of the constructability, phasing of the work, staging and sequencing, managerial approach, environmental control methods, work quality control, safety and construction schedule, overall effects on the community, understanding and awareness of permitting requirements of all authorities having jurisdiction including, without limitation, the County, and adherence to County's construction objectives and requirements as set forth in the Design Criteria Package.

Criterion 3B: ABILITY TO PROVIDE REQUIRED SERVICES WITHIN TIME AND BUDGET (Minimum of 1 point - Maximum of 20 points)

Evaluation of the Design-Builder's overall management approach, including experience in scheduling projects, systems that will be utilized to keep track of the project schedule, cost control, quality assurance, quality control, issues and methods employed to avoid cost overruns and project delays, and evaluation of Design-Builder's capability to provide the appropriate personnel, and equipment to efficiently carry out the requirements of the work. Evaluation of the Design-Builder's Team approach to the project, including an evaluation of the expertise of the prime, Sub-consultants and subcontractors.

Criterion 4B: PRICE (Minimum of 1 point - Maximum of 20 points)

Price evaluation will be stipulated in the RDBS.

Criterion 5B: LOCAL PREFERENCE (5 points)

SPD staff shall assign five (5) points; or if the Step 1 total Qualitative Points exceed 110, then this criterion shall be 5% of the Step 2 criteria maximum points excluding criteria points for Local Preference and Local Certified Veteran Business Enterprise; to all Teams eligible for Local Preference per Sections 2-8.5 and 2-10.4 of the Code. The County shall award the points upon review of the submitted qualifying information meeting this requirement as specified in the RDBS.

The funding source for the project may affect applicability of Criterion 5B. A funding source may require disregarding this Criterion.

Criterion 6B: LOCAL CERTIFIED VETERAN BUSINESS ENTERPRISE PREFERENCE (5 points)

SPD shall assign five (5) points; or if the Step 1 total Qualitative Points exceed 110, then this criterion shall be 5% of the Step 1 criteria maximum points excluding criteria points for Local Preference and Local Certified Veteran Business Enterprise; to all Teams eligible for local certified veteran business enterprise preference, per Section 2-8.5 of the Code. The County shall award the points upon review of the submitted qualifying information meeting this requirement as specified in the RDBS.

The funding source for the project may affect applicability of Criterion 6B. A funding source may require disregarding this Criterion.

Points awarded for Criteria 5B through 6B will be assigned by SPD staff in advance of the meeting and will be shared upon completion of scoring by the CSC.

c. Tabulation of Scores (Step 1 and Step 2)

Step 1

Each CSC member shall assign Qualitative Points on each respondent's evaluation report in accordance with the established evaluation criteria.

SPD shall record the Qualitative Points assigned to each Team by individual CSC members for each respondent and read the information into the record. Any disparities for variation more than

thirty-three percent (33%) of the average score awarded by all CSC members by criteria will be brought to the individual CSC member's attention during the meeting. The CSC member will be afforded an opportunity to review/modify his/her disparate score(s).

At the conclusion of the evaluation, scores will be totaled to yield the total Qualitative Points for all applicable criteria. The respondents shall be ranked numerically based on the highest total qualitative score first.

Tiebreakers for the Final ranking shall be applied as follows:

The first tiebreaker will be the highest total Qualitative Points for criterion 1A, followed by 2A, 3A, and 4A, in that order, until the tie is broken. The Step 1 final ranking is then determined.

Step 2

Each CSC member shall assign Qualitative Points on each respondent's evaluation report in accordance with the established evaluation criteria.

SPD shall record the Qualitative Points assigned to each Team by individual CSC members for each respondent and read the information into the record. Any disparities for variation in excess of thirty-three percent (33%) of the average score awarded by all CSC members by criteria will be brought to the individual CSC member's attention during the meeting. The CSC member will be afforded an opportunity to review/modify his/her disparate score(s) at the same meeting..

At the conclusion of the evaluation, scores will be totaled to yield the total Qualitative Points. The respondents shall be ranked numerically based on the highest totaled qualitative score first.

Tiebreakers for the Final ranking shall be applied as follows:

The first tiebreaker will be the highest total Qualitative Points for criterion 1B, followed by 2B, 3B, and 4B if criterion 4B was evaluated by the CSC (if points are assigned based on a formula the tiebreaker ends with criterion 3B), in that order, until the tie is broken. The final ranking is then determined.

Price Proposal and Bid Bond

Prior to finalizing the Step 2 Final rankings, the price proposals and bid bonds shall be read into the record.

3. RDBS Negotiations

After evaluations are completed, the CSC shall recommend to the County Mayor or designee, in order of preference, no fewer than the three (3) highest ranked Design-Builders deemed to be the most qualified, provided no fewer than three (3) shortlisted Design-Builders submitted responsive and responsible proposals, under the CCNA, or however many fewer numbers of Design-Builders remain eligible for negotiations. The CSC's recommendation, in final ranking order shall be forwarded to the County Mayor or designee, for approval to negotiate a Contract for the solicited services. If the County, in its sole discretion, determines that highest ranked Design-Builder does not represent the Best Value to the County, the Design-Builder representing the Best Value shall be ranked higher. This re-ranking shall be reserved to instances where: a) the price is determined to be artificially low and not reflective of the true anticipated project cost; b) the Design-Builder through its submission and/or price appears to have misunderstood the scope of the project or the required services; c) there is a large price discrepancy between responsive and responsible Design-Builders, where the County determines that it may receive the necessary services at a much lower price; and d) upon application of such other factors as the CSC may promptly set forth in writing, the County effectively determines that the re-ranking is in the best interest of the County. The Firm with highest ranking, or the Firm providing the Best Value to the County, shall be recommended for negotiations. Upon the County Mayor or designee's approval, the County shall enter negotiations with the recommended Design-Builder.

Negotiations shall be conducted as follows:

- i. SPD is to schedule, coordinate, and lead negotiations with support from the client department.
- ii. The County Mayor or designee will select a team of personnel , also referred to as the negotiation team, that he or she deems advisable to negotiate a Contract with the recommended Design-Builder. The client department and/or SPD Director, may recommend specific individual(s) who are experienced and knowledgeable with the subject matter to be part of the negotiations.
- iii. Should negotiations fail to achieve a mutually satisfactory Design Build Contract, negotiations with that Design-Builder may be formally terminated by SPD. The negotiation team will proceed to negotiations with the next highest ranked Design-Builder until a satisfactory agreement is achieved.
- iv. Upon failure to negotiate an agreement, the County Mayor or designee may reject all proposals and re-advertise the project.

Responsibility reviews, if applicable, will be conducted following the CSC Step 2 recommendation and prior to forwarding the recommendation for award to the County Mayor or the County Mayor's designee.

4. Design Build Contract Award

Upon successful negotiation of a Design Build Contract, SPD will assist the client department by preparing the award recommendation.

Upon approval of the CAR by the Board, or the County Mayor or designee as applicable, the CAR shall be filed with the Clerk of the Board of County Commissioners, and the client department shall notify SBD to remove the project from the Cone of Silence Report. SPD shall notify all Proposers of the commencement of the protest period pursuant to Implementing Order 3-21.

5. Rejection of all Respondents

If either the selection or negotiation process fail to result in a Contract award, or the County decides at its sole discretion to terminate the process, the client department shall prepare a memorandum addressed to the Board or the County Mayor, as applicable, to request rejection of all proposals. The rejection shall be filed with the Clerk of the Board, upon approval by the Board or County Mayor, as applicable, and the client department shall notify SBD to remove the project from the Cone of Silence Report.

6. Design Build Contract

SPD will keep a draft Design Build Contract. The Design Build Contract should:

- i. Require Design-Builder to register with the County and maintain an active vendor registration throughout the term of the Contract;
- ii. Require Design-Builder to provide all documents required by applicable County Regulation, including, without limitation, required copies of bonds and insurance certificates;
- iii. Require Professional Services firms, and all members of Contracting Teams, to maintain active Technical Certifications in the required categories for the project throughout the term of the Contract;
- iv. Require Design-Builder to submit to the County current paid and award records for all County Contracts; and
- v. Provide a reasonable cure period for any curable violations of County requirements.

7. Managing the Design Build Contract

The client department shall manage the Design-Builder's performance in accordance with the Design Build Contract and pursuant to Administrative Order 3-42.

Client departments shall complete periodic performance evaluation reports for each Design Build Contract. At a minimum, one (1) evaluation shall be completed per year, or on a more frequent basis, if Design-Builder performance warrants it. A final performance evaluation report within thirty (30) calendar days of issuing the Certificate of Completion is required. Design Build Contracts shall include language advising the Firm(s) that performance evaluations of the services rendered shall be prepared by the client department and may be utilized by the County as an evaluation criterion for future solicitations and consideration.

Design Builders shall have the right to review their performance evaluations report and submit a notice of appeal letter, and a detailed rebuttal of the ratings contained therein, within thirty (30) days of the issuance date of the evaluation. If any performance evaluation is appealed by the applicable Design Builder, then the County shall not utilize that evaluation when selecting a Design Builder until the appeal process has been resolved.

Amendments to the Design Build Contract shall be prepared by the client department and presented to the BCC for approval.

8. Alternate Technical Concept (ATC) Process for Step 2 Evaluations

The ATC process allows innovation, flexibility, time and cost savings on the design and construction of Design-Build Projects while meeting project commitments and while providing the Best Value for the County and the public. The proposed ATC shall provide an approach that is equal to or better than the requirements of the RDBS/DCP, as determined by the County. A proposed concept does not meet the definition of an ATC if the concept is contemplated by the RDBS/DCP. ATCs which reduce scope, quality, performance, or reliability shall not be proposed.

