

Date: March 5, 2024

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

Agenda Item No. 8(A)(1)

From: Daniella Levine Cava
Mayor

Resolution No. R-174-24

Subject: Resolution Ratifying Contract Awarded Greater than \$1,500,000.00 in Value
Pursuant to Florida Statutes 332.0075(3)(b)(1)

Executive Summary

In accordance with Florida Statutes (FS) section 332.0075(3)(b)(1), this item seeks approval from the Board of County Commissioners (Board) to ratify a contract awarded by the Miami-Dade Aviation Department (the Aviation Department) in excess of \$1,500,000.00 for the provision of commodities and/or contractual services at Miami International Airport (MIA).

On July 1, 2023, Chapter 332.0075 of the FS was revised to require the ratification of any contract award on behalf of a commercial airport (considered as a large airport hub by the FAA) that exceeds \$1,500,000.00 for the provision of commodities and contractual services at the airport. Because the FAA has classified MIA as a large airport hub, this contract, which was awarded by the Aviation Department in excess of \$1,500,000.00 to provide commodities and/or contractual services at the airport, is subject to ratification by the Board.

On August 2, 2023, through the delegated authorities granted under Resolution No. R-1028-21 for the establishment of prequalification pools, the Aviation Department awarded Contract No. ITQ-MDAD-67621-JM to TK Airport Solutions, Inc. in the amount of \$15,290,198.40, which provides for the purchase, installation, and maintenance of pre-conditioned air and 400 Hz systems for 18 passenger boarding bridges at MIA. The funding mechanism for the awarded contract is described further below.

Recommendation

It is recommended that the Board ratify the contract itemized below that replaces the pre-conditioned air and 400 Hz systems for 18 passenger boarding bridges at MIA. The item seeks Board approval because Florida law now requires local governing bodies to ratify contracts awarded over \$1,500,000.00 for commodities and contractual services on behalf of a commercial airport classified by the Federal Aviation Administration (FAA) as a large airport hub (such as MIA). The contract described and identified in Exhibit A (as attached) is on today's agenda for Board review and approval.

Item No. 1

As mentioned previously, through the delegated authorities granted under Resolution No. R-1028-21, the Aviation Department awarded Contract No. ITQ-MDAD-67621-JM (ITQ) to TK Airport Solutions, Inc. in the amount of \$15,290,198.40 and issued a Notice to Proceed for the purchase, installation, extended warranty and support services of pre-conditioned air and 400 Hz

systems for 18 passenger boarding bridges at Gates F3, F5, F8, F9, F10, F11, F12, F14, F15, F16, F17, F18, F19, and F23 in Concourse F, and at Gates G4, G6, G16, and G19 in Concourse G. See Exhibit B as attached.

The ITQ was issued under full and open competition to the vendors that pre-qualified under Contract No. RTQ-01841-P (RTQ), Passenger Boarding Bridges, Group 1, which was established by the County in 2021 through Resolution Nos. R-1028-21 and R-1031-21. The RTQ was established to provide for the purchase of various products and services via future price competitions, including but not limited to, purchase and installation of new passenger boarding bridges under Group 1 of the solicitation, refurbishment of existing boarding bridges under Group 2, purchase of parts and supplies for passenger boarding bridges under Group 3, and repair and technical support services under Group 4.

The fiscal impact for the five-year term is \$15,290,198.40. The allocation requested under this contract includes work to be performed at 18 gates in Concourse F in the amount of \$12,088,824.00, maintenance services for a three-year term in the amount of \$1,992,492.00, and a ten-percent contingency in the amount of \$1,208,882.40. The funding source is MDAD's Passenger Facilities Charges Fund.

Scope

MIA is located within District 6, which is represented by Commissioner Kevin M. Cabrera, however, the impact of this item is countywide as MIA is a regional asset. See Exhibit A as attached.

