




Memorandum



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To: The Honorable Daniella Levine Cava, Mayor, Miami-Dade County
The Honorable, Oliver G. Gilbert, III, Chairman
and Members, Board of Commissioners, Miami-Dade County

From: Felix Jimenez, Inspector General 

Date: February 27, 2024

Subject: OIG Final Audit Report – Miami-Dade Parks, Recreation and Open Spaces Department's Utilization of the County's Miscellaneous Construction Contracts Program; Ref: IG21-0003-A

Attached please find the above-captioned final report issued by the Miami-Dade County Office of the Inspector General (OIG). The audit focused on the Parks, Recreation and Open Spaces Department's (PROS) utilization of the County's Miscellaneous Construction Contracts (MCC) Program. More specifically, we evaluated PROS compliance with the solicitation and award processes, its adherence to the rotational policy for procuring emergency services, its compliance with the contract change order submission and approval process, and its compliance with the County's Prompt Payment Policy. This report is the third in a series of audits that the OIG is conducting relating to the MCC 7040 and 7360 Plans.

This report, as a draft, was provided to PROS and the Office of Small Business Development (SBD) for their discretionary written responses. The report contains two findings, one observation and two recommendations. All of the recommendations have been accepted by PROS. SBD advised that it would not be providing a response. PROS' response is attached to the final report as Appendix A.

The OIG would like to thank the staffs of PROS and SBD for their cooperation and for the courtesies extended to the OIG throughout this audit. For your reading convenience, an Executive Summary follows.

Attachment

cc: Carladenise Edwards, Chief Administrative Officer, Office of the Mayor
Maria I. Nardi, Director, Parks, Recreation and Open Spaces Department
Gary T. Hartfield, Director, Office of Small Business Development
Namita Uppal, Director, Strategic Procurement Department
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OIG EXECUTIVE AUDIT SUMMARY

Audit of the Parks, Recreation and Open Spaces Department's (PROS) Utilization of the County's Miscellaneous Construction Contracts Program

The Office of the Inspector General (OIG) initiated an audit of the Parks, Recreation and Open Spaces (PROS) utilization of the County's Miscellaneous Construction Contracts (MCC) Program for emergency and non-emergency construction projects. The MCC Program is a construction program that enables user departments to solicit construction projects, facility repairs, neighborhood improvements, and emergency repairs and maintenance work up to \$5 million. The MCC Program consists of the 7040 and the 7360 Plans and establishes an Emergency Response Team (ERT) for emergency projects and repairs. Both the MCC Program and the ERT Pool are administered by the Office of Small Business Development (SBD).

The purpose of this audit was to assess PROS' utilization of the MCC Program's 7040 and 7360 Plans and the ERT Pool. Specifically, we evaluated PROS' compliance with the solicitation and award processes, its adherence to the ERT rotational policy, its compliance with the contract change order submission and approval process, and its compliance with the County's Prompt Payment Policy. The audit also focused on SBD's monitoring for departmental compliance. The OIG tested 25 out of 136 contract awards (Requests for Price Quotes) made during our 2-year period of review.

Overall, PROS' utilization of the MCC Program generally complied with the MCC policies, procedures and requirements. Based on our testing of the project files, we noted that the scope of work described in the RPQs had sufficient detail for pricing the jobs, change order justifications and applicable approvals were noted, and the contractor invoices tied to the actual work performed and matched the request/PO for the contractor services. The OIG did not find any deficiencies with contractor registration and election to participate in the ERT Pool. Additionally, PROS timely contacted SBD on the award of emergency contracts, notified all required bidders of non-emergency contract awards, and copied the Clerk of the Board, where applicable.

PROS Compliance with the MCC Program (Excluding Blanket Contracts)

	Emergency Contracts	Non-Emergency Contracts
Registered and active County vendors	✓	✓
SBE contractors (IO 3-53)	✓	One non-SBE contractor
Maintained occupational and professional licenses (IO 3-53)	✓	✓
Required number of contractors contacted per solicitation amount (IO 3.53)	n/a	✓
Ample time for bidders to respond per Florida Statute Section 255.0525(2)	n/a	13 of 15 projects*
Justification and reasonableness for change order (IO 3-53)	✓	✓
Change orders with proper authorization level per dollar value (IO 3-53)	✓	✓

*Note: Two exceptions were noted. PROS explained as follows; 1) staff error in calculated number of days to submit bids' and 2) compressed project schedule.

OIG EXECUTIVE AUDIT SUMMARY

Audit of the Parks, Recreation and Open Spaces Department's (PROS) Utilization of the County's Miscellaneous Construction Contracts Program

This audit report contains two findings, two recommendations, and one observation.

Finding 1 entails the absence of proper documentation in the PROS' emergency project files that indicates compliance with the ERT rotational policy. While three of the five project files tested did contain a copy of the Capital Improvement Information System (CIIS) rotation list, the awarded contractors were not selected from the top of the list. For the remaining two projects, the CIIS rotation list was not evident. While the inclusion of the CIIS rotation list in the project files is not a requirement of Implementing Order (IO) 3-53, it is the most authoritative document that can demonstrate that the rotational policy was adhered to. PROS agreed and responded that saving a copy of the rotation list in the files is a good practice. PROS also advised that it has and will adhere to the ERT rotational policy by contacting the contractors in the order listed on the CIIS rotation list.

Finding 2 addresses PROS' blanket contract procurements and awards. In one of the five contracts reviewed, the awarded contractor's bid was incomplete in that no sub-totals were provided, and its grand total was approximately off by \$50,000 (\$84,606.00 vs. \$24,044.53). PROS staff completed the mathematical calculations for the vendor to derive to a bid amount of \$24,044.53. Two months after the award date, 43 of the 54 line items were revised through negotiation and the grand total bid amount was revised to \$23,606. PROS Contract Administration Manager explained that the awarded contractor's bid was considered complete since each line item had a unit price listed. As for the lower bid amount after the awarded date, the Manager stated that the bid was unbalanced, thus staff negotiated for lower unit prices. The OIG believes that an incomplete and unbalanced bid should have been cause to reject the bid in the first place. PROS advised that it will ensure its Contracts Administration staff continue to comply with both the IO and RPQ requirements, that bid forms are complete, and that awards are made to the lowest priced, responsive, and responsible bidder.

Observation 1 addresses PROS' noncompliance with the County's Prompt Payment Policy, which requires payment to SBE contractors be within 14 days of receipt of the invoice on amounts not in dispute for services procured from the 7040 Plan. (Payments to SBE-certified contractors for work procured under the 7360 Plan must be made within 30 days.) Over half of the 7040 projects' invoices tested were paid between 15 days and 69 days. The OIG did not test invoice payments under the 7360 Plan, which is an unrestricted pool open to both SBE and non-SBE firms, where the 14-day prompt payment policy does not apply. The OIG noted PROS' recent improvement in its payment processing, and we encouraged that this trend will continue. PROS advised that it is reinforcing payments to be made within 14 days and it will complete another study to focus on accessing and enhancing the construction payment requisition turnaround process.

MIAMI-DADE COUNTY

OFFICE OF THE INSPECTOR GENERAL



FINAL AUDIT REPORT

*Audit of Miami-Dade Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program*

IG21-0003-A
February 27, 2024

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT
*Audit of the Miami-Dade Parks, Recreation and Open Spaces Department's
Utilization of the County's Miscellaneous Construction Contracts Program*

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	RESULTS SUMMARY	1
III.	AUDITEE RESPONSE(S) AND OIG REJOINDER	4
IV.	TERMS USED IN THE REPORT	4
V.	OIG JURISDICTIONAL AUTHORITY	5
VI.	BACKGROUND	5
VII.	OBJECTIVES, SCOPE AND METHODOLOGY	11
VIII.	OIG AUDIT FINDINGS AND RECOMMENDATIONS	13
	FINDING 1: Documentation demonstrating compliance with the ERT rotational policy was missing from the sampled project files.	13
	FINDING 2: A Blanket Contract was awarded to a contractor whose bid was incomplete and should have been considered non-responsive	18
	OBSERVATION 1: Several payments to contractors did not comply with the County's Prompt Payment Policy.	20
IX.	CONCLUSION	23
	OIG SCHEDULE A – PROS MCC Sample Projects	
	EXHIBIT 1 – Blanket Contract Initial Bid and Revised Bid	
	APPENDIX A – PROS Response to Draft Audit Report	

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT
Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program

I. INTRODUCTION

The Office of the Inspector General (OIG) initiated an audit of the Miami-Dade County Parks, Recreation and Open Spaces (PROS) utilization of the County's Miscellaneous Construction Contracts (MCC) Program for emergency and non-emergency construction projects. Implementing Order (IO) 3-53 establishes the MCC Program.¹ The MCC Program is a construction program that enables user departments to solicit construction projects, facility repairs, neighborhood improvements, and emergency repairs and maintenance work, up to \$5 million. The MCC Program consists of the 7040 and the 7360 Plans and establishes provisions for the Emergency Response Team (ERT) projects. The ERT is a sub-pool of the MCC 7040 and 7360 Plans and consists of pre-approved contractors called to respond to urgent and unforeseen repairs or construction work where life, health, safety, community welfare or preservation of public property are affected. Both the MCC Program and the ERT Pool are administered by the Office of Small Business Development (SBD).