Advancing Firms may be asked to participate in Individual Negotiations Meeting with County staff, technical advisors, and specific stakeholders as identified by the County to present and describe proposed changes/deviations from the RDBS/DCP to obtain approval from the County prior to the Technical Proposals, Price Proposals and/or Aesthetics Proposals submissions. Where allowed, the process to govern the proposal, clarifications, negotiations and approval or rejection of ATCs shall be set forth in the RDBS. The Individual Negotiation Meetings are to be held in accordance with Section 286.0113(2)(b)(1) of the Florida Statutes. The County's audio recordings of each Individual Negotiation Meeting and the

content of such recordings are to be made available in accordance with Section 119.071(1) (b) (2), (3) of the Florida Statutes.

The Step 2 evaluation criteria of the Technical and/or Aesthetic proposals may include such pertinent items as: Project Design Approach, Project Aesthetic Approach, Project Construction Approach, Innovative Concepts and Value-Added Provisions, Accelerated Schedule, Contract Time, and Price. Kick-Off, Oral Presentations, Page Turn or Matrix presentation meetings to the CSC may optionally be held depending on the project and pursuant to the RDBS.<<

~~[[H.]]>>C.<< [[Alternative Methods of Acquiring Professional Services]] >>OTHER PROCUREMENT METHODS<<~~

>>Other Design-Build methods utilized by the construction industry are available for County use depending on the nature of the project, time and budget constraints, bonding requirements, staff capabilities, etc. Only in limited situations, the County may elect a process that results in award of a Design-Build construction Contract without full price competition.

Designer-Led Design-Build is suited primarily to less prescriptive architectural projects (libraries, air/seaport terminal buildings, museums, and other specialized buildings), for the efficiencies it yields and the sophisticated design interpretation it may afford. Owner input on the design is increased. Qualifications based selection with pricing developed during or after design completion by the Firm.

Progressive Design-Build enables the owner to provide substantial input on the design and buyout decisions, as it collaborates with Design-Builder during design development. Qualifications based selection with Guaranteed Maximum Price developed during or after design completion by the Firm.<<

~~[[4.]]>>A.>><<[[Equitable Distribution Program (EDP)]]>>CONTINUING CONTRACTS<<~~

~~[[The EDP objective is to procure and distribute A&E continuing contract work assignments as defined in Florida Statutes, Section 287.055, for County departments and agencies among all pre-qualified and interested firms. The EDP shall be the County's standard method to obtain such services, unless exempted in writing by the County Manager.~~

~~CICC in coordination with DBD, shall implement procedures for the EDP based on the following criteria:~~

~~a. Qualification criteria~~

- ~~i. The firm is required to be in business for a minimum of one (1) year and may be required to have a place of business in the County.~~

- ~~ii. A business owner, alone or as a member of a group, shall own or control only one (1) firm including affiliates in the EDP.~~
 - ~~iii. An individual design professional can only qualify one (1) firm pursuant to the respective Licensing Governing Boards of the State of Florida.~~
 - ~~iv. EDP firms issued a service order shall be required to submit utilization reports to the user department on all new and existing County contracts, including new work authorizations issued after the effective date of the EDP continuing contract.~~
 - ~~v. Firms shall submit an affidavit affirming three (3) years past history of dollars awarded and paid for by the County as a prime and/or sub-consultant.~~
 - ~~vi. Upon written notice, a firm shall execute the EDP agreement and submit the required documents and insurance certificates within ten (10) calendar days or lose their position in the EDP listing for a period of one hundred and eighty (180) days.~~
- ~~b. After gaining admission into the EDP, each firm shall be ranked in all of the categories for which the firm is technically certified. Eligible firms shall participate in the EDP for the specified term stipulated in the contract.~~
 - ~~c. Each firm's initial EDP position under the qualified technical certification category is based on the firm's prior years net compensation and/or potential compensation for professional services rendered on County projects.]]~~

>>The Equitable Distribution Program (EDP) is a "Continuing Contract" for Professional Services entered into in accordance Florida Statutes 287.055 whereby a professional architectural, engineering, landscape architectural, or surveying and mapping Firm provides Professional Services for projects in which the estimated construction cost of each individual project under the Contract does not exceed \$4 million, for study activity the fee for Professional Services for each individual study under the Contract does not exceed \$500,000, or for work of a specified nature as outlined in the contract required by the agency, or such cost limits as amended in the CCNA. The Continuing Contract has a fixed term with no time limitation except that the Contract must provide a termination clause. Firms providing Professional Services under Continuing Contracts shall not be required to bid against one another. An active PQC/TC status is a requirement for work assignment under EDP. The PQC/TC status shall be active prior to the work

assignment and throughout the duration of the assigned services.

A. Equitable Distribution Program (EDP)

SBD is responsible for the implementation and administration of this Program. The County Mayor or his/her designee is delegated the authority to award EDP Professional Service Agreements to eligible participants.

The EDP establishes a structured process to procure and distribute A&E assignments to eligible EDP participants, local and certified Small Business Enterprise Architecture and Engineering (SBE-A&E) firms.

Registration to participate in EDP is open and may be publicly advertised when funding source requires it for open participation. A condition for a Firm receiving an assignment are the following; Firm must be prequalified, technically certified and registered in the EDP pool.

A Firm's participation in the program does not represent a Contract between Miami-Dade County and any participant, but rather an acknowledgement that a participant satisfies the qualification criteria required for membership.

Eligible Consultants must meet the following EDP qualifications requirements:

1. Qualification Criteria:

- a. EDP firms are required to be a Locally Headquartered Business, unless the funding source to be used for the EDP Professional Service Agreement prohibits the application of the foregoing Locally Headquartered Business requirement.
- b. A business owner, alone or as a member of a group, shall own or control only one (1) Firm, including Affiliates.
- c. An individual design professional can only qualify one (1) Firm pursuant to the respective Licensing Governing Boards of the State of Florida.
- d. As part of the EDP membership application, firms are required to confirm prime and Sub-consultant awards and payments in the Business Management and

Workforce System (BMWS) on all Miami Dade County Contracts.

- e. Upon written notice, a Firm shall execute the EDP Professional Services Agreement (PSA) and submit the required documents and insurance certificates within ten (10) calendar days.

2. Program Participation:

- a. After gaining admission into the program, each Firm shall be ranked in accordance with the rotation ranking formula in all of the MDC technical categories the Firm holds.
- b. Each Firm's position in the ranking is based on its Technical Certification categories and the Firm's Rotational Value (RV). The RV is established by a Firm's three years award and payment history ("Compensation Amount").
- c. When a Firm is selected for its first EDP assignment, the Firm shall be required to execute the EDP Professional Services Agreement, submit insurance certificates and applicable affidavits within ten calendar days from receipt of notification. A Firm's evidence of insurance will be required for each service order.
- d. EDP participants acting as a prime or Sub-consultant are subject to Section H -Sanctions for Contractual Violations and Section I - Administrative Penalties for failure to abide by this IO, the PSA, or established program policy and procedures. <<

>>3.<<EDP Work Assignment Procedures

~~[[The County Manager shall ensure that the EDP and existing miscellaneous continuing contracts for professional services are utilized appropriately.~~

- ~~a. The user department shall submit the work assignment request including a detailed scope of work to CICC for assignment of appropriate design professionals in the EDP, or shall obtain written authorization from CICC to utilize an existing continuing contract.~~
- ~~b. CICC shall review the work assignment request, verify the prime technical certification category required for~~

~~the scope of work and any additional technical certification categories or specialty requirements that may be needed to complete the scope of work. The next available firms, three (3) primes and four (4) sub consultants per supporting technical certification category, based on their position in the EDP shall be provided to the user department.~~

- ~~c. The user department shall review the qualifications of the next available prime firms and select the most qualified firm. The selection process may include review of submitted qualifications and telephone interviews. The user department must document the factors utilized to determine most qualified firm. If a prime firm is certified in all of the required technical certification categories, it may perform the required services with its own work force otherwise the prime shall select EDP sub consultants from the top of the rotation. Upon the firm(s) acceptance of the offer of work assignment, the names of the prime firm and sub consultants shall be forwarded to CICC.~~
- ~~d. A firm acting as a prime or as a sub consultant shall be allowed to decline an offer of work assignment without a reasonable justification only twice per calendar year. After the second time, the firm shall be suspended until further review.~~
- ~~e. CICC shall have the authority to bypass a firm in the EDP rotation based on the volume of work or unique expertise requirements within a category if deemed to be in the best interest of the County. The rationale for any such bypass action shall be fully documented.~~
- ~~f. If negotiations fail, the user department shall notify CICC of such failure and begin negotiations with the next most qualified firm.~~
- ~~g. If the user department determines that the next available firm(s) is not qualified to perform the services, the user department shall provide in writing to CICC an explanation for the disqualification. The user department shall request from CICC the next available grouping of firm(s) for consideration.~~
- ~~h. CICC may, upon the written request of the user~~

department director, hire a specific firm qualified in the appropriate technical areas when deemed in the best interest of the County.

~~i. CICC shall also have the authority to limit the user department's timeframe to obtain acceptance of work assignment, request additional firms and negotiate a service order.~~

~~j. Simultaneous with the completion of the service order and submittal of final payment request, the user department shall forward to CICC the EDP Closeout Report and the performance evaluation.~~

~~k. In the event that any service order shall be cancelled or changed, the user department shall forward such notification, along with a copy of the change or cancellation notice to CICC.]]~~

>>a. The client department shall submit the work assignment request including a detailed scope of work, applicable Technical Certification categories required, estimated fee, and estimated start and completion date to the EDP Coordinator for assignment of appropriate A&E professionals.

b. The EDP Coordinator shall review the work assignment request(s), verify the prime Technical Certification categories required for the scope of work and any additional Technical Certification categories or specialty requirements that may be needed to complete the scope of work. The EDP Coordinator will determine the next available three (3) primes per supporting Technical Certification category, based on their position in the EDP, shall be provided to the client department.

c. Client departments shall contact each Firm per their position on the list as follows; first Firm listed before going to the next Firm to request their specific qualifications for review and select the most qualified Firm. The client department must document the factors utilized to determine the most qualified Firm. If a prime Firm is certified in all the required Technical Certification categories, it may perform the required services with its own work force otherwise the prime shall select EDP Sub-consultants from the list of EDP

firms. Upon the Firm(s) acceptance of the offer of work assignment, the names of the prime Firm and Sub-consultants shall be forwarded to the EDP Coordinator.