Delegation of Authority

The County Mayor and/or County Mayor's designee is authorized to exercise all provisions contained in Contract No. No. ITQ-MDAD-67621-JM, including the termination provisions.

Fiscal Impact/Funding Source

The fiscal impact and funding sources to the County are detailed above and in Exhibit A, as attached.

Track Record/Monitoring

MDAD's Chief of Staff, Arlyn Rull Valenciaga, will oversee the ratification of the awarded contracts for commodities and contractual services as documented in this agenda item.

Background

On July 1, 2023, Chapter 332.0075 of the FS was revised to require the ratification of any contract award on behalf of a commercial airport (considered as a large airport hub by the FAA) that exceeds \$1,500,000.00 for the provision of commodities and contractual services at the airport. Because the FAA has classified MIA as a large airport hub, this contract, which was awarded by the Aviation Department in excess of \$1,500,000.00 to provide commodities and/or contractual services at the airport, is subject to ratification by the Board.

Exhibit A includes the details of the item for which ratification is being requested. Exhibit A contains the information bulleted below:

- Item No.
- Department Name
- Contract Type
- Contract /Amendment No.
- Contract Title
- Vendor Name
- Commission District
- Contract/ Amendment Amount No.
- Funding Source
- Operations and Maintenance Costs
- Estimated Start / End Date
- Contract Measures: Small Business Enterprise (SBE) Goods and Services; SBE-Architectural and Engineering (A/E); SBE-Construction; and Community Workforce Program (CWP)
- Brief Contract Description

Copies of the contract documents are available upon request from MDAD's Procurement and Materials Division.

Attachments

A handwritten signature in blue ink, appearing to read 'Jimmy Morales', is positioned above a horizontal line.

Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: March 5, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(A)(1)

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. 8(A)(1)
3-5-24

RESOLUTION NO. R-174-24

RESOLUTION RATIFYING, PURSUANT TO SECTION 332.0075(3)(B)(1), FLORIDA STATUTES, THE ACCEPTANCE AND EXECUTION OF CONTRACT NO. ITQ-MDAD-67621-JM AWARDED TO TK AIRPORT SOLUTIONS, INC. IN THE AMOUNT OF \$15,290,198.40 FOR THE PURCHASE, INSTALLATION, EXTENDED WARRANTY AND SUPPORT SERVICES FOR PRE-CONDITIONED AIR AND 400 HZ SYSTEMS FOR 18 PASSENGER BOARDING BRIDGES AT MIAMI INTERNATIONAL AIRPORT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED IN SAID CONTRACT, INCLUDING THE TERMINATION PROVISIONS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Adopts and incorporates the foregoing whereas clause as if fully stated herein.

Section 2. Ratifies, pursuant to section 332.0075(3)(b)(1), Florida Statutes, the acceptance and execution of Contract No. ITQ-MDAD-67621-JM (Contract) awarded to TK Airport Solutions, Inc. in the amount of \$15,290,198.40 for the purchase, installation, extended warranty and support services of pre-conditioned air and 400 Hz systems for 18 old and worn-down passenger boarding bridges at Miami International Airport (MIA) at Gates F3, F5, F8, F9, F10, F11, F12, F14, F15, F16, F17, F18, F19 and F23 in MIA Concourse F, and at Gates G4, G6, G16, and G19 in MIA Concourse G.

Section 3. Authorizes the County Mayor or County Mayor's designee to exercise all provisions contained in the Contract, including the termination provisions.