The purpose of this audit was to assess PROS utilization of the MCC Program's 7040 and 7360 Plans and the ERT Pool, as well as SBD's monitoring for departmental compliance. Specifically, we evaluated PROS compliance with the solicitation and award processes, its adherence to the ERT rotational policy, its compliance with contract change order submission and approval process, and its compliance with the County's Prompt Payment Policy. PROS is one of several departments selected by the OIG for audit of its use of the MCC Program. For the two-year period reviewed, PROS had a total of 136 MCC projects totaling \$37.55 million.

The OIG has initiated a multi-phase audit to evaluate departmental compliance concerning the utilization of the MCC Program, including both emergency and non-emergency projects. This audit is the third segment in the OIG's review of the MCC Program. The first two segments included auditing the Miami-Dade Fire and Rescue Department (MDFR) and the Public Housing and Community Development Department (PHCD) in their use of the ERT Pool. This audit focuses on PROS use of both emergency and non-emergency construction contracts procured under the MCC 7040 and 7360 Plans, as well as SBD's monitoring for compliance within the MCC Program.

II. RESULTS SUMMARY

Overall, PROS' utilization of the MCC Program generally did comply with the MCC policies, procedures and requirements. Based on our testing of the project files, we noted that the scope of work described in the RPQs had sufficient detail for pricing the jobs,

¹ Implementing Order No. (IO) 3-53, along with the Miami-Dade County Code Section 2-8.2.7.01 and Section 10-33.02, establish the guidelines and requirements for the overall MCC Program.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL AUDIT REPORT

Audit of the Parks, Recreation and Open Spaces Department's (PROS) Utilization of the County's Miscellaneous Construction Contracts Program

change order justifications and applicable approvals were noted, and the contractor invoices tied to the actual work performed and matched the request/PO for the contractor services. The OIG did not find any deficiencies with contractor registration and election to participate in the ERT Pool. Additionally, PROS timely contacted SBD on the award of emergency contracts, notified all required bidders of non-emergency contract awards, and copied the Clerk of the Board, where applicable.

Table 1 below further highlights our review where PROS was in compliance with the MCC Program, IO 3-53, and Florida Statutes Section 255.0525(2).² This table excludes the testing of blanket contracts, which was reviewed under different criteria. (See Finding 2 for further details on blanket contracts.)

Table 1: PROS Compliance with the MCC Program (Excluding Blanket Contracts)

	Emergency Contracts	Non-Emergency Contracts
Registered and active County vendors	✓	✓
SBE contractors (IO 3-53)	✓	One non-SBE contractor
Maintained occupational and professional licenses (IO 3-53)	✓	✓
Required number of contractors contacted per solicitation amount (IO 3.53)	n/a	✓
Ample time for bidders to respond per Florida Statute Section 255.0525(2)	n/a	13 of 15 projects*
Justification and reasonableness for change order (IO 3-53)	✓	✓
Change orders with proper authorization level per dollar value (IO 3-53)	✓	✓

*Note: Two exceptions were noted. PROS explained as follows; 1) staff error in calculated number of days to submit bids; and 2) compressed project schedule.

This audit report contains two findings, two recommendations, and one observation. The findings and observation stem directly from our testing of PROS' utilization of both the ERT Pool and the blanket contracts, both under the MCC 7040 Plan. For the period reviewed, PROS utilized both the MCC 7040 and 7360 Plans for its emergency and non-emergency construction projects.

² Florida Statutes Section 255.0525(2), *Advertising Competitive Bids or Proposals*, requires that construction projects costing more than \$200,000 be publicly advertised at least 21 days from the bid advertisement date to the bid opening date and at least five (5) more days prior to the scheduled pre-bid conference. Additionally, construction projects costing more than \$500,000 be publicly advertised at least 30 days from the bid advertisement date to the bid opening date and at least five (5) days prior to the scheduled pre-bid conference.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL AUDIT REPORT

Audit of the Parks, Recreation and Open Spaces Department's (PROS) Utilization of the County's Miscellaneous Construction Contracts Program

Finding No. 1 describes the absence of proper documentation in the PROS' emergency project files that indicates compliance with the ERT rotational policy. While three of the five project files tested did contain a copy of the Capital Improvement Information System (CIIS) rotation list, the awarded contractors were not selected from the top of the list. For the remaining two projects, the CIIS rotation list was not evident. Explanations noted for the awards were that the contractor was already on site for another project, the contractor being familiar with the site, and the contractor being nearby at another location. In the absence of complete and accurate documentary evidence, the OIG is unable to determine whether the contracts awarded were selected on a rotational basis. Maintaining a copy of the CIIS rotation list in the project files is not a requirement of IO 3-53, however, the OIG believes that it should be included as an authoritative document that demonstrates that the rotational policy was adhered to.

Finding No. 2 addresses PROS' blanket contract procurements and awards. In one of the five contracts reviewed, the awarded contractor's bid was incomplete and should have been found nonresponsive. Specifically, the total amount written (\$84,606.00) and the calculated amount (\$24,044.53) did not agree. Additionally, the line-item sub-totals were missing and two months after the award date, the bid amount was revised to \$23,606. The PROS Contract Administration Manager explained that the awarded contractor bid was considered complete since each line item had a unit price listed, even though there were no sub-totals by line item or sub-totals by section. (The bid form contained ten separate sections.) As for the lower bid amount after the awarded date, the Manager stated that the bid was imbalanced, thus staff negotiated for lower unit prices. An incomplete and unbalanced bid should have been cause to reject the bid in the first place.

Observation No. 1 describes PROS' noncompliance with the County's Prompt Payment Policy, which requires payment to SBE contractors within 14 days of receipt of the invoice on amounts not in dispute. Over half of the 7040 projects' invoices tested were paid between 15 days and 69 days. The OIG did not test invoice payments under the 7360 Plan, which is an unrestricted pool open to both SBE and non-SBE firms, where the 14-day prompt payment policy does not apply. We also note PROS' recent improvement in its payment processing. We are encouraged that this trend will continue.

PROS acknowledged the missing CIIS rotational list in project files, the award methods for both the emergency and blanket contracts, and the delays in payments to its contractors. The OIG recommends that PROS administration properly retrain its project management staff on the requirements of the IO.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL AUDIT REPORT

*Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program*

III. AUDITEE RESPONSE AND OIG REJOINDER

The OIG provided this report, as a draft, to PROS and SBD for their review and comments. PROS provided a written response, which is included in its entirety in Appendix A. SBD replied via email stating that "The Office of Small Business Development will not be providing a response."

PROS responded positively to our recommendations stating that it agreed that saving the CIIS ERT rotational list in all project files is a good practice and one which will be consistently implemented as part of its internal processes. Regarding adhering to the CIIS rotational policy and contacting the contractors in the order listed on the CIIS rotation list, PROS advised that its staff is encouraged to select different contractors for each emergency project and that it is in very rare circumstances there is sufficient justification to use the same ERT contractor for multiple emergency projects. PROS further advised that it has and will adhere to the ERT rotational policy by contacting the contractors in the order listed on the CIIS rotation list (Finding 1, Recommendation 1).

For the blanket construction contract that was awarded to a contractor whose bid was incomplete and should have been considered non-responsive, PROS advised that it will ensure its Contracts Administration staff continue to comply with both the IO and RPQ requirements, that bid forms are complete, and that awards are made to the lowest priced, responsive, and responsible bidder (Finding 2, Recommendations 2).

Regarding payments made after the required County's 14-day Prompt Payment Policy, PROS advised that it is reinforcing payments to be made within that timeframe and it will conduct another payment improvement study within the fiscal year to focus on assessing and enhancing the construction payment requisition turnaround process (Observation 1).

Excerpts of PROS' response are included in the body of the report (*in italics*) at the end of each related finding and/or recommendation.