- c. SBD shall conduct surveys when a client department has an assignment that requires specific funding requirements and/or a Consultant with unique expertise. In these instances, qualified respondents will be considered in the order of ranking according to the EDP RV.
- d. If negotiations with the qualified respondent fail, the client department shall notify SBD and begin negotiations with the next qualified Firm provided by the EDP Coordinator. This process will continue until a successful agreement is reached.
- e. If the client department determines that the next available Firm(s) is not qualified to perform the services, the client department shall provide (in writing to the EDP Coordinator) an explanation for the disqualification.
- f. Upon the written request of the client department Director or Director's Designee, hire a specific Firm qualified in the required technical expertise area for a specific project, when deemed in the best interest of the County.
- g. The client department's timeframe to obtain acceptance of work assignments, request additional firms and/or negotiate a service order may be limited by the EDP Coordinator.
- h. Simultaneous with the completion of the service order and submittal of final payment requests, the client department shall prepare a performance evaluation in accordance with Implementing Order 3-42.
- i. If any service order shall be cancelled or changed, the client department shall notify the EDP Coordinator.

B. Continuing Services Contracts

Other continuing services Contracts, as defined by the CCNA may be utilized by departments provided that they are in the County's best interest and shall be based upon sound business rationale in accordance with the CCNA.<<

~~[[2. Design-Build~~

~~GICC shall be responsible for coordinating the development of design-build solicitations with the user departments and ensuring compliance with Section 287.055 of Florida Statutes. The requested documentation shall be prepared as follows:~~

Design Criteria

~~d. The design criteria package shall be prepared by:~~

- ~~i. Licensed professional engineers for engineering projects; licensed professional architects for architectural projects, and licensed professional landscape architects for landscape architecture projects, employed by the County; or~~
- ~~ii. Licensed engineering, architectural, or landscape architecture firm(s) selected pursuant to Section 287.055 of Florida Statutes.~~

- e. ~~The design criteria professional shall have the following responsibilities in the completion of the project:
 - i. ~~Evaluation of the responses received from design-build firms.~~
 - ii. ~~Supervision and approval of the detailed construction documents of the project, assuring compliance of project construction and design criteria package.~~~~
- f. ~~The design criteria professional shall not be eligible to render services under a design-build contract executed pursuant to the design criteria package. This prohibition against rendering services under design-build contracts shall extend to all architectural, engineering, landscape architecture, and land surveying and mapping sub-consultants of the design criteria professional.~~
- g. ~~The design-build request documentation shall contain any other items as required by procedures, laws, ordinances, or prevailing circumstances.~~

~~Design-build Evaluation/Selection~~

~~The evaluation process for the selection of the best-value design-build proposal shall be based on the adjusted bid process, or as determined by the County Manager based on specific project requirements.~~

~~The qualitative aspects of the evaluation shall be based on the First and Second-Tier selection criteria as defined in this Administrative Order. Following the completion of the Competitive Selection Committee's (CSC) evaluations, "price" estimates may be considered to the extent specified in the NTCP. The CSC in reaching a final recommendation may consider significant disparities in the price estimates. The firms with the three (3) lowest "adjusted bids" may then be recommended to the County Manager. The firm with the lowest adjusted bid or the firm providing the best value to the County shall be recommended for negotiations. In the event two (2) or more firms receive identical lowest adjusted bids, the tiebreaker shall be based on the criteria detailed in the Second-Tier evaluation process.~~

~~Should the negotiation committee be unable to negotiate a satisfactory contract with the firm with the lowest adjusted bid, at a price, which the committee deems to be fair, competitive and reasonable, the negotiation committee shall recommend that the County Manager authorize to formally terminate negotiations with that firm. Upon the County Manager's concurrence, the negotiation committee shall then undertake negotiations with the second ranked firm. Failing accord with this firm, such negotiations shall terminate and the committee shall then undertake negotiations with~~

the third-ranked firm.

8. ~~Construction Manager-at-Risk~~

~~The Construction Manager-at-Risk (CM-at-Risk) method of contracting is typically applied to highly complex projects where the value of obtaining expert oversight of the design phase and contracting phase justify the increased cost and administrative burden.~~

~~The County Manager shall approve the use of the CM-at-Risk contracting method based on a review of each individual application. The user department shall include the following documents as part of the Request to Advertise for a CM-at-Risk contract:~~

- ~~a. Submit the design criteria package along with an explanation identifying the reason for using CM-at-Risk. Include an explanation for the current status of the project design.~~
- ~~b. Identify the user department's project management team in the form of a functional table of organization.~~
- ~~c. Identify the user department's recommended representatives to the Guaranteed Maximum Price negotiation committee. Provide an explanation if different from those recommended for the CSC.~~
- ~~d. Identify method of tracking and responding to Requests for Information (RFI), Value Engineering items, payment processing, and budget and schedule adherence.~~
- ~~e. Ensure compliance with DBD review for CM-at-Risk projects, in accordance with Section 10.33-02 of the Code as amended on May 6, 2003.~~

B. ~~Professional Service Requirements~~

1. ~~Pre-Qualification Certification (PQC)~~

- ~~a. Firms interested in providing professional services for the County must have an active PQC, issued by the County through DBD, prior to the submittal deadline of any solicitation, which shall be maintained without lapse throughout the course of the project.~~
- ~~b. The user department, along with the certifying committee, shall review the statement of qualifications and supporting documentation to ascertain whether a firm is fully qualified to render the services they are seeking to be certified in.~~

- ~~e. The PQC is the culmination of the various certification processes. It shall be applicable to the general selection methodology or a specific project and shall include, but may not be limited to, technical certification, affirmative action plan verification, vendor registration, execution of the basic County affidavits, supplemental forms, and any further requirements established by the BCC.~~
- ~~d. Application packages for PQC may be obtained from and submitted to DBD. It shall be the sole responsibility of interested firms to obtain and complete required forms and submit their PQC application packages to DBD. Furthermore, firms shall be responsible to ensure that their PQC information is current and active by renewing in advance of the expiration date. Incomplete application packages shall not be reviewed until the correct submission has been received.~~
- ~~e. The PQC shall be valid for a one (1) year, provided all eligibility requirements are current.~~
- ~~f. By applying for and being issued the PQC, a firm agrees to allow the County access to review and verify information relating to the applicant's PQC application during normal business hours, commencing on the day after the PQC has been issued until its expiration date.~~
- ~~g. All applicants shall execute an affidavit attesting to the fact that all statements submitted in their PQC application are true and correct and that documentation and information regarding actual work performed on any project, payment thereof, number of employees, etc., are accurate.~~

~~2. Responding to a Professional Services Solicitation~~

~~Firms responding to an advertisement for professional services must adhere to the following requirements:~~

- ~~a. Respondents, including prime consultants and sub consultants in a prime/sub relationship, must maintain an active PQC from the time of proposal submission to completion of the professional service agreement without lapse.~~
- ~~b. Except where restricted by federal, state laws or external regulations, respondents must submit and respond either as a prime consultant or sub consultant. Failure to comply with this provision shall result in all affected firms to be considered unresponsive. A firm shall only respond once for the role of prime consultant for each solicitation.~~
- ~~c. Sub consultants teaming restrictions shall not be imposed unless~~

~~extensive availability of technically certified firms in the technical categories requested exist. In such cases, CIGC may limit sub consultants to participating on a fixed number of teams. Any such limitation shall be published in the NTPC.~~

- ~~d. Respondents shall allow the County reasonable access, during normal business hours and for a specific purpose; to audit the books and records relating to the respondent's submitted proposal commencing on the day after the proposal submission date to the date a firm is selected. The selected firm shall permit right of access throughout the term of the contract.~~
- ~~e. Prime consultants shall submit completed monthly utilization reports in the form specified by the County to user departments as outlined in Administrative Order 3-32, Section XII, Contract Administration, Compliance and Monitoring.~~
- ~~f. Respondents must submit any change or deviation from the approved team composition as presented in the selection process to the County for approval.~~
- ~~g. If at any time, the County has reason to believe that any person or firm has provided incorrect information or made false statements in a submittal, proposal or oral presentation before a selection committee, the County Manager shall refer the matter to the Office of the Inspector General and in addition to pursuing any other legal remedies, may recommend termination of the contract, and inform the State Attorney's Office and/or other investigative agencies. Further, the County may initiate suspension and or debarment proceedings in accordance with County policy and or applicable federal, state and local laws.]]~~

~~[[J.]]>>E.<< **SANCTIONS FOR CONTRACTUAL VIOLATIONS**~~

~~>>The County may terminate or cancel a Contract, or require the termination or cancellation of the Sub-consultant Contract, if the respondent or any Sub-consultant(s) violates<< [[Proposal and contract documents shall provide that, notwithstanding any other penalties for firms that have discriminated in violation of]] Article VII of Chapter 11A of the County Code [[, the County may terminate the contract or require the termination or cancellation of the sub consultant contract]]. [[In addition, a]] >>A<< violation by a respondent or [[sub consultant to the respondent]] >>Sub-consultant<<, or failure to comply with this [[Administrative]] >>Implementing<< Order may result in the imposition of one or more of the following sanctions:~~

- ~~1. Suspension of any payment or part thereof until such time as the~~

issues concerning compliance are resolved.