The foregoing resolution was offered by Commissioner **Kevin Marino Cabrera** , who moved its adoption. The motion was seconded by Commissioner **Juan Carlos Bermudez** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	absent	Eileen Higgins	absent
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of March, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK



By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Angela F. Benjamin

Exhibit A

Ratification of First Amendment Per Florida Statute 332.0075

Dept. Name	Contract Type	Contract/ Amendment No.	Contract Title	Vendor Name	Commission District	Contract/ Amendment Amount	Funding Source	O&M Costs	Est. Start Date		Contract Measures				Brief Contract Description
									Est. End Date	SBE Goods & Services	SBE A/E	SBE Construction	CWP Program		
MDAD	Request to Quality No. 01841-P	Contract No. ITQ-MDAD-67621-JM	Purchase, Installation, Extended Warranty & Support Services of Pre-Conditioned Air & 400Hz Systems at MIA	TK Airport Solutions, Inc.	Countywide	\$15,290,198.40	Passenger Facilities Charges Fund	N/A	Start Date: August 2, 2023 Completion Date: August 20, 2024		0.63%	N/A	15.69%	N/A	Purchase, install, and provide extended warranty and support services for pre-conditioned air and 400Hz systems for 18 Passenger Boarding Bridges at MIA in Concourse F, more specifically: Gates F3, F5, F8, F9, F10, F11, F12, F14, F15, F16, F17, F18, F19, and F23, and in Concourse G: Gates G4, G6, G16, and G19.
															MDC007

EXHIBIT B

May 26, 2023

Glenda Leake
TK Airport Solutions
3201 North Sylvania Avenue, Suite 117
Fort Worth, TX 76111

Re: Purchase, Installation, Extended Warranty and Support Services of Pre-Conditioned Air and 400 Hz Systems at MIA

Dear Ms. Leake,

In accordance with Sections 2-8.3 and 2-8.4 of the Code of Miami-Dade County and Implementing Order 3-21, this letter serves to notify you that your firm has been recommended for award of the referenced Project based on the bid submitted on May 4, 2023. Pursuant to the referenced legislation, the three (3) day protest period shall commence upon the filing of this recommendation to award with the Clerk of the Board. This contract award will be effective only in accordance with the conditions of the solicitation, which requires execution by both parties of the Notice to Proceed (NTP).

The value at award is **\$15,290,198.40**. This includes your base bid amount of **\$14,081,316.00**, and a **Contingency Allowance** in the amount of **\$1,208,882.40**. The contract term is 48 months, and the Project shall be completed within 384 calendar days. The SBD Requirements, which include the approval of the Utilization Plan in BMWS to identify the SBEs that will be utilized in this Project to meet the requirements under PART II, Section 2, Small Business Enterprise (SBE), have been received and are currently being reviewed by the County. The award is contingent upon following:

1. Submit Insurance Certificates listing the required coverage for Workers Compensation, Commercial General Liability, and Automobile Liability as required in PART II, Additional Terms, Section 3, Insurance Requirements, of the ITQ.
2. Submit a duly executed Performance and Payment Bond in an amount that represents 100% of contract awarded amount as required under Section 4, Performance/Payment Bond Required, of the ITQ.
3. Sign and return Non-Collusion Affidavit (Attachment 1) attached to this award letter.
4. **VERIFICATION OF EMPLOYMENT ELIGIBILITY (E-VERIFY)**
By entering the Contract, the Awarded Bidder becomes obligated to comply with the provisions of Section 448.095, Florida Statute, titled "Verification of Employment Eligibility." This includes but is not limited to utilization of the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of all newly hired employees by the Awarded Bidder effective, January 1, 2021, and requiring all Subcontractors to provide an affidavit attesting that the Subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. Failure to comply may lead to termination of this Awarded Bidder, or if a Subcontractor knowingly violates the statute, the subcontract must be terminated immediately. Any challenge to termination under this provision must be filed in the Circuit Court no later than twenty (20) calendar days after the date of termination. If

this Contract is terminated for a violation of the statute by the Awarded Bidder, the Awarded Bidder may not be awarded a public contract for a period of one year after the date of termination, and the Awarded Bidder may be liable for any additional costs incurred by the County resulting from the termination of the Contract. Public and private employers must enroll in the E-Verify System (<http://www.uscis.gov/e-verify>) and retain the I-9 Forms for inspection

The preceding Documents are required as outlined within the RTQ project specification. They must be submitted to the Aviation Department within **5 business** days of receipt of this letter.