IV. TERMS USED IN THE REPORT

Board	Board of County Commissioners
CIIS	Capital Improvement Information System
County	Miami-Dade County
ERT	Emergency Response Team
IO	Implementing Order
MCC	Miscellaneous Construction Contracts
NTP	Notice to Proceed

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL AUDIT REPORT

Audit of the Parks, Recreation and Open Spaces Department's (PROS) Utilization of the County's Miscellaneous Construction Contracts Program

PROS	Parks, Recreation and Open Spaces
RPQ	Request for Price Quote
SBD	Small Business Development
SBE	Small Business Enterprise

V. OIG JURISDICTIONAL AUTHORITY

In accordance with Section 2-1076 of the Code of Miami-Dade County, the Inspector General has the authority to make investigations of County affairs; audit, inspect and review past, present and proposed County programs, accounts, records, contracts, and transactions; conduct reviews and audits of County departments, offices, agencies, and boards; and require reports from County officials and employees, including the Mayor, regarding any matter within the jurisdiction of the Inspector General.

VI. BACKGROUND

MCC Program Overview

On November 3, 2009, the Board of County Commissioners (Board) codified the MCC Program, via Ordinance No. 09-101, to create a permanent procurement vehicle to expedite construction contracting and to further enhance contracting opportunities for certified Small Business Enterprise (SBE) – Construction firms. The MCC Program was historically administered as two separate renewable contracts that competitively bid small construction projects. Upon codification, the MCC Program became a permanent program subject to expenditure reauthorizations approved by the Board periodically.

The MCC Program comprises of the 7040 and 7360 Plans. The 7040 Plan is a 100% set-aside pool for SBE construction firms. The 7360 Plan is an open non-restricted pool for all construction firms and is to be used when funding sources prohibit procurement restrictions, such as set-asides, or when there are not sufficient firms available in the 7040 Plan. SBD is responsible for promoting and administering the MCC Program. County Code Section 2-8.2.7.01 and Section 10-33.02,³ as well as IO 3-53, establish the guidelines and requirements for the overall MCC Program.

The MCC Program is the primary contracting vehicle to award contracts for new construction, renovations, repairs, and maintenance projects with a maximum value up to \$5 million. The MCC Program is administered under IO 3-53, which includes the process for registering and pre-qualifying contractors and awarding contracts

³ County Code Section 10-33.02 establishes the Small Business Enterprise Construction Services Program and sets forth the requirements for construction firms seeking SBE certification.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT
Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program

competitively via Requests for Price Quotes (RPQs). IO 3-53 also allows for non-competitive contract awards in emergencies. All MCC Program construction projects, including emergency projects, are tracked using the County's Capital Improvements Information System (CIIS).

Contractors are required to maintain a valid Miami-Dade County Certificates of Competency and/or State of Florida licenses. Payment and Performance Bond or Bid Bonds are required for contracts greater than \$200,000 or federally funded contracts equal to or greater than \$100,000. IO 3-53 allows for SBD to determine whether Payment and Performance Bonds or Bid Bonds are appropriate for projects with an estimated contract value of less than \$200,000.

MCC 7040 & 7360 Non-Emergency, Competitive Award Process

MCC 7040 and 7360 projects are procured through an RPQ, which refers to the solicitation document issued by the county department. The RPQ contains an estimated contract value, a work scope, project name and location, contractor requirements, and plans and specifications. The RPQ also includes a bid form and the request to submit prices and other necessary information. The RPQ package is then forwarded to SBD for its review for compliance with IO 3-53, Florida Statutes, contract dollar value, scope of work, the required contractor licenses (trade categories), and application of SBE measures.⁴ Once approved, SBD creates a bidders list in CIIS, which is attached to the RPQ and returned to the requesting department. The bidders list is based on the contract requirements, contractor rotational position,⁵ and SBE goals, if applicable.

RPQs issued under the 7040 Plan are not publicly advertised and only SBE firms registered under the 7040 Plan are eligible to bid. The user department sends the RPQ solicitation to the SBE contractors on the bidder list. The number of SBE contractors solicited for bids is based on the RPQ dollar value, which is noted in Table 2 on the next page.

⁴ According to the SBD Section Chief, even though the 7040 pool is restricted to SBE construction firms, SBE goals on particular projects may be less than 100% based on estimated projects cost, contractor trades, scope of work, contract minimum requirements, and availability of contractors. For 7360 Plan projects, even though the pool itself is not restricted, SBD may determine that a SBE goal (by percentage) may be appropriate for a particular project.

⁵ IO 3-53 states that the SBD's Contractor Rotation Policy is intended to distribute contracts equitably among contractors registered in the 7040 and 7360 Plans based on the number of prior contracting opportunities within the plan and contract awards. The contractor rotation process establishes the placement of each contractor for future RPQs. Once SBD approves a contractor to participate in the 7040 Plan and its profile is complete in the CIIS, the system will allocate the placement of that contractor based on a rotation factor.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL AUDIT REPORT

Audit of the Parks, Recreation and Open Spaces Department's (PROS) Utilization of the County's Miscellaneous Construction Contracts Program

Table 2: No. of Firms provided per MCC 7040 Project Contract Value (per I.O. 3-53)

RPQ \$Value	Bidder List of Firms in Primary License Category	Solicitation	Award
<= \$10,000	4 or more firms	No Competitive bid - Based on contractor rotational position	Responsive and Responsible
\$10,001 to \$200,000	10 or more firms	Competitive bid - Based on contractor rotational position	Responsive and Responsible
\$200,001 to \$5,000,000	All registered firms	Competitive bid	Responsive and Responsible

Source: Implementing Order 3-53

For 7360 Plan solicitations, SBD reviews the RPQ to determine whether SBE measures may be required. The MCC 7360 Plan is used when the funding source (e.g., federal funding) does not allow for a set-aside or when a 100% SBE goal is not attainable. RPQs are advertised publicly and are open to all contractors; however, to be awarded, the contractor has to be registered within the MCC Program.

Under both Plans, the Cone of Silence begins when the contractors are notified of the RPQ and ends when the recommendation of award is signed. Projects are awarded to the lowest priced responsive and responsible bidder. Awards from \$25,000 to \$250,000, are posted by the user department on the County's website and notification is sent to all bidders. Awards above \$250,000 are filed by the user department with the County's Clerk of the Board. Additionally, all bidders are notified of the award. The user department approves and executes the contract award, and SBD approves the corresponding purchase order. After required insurances are verified, the Notice to Proceed (NTP) is issued and contractor work may begin.

Change orders may result in an increase or decrease to the contract award amount or a time extension to the project's completion date. While change orders are prepared and approved at the department level,⁶ SBD will review the project's progress to ensure that SBE goals are being met. Contracts with SBE measures must meet at least 85% of the SBE goal on the work completed to date prior to approving the contract amendment for a change order. If not, explanatory information as to why the goal was not achieved or steps to meet the goals must be provided by the contractor and the user department.

⁶ Change orders less than 15% of the contract value and/or time extension are required to be approved by the user department project manager and assistant director. Change orders between 15% and 25% are required to be approved by the user department project manager and director. Change orders greater than 25% of the contract value or time extension require the approval of the user department project manager and the Deputy Mayor.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT
Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program

PROS' Internal Solicitation and Award Process

Once a need for a construction project and/or facility repair is determined, a project's scope and estimated cost is developed. The project is then assigned to a project manager who visits the project site, updates and revises the scope as needed, and determines whether any logistical constraints need to be addressed. If design plans are required, PROS hires a design consultant using one of the County's various procurement methods.

Upon receiving its now-approved RPQ package back from SBD, PROS Contract Administration staff will email the contractors on the bidders list a link to all the RPQ documents. If deemed necessary, the RPQ solicitation will provide information on whether there is a mandatory or voluntary pre-bid meeting, which may be at the project site, where potential bidders can ask questions about the project.

Interested contractors submit their bids to the designated PROS Contract Administration staff via email by the bid due date. PROS then notifies SBD of the bids received by adding each bid received and amount to the bid tabulation form in CIIS. For 7040 projects where the SBE goal is 100%, bidders must submit a *Certificate of Assurance* that acknowledges their understanding of the requirements of the project and their commitment to meeting the goals assigned to the project.⁷ The award recommendation is approved by the PROS Deputy Director or designee. SBD is also notified of the award recommendation. At the time of the award, the contractor must provide the appropriate insurance documentation. All contract documents are created and/or uploaded into CIIS.

Once construction begins, the project manager conducts weekly construction meetings with the contractor and PROS' Parks Operations Division staff (aka Shops). The project manager reviews the construction schedules and confirms that all inspections are completed and that assigned SBE goals are being met. Prior to the issuance of an invoice or payment requisition, the contractor provides the project manager with a draft payment requisition. The project manager conducts a walkthrough of the work site and verifies that the work being invoiced was completed.