~~[[2. Issuance of fines to prime consultants for violations of this Administrative Order or lapses of required insurance, which may be up to two percent (2%) of the contract amount to be deducted directly from future payments.]]~~

~~[[3.]]>>2. << Termination, suspension, or cancellation of the [[contract]] >>Contract<< in whole or in part >>, as provided for in the applicable provisions of the Contract<<. ~~[[For EDP firms, ranking adjustment for an amount two (2) times that of the non-utilized sub consultant or placement in an inactive status shall apply.]]~~~~

~~[[4.]]>>3.<< ~~[[In the event that]]~~ >>if<< a [[firm]] >>Firm<< attempts to comply with the provisions of this [[Administrative]] >>Implementing<< Order through fraud, misrepresentation, or material misstatement or material omission , or is found to have committed such acts, the [[firm]] >>Firm<< and its principals may be suspended, debarred or subject to a civil action and/or criminal prosecution based on the specific circumstances. In addition, the County may utilize some or all remedies allowed by Florida law.~~

~~[[5.]]>>4. << ~~[[In addition, and as]]~~ >>As<< a further sanction, the County [[Manager]] >>Mayor or designee<< may impose any of the above stated sanctions on any other [[contracts]] >>Contracts<< or [[sub consultant contracts]] >>Sub-consultant Contracts<< the [[firm]] >>Firm<< has with the County. In each instance, the [[firm]] >>Firm<< shall be responsible for all direct and indirect costs associated with such termination ~~[[or cancellation including, but not limited to, attorney's fees and costs. The firm may also be subject to suspension or debarment]]~~ >>, cancellation, termination, suspension, or Debarment<<.~~

~~[[6.]]>>5.<< Some of the violations that may result in the imposition of the sanctions listed above include, but are not limited to, the following:~~

- a. Failure to comply with ~~[[Pre-Qualification]]~~ >>pre-qualification<< requirements, not reporting organizational and operational changes, providing materially inaccurate, materially omitted or false information, and other related violations.
- b. Deviation from ~~[[the Schedule of Participation, or equivalent, without prior approval from DBD and notice to CIGC]]~~ >>any compliance agreement related to the County's small business programs or other material failure

to comply with program requirements<<.

- c. ~~[[Reduction of]]~~ >>Modifications to<< the scope of work >>,
Contract terms and/or fees of a subcontractor and/or Sub-
consultant<< ~~[[of a sub consultant contract]]~~ without prior
approval from ~~[[CICG]]~~ >>the County, where the same affects
the County's small business programs<<.
- d. ~~[[Modifications to contract terms and/or fees paid without prior~~
~~approval from CICG.]]~~ >>Subcontracting work to a non-EDP
member without written authority of the County.<<
- e. ~~[[Failure to comply with program requirements.]]~~>>Sub-
standard quality of work as evidence by revisions to design
required due to lack of compliance with building codes
required and re-submittal of plans for dry-run permitting.<<
- ~~[[f. Subcontracting work to a non-EDP member without written~~
~~authority of the County.]]~~

>>6. All firms performing work for the County are subject to evaluation as
provided for in the professional service agreement or under the rules
of Administrative Order 3-42, Evaluation and Suspension of
Contractors and Consultants.<<

~~[[K.]]~~>>F.<< **Administrative Penalties**

~~[[For violation of or non-compliance with this Administrative Order, proposal(s),~~
~~and/or consultant selection documents, the County Manager may impose the loss~~
~~of eligibility to participate in County contracts for a specified period of time, not to~~
~~exceed five (5) years, for an applicant, its individual officers, its shareholders with~~
~~significant interests, and its affiliated businesses.]]~~ >>The County Mayor or
designee may deem a Firm ineligible to participate in County Contracts for a
specified period, not to exceed five (5) years, for violation of, or non-compliance
with this Implementing Order, proposal(s), and/or Consultant selection documents.
Subject ineligibility is applicable to an applicant, its individual officers, its
shareholders with significant interests, and its affiliated businesses.<<

~~[[L.]]~~>>G.<< **PSA SUPPORT FUNCTIONS**

SBD << shall:

1. Maintain ~~[[consultant]]~~ >>Consultant<< performance evaluation records for
consideration of County departments or selection committees.
2. Conduct workshops for employees participating in the County's CSC pool
to describe the role and responsibilities of members and review pertinent
legislation affecting the selection process.

3. Record the ~~[[user department's]]~~ >>client department's<< utilization of authorized ~~[[continuing contracts]]~~ >>Continuing Contracts<< to monitor fair and equitable utilization of participating Firms.
4. Administer the Equitable Distribution Program (EDP) including , without limitation, the review of service orders , EDP rotation, and the appropriate selection of firms.

~~[[DBD responsibilities include, but may not be limited to, the following:]]~~

~~[[4.]]>>~~

~~[[2.]]>>~~5.<< Administer the pool of County employees available to serve on the CSC. Update the CSC membership roster bi-annually.

~~[[3.]]>>~~6.<< Review proposals for pre and post compliance with participation measures, requirements and issuance of performance ~~[[memorandums]]~~>>memoranda<<.

~~[[4.]]>>~~7.<< Provide work history, data and reports to ~~[[CIGG]]~~ >>SPD << reflecting the amount awarded, and>>/_<<or paid to the prime and ~~[[sub consultants]]~~ >>Sub-consultants<< for selection ranking.

Notwithstanding the foregoing duties of SBD, SPD will continue to administer the Pre-Qualification process for architectural, engineering, landscape architecture, land surveying and mapping firms and provide related information to >>SBD<< ~~[[CIGG]]~~.

SECTION III - CAPITAL CONSTRUCTION CONTRACTING POLICY:

This section of the ~~[[Administrative]]~~ >>Implementing<< Order governs capital contracts and the expedite process authorizing the County ~~[[Manager]]~~ >>Mayor or designee<< to advertise, negotiate and award uncontested contracts for funded capital improvement construction projects and certain unanticipated yet funded capital repair or rehabilitation projects as well as qualifying Professional Service Agreements.

~~[[Ordinance No. 00-104 adopted on July 25, 2000, amended expedite procedures already enacted by the Board of County Commissioners to promote efficiencies for processing construction projects funded by the Safe Neighborhood Parks Bond and the Quality Neighborhoods Improvement Program, and to proceed with contracts related to natural disaster or declaration of an emergency by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.]]~~

>>PURPOSE:<<

~~[[Sections]]~~ >>Section<< ~~[[2-8.2.6 and]]~~ 2-8.2.7 of the Code, as amended, ~~[[authorize]]~~ >>authorizes<< the County ~~[[Manager]]~~ >>Mayor<<, subject to BCC ratification, to approve and expedite capital projects authorized therein. Eligible projects and contracts

may include:

[[—]]>>1.<< Approved funded capital construction projects involving the expenditure of more than \$500,000 where no protest is filed within the timeframe specified in Section 2-8.4 (b) of the Code, and all associated professional service agreements.

[[—]]>>2.<< The negotiation and settlement of contractor claims, change orders issued for additional work and amendments/modifications to professional service agreements, if specified in the bid or other competitive specifications and the contract document. Change orders and amendments/modifications shall not exceed five hundred thousand dollars (\$500,000) in cumulative dollar amount and shall not exceed fifteen percent (15%) of the contract price in the cumulative percentage amount, unless related to environmental remediation or health requirements.

The County [[Manager]] >>Mayor or designee<< is authorized by the Code, Section 2-8.1(b) to advertise for bid, award, and reject bids or proposals for contracts and purchases when the transaction involves the expenditure of five hundred thousand dollars (\$500,000) or less without the need for further action by the BCC.

All eligible capital construction contracts shall be processed utilizing this procedure and standard forms developed by [[CICG]] >ISD<<. Contracts deemed controversial in nature or holding special interest to the BCC, shall be processed as a Board Agenda item.

A. Capital Construction Contracting

1. Request to Advertise

>>County departments shall request general construction services under Section 255.20 of the Florida Statutes, and applicable County Regulations. General construction services, valued up to \$5 million, shall be procured through the MCC, without an RTA. ISD may identify other opportunities for Continuing Contract services to address the needs of the client departments when in the County's best interest.<<

a. >>Procedures:<< [[The user department prepares the Request to Advertise (RTA) form or electronic facsimile, which constitutes a solicitation for construction activity and forwards it to the Office of Management and Budget (OMB) to certify funding availability.]] >>When general construction services are required in excess of the above-mentioned threshold, the client departments shall:

i. Develop a draft RTA based on the project and associated sites, pursuant to the County's Capital Budget and Multi-Year Plan, or the funding authority and approval allocated for the project.