This letter shall also serve as a reminder that all work must be performed in accordance with the scope of work and contract terms and conditions, all permits and inspections and in accordance with all applicable Federal, State, and local laws, codes and regulations.

Should you have any questions please contact Juliana Manjarres at 305-869-3010 or via email at jmanjarres@flymia.com.

Thank you,

Juliana Manjarres
Aviation Contracts Analyst



Notice to Proceed



Miami-Dade Aviation Department
P.O. Box 592975
Miami, Florida 33159
T 305-876-7000 F 305-876-0948
www.miami-airport.com
miamidade.gov

Date: August 2, 2023

To: Glenda Leake
TK Airport Solutions

Re: Notice to Proceed for ITQ No. MDAD-67621-JM
Purchase, Installation, Extended Warranty and Support Services of Pre-Conditioned Air and 400 Hz Systems at MIA

Dear Ms. Leake:

This letter will serve as your notification that you are to proceed with the work described in ITQ No. MDAD-67621-JM effective August 2, 2023, and that all work must be completed on schedule and in accordance with the contract documents. The time allotted for the contract is 384 consecutive calendar days. In the event the project is not completed by the scheduled completion date and a time extension has not been granted, your firm shall be subject to any liquidated and or stipulated damages as defined in the contract documents for this project.

The complete execution of this notice to proceed shall constitute a contract for the work described in the subject ITQ under Pool No. RTQ-01841. Failure to properly execute and return this document within five (5) calendar days of the date of this letter may result in the County rescinding the award to your firm.

The terms and conditions applicable to this contract are in Pool No. RTQ-01841, and the totality of the contract documents (including but not limited to the ITQ including any special provisions contained therein, drawings and specifications, addenda, and any contract modifications or change orders etc.).

This letter will also serve as a reminder that all work must be performed in accordance with the contract documents and in accordance with all applicable Federal, State and local laws, codes and regulations. In accordance with the contract procedure, the enclosed Miami-Dade County Aviation Department Purchase Order Release Numbers are 0000057909 and 0000057911.

The Project Schedule to be completed under the scope of this project and to the level of detail required by MDAD to adequately track the progress of the work is attached for reference. An updated Project Schedule with narrative shall be submitted pursuant to Part III, Section 3 ("Schedule, Time Period") of the ITQ.

A pre-installation meeting shall take place within seven (7) days after award and progress report meetings will be scheduled when and if required, to provide the owner updates on equipment delivery, installation and all upcoming work.

If you have any questions, please contact the MDAD Project Manager assigned, Eugene Strozier, at 305-876-0270 or email estrozier@flymia.com.

Regards,
Juliana Manjarres
Aviation Procurement Analyst

MDC011



TO BE COMPLETED BY THE CONTRACTING FIRM

I understand and accept the terms and conditions for the ITQ No. AV-67621-JM referenced above **and hereby acknowledge the Notice to Proceed date of August 2, 2023.**

Accepted by: Company Name: TK Airport Solutions, Inc.

Authorized Representative Name: Manuel Torres, President; Brooke Smiddy, Secretary

Authorized Representative Signature: *Manuel Torres* *Brooke Smiddy* Date: 8/3/23

The foregoing was sworn and subscribed before me this 3rd day of August, 2023

by Judy Davila, who is personally known to me or who has

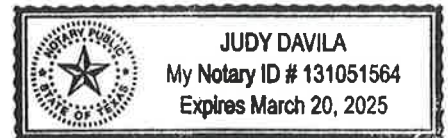
produced _____ as identification who being duly sworn, deposes and says

that the above is true to the best of his knowledge, information and belief.

My Commission expires: 03/20/2023

NOTARY PUBLIC
STATE OF ~~FLORIDA~~
Texas

Judy Davila



Note: Whoever is signing above is authorized to bind the corporation and must be an officer of the corporation as verified through the Florida Division of Corporations.