When needed, change orders are prepared by the project manager, who will include a written description and justification for the change order. The change order is forwarded to the Capital Procurement Division Chief or designee for review and approval. The change order is uploaded into CIIS after the budgeted amount is verified and approved

⁷ See footnote 4 previously referenced.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT
Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program

by County's Office of Budget Management. All change orders must be processed in CIIS and reviewed and approved by SBD before execution.

PROS' Blanket Contracts Procurement and Award Process

Based on the typical and frequent contracting services required by PROS, the department establishes blanket contracts that it can access over a period of time for discrete repairs and project needs. Blanket contracts are single trade contracts that are work order driven and involve services such as fence installation and repairs, court resurfacing, and roof repairs for a particular location or region. Blanket contracts are competitively procured under the MCC 7040 Plan using RPQs; there are no sub-pools designated for participation. Blanket contracts normally have a maximum dollar threshold (currently \$95,000) and are rebid on a yearly basis or earlier if funds are depleted.

Blanket contract RPQs are reviewed by SBD in the same manner as any other MCC RPQ. SBD provides a bidders list of eligible SBE contractors to solicit quotes from. The contractors bid via "line-item" components that are aggregated to a grand total. The responsible contractor having the lowest overall responsive bid is awarded the blanket contract for up to \$95,000.

According to PROS Contractor Administration staff, repair work is requisitioned via work orders. When a need for a repair arises, park staff notifies PROS Shops by phone call or through PROS' web-based system, INFOR.⁸ The work order request must provide a location and description of the needed repair. PROS Shops reviews the request and determines whether the repair can be performed by in-house staff or whether a work order should be issued under a blanket contract.⁹ If the blanket is chosen, Shops contacts the awarded contractor for the required service and requests the contractor to make a site visit and prepare a proposal depending on the type of service/repair. A proposal is required when the scope of work involves services not included in the awarded blanket's listing of unit prices. Proposals are not required when the services are already included in the line-item unit pricing in the awarded contract. Upon completion of the repair, PROS Shops reviews the work completed, approves the invoice, and forwards the invoice to PROS Contracts Administration for payment processing.

⁸ PROS' INFOR is a web-based system used exclusively to create repair work orders.

⁹ PROS' Shop maintains a small in-house maintenance staff who perform smaller tasks throughout the County.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT
Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program

MCC Emergency Response Team (ERT) Non-Competitive Award Process

An emergency RPQ may be awarded without utilizing the competitive bid procedures. Emergencies are defined as unforeseen or unanticipated, urgent and immediate needs for construction services where the protection of life, health, safety, welfare of the community, or preservation of public property would not be possible using any of the County's standard contracting methods. Florida Statute 255.0525 exempts emergency procurements from the required minimum days from advertisement to the bid due date.¹⁰ Emergency work issued under the ERT Pool is procured on a rotational basis where competitive bidding is not required. Both the 7040 Plan and 7360 Plan allow for emergency awards utilizing their respective ERT pools. All County departments can access the ERT pools.

Along with meeting the requirements for the 7040 and/or 7360 Plans, emergency contractors are required to state their intent to be part of the ERT Pool. Participating contractors are required to maintain proof of insurance for Workers' Compensation, General Liability and Automotive Liability. Additionally, contractors must be available 24 hours per day / seven days per week and respond to the department's emergency call, within two hours of the call, by communicating with a live person from said department. If a contractor fails to respond two consecutive times within two hours of being contacted for an emergency, the department shall notify SBD of the contractor's lack of compliance.

Upon obtaining approval from the respective department director, a request for the emergency work is initiated by contacting and subsequently awarding the project to a contractor within the ERT Pool on a rotational basis. The rotation of firms in the ERT Pool is maintained by the CIIS. Contractors may submit their emergency quotes by telephone, facsimile, or e-mail, followed by written confirmation. IO 3-53 requires that when using the ERT Pool, the department must provide SBD with a written explanation of the circumstances justifying the emergency procurement within five days of initiating an agreement for work to be performed.

¹⁰ Florida Statute Section 255.0525, *Advertising for Competitive Bids or Proposals*, requires either 21 days or 30 days from the advertisement of the bid to the bid opening depending on the estimated contract value. The section also allows for these timeframes to be altered by the local government entity in any manner that is reasonable under the emergency circumstances. The term "emergency" means an unexpected turn of events that causes (a) an immediate danger to the public health or safety; or (b) an immediate danger or loss of public or private property; (c) an interruption in the delivery of an essential governmental service.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT
Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program

PROS' Internal Emergency Award Process

When an emergency repair is needed, the contractor is selected by the PROS project manager with assistance from PROS Capital Procurement Division's Contracts Administration. A Contracts Administration staffer retrieves the CIIS rotation list, with the applicable trade category, from CIIS and forwards the list to the project manager. The project manager then contacts the firms starting at the top of the rotation list. If the top contractor is available and agrees to do the repair, then the project manager and the contractor arrange to meet at the project site to obtain a price quote. If the price quote is deemed reasonable, the Contracts Administration staffer notifies SBD, via CIIS, of the contractor selection. Both the request for the emergency repair and the award to the contractor are approved by PROS Deputy Director or designee. Payment to the contractor is made when the emergency repair is completed, inspected, and accepted by the PROS Project Manager.

VII. OBJECTIVES, SCOPE, AND METHODOLOGY

The OIG conducted a preliminary review of department utilization of the MCC Program and found that PROS was among the top departments that frequently access the MCC Program for its construction needs. As such, PROS was selected for further audit testing.

The objective of the audit was to assess PROS' utilization of MCC 7040 and 7360 Plans, including its compliance with IO 3-53 requirements and the County's Prompt Payment Policy.¹¹ The OIG also reviewed SBD's responsibilities for administering the MCC Program. The County's applicable Implementing Orders, Board resolutions and ordinances, and the Code of Miami-Dade County were reviewed and consulted during the audit.

The scope of our review covered the period of October 1, 2019, through September 30, 2021. During this two-year period, we found that there were 120 non-emergency contracts totaling \$36.63 million and 16 emergency (ERT) contracts totaling \$925,905. Cumulatively, PROS had 136 MCC 7040 and 7360 contracts totaling \$37.55 million. Table 3, on the next page, provides a breakdown of PROS MCC projects during the review period as well as the OIG sample selected.

¹¹ Unlike the OIG's earlier audits of the PHCD and MDFR that focused only on emergency repairs, this audit included larger, pre-planned construction projects where the construction services were obtained via competitive bids.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL AUDIT REPORT

***Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program***

**Table 3: PROS MCC Projects & OIG Sampling Selection
For the period of 10/1/2019 to 9/30/2021**

MCC Contract Types	Total Award Count	Total Award Dollars	OIG Selected Sample	OIG Sample \$ Value	% of Total Award Dollars
7040	75	\$18,617,198	11	\$3,184,604	8.48%
7360	18	\$15,446,553	4	\$4,639,375	12.35%
ERT	16	\$925,905	5	\$415,380	1.11%
Blankets	27	\$2,565,000	5	\$475,000	1.26%
Total	136	\$37,554,656	25	\$8,714,359	23.20%

Source: Capital Improvement Information System (CIIS). Amounts are based on contract awards.

Note: ERT and Blanket contracts were procured under the 7040 Plan.

The OIG selected a sample of 25 PROS MCC contracts, which amounted to \$8,714,359 (23%) of PROS' total awarded dollars (\$37,554,656). These samples were selected using a systematic sampling method.¹² The scope of work for the 25 projects tested included boat launch repair, turf replacement, painting, asphalt walkway repair, fencing repair, roof repairs, and structural reinforcement. The attached *OIG Schedule A: PROS MCC Sample Projects - Scopes and Amounts*, identifies each sample selected, the scope of each project and the awarded amount range.

For the 25 projects selected for testing, OIG auditors reviewed PROS' project files, which include the RPQs, departmental approvals, award documentation, notices to proceed, purchase orders, proof of insurance, work orders, contractor invoices, change orders, and payment records. OIG auditors also reviewed communications between PROS staff and SBD staff, and other project information housed in CIIS and PROS' in-house INFOR system. Collectively, these records were examined to evaluate compliance with the requirements and guidelines of IO 3-53. Invoices and payment records were reviewed to assess compliance with the County's Prompt Payment Policy.