- ii. Pursuant to Section 2-10.4 of the Code, submit project's relevant data for SBD's consideration to establish contract measures or set aside as deemed appropriate.
- iii. Finalize the RTA and forward it to the OMB to certify funding availability.
- iv. Upon certification from OMB that funding is available, and establishment of project goals by SBD, the client department shall prepare a complete package, along with a detailed scope of work and submit to the client department's director for approval. Scope of services may differ significantly based on the nature and complexity of the desired construction contract.
- v. Approval by the County Mayor or designee shall constitute concurrent approval of the measures established by SBD. Upon receipt of approval, the client department shall file the RTA with the Clerk of the Board.<<

- ~~[[b. Once funding is approved, the user department is responsible for submitting the RTA form along with project data including departmental recommendations as to Community Small Business Enterprise (CSBE) measures, and any other relevant documents related to the project to the Department of Business Development Review Committee (RC) for consideration of contract measures.~~
- ~~c. The RC and its Chairperson shall execute the DBD Project Worksheet, obtain concurrence from the County Manager's Office and then return the document to the user department.~~
- ~~d. The user department shall prepare a package including the RTA form, DBD Project Worksheet and Project Memorandum. The Project Memorandum must include OMB certification of funds availability and must be reviewed and approved by the County Attorney's Office as to legal sufficiency. The complete package shall be submitted to CICC for review and further processing.~~
- ~~e. CICC shall review and analyze the solicitation and shall submit a recommendation to the County Manager's Office relating to contracting issues including the applicability of the Expedite Ordinance.~~
- ~~f. If CICC recommends that the project qualifies to be processed under the Expedite Ordinance, the package shall be submitted to the County Manager's Office for concurrence and approval. Conversely, if CICC determines the contract is not eligible or deems it controversial or~~

~~holding a special interest to the BCC, the documentation shall be returned to the user department for processing in a conventional manner. The County Manager's approval to advertise the project shall constitute approval of the goals established by the RC. Upon approval, CICC shall file the documents with the Clerk of the Board and forward a copy to the user department to proceed with advertisement. For projects requiring BCC approval, the user department shall complete the BCC version of the Project Memorandum, a transmittal letter addressed to the County Manager and the County Manager's Recommendation Memorandum to the BCC to initiate standard contract processing.~~

- ~~g. Upon the County Manager's approval of the RTA, CICC shall file the documents with the Clerk of the Board and forward a copy to the user department to proceed with advertisement.~~
- ~~h. CICC shall include all Request to Advertise approvals made by the County Manager by the authority granted under the Expedite Ordinance No. 00-104 on a Project Ratification List, which shall be prepared on a quarterly basis, presented to the appropriate committee for approval and subsequently shall be submitted to the BCC for ratification.]]~~

>>b.<< [[User]] >>Client<< Departments [[shall]]
>>Responsibilities<<:

- i. Include a "Termination For Convenience" clause in the bid specifications and contract documents.
- ii. Utilize the standard bid specifications and contract documents, which include a clause indicating the County [[Manager]] >>Mayor<< may negotiate and settle contractor claims, issue change orders for additional work and amend/modify PSAs, which do not exceed five hundred thousand dollars (\$500,000) in cumulative dollar amount and do not exceed fifteen percent (15%) of the contract price in the cumulative percentage amount or the criteria established in the [[Code]] Section 2-8.2.7 >>of the Code<<, as amended.
- iii. Ensure that all contingency and allowance accounts conform to the requirements of [[the Code,]] Section 2-8.1(h) >>of the Code,<< as amended.
- iv. Notify [[DBD and CICC]] >>SBD and ISD << of changes in scope of work after [[recommendation by the RC]] >>approved application of an SBE measure<< and prior to advertisement. [[DBD]] >>SBD<<

shall review the change and ~~[[recommend to]]~~ >>determine<< ~~[[the County Manager via GICG,]]~~ whether the contract requires further review ~~[[by the RC]]~~ >>to reconsider the assigned SBE measures<<.

- v. Notify ~~[[DBD and CICC]]~~ >>SBD and ISD << of any contract advertisement dates that are in excess of one hundred and twenty (120) days of the initial ~~[[RC recommendation]]~~ >>review and approval of SBE measures<< allowing ~~[[DBD]]~~ >>SBD<< to identify any changes in availability. After six (6) months, all contracts should be resubmitted to ~~[[DBD]]~~ >>SBD<< to establish current availability. ~~[[GICG shall be notified of the revised RC recommendation and shall submit the revised documentation to the County Manager for approval.]]~~

2. Construction Contract Award

- a. Upon opening of bids, the ~~[[user department]]~~ >>client department<< (or ISD if it is the Department purchasing) shall obtain verification of contractor compliance with the ~~[[CSBE]]~~ >>SBE-CON<< program, prepare the ~~[[Award Recommendation]]~~ >>CAR<< ~~[[form or electronic facsimile]]~~ with the selected bidder and forward it to OMB for certification of funds availability.
- b. If the contract award recommendation amount differs from the ~~[[user department's]]~~ >>client department's (or ISD if it is the Department purchasing) << estimated cost provided in the RTA by more than ten (10%) percent (above or below estimate), the ~~[[user department]]~~ >>client department<< shall justify the variance in the Project Memorandum. Larger variances shall require additional written explanation and support including a statement from the design engineer or architect.
- c. Once funding is approved, the ~~[[user department]]~~ >>client department (or ISD if it is the Department purchasing) << shall prepare a package including the Award Recommendation, the ~~[[DBD Verification of Contractor Compliance]]~~ >>SBD Compliance Review Report<<, the Bid Tabulation ~~[[form or electronic facsimile]]~~, the ~~[[DBD]]~~ >>SBD<< Project Worksheet, the OMB approval ~~[[form]]~~, the Project Memorandum ~~[[form or electronic facsimile,]]~~ with the approval of the County's Attorney's Office as to legal sufficiency and any other relevant documentation. The complete package shall be submitted to ~~[[GICG]]~~ >>the County Mayor's Office<< for review and further processing >>before scheduling the CAR for inclusion on BCC and BCC committee agendas<<.

- d. ~~[[CICC]] >>The~~<<client department (or ISD if it is the Department purchasing) shall review the package and submit a recommendation to the County ~~[[Manager's]] >>Mayor's~~<< Office for final review and approval.
- e. Upon approval by the County ~~[[Manager]] >>Mayor or designee~~<< of the award recommendation, [[CICC]] >><< client department (or ISD if it is the Department purchasing) shall file the documents with the Clerk of the Board and forward a copy to the ~~[[user department]] >>client department~~<< to notify all firms of the award recommendation for the project and proceed with the contract award. The award recommendation shall not constitute an executed contract until approved by the BCC or executed by the County ~~[[Manager]] >>Mayor or designee~~<< under the authority granted by the BCC.
- f. If a protest is filed with the Clerk of the Board within ~~[[ten (10)]] >>three~~ (3)~~<< calendar days of filing the documents approved by the County~~ ~~[[Manager]] >>Mayor or designee~~<<, existing procedures for processing bid protests shall govern. The filing of a protest nullifies the County ~~[[Manager]] >>Mayor's or designee's~~<< approval and requires the ~~[[user department]] >>client department to~~<< prepare and submit a formal Board Agenda item unless the Hearing Examiner concurs with the County ~~[[Manager's]] >>Mayor's~~<< recommendation.
- g. Upon expiration of the bid protest period without a bid protest being filed, the ~~[[user department]] >>client department (or ISD if it is the Department purchasing) << shall proceed with the execution of the contract. The~~ ~~[[user department]] >>client department~~<< shall forward a copy of the executed contract package to ~~[[CICC]] >> ISD~~<< for the County ~~[[Manager's]] >>Mayor's or designee's~~<< execution.
- h. ~~[[CICC shall prepare the Expedite Ordinance No. 00-104 Project Ratification List on a quarterly basis and present it to the appropriate committee for approval and subsequent submission to the BCC for ratification.]] >>If the project is listed on the ESP list of approved project, or was advertised pursuant to Section 2-8.2.7 of the Code or any other expedite or economic stimulus or similar ordinance, ISD shall prepare a Project Ratification List on a quarterly basis and present it to the appropriate committee for approval and subsequent submission to the BCC for ratification. <<~~
- i. If all bids are rejected, the ~~[[user department]] >>client department~~<< (or ISD if it is the Department purchasing) shall prepare ~~[[the Project Memorandum,]] >>a~~<< Request to Reject all Bids and Authorization to Re-Advertise for Bids, including detailed justification for rejection of all bids and the rationale to re-advertise without modifying original

specifications. If the reason for rejection is related to the allotted budget for the particular project, the ~~[[user department]]~~ >>client department<< should demonstrate changes that would affect pricing.

- j. The ~~[[user department]]~~ >>client department<<(or ISD if it is the Department purchasing) < shall forward the ~~[[Project Memorandum]]~~ >>Request to Reject<< to OMB for approval and once approved, shall submit documentation to ~~[[DBD]]~~ >>SBD<< to initiate the re-advertising process following the procedures outlined in this ~~[[Administrative]]~~ >>Implementing<< Order.

3. Execution of Contract Options

If options to extend or increase funding are provided for in the contract, the ~~[[user department]]~~ >>client department<<(or ISD if it is the Department purchasing) < may recommend exercising the contract option as follows:

- a. The ~~[[user department]]~~ >>client department<<(or ISD if it is the Department purchasing) < shall prepare the amendment identifying the specific contract and options being executed. The amendment must be signed by the contractor, reviewed, and approved by the County Attorney's Office as to legal sufficiency, then submitted to ~~[[CICG]]~~ >>ISD<< for further processing. If the contract option being executed involves an increase of the contract amount, the ~~[[user department]]~~ >>client department<< shall obtain an Increase Rider and an Executed Payment and Performance Bond and submit these forms to ~~[[CICG]]~~ >>ISD or client department's unit overseeing insurance requirements<< along with the amendment.
- b. ~~[[CICG]]~~ >>The<< client department (or ISD if it is the Department purchasing) shall review the documentation and submit a recommendation to the County ~~[[Manager's]]~~ >>Mayor's<< Office for final review and approval.
- e. Upon approval by the County ~~[[Manager]]~~ >>Mayor or designee<<, ~~[[CICG]]~~ the client department (or ISD if it is the Department purchasing) shall file the documents with the Clerk of the Board and forward a copy to the ~~[[user department]]~~ >>client department<<.

B. Unanticipated Funded Capital Repair and Rehabilitation Projects

Unanticipated funded capital projects not specified in the Annual Proposed Capital Budget and Multi-Year Capital Plan for fiscal year 1999-2000, or subsequent fiscal years may be included in the expedite process by approval of a resolution by the BCC. Upon BCC approval, the process shall be as follows:

1. The ~~[[user department]]~~ >>client department(or ISD if it is the Department

purchasing) << shall submit the project to OMB for approval of funding source and level of funding intended for use on the project.