¹² The systematic sampling method is a variation of random sampling that requires selecting samples based on a system of intervals in a numbered population. We used this method since it provides a representative sample of the total population and a degree of control in selecting our sample size. We also chose to supplement our systematic sampling method as follows: for the MCC 7040 projects, judgmental sampling was also used to include two contracts with change orders, as well as one contract above \$1 million. For the MCC 7360 projects, judgmental sampling was also utilized so that a non-SBE contractor was included for testing. Judgmental sampling was added for the ERT projects so that two contracts awarded to the same contractor within a two-week period could be added in the audit sample. Judgmental sampling was also utilized for the blanket contracts.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT
Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program

OIG auditors interviewed PROS senior and administration staff to gain an overview of PROS administration of their MCC projects including procurement, payment, and reporting processes. This review included meetings with project management staff, reviewing administrative policies and procedures, identifying process walk-throughs from initiation of the repair requests to contractor payments, and conducting site visits. OIG auditors also met with SBD personnel to gauge their responsibilities in administering the MCC Program.

This audit was conducted in accordance with the Principles and Standards for Offices of Inspector General and with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient and appropriate evidence to provide a reasonable basis for our findings and conclusions. Based on our audit objectives, we believe the evidence obtained provides a reasonable basis for our findings and conclusions.

VIII. OIG AUDIT FINDINGS AND RECOMMENDATIONS

Finding 1: Documentation demonstrating compliance with the ERT rotational policy was missing from the sampled project files.

An emergency contract is awarded when an unforeseen or unanticipated urgent and immediate need is identified, which threatens the life, health, safety, or welfare of the community. Once an emergency has been identified and the request for an emergency RPQ has been approved, PROS staff access the CIIS to retrieve a listing of ERT firms to contact and subsequently award the project. The award is recorded in CIIS in accordance with SBD's Contractor Rotational Policy.¹³ This policy requires that departments accessing the pool to contact and award the emergency project to the next available contractor in the ERT rotation. The rotation of the firms is electronically effectuated in CIIS. PROS Contracts Administration explained contractors are selected from the ERT Pool according to the applicable trade and their rotation order.

OIG Auditors reviewed five emergency project files to determine whether PROS complied with SBD's Contractor Rotation Policy in that firms were contacted from the CIIS rotation list and in a rotational order. We noted that in three of the five project files, PROS staff printed the CIIS rotation list (or a screenshot) and maintained a copy in the project

¹³ IO 3-53 states that the SBD's Contractor Rotation Policy is intended to distribute contracts equitably among contractors registered in the 7040 and 7360 Plans based on the number of prior contracting opportunities within the plan and contract awards. The contractor rotation process establishes the placement of each contractor for future RPQs. Once SBD approves a contractor to participate in the ERT pools and the contractor's profile is complete in the CIIS, the system will allocate the placement of that contractor based on a rotation factor.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL AUDIT REPORT

Audit of the Parks, Recreation and Open Spaces Department's (PROS) Utilization of the County's Miscellaneous Construction Contracts Program

file. For the remaining two projects, the CIIS rotation list was not present in the project files. The CIIS rotational list is a live document and contractors positions change as a project is awarded and updated in CIIS. The IO 3-53 does not require the user department to maintain the CIIS rotation list, however, the printed list (or screenshot thereof) evidences the standing of each contractor at the time for the specific emergency needed.¹⁴

For the three projects files containing a CIIS rotation list, the contractors selected to perform the work were not selected from the top of the rotation list, as required by the SBD's Contractor Rotation Policy. In fact, the contractors selected were the fourth, seventh and eleventh contractors on their respective CIIS rotation lists. According to PROS staff, the contractors were selected due to their being familiar with the area, and their being in close proximity to the job site at the time of selection or on site for another project. According to PROS staff, these award factors resulted in potential cost savings on contractor mobilization. Table 4 below highlights our review of the five ERT projects.

Table 4: CIIS Rotational List and ERT Contractor Selections

#	Project #	Project Description	Awarded Contractor	CIIS Rotation List	CIIS Rotation List Properly Utilized	Position on CIIS Rotation List	Selection Process Noted
1	7040-C17005	Emergency Parking Repairs at Haulover Beach	Shasa Engineering, Corp.	Yes	No	7th	Contractor already on site; immediate mobilization*
2	7040-Z228142	Emergency Roof Repairs Nourish	Smart House Solutions, Inc.	No			None Noted
3	7040-C233133	Emergency Haulover Skate & Pump Track Improvements	Pabon Engineering, Inc	Yes	No	11th	Contractor familiar with the area.
4	7040-C234194	Emergency Haulover ADA Parking Lot	Pabon Engineering, Inc	No			Contractor already on site; better pricing; immediate mobilization (See 3 above)

¹⁴ Based on the OIG's recommendation resulting from our earlier audit of MDR's utilization of the ERT Pool for emergency services, SBD is now requiring that the user departments print the CIIS listing at the time of ERT access.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT

Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program

#	Project #	Project Description	Awarded Contractor	CIIS Rotation List	CIIS Rotation List Properly Utilized	Position on CIIS Rotation List	Selection Process Noted
5	7040-2021DOL	Emergency Dolphin Linear Park Wall	A-B Remodeling, Inc	Yes	No	4th	Contractor at a nearby location; mobilization cost savings.**

* The contractor was on site conducting walkway repairs on another PROS project (#214116).

** The contractor was at a nearby park, approximately 10 miles away, conducting work on another PROS project (C2021HAUL01).

In the first instance (sample #1 in Table 4 above), PROS indicated in the project files that there was a flooding issue caused by a collapsed drain. PROS explained that the repair was “an immediate safety and security issue” and in the interest of time, the particular contractor should be chosen since it “had been on-site and was familiar with the area”. The project record further justified that the contractor would be able to mobilize immediately and that their pricing was deemed fair.¹⁵ This contractor was 7th on the CIIS rotation list. OIG Auditors confirmed via CIIS that the contractor was on site working on a non-emergency PROS project when it was awarded the emergency project.

In the second instance (sample #3), OIG Auditors could not determine the contractor's true positions on the screen shot of the CIIS rotation list due to the list being incomplete. Specifically, the rotation list headers, which consists of the list type (by trade or by firm's name), date printed, the contractors' names and contact information, and the license types, were cut off. Based on the screen shot included, the contractor selected for award was the 11th on the list. The PROS Project Manager stated that the contractor was selected due to its familiarity with area and that it had completed projects in the area for the County's Water and Sewer Department. The OIG questions the validity of this explanation; we do not find that this explanation justifies PROS' non-compliance with the rotational policy.

For the third instance (sample #5), the selected contractor was the fourth of four contractors on the screen shot of the CIIS rotation list included in the project files. The screen shot of the CIIS rotation list was also incomplete in that the headers were cut off at the top. Therefore, we could not determine if the first contractor listed was in fact at the top of the list. We found no explanation in the project file as to why this contractor was selected. The PROS Project Manager later explained that the contractor was selected since the contractor was already mobilized at another project at a nearby location and that mobilizing another contractor would have been costly. According to the

¹⁵ The email also indicated that there was a call from the District Commissioner's office to the PROS Director's office regarding the flooding.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT
Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program

Project Manager, it made financial sense to use this particular contractor. The OIG determined that the nearby project site was approximately 10 miles away.

The Project Manager's statement was also supported by the PROS Chief of Construction and Maintenance Division (Shops), who stated that PROS maintenance facilities are strategically located in the three hubs (North, Central, & South) of the county and that both projects were in the northern hub. Since the contractor was on the CIIS rotation list as well as being mobilized in the northern region, PROS saw an opportunity to save time and money on mobilization due to the structural condition of the existing wall. The PROS Chief further added that the selection of this contractor was cost beneficial since PROS saved approximately 8% of total projected cost. The OIG noted that project records did not yield any cost savings documentation, such as negotiated price reductions. Moreover, while PROS' maintenance facilities are strategically located in three hubs, this project was not completed using in-house forces. A project located 10 miles away is not the same as being on-site. It is not close enough to justify a non-competitive contract award in defiance of the rotational policy.

While emergency awards can have some level of competition, they can also be awarded without any competition. Based on PROS projects documentation and discussions with the project management staff, it was evident that the contractors selected for the emergency projects were not selected on a rotational basis. The ERT Pool was established to equitably distribute emergency projects among prequalified contractors based on their respective standings.

OIG auditors later discussed the award of emergency work to a contractor on-site or nearby with the SBD Section Chief. The SBD Section Chief acknowledged that there may be certain circumstances where a department may already have a particular contractor working on site or nearby, and that it makes sense to select the same contractor for the emergency work. However, the reason(s) for such selection should be noted in CIIS, along with the approval from SBD. OIG auditors noted in CIIS the justifications for the emergency works along with SBD's approvals; however, two of the three projects (samples #3 and #5 in Table 4 above) did not state the reasons for using the particular contractor.

Maintaining a copy of the CIIS rotation list in the project files is not a requirement of IO 3-53; however, the OIG believes that it should be included as an authoritative document that demonstrates that the rotational policy was followed. In the OIG's first audit report (involving the Miami-Dade Fire Rescue Department's utilization of the MCC ERT Pool), the OIG recommended that SBD require departments maintain a copy of the CIIS rotational list in their project files. SBD concurred with the OIG's recommendations

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL AUDIT REPORT

Audit of the Parks, Recreation and Open Spaces Department's (PROS) Utilization of the County's Miscellaneous Construction Contracts Program

and replied that it “updated the Miscellaneous Construction Contracts Training document to include the requirements for departments to print the rotation emergency list providing the names of the firms contacted as a part of the project file. The Miscellaneous Construction Contracts Training document will be provided to all users and will be posted on the Policies & Procedures section of CIIS.”

Additionally, due to the selection factors noted above, the OIG could not determine if attempts to contact other firms were conducted and if SBD should have been made aware of firms that were contacted but failed to respond to the emergency requests. The IO requires that departments should notify SBD of firms who failed to respond two consecutive times within two hours of being contacted for an emergency. A contractor's lack of compliance may result in suspension from the ERT Pool.

Recommendation No. 1 to PROS:

To maintain the integrity of SBD's rotational policy, it is paramount that all ERT awarded projects comply with guidelines outlined in IO 3-53. The OIG recommends that PROS' administration ensure that the ERT rotational policy is adhered to by contacting the contractors in the order listed on the CIIS rotation list.

PROS' Response

As stated in the OIG Report, maintaining a copy of the Capital Improvement Information System Emergency Response Team (CIIS ERT) rotation list in the project files is not a requirement of Implementing Order (IO) 3-53. However, PROS agrees that saving the CIIS ERT rotation list in all project files is a good practice and one which will be consistently implemented as part of the internal processes.

Regarding adherence to the rotational policy, the rotation of the firm is electronically and automatically effectuated by CIIS when the user department pulls the ERT list, which meets the rotational requirement. When selecting ERT Contractors from a provided list, PROS staff is encouraged to select different contractors for each emergency project. In very rare circumstances, there is sufficient justification to use the same ERT contractor for multiple emergency projects, assuming that they are on both the ERT lists and if Miami Dade County will benefit in costs savings by selecting the same contractor. In this specific case, the ERT contractor already working in site happened to be on a secondary ERT list for a project in the same location and was willing to perform the work without adding additional mobilization costs. Notwithstanding this rare exception which was made for the reason stated, PROS has and will follow OIG Recommendation

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL AUDIT REPORT

Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program

No. 1 to adhere to ERT rotational policy by contacting the contractors in the order listed on the CIIS rotation list.

Finding 2: A Blanket Contract was awarded to a contractor whose bid was incomplete and should have been considered non-responsive.

The OIG reviewed the procurement and award of five blanket contracts under the MCC Program. In one of the procurements, we noted that a contractor was awarded a contract despite submitting an incomplete bid.¹⁶ Specifically, the contractor's bid written total amount (\$84,500.00) did not match the bid calculated total amount \$24,055.43. Additionally, the line-item sub-totals were missing (see Exhibit 1-A). However, the contractor received the award with the bid tabulation reflecting the calculated (lower) amount.¹⁷ Based on the RPQ requirements, the OIG believes that the winning bid should have been rejected since the bid was incomplete.

According to the RPQ Section 21, *Method of Award*, it states that:

*...The prospective lowest bidder will be determined by adding the Totals from Sections 1 – 10 identified on the Bid Form to arrive at the "GRAND TOTAL" sum. Calculation is as follows: **TOTAL (SECTIONS 1-10) = GRAND TOTAL. ALL PRICING FIELDS ARE TO BE FILLED OUT ON THE BID FORM OR YOUR BID MAY BE DEEMED NON-RESPONSIVE...***

The PROS Contracts Administration Manager advised that the bid was considered complete since all line-item categories reflected a unit price. The Contracts Administration Manager further stated that during the review of the bids, the calculation error was noted on the lowest bid and the bidder was contacted to correct the error as well as initial the change amount on the bid. The Contracts Administration Manager further explained that PROS included the above contract clause to the RPQs as a result of contractors not listing a unit price for each line item on the bid forms. Contractors were being selective on what items they wanted to bid on.

¹⁶ RPQ No. Z227526 Zoo Miami - Roofing Repairs.

¹⁷ The bid tabulation, dated October 22, 2020, noted three additional contractors that submitted bids with amounts of \$27,376.50, \$57,347.00, and \$130,441.00. An asterisk is noted on the bid tabulation, next to the winning contractor's bid amount and the fourth-placed contractor's bid amount to show that both bid total amounts were incorrectly stated and thus corrected.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL AUDIT REPORT

Audit of the Parks, Recreation and Open Spaces Department's (PROS) Utilization of the County's Miscellaneous Construction Contracts Program

Furthermore, the OIG Auditors observed a revised copy of the awarded bid with an amount of \$23,606, which is lower than the award amount of \$24,055.43 (see Exhibit 1-B). The revised bid reflected changes to line-item unit prices with extended totals, the contractor's initials on each line item, and the contractor's signature with a signed date of December 28, 2020—two months after the recommendation for award date of October 28, 2020. We note that unit prices on 43 out of 54 total line items were altered.

The Contracts Administration Manager stated it is not typical to negotiate with a contractor after an award; however, the PROS project manager noticed that the contractor's bid was unbalanced in that the most used items were priced at higher amounts while the less used items were priced at lower amounts.¹⁸ As such, it was favorable to PROS to negotiate a more balanced bid with the contractor. The Contracts Administration Manager further explained the negotiated prices further lower the bid unit prices which were much lower than the second lowest bidder amount (\$27,376.50).¹⁹

The OIG recognizes the intent of adding the contract clause requirement in the RPQ; however, standard county procurement considers that a bid is complete when all applicable fields on the bid form are filled in and the total dollar amounts are correct. Without completing sub-totals for each line item and sub-totals for each section, it is difficult for the reviewer to determine where the mathematical error(s) are located. An incomplete and unbalanced bid should have been cause for rejection.

PROS' Response

Regarding the matter concerning the Blanket Contract awarded to a contractor who presented an incomplete and unbalanced bid, it is important to note that, after the negotiation of a more balanced bid with the contractor, the order of the bids based on total amount remained unchanged. After PROS rectified the mathematical errors in the bidder's line items, the originally selected lowest bidder remained the selected lowest bidder.

PROS will follow OIG Recommendation No. 2 to ensure contracts administration staff continue to comply with both the IO and Request for Price Quote (RPQ) requirements that bid forms be complete and that awards are made to the lowest priced, responsive,

¹⁸ Regarding the frequency of usage of certain line-items, the OIG notes that the bid form did not contain any estimated quantities on 52 or the 54 line-items. Only two bid items pertaining to hourly rates were accompanied by an estimated quantity (i.e., number of hours). Thus, notwithstanding the Contracts Administration Manager's statement about items used more or less frequently, this information was not reflected in the bid form.

¹⁹ PROS provided a detailed Excel spreadsheet that compared all four bidders line-item amounts. A partial copy of this spreadsheet was also included in the contractor's invoice packets reviewed.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT
Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program

and responsible bidder.

OIG Update: In a follow-up conversation with the SBD Section Chief, the OIG was advised that the mathematical error and subsequent correction of the contractor's initial bid amount is acceptable per Federal Acquisition Regulations (FAR) Chapter 48 CFR 14.407-2.²⁰ The SBD Section Chief added that the contractor's incorrect grand total does not affect the completeness or responsiveness of the contractor's bid; however, negotiating an unbalanced bid after the award is not consistent with County guidelines.

Recommendation No. 2 to PROS:

The OIG recommends PROS Contracts Administration staff comply with both the IO and RPQ requirements which require bid forms to be complete and that awards are made to the lowest priced, responsive, and responsible bidder. Notwithstanding FAR Chapter 48 CFR 14.107-2 pertaining to *Apparent Clerical Mistakes*, the OIG recommends that staff consult with the County Attorney's Office prior to fixing a contractor's bid.

Observation 1: Several payments to contractors did not comply with the County's Prompt Payment Policy.

In the 1990s, Miami-Dade County established a policy of prompt payment to certified SBE firms.²¹ This policy requires payment to SBE-Cons be made within 14 days of receipt of the bill or invoice on amounts not in dispute. We tested only the MCC 7040 projects for prompt payment compliance. We did not test the 7360 projects for timely payments since the awarded contractor is not required to be an SBE firms and as such the 14-day requirement is not applicable.²²

²⁰ Federal Acquisition Regulation, Chapter 48 CFR 14.407-2, *Apparent Clerical Mistake*, states that any clerical mistake, apparent on the face in the bid may be corrected by the contracting officer before award. The contracting officer first shall obtain from the bidder a verification of the bid intent. Correction shall not be made on the face of the bid; however, it shall be reflected in the award document. Correction of the bids submitted by electronic data interchange shall be effected by including the electronic solicitation file the original bid, the verification request, and the bid verification.