2. The ~~[[user department]]~~ >>client department<<(or ISD if it is the Department purchasing) shall prepare the resolution and accompanying documentation for BCC approval to process the project(s) under ~~[[Expedite Ordinance No. 00-104]]~~ >>the ESP or any other current expedite ordinance(s), as applicable<<.
3. Upon BCC approval of the resolution, the project may proceed in accordance with the procedures outlined in this ~~[[Administrative]]~~ >>Implementing<< Order.

C. **Alternative Methods of Acquiring Construction Contracts**

>>Miscellaneous Construction Contracts (MCC) are addressed in Implementing Order 3-53.<<

~~[[1. Miscellaneous Construction Contracts (MCC)~~

~~MCCs are developed to obtain competitive, cost-effective, quality construction services for miscellaneous and emergency construction projects, within specified parameters as approved by the Board of County Commissioners. County departments and agencies participating in this type of contract are required to maintain licensed, well-trained, knowledgeable staff to manage these construction activities, unless exempted by the County Manager.~~

~~The County Manager shall ensure that MCCs are utilized as approved by the BCC and that work assigned under this type of contract, is fairly and competitively awarded to the targeted business sector.~~

~~CICC shall implement procedures for MCCs based on, but not limited to, the following criteria:~~

- ~~a. Each qualified contractor shall submit an application based on the criteria established for each MCC solicitation.~~
- ~~b. Participating contractors are required to register with the Miami-Dade County Department of Procurement Management.~~
- ~~c. A business owner, alone or as a member of a group, shall own or control only one company affiliated in a MCC.~~

- d. ~~An individual qualifying agent can only qualify one (1) company pursuant to the respective Licensing Governing Boards of Miami-Dade County.~~

- e. ~~Contractors shall submit and maintain insurance policies as stated in the contract and approved by the General Services Administration, Risk Management Division.~~

~~f. Contractors shall submit all applicable executed responsibility affidavits as required by the County.~~

~~Upon qualifying to participate in a Miscellaneous Construction Contract, the contractor shall be listed in all of the trade categories for which the contractor is licensed and certified to perform.~~

~~MCC Request for Price Quotation (RPQ)~~

~~a. The user department shall submit the RPQ including a detailed scope of work, required trade qualifications and project cost estimate to CICC.~~

~~b. CICC shall review the RPQ and the noted trade category required for the scope of work, as well as any sub-trade categories or specialty requirements that may be needed to complete the scope of work. Based on the constraints of the specific MCC to be accessed, CICC shall provide the user department a list of eligible participating contractors.~~

~~c. The user department shall review the qualifications of the available contractors and invite all firms provided by CICC as qualified contractors to participate in the invitation to bid.~~

~~d. If the user department determines that the available contractors are not qualified to perform the services, the user department shall provide to CICC a written explanation for the disqualification for the particular RPQ. The user department shall request from CICC additional contractors to invite to bid.~~

~~e. Upon the user department's acknowledgement of the lowest responsible bidder, a recommended Bid Award and Notice to Proceed and the names of the prime contractor and any sub-contractor(s) shall be forwarded to CICC. If a contractor is certified in all of the required trade categories, it may perform the required services with its own work force.~~

~~f. Upon the user department's recommendation of an award, a copy of the award letter shall be forwarded to CICC and DBD.~~

~~g. Upon completion of the project and submittal of final payment request,~~

~~the user department shall forward the certificate of completion and completed performance evaluation to CIGG.~~

~~h. In the event that any project shall be cancelled or changed, the user~~

department shall forward such notification to CICC and DBD.

- i. ~~The user department shall immediately notify CICC and forward a copy of any notice to cure, notice of non-payment, breach of contract or any other adverse condition or delinquency notification issued to or by a contractor.~~

~~2. Design-Build [Refer to SECTION II, H, 2 of this Administrative Order]~~

~~3. Construction Manager-at-Risk [Refer to SECTION II, H, 3 of this Administrative Order]]~~

SECTION IV – CHANGE ORDERS AND PSA AMENDMENTS/MODIFICATIONS

SCOPE:

This section establishes the procedures for ~~[[user department]]~~ >>client department<< (or ISD if it is the Department purchasing) to implement and maintain on a timely basis an internal formalized classifying, tracking, monitoring and reporting system for all change orders or amendments to design and construction projects. Specific construction change order information shall be supplied to ~~[[DBD and CICC]]~~ >>SBD and ISD<<, who shall be responsible for maintaining and integrating this information into a countywide construction award and change order database for quarterly reporting to the County ~~[[Manager]]~~ >>Mayor<<.

PROCEDURE:

The ~~[[user department]]~~ >>client department<<(or ISD if it is the Department purchasing) shall prepare a change order for additional work or time extension or an amendment/modification to a PSA, if such authority is specified in the bid specifications or contract, for approval by the County ~~[[Manager]]~~ >>Mayor<<, subject to BCC ratification under ~~[[the Expedite Ordinance No. 00-104]]~~ >>a current applicable expedite ordinance<<, for:

- ~~[[—]]~~>>1.<< Compensation for time extensions and contractor claims which shall not exceed five hundred thousand dollars (\$500,000) in cumulative dollar amount and shall not exceed fifteen percent (15%) of the contract price in cumulative percentage amount.
- ~~[[—]]~~>>2.<< Environmental remediation or health requirements in any amounts.
- ~~[[—]]~~>>3.<< Reduction of contract scope and contractor compensation.

[[—]]>>4.<< Granting time extensions without compensation or waiver of liquidated damages.

A. Change Orders and Amendments/Modifications

1. The ~~[[user department]]~~ >>client department<<(or ISD if it is the Department purchasing) < shall prepare a package including the change order, amendment or modification form or electronic facsimile with the appropriate approvals from ~~[[DBD]]~~ >>SBD<<, OMB and the County Attorney's Office, the change order or amendment/modification memorandum, and the following exhibits: Exhibit "A" ~~[[DBD]]~~ >>SBD<< Firm History Report, Exhibit "B" Summary of Bids and Exhibit "C" Detail of Contingency and Contract Usage. ~~[[The package shall be submitted to CICC for review and further processing.]]~~
2. >>Time-only change orders and amendments that do not include a request for increase of the original contract amount, for projects awarded under a current applicable expedite ordinance(s), will be processed for approval by the County Mayor or County Mayor's designee.<<

[[2]] >>3.<< ~~[[CICC]]~~ >>The<< client department (or ISD if it is the Department purchasing) < shall review the package and submit a recommendation to the County ~~[[Manager's]]~~ >>Mayor's<< Office for final review and approval. If the County ~~[[Manager]]~~ >>Mayor or designee<< determines that, based on ~~[[CICC's]]~~ >>_ISD's<< recommendation, the change order, amendment or modification is not eligible to be processed under ~~[[the Expedite Ordinance No. 00-104]]~~ >>a current applicable expedite ordinance<<, or deems it controversial or holding a special interest to the BCC, the documents shall be returned to the user department for processing as a regular Board ~~[[Agenda]]~~ >>agenda<< item.

[[3]] >>4.<< Upon approval by the County ~~[[Manager]]~~ >>Mayor<<, ~~[[CICC]]~~ >>_client department (or ISD if it is the Department purchasing) < shall file the documents with the Clerk of the Board and forward a copy to the ~~[[user department]]~~ >>client department<<.

[[4]] >>5.<< ~~[[CICC]]~~ >>_client department (or ISD if it is the Department purchasing) < shall prepare ~~[[the Expedite Ordinance No. 00-104 Project Ratification List on a quarterly basis]]~~ >>a Project Ratification List under a current applicable expedite ordinance<<, >>and<< present it >>on a quarterly basis<< to the appropriate committee for approval and subsequent submission to the BCC for ratification.

B. Change Order Memorandum Requirements

Change Order Memorandum requirements shall include, but not be limited to, the following:

1. The original cost estimate for the construction of the project.
2. A copy of the original Bid Tabulation for all bids received for the contract.
3. The time impact to the contract period (in days).
4. The cost impact to the contract value.
5. The classification of the type of change order in at least one of the following categories (multiple classifications are allowed):
 - a. **Regulatory Change:** change caused by revisions in federal, state or local regulations after contract award.
 - b. **Other Agency Requested Change:** change requested by other county, state or federal agency.
 - c. **Design Errors Change:** change caused by design errors on the part of the architect or engineer. The identity of the party believed to be responsible for the design error shall be stated.
 - d. **Design Omission Change:** change to include items necessary for the project that were inadvertently not included in the contract. This type of change differs from Design Errors Change, in that the County would have paid for such items if included in the original bid. The identity of the party believed to be responsible for the design omission shall be stated.
 - e. **County Requested Change:** change caused by revision in the County's programmatic requirements, operational requirements, or occupancy schedule after contract award.
 - f. **Unforeseen or Unforeseeable Change:** change such as differing sub-soil conditions, variation in location of hidden or underground utilities, unforeseeable environmental requirements or unavailability of specified product(s) due to manufacturer's discontinuance.
 - g. **Force Majeure:** an unexpected or uncontrollable event including, without limitation, storms, fires, floods, strikes, lockouts, and similar events..
 - h. **Escalation Change:** change caused by material price fluctuations triggering cost adjustments pursuant to contract provisions.

6. Cost Overruns or Underruns: a final balancing change order of those costs, which exceed or fall below the estimated contract amount.
7. The change order number (i.e., Change Order No. 1).
8. The word 'Final' when applicable (i.e., Change Order No. 2 and Final).
9. The history of previous change order requests to the contract.
10. Indication of the timely submittal by the contractor. If the change order was not timely submitted, the following statement must be included in the County Manager's memorandum: "The contractor did not submit this claim during the time provided in the contract for making claims. The Board of County Commissioners has no legal obligation to consider this claim."
11. The status of the allowance account including the original amount, any increases or decreases and the current balance.

This ~~[[Administrative]]~~ >>Implementing<< Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

~~[[Steve Shiver]]~~ >>Daniella Levine-Cava<<
~~[[County Manager]]~~ >>County Mayor<<

Approved by the County Attorney as to Legal Form and Sufficiency

Exhibit C

Implementing Order

Implementing Order No.: 3-68

Title: Use of locally headquartered businesses for the performance of professional architectural, landscape architectural, engineering, or surveying and mapping services

Ordered: [insert ordering date]

Effective: [insert effective date]

AUTHORITY:

The Miami-Dade County Home Rule Amendment and Charter including, among others, Sections 1.01 and 2.02(A) and Section 2-10.4 of the Code of Miami-Dade County, Florida (the "Code").

POLICY:

It is the policy of Miami-Dade County to promote the use of locally headquartered businesses in the purchase of services within the scope of this Implementing Order, consistent with a fair and transparent procurement process, all in accordance with the requirements of law.

SCOPE:

This Implementing Order establishes the process for the use of locally headquartered businesses in the County's purchases of services covered by the Consultants' Competitive Negotiation Act, Section 287.055 of the Florida Statutes (the "CCNA") and Section 2-10.4 of the Code of Miami-Dade County, as the same may be amended. This Implementing Order applies to all project specific, miscellaneous, and other awards of contracts. The Public Health Trust (PHT) shall be governed by this Implementing Order. The Strategic Procurement Department (SPD) and PHT are responsible for ensuring that the requirements are included in all applicable contracts, not including those issued through the Equitable Distribution Program (EDP). The Office of Small Business Development (SBD), or successor department, is responsible for including requirements in EDP contracts and for compliance and enforcement of such requirements on covered contracts.

ELIGIBILITY REQUIREMENTS

In addition to meeting the requirements set forth in Section 2-8.5, defining the term "Locally Headquartered Business," the following shall constitute eligibility requirements for a locally headquartered business:

1. A locally headquartered business must possess the necessary occupational license needed to conduct business in the State of Florida and in Miami-Dade County, must perform a commercially useful function (as such term is defined in Section 2-10.4.01 of the Code), must be prequalified pursuant to Section 2-10.4 of the Code and I.O. 3-39, category and with an actual place of business in Miami-Dade County.

2. The County will review firms undergoing recent changes in ownership, control, or location to ensure that the changes are the result of ordinary market considerations and that the firms perform commercially useful functions (as such term is defined in Section 2-10.4.01 of the Code).
3. Eligibility as a locally headquartered business shall be determined at the time of proposal submittal except for qualifying under the EDP as outlined herein. While a change in status as a locally headquartered business will affect the firm's future ability to participate as a locally headquartered business, the change of status shall not affect the award of the professional services agreement.

PROJECT REQUIREMENTS:

SPD shall develop, and SPD and PHT shall include within each Notice to Professional Consultants a Letter of Qualification (LOQ) substantially in the form of that attached as Exhibit A to this Implementing Order. The LOQ shall disclose the prime consultant and sub-consultants utilized for the locally headquartered business preference, and the prime's commitment as to the percentage of work to be performed (which will eventually equate to the percentage of dollars paid to sub-consultants) by the sub-consultants. The sub-consultants identified, and the subcontract amounts to be used, shall bear a reasonable resemblance to the County's planned project, as set forth in the applicable County planning document, including the use of the same Technical Certification categories.

SPD shall develop, and SPD and PHT shall include within each Notice to Professional Consultants an affidavit (the "Eligibility Affidavit"), substantially in the form of that attached as Exhibit B to this Implementing Order, to be provided for each prime and sub-consultant to be used for the locally headquartered business preference attesting to such firm's status as a current locally headquartered business.

SPD shall develop, and SPD and PHT shall include within each Notice to Professional Consultants, a Letter of Commitment (the "LOC") for each of the sub-consultants to be used for the locally headquartered business preference substantially in the form of that attached as Exhibit C to this Implementing Order. The LOC shall be executed by duly authorized representatives of the prime and sub-consultants and shall state the clear and irrevocable commitment of the prime to subcontract with the subcontractor the value of work indicated in the LOQ. Failure to submit a properly completed LOQ, Eligibility Affidavit or LOC in the manner required in the Notice to Professional Consultants may result in the firm not receiving locally headquartered business points.

Proposers may cure immaterial irregularities in the required documents, or equivalent, provided they are submitted not later than forty-eight (48) hours following written notification by SPD. Immaterial irregularities shall be those which, in the sole discretion of SPD, do not affect the assurances of agreements between the prime and sub-

consultant or the proposer's assurances to the County that the locally headquartered business measures will be met.

SPD and PHT shall review the documents submitted for compliance with applicable requirements. In the event of an irregularity, SPD may, but shall not be required to afford the proposer an opportunity for cure. SPD and PHT shall be entitled to reject any LOQ that contains a substantial deviation from the County's planned project as evident from the County's planning document. In such event, the proposer shall not be entitled to the points relevant to such identified irregularity.

SPD may, from time to time, modify the forms attached hereto as Exhibits A to C to elicit such additional information as SPD determines is necessary to accomplish the Board's objectives in granting a preference to locally headquartered businesses. To the extent such forms are updated, SPD and PHT shall ensure that the latest versions of such forms are appended to this Implementing Order and that the publicly available versions of this Implementing Order and forms are updated accordingly.

RESPONSIBILITY OF THE OFFICE OF SMALL BUSINESS DEVELOPMENT (SBD):

SBD shall be responsible for overseeing compliance with this Implementing Order. In addition to other duties set forth specifically in this Implementing Order, SBD shall:

1. Maintain any and all records relating to the use of locally headquartered businesses in contracts, including information relevant to such firm's compliance with the requirements of this Implementing Order.
2. Provide all administrative processes, written notices, dispute resolution and notices of decisions relating to this Implementing Order.
3. Commence all suspension proceedings for non-compliance with the locally headquartered business commitments under this Implementing Order.
4. SBD shall develop and maintain all EDP Registration with applicable affidavits (the "EDP Eligibility Affidavit"). Consultants registering as prime and sub-consultant to participate in the EDP program as locally headquartered businesses must execute an EDP Eligibility Affidavit attesting to the firm's status as a locally headquartered business.
5. SBD shall require all EDP Registered Members to submit an updated affidavit annually to affirm their firm's continuing eligibility status as a locally headquartered business. The EDP Eligibility Affidavit should be submitted on the anniversary date of their EDP Registration Approval.

COMPLIANCE AND MONITORING:

1. Subconsultant Agreements

The prime consultant shall enter a written subconsultant agreement with each Locally Headquartered Business corresponding in all respects to the completed LOQ and LOC and shall thereafter neither terminate any such subconsultant agreement, nor reduce the scope of work to be performed by or decrease the price to be paid to the Locally Headquartered Business, without in each instance obtaining prior written approval from the SBD Director. The prime consultant receiving a contract award from the County shall submit to SBD copies of the agreements with the Locally Headquartered Business.

2. Access to Records

In addition, the prime consultant shall permit the County to have access during normal business hours to books and records relating to the prime contractor's use of locally headquartered business subconsultants. This right of access shall be granted for one year after completion of the work for which the prime consultant received locally headquartered business preference or, if greater, for the period specified in the audit rights provision set forth in the applicable contract.

3. Access to Job Site

Prime consultant and Locally Headquartered Business shall permit the County to have access to project locations during normal business hours in order to conduct visual inspections and employee interviews.

4. Locally Headquartered Business Utilization Reporting

The prime consultant on a project with a Locally Headquartered Business preference shall report payments to subconsultants via the County's web-based system by completing all required Compliance Audits generated by the County's web-based system. All subconsultants must confirm the payments reported by the prime consultant via the web-based system.

5. Deviations from the Letter of Qualifications and / or Letter of Commitment

In the event that, during the performance of an agreement, the Locally Headquartered Business is not able to provide the services specified on the LOQ/LOC, the Prime consultant must utilize a Locally Headquartered Business to substitute for the unavailable Locally Headquartered Business, unless the respondent can prove to the satisfaction of the County the lack of an available Locally Headquartered Business to provide the services to be provided by the prior Locally Headquartered Business. The Prime consultant must receive approval for substitution from SBD. The request must be submitted via the County's web-based system to include the substitute Locally Headquartered Business.

SANCTIONS FOR VIOLATIONS:

The County may suspend a consultant from receiving any benefit as a locally headquartered business under the program, including its ability to receive points as a prime, or as a sub-consultant, to afford points to a prime, for a period of one year following a material violation of law or this implementing order. The SBD Director shall provide written notice of non-compliance with this Implementing Order to include associated sanctions.

In addition, the County may debar a consultant or sub-consultant for violation or non-compliance with the provisions of the County Code governing the program or this Implementing Order. Causes for debarment and the procedures set forth for debarment are set forth in Section 10-38 of the Code of Miami-Dade County.

APPEALS PROCESS:

Any firm issued a determination of noncompliance with the requirements of this implementing order may appeal such action by submitting a written request to the SBD Director along with a \$250.00 nonrefundable filing fee within 30 days of issuance of the notice. Upon timely receipt of a request for an administrative hearing, the SBD Director shall appoint a hearing officer pursuant to Section 8CC-2 of the Code of Miami-Dade County, Florida, and fix a time for an administrative hearing thereon. Such hearing officers may be paid a fee for their services, but shall not be deemed County officers or employees within the purview of Sections 2-10.2 or 3-11.1 of the Code, or otherwise.