²¹ See Section 2-8.1.1.1.1(3)(i) of the Code of Miami-Dade County for the general premise of prompt payment and Section 10-33.02(3)(b)(1)(a) for the specific codification of the prompt payment policy as it applied to SBE construction firms.

²² Because the 7040 Program is a set-aside for SBE firms, all payments made for work procured under the 7040 adhere to the 14-day prompt payment policy. The 7360 Program, however, is an unrestricted pool open to SBE firms and non-SBE firms. As such, work performed by SBE firms under the 7360 adhere to a 30-day prompt payment policy (see Administrative Order 3-19), but work performed by non-SBE firms (i.e., large companies) only need to be paid within 45 days even if the prime contractors have SBE subcontractors working on the project.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL AUDIT REPORT

Audit of the Parks, Recreation and Open Spaces Department's (PROS) Utilization of the County's Miscellaneous Construction Contracts Program

OIG Auditors requested and obtained invoices and supporting documentation for each 7040 project. We further compared the invoice receipt date to the payment date noted in the County's payment system. Overall, invoice and payment records were consistent and organized. For the sixteen 7040 projects (five emergency projects and eleven non-emergency projects) files reviewed, the OIG Auditors determined that 24 of the 44 individual invoices (54.5%) had payments that did not comply with the County's Prompt Payment Policy. Payments ranged from 15 and 69 days. Table 5 (on the next page) further details the payment timeframes.

Table 5: PROS Prompt Payment on MCC 7040 Invoices

Range	Count	Percentage
Less than or equal to 14 days	20	45.5%
15 to 30 days	14	31.8%
31 to 45 days	7	15.9%
46 to 60 days	0	0%
61 to 120 days	3	6.8%
Total	44	100%

Source: FAMIS, INFORMS and PROS provided support.

Our review further revealed that several components of the payment process contributed to the delays, such as invoice approval duration and the accounts payable voucher and payment process. For example, one emergency invoice that was paid in 69 days had a time duration from the invoice receipt date to the accounts payable voucher date of 65 days. Another invoice from a non-emergency project took 62 days for payment. This included 26 days from the invoice receipt date to the invoice approval date and another 35 days for accounts payable voucher completion. The PROS Contracts Administration staff advised that payment delays were mostly attributed to the transition from the legacy (FAMIS) payment system to the new INFORMS system. Other delays resulted from the approval of the purchase orders and the Finance Department's processing of payments.

During the audit, PROS Contracts Administration staff provided the OIG Auditors with the result of an internal contractor payment improvement study completed in August 2022 (outside of the invoices review period). The study assessed PROS' accuracy and timeliness in processing consultant and contractor invoices. As a result of the study, a multi-point checklist was developed to assist staff. The checklist included components of a proper invoice and a list of the basic documents required for payment, such as releases of lien; insurance verification; the schedule of values; and the summary payment request with signature approvals from the contractor, architect, and PROS division chiefs. The OIG noted that the analysis did not include statistical data to confirm improvements in the

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT
Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program

accuracy and timely payment of contractors invoices. The OIG did reach out to PROS staff for statistical support; however, the data could not be located since the individual who had custody of the data had retired.

PROS instead provided a Lean Six Sigma DMAIC Improvement Study,²³ completed in August 2023, on construction payment requisition over 14 days. The goal to meet the 14-day requirement was targeted at 80%. The scope included payments requisitions from October 2021 to December 2022, which was outside of the OIG audit period. The outcome of the study showed that 65% of the invoices were paid within 14 days.²⁴ The study illustrated that PROS created a checklist to assist staff with improving contractor invoice packages, which then improved the invoice processing turnaround timeframe.

The OIG applauds PROS staff for conducting these studies to improve its current payment process. The OIG is hopeful that with continued adherence to the checklist and more familiarity with INFORMS, PROS will soon reach its performance goal of 80% compliance with the 14-day timeframe.

PROS' Response

Regarding payments which did not meet the required timeframe, PROS is reinforcing payments be made within 14 days of the bill or invoice on amounts not in dispute, in alignment with the County's Prompt Payment Policy and IO 3-53.

As part of the reinforcing this adherence, as stated in the audit report, in August 2023 PROS conducted the Lean Six Sigma DMAIC Improvement Study, with results that improved and are expected to continue improving PROS' payment processes.

Additionally, PROS will complete another Lean Six Sigma DMAIC Improvement Study within this fiscal year to focus on assessing and enhancing the construction payment requisition turnaround process. We are committed to utilizing a comprehensive checklist to assist our staff in streamlining the invoice review process.

²³ DMAIC equates to Design, Measure, Analyze, Improve and Control.

²⁴ A sample of 628 invoices were reviewed, where 57% of the invoices were from SBE contractors. The outcome of the study showed that 65% (410 of 628) of the invoices were paid within 14 days. This study was provided to the OIG after the OIG requested statistical data on the August 2022 study.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL AUDIT REPORT

*Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program*

IX. CONCLUSION

The OIG is concerned with PROS' selection and award process of its emergency projects. Documentation in its MCC project files for the emergency projects was insufficient. Nonetheless, non-emergency project documentation was consistent, organized, and very detailed. These files included pictures of the needed repair and detailed scopes of work. During the audit, PROS Contracts Administration acknowledged opportunities for improvement and observations identified were promptly explained and addressed upon notification. Accordingly, we expect to see improvements in PROS RPQ solicitation practices and heightened compliance.

We would like to thank the staffs of PROS and SBD for their cooperation and the courtesies extended to us throughout this audit.

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MIAMI-DADE COUNTY

OFFICE OF THE INSPECTOR GENERAL



FINAL AUDIT REPORT

SCHEDULE A

PROS MCC Sample Projects

*Audit of Miami-Dade Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program*

IG21-0003-A
February 27, 2024

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL AUDIT REPORT

*Audit of the Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program*

Schedule A – PROS MCC Sample Projects

No	MCC Number	Project Description	Contractor Name	Project Total Amount
1	PR: 7040-EC17005	Emergency Parking Repairs at Haulover Beach	Shasa Engineering, Corp.	\$121,000.00
2	PR: 7040-EZ228142	Emergency Roof Repairs - Nourish	Smart House Solution, Inc.	\$1,880.00
3	PR: 7040-EC233133	Emergency- Haulover Skate & Pump Track Improvements	Pabon Engineering, Inc	\$150,000.00
4	PR: 7040-EC234194	Emergency - Haulover ADA Parking Lot	Pabon Engineering, Inc	\$188,635.00
5	PR: 7040-E2021DOL	Emergency - Dolphin Linear Park Wall	A-B Remodeling, Inc	\$49,500.00
6	PR: 7040-C208491	Larry and Penny – Fishing Pier Guardrail	TJ of Miami, Inc.	\$53,263.99
7	PR: 7040-C2020PTROP	Tropical Park Interior/Exterior Painting	Inclan Painting & Waterproofing Corp./ Inclan Construction	\$179,380.00
8	PR: 7040-C2020RSHEL1	Royal Green and Camp Matecumbe Park Roof Replacement	Fullcover Roofing System, Inc.	\$133,800.00
9	PR: 7040-C2020CGGRY	Greynolds Park Golf Course Cart Path Construction	Pabon Engineering, Inc	\$167,000.00
10	PR: 7040-Z225663	Zoo Miami- Playground Renovations PIP	Leadex Corporation	\$335,546.00
11	PR: 7040-69260219002	Princetonian Park Basketball Court Lighting	R & D Electric, Inc.	\$73,778.70
12	PR: 7040-C2021HAU01	Haulover Park - Lot 1 Building and Tunnel 3 Terrazzo Repairs	A-B Remodeling, Inc	\$168,860.00
13	PR: 7040-49200118001	Eden Lakes Park Playground Expansion	Leadex Corporation	\$96,943.00
14	PR: 7040-C2021MLSTA	Multiple Parks Lift Station Electrical Panel Replacement	F & L Fire and Electrical System, Inc	\$175,350.20
15	PR: 7040-51190115001	Chapman Field Park Environmental Remediation Phase I	Quality Construction Performance, Inc	\$1,510,287.00
16	PR: 7040-31020115002-A	Arthur Woodard Park - Development Phase I Rebid	Delka Innovo Group, Inc.	\$792,025.00
17	PR: 7360-701601-12-004	Homestead Bayfront Park – Boat Launch Repairs	Ebsary Foundation Company	\$888,000.00