Upon completion of the administrative hearing, the hearing officer shall transmit his/her findings of facts, conclusions and recommendations together with a transcript of all evidence taken before him/her or a recording of the hearing proceedings, and all exhibits received by him/her, to the County Mayor or designee, who (i) may sustain, reverse or modify the hearing officer's recommendations and (ii) shall render a final decision, in writing. The determination of the County Mayor may be reviewed by an appropriate court in the manner provided in the Florida Rules of Appellate Procedure.

The prevailing party shall not incur any additional expenses, fees, or penalties. The unsuccessful appellant shall be responsible for all additional fees, costs and penalties associated with the appeal.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Daniella Levine-Cava
County Mayor

Approved by the County Attorney as to Legal Form and Sufficiency



**MIAMI-DADE COUNTY
ARCHITECT-ENGINEER LETTER OF QUALIFICATIONS (LOQ)**

Exhibit A

(I) - PROJECT INFORMATION

ISD Project No.: _____ Measures Goal SBE /AE: ##% SBE/GS: #% No. of Addenda Received: _____
 Project Name: **TITLE**

Prime # 1 (II) - PRIME CONSULTANT INFORMATION

Name: _____ FEIN: _____ E-mail: _____
 Business Address: _____ Principal: _____ Phone: () - _____
 Contact Person's Name and Title: _____ Project Manager: _____ Fax: () - _____
 Assigned Personnel: _____

Locally Headquartered Business?
 Check Yes _ or No _
 Percentage of Work to be done by the Prime _ %

(III) - PROPOSED A/E SUB-CONSULTANT(S) INFORMATION

Sub #	Firm Name	FEIN	Assigned Personnel	Locally Headquartered Business	
				Yes or No	% of Work Assigned
2					
3					
4					
5					
6					
7					
8					
9					
10					

(IV) – A/E TECHNICAL CERTIFICATION REQUIREMENTS

(Please use Prime # and Sub # to identify each firm from Section II and III)

A/E Technical Certification Category	Prime #	Sub #
14.00 Architecture - PRIME		
18.00 Architectural Construction Management - PRIME		
11.00 General Structural Engineering		
12.00 General Mechanical Engineering		
13.00 General Electrical Engineering		
16.00 General Civil Engineering		
17.00 Engineering Construction Management		
20.00 Landscape Architecture		

(V) - PROPOSED NON-A/E SUB-CONSULTANT(S) INFORMATION

(Non-A/E firms shall not perform services described in a Technical Certification Categories)

No.			
a	Firm Name: _____	FEIN: _____	Phone: () - _____
	Address: _____		
b	Assigned Personnel: _____		
	Assigned Services: _____		
b	Firm Name: _____	FEIN: _____	Phone: () - _____
	Address: _____		
Assigned Personnel: _____			

	Assigned Services:		
c	Firm Name:	FEIN:	Phone: () -
	Address:		
	Assigned Personnel:		
	Assigned Services:		
d	Firm Name:	FEIN:	Phone: () -
	Address:		
	Assigned Personnel:		
	Assigned Services:		

(VI) - ABILITY OF TEAM MEMBERS TO INTERFACE WITH THE COUNTY

(VII) - RESUMES FOR ASSIGNED PERSONNEL

Attach resumes for assigned personnel identified on this LOQ.

(VIII) - LOCAL CERTIFIED VETERAN BUSINESS ENTERPRISE

A Local Certified Veteran Business Enterprise is a firm that is a) a local business pursuant to Section 2-8.5 of the Code of Miami-Dade County and b) is certified by the State of Florida Department of Management Services as a Service-Disabled Veteran Business Enterprise pursuant to Section 295.187 of the Florida Statutes, prior to proposal submittal. At the time of proposal submission, the Local Certified Service-Disabled Veteran Business Enterprise must affirm in writing its compliance with the certification requirements of Section 295.187 of the Florida Statutes and submit said affirmation and a copy of the actual certification along with the proposal submission.

Place a checkmark here only if the affirming proposer is a certified Local Certified Veteran Business Enterprise. A copy of the required certification must be submitted with the proposal.

(IX) - PRIME CONSULTANT ACKNOWLEDGEMENT

THE EXECUTION OF THE LOQ CONSTITUTES THE UNEQUIVOCAL OFFER OF PROPOSER TO BE BOUND BY THE TERMS OF HIS OR HER PROPOSAL. FAILURE OF AN AUTHORIZED PRIME FIRM REPRESENTATIVE TO SIGN THIS LOQ WHERE INDICATED BELOW, MAY RENDER THE PROPOSAL NON-RESPONSIVE OR INELIGIBLE FOR THE LOCALLY HEADQUARTERED BUSINESS PREFERENCE. HOWEVER, THE COUNTY MAY, IN ITS SOLE DISCRETION, ACCEPT ANY PROPOSAL THAT INCLUDES AN EXECUTED DOCUMENT WHICH UNEQUIVOCALLY BINDS THE PROPOSER TO THE TERMS OF HIS OR HER OFFER.

I hereby certify that to the best of my knowledge and belief all the foregoing information is true and correct.

Authorized Prime Consultant's Representative: _____ Title: _____
 (Print Name)

Signature Authorized Representative: _____ Date: _____



LOCALLY HEADQUARTERED BUSINESS AFFIDAVIT

SPD Project No. XXXXX

A firm (the “Applicant”) applying to be considered for the Locally Headquartered Business Preference for this solicitation must complete this affidavit, which will be used to determine eligibility for the Locally Headquartered Business Preference. If there is insufficient space for the Applicant to provide all requested information, please attach a separate sheet with any necessary supplementation. Should the County determine that the Applicant is eligible for the Locally Headquartered Business Preference, such preference shall be applied as described in the Notice to Professional Consultants.

Under Section 2-8.5 of the Code of Miami-Dade County, Florida (the “Code”), a “Locally Headquartered Business” is a “Local Business” (as that term is defined in Section 2-8.5(1)(c) of the Code) that has its “Principal Place of Business” in Miami-Dade County. A firm’s “Principal Place of Business” is determined based on the location of the “nerve center” of that firm’s operations, which is where the firm has its center of overall direction, control, and coordination of activities. For firms that only have a single location, that location will be treated as the “Principal Place of Business.”

1. Does the Applicant have more than one business location?
 Yes
 No

2. If “no” was selected on the previous question, is the single business location of the Applicant located in Miami-Dade County?
 Yes (please sign and submit the form; it is not necessary to complete the remainder of the form)
 No (please continue with the remainder of this form)

3. Please identify and provide the requested information for each of the key officer(s) responsible for the overall direction, control, and coordination of activities for the Applicant.

<u>Name</u>	<u>Title</u>	<u>Office Location</u> (Name of County)	<u>Home Location</u> (Name of County)

4. Please set forth the address of the Applicant's corporate headquarters.

Address: _____

5. If different from the address set forth in question (4), please set forth the address where day-to-day decisions regarding the Applicant's major policies, advertising, distribution, accounts receivable, and finance are made.

Address: _____

6. If different from the address set forth in question (4), please identify the location(s) where corporate records and bank accounts are kept.

Address: _____

Address: _____

7. Please set forth the address stated on the Applicant's articles of incorporation, operating agreement, partnership agreement, or similar corporate charter, identifying the Applicant's principal place of business.

Address: _____

8. Has a federal or state court ever determined, or has the Applicant ever asserted in judicial proceedings, that the Applicant is not a citizen of the State of Florida for jurisdictional purposes or that Miami-Dade County is not the place where the Applicant has, or usually keeps, an office for transaction of its customary business?

___ Yes (please provide a copy of the ruling or filing and, if circumstances have changed, explain in (9))

___ No

9. Please set forth any other information that the Applicant believes may be relevant to the County's determination of Principal Place of Business, as defined in the Code.

Comment: _____

[SIGNATURE ON FOLLOWING PAGE]

Witness

Print/Type Witness Name

Witness

Print/Type Witness Name

By: _____ (SEAL)
Applicant's Principal or Authorized Agent

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online acknowledgement this _____ day of _____, 20__, by _____ [name], as _____ [title]. S/He is personally known to me or has produced _____ as identification.

Notary Public, State of Florida

Print/Type Notary Name

Commission Number: _____

Commission Expires: _____



Letter of Commitment (LOC) Locally Headquarter Business (LHB) - Architectural & Engineering

THIS SECTION MUST BE COMPLETED BY PRIME PROPOSER

From: _____
Name of Prime Proposer

In response to Miami-Dade County's SPD Project Number _____, the undersigned hereby agrees to utilize the Locally Headquartered Business – Architectural & Engineering (AE) firm listed below, performing the A/E work at the percentage specified in the Letter of Qualification (LOQ) for the AE consultant identified below, if awarded the contract. The undersigned further certifies that the firm has been contacted and properly apprised of the projected work assignment(s) to be performed upon execution of the contract with Miami-Dade County.

*Name of Proposed LHB -AE Firm listed in the LOQ _____

Name of Locally Headquartered Business AE Firm Prime/Sub performing the percentage of work identified in the Letter of Qualification Form

I certify that the representations contained in this form are to the best of my knowledge true and accurate

Proposer's Signature

Proposer's Name/Title (Print)

(Date)

THIS SECTION MUST BE COMPLETED BY THE LHB/AE SUBCONSULTANT

ACKNOWLEDGMENT BY THE PROPOSED LHB – ARCHITECTURAL & ENGINEERING FIRM

The undersigned has reasonably uncommitted capacity sufficient to provide the required services, all licenses and technical certifications necessary to provide such services, the ability to provide such services consistent with normal industry practice, and the ability to otherwise meet the proposal specifications.

LHB/AE Subconsultant Signature

Date

LHB/AE Subconsultant Name (Print)

Title

Name of LHB/AE Firm