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL**OIG FINAL AUDIT REPORT*****Audit of the Parks, Recreation and Open Spaces Department's (PROS)
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No	MCC Number	Project Description	Contractor Name	Project Total Amount
18	PR: 7360-Z208510	Pygmy Hippo Enclosure	Quality Construction Performance, Inc	\$220,900.00
19	PR: 7360-49350119001	Kendall Soccer Park - Turf Replacement Phase 1	Acre Engineering and Construction, Inc.	\$4,232,313.80
20	PR: 7360-C2021DEC	Charles Deering Estate Courtyard Drainage and Structural Improvement	Envirotech Contractors, Inc.	\$694,490.00
21	PR: 7040-221211	Multiple Parks South of Tamiami Trail - Fence Repairs	Aztech South, Inc.	\$95,000.00
22	PR: 7040-221212	Multiple Parks North of Tamiami Trail - Fence Repairs	Aztech South, Inc.	\$95,000.00
23	PR: 7040-Z227526	Zoo Miami – Roofing Repairs	Smart House Solutions, Inc.	\$95,000.00
24	PR: 7040-236746	Multiple Parks North – Court Resurfacing	McCourt Construction, Inc.	\$95,000.00
25	PR: 7040-236747	Multiple Parks South – Court Resurfacing	McCourt Construction, Inc.	\$95,000.00
			Total	\$10,612,952.69

Source: CIIS and PROS provided support. Amounts are based on adjusted contract amounts.

Samples are listed as follow: 5 emergency (ERT) projects; 15 non-emergencies; and 5 blanket contracts.

Blanket contracts normally have a fixed threshold (currently \$95,000) and are rebid on a yearly basis or earlier when funds are expended.

MIAMI-DADE COUNTY

OFFICE OF THE INSPECTOR GENERAL



FINAL AUDIT REPORT

EXHIBIT 1 COMPOSITE

1A – Bid Evaluation and Blanket Contract Initial Bid
1B – Blanket Contract Revised Bid

*Audit of Miami-Dade Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program*

IG21-0003-A
February 27, 2024



Miami-Dade Parks, Recreation and Open Spaces - Capital Programs
275 NW 2nd Street, 4th Floor
Miami, FL 33128
Phone: (305) 755-7846
Fax: (305) 755-7840

Bid Evaluation

Project Name: **Zoo Miami- Roofing**
RPQ No: Z227526
Contract: MCC 7040
Bid Opening: 10/22/2020
Bond expires: 4/20/2021

Base Estimate: \$ 95,000.00 (Allocation)

Date	Time In	Company Name	Grand Total
10/22/20	11:40 AM	Smart House Solutions, Inc.	\$24,055.43*
10/22/20	1:19 PM	CSI Construction	\$27,376.50
10/22/20	10:53 AM	SK Quality Contractor, Inc.	\$57,347.00
10/22/20	8:47 AM	Better Built Roofs	\$130,441.00*

All eligible bids will be reviewed for responsiveness and responsibility.

If additional information is requested Bidders must respond in the time specified or the bid may be deemed non-responsive.

Failure to provide sufficient information to properly evaluate the bid may deem the firm's bid non-responsive.

*The Total Unit Price was verified.

Project Name: Zoo Miami- Roofing RepairsRPQ # Z227526

Price Proposal (Cost to perform the work must be stated here. State No Bid if not submitting a price proposal)

ROOFING MAINTENANCE BID FORM

Maintenance Coatings			A	B	C	
	SECTION 1 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)	UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
1.1	Maintenance coating repairs over modified/single ply (all types) with hydrostop or equal product approved	S.F.	29.00	25.00		\$
1.2	Maintenance coating repairs over metal roof systems (all types) with hydrostop or equal product approved	S.F.	35.00	33.00		\$
1.3	Maintenance coating repairs w/membrane over modified/single ply (all types) with hydrostop or equal product approved	S.F.	33.00	30.00		\$
1.4	Maintenance coating repairs w/membrane over metal roof systems (all types) with hydrostop or equal product approved	S.F.	39.00	37.00		\$
1.5	Maintenance coating repairs over stucco/concrete (all types) with hydrostop or equal product approved	S.F.	23.00	21.00		\$
1.6	Maintenance coating repairs w/membrane over stucco/concrete (all types) with hydrostop or equal product approved	S.F.	24.00	27.00		\$
1.7	Maintenance coating repairs w/membrane over surfaces (all types) with hydrostop or equal product approved up to 12"	L.F.			18.00	\$
1.8	Maintenance coating repairs w/membrane over surfaces (all types) with hydrostop or equal product approved up to 24"	L.F.			36.00	\$
			SECTION 1 TOTAL= \$			
Roof Repairs			A	B	C	
	SECTION 2 - DESCRIPTION (All pay items to include removal, new material, labor, equipment to complete work unless otherwise noted in RPQ.)	UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
2.1	Modified Bituminen built up roof system (all types) and applicable insulation repair (including various penetrations)	S.F.	25.00	23.00		\$
2.2	Coal tar built up roof system and applicable insulation repair (including various penetration)	S.F.	25.00	23.00		\$
2.3	Single Ply roof system (all types) and applicable insulation repair (including various penetrations)	S.F.	22.00	20.00		\$
2.4	Asphalt Shingle/three tap (all types) and applicable insulation repair (including various penetrations)	S.F.	22.00	20.00		\$
2.5	Asphalt Shingle/dimensional (all types) and applicable insulation repair (including various penetrations)	S.F.	25.00	23.00		\$
2.6	Slate/Shale tile roof systems (all types) and applicable insulation repair (including various penetrations)	S.F.	30.00	28.00		\$
2.7	Metal Panel roof systems (all types) and applicable insulation repair (including various penetrations)	S.F.	35.00	38.00		\$
			SECTION 2 TOTAL= \$			
Sheet Metal			A	B	C	
	SECTION 3 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)	UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
3.1	Removal/replacement eve drip/flashing (all types) up to 4" Glav.	L.F.			10.00	\$
3.2	Removal/replacement "L" flashing (all types) up to 6" Glav.	L.F.			16.00	\$
3.3	Removal/Cleaning/Caulking and resealing joints/transparent materials at skylights structures (all types)	EA.			20.00	\$
3.4	Gutters (hanging type style G, replacemkent and new installation Alumn., all strapping/acessories, etc. included	L.F.			15.00	\$
3.5	Gutter Corners (all Types)	EA.			25.00	\$
3.6	Downspouts (all types) replacement and new installation, Alumn..all strapping/acessories, etc. included	L.F.			25.00	\$
3.7	General Roof Cleaning cost: Remove all debris, clean drains-gutters-downspouts, blow off roof. Throw away all debris. (Including roof debris on ground.)	S.F.	5.00	4.80		\$
3.8	Pressure cleaning service.	S.F.	3.00	2.50		\$
			SECTION 3 TOTAL= \$			

Cold Process Applications		A	B	C	
SECTION 4 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)	UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
4.1 Cold process repair application to asphalt/shingle roof system w/membrane	S.F.	28.00	25.00		\$
4.2 Cold process repair application to built-up/hot asphalt roof system w/membrane	S.F.	32.00	29.00		\$
4.3 Cold process application to pitch pan (all types)	EA.			29.00	\$
SECTION 4 TOTAL=					\$
Wood Replacement		A	B	C	
SECTION 5 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)	UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
5.1 Ply Wood up to 5/8"	S.F.	10.00	9.00		\$
5.2 Ply Wood 3/4"	S.F.	11.00	10.00		\$
5.3 Common Board up to 1"x 6"	L.F.			9.00	\$
5.4 Common Board 1"x 8"	L.F.			9.50	\$
5.5 Common Board up to 1"x 6" PT	L.F.			10.50	\$
5.6 Common Board 1"x 8" PT	L.F.			11.00	\$
5.7 Common Board up to 2"x 6"	L.F.			13.50	\$
5.8 Common Board 2"x 8"	L.F.			16.00	\$
5.9 Common Board up to 2"x 6" PT	L.F.			14.00	\$
5.10 Common Board 2"x 8" PT	L.F.			17.00	\$
5.11 Furring Board 1"x 2" PT	L.F.			2.00	\$
SECTION 5 TOTAL=					\$
Venting		A	B	C	
SECTION 6 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)	UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
6.1 Lead Plumbing stack up to 2"	EA.				\$ 38.00
6.2 Lead Plumbing stack up to 3"	EA.				\$ 40.00
6.3 Lead Plumbing stack up to 4"	EA.				\$ 45.00
6.4 Metal roof system vent stack boot up to 2"	EA.				\$ 50.00
6.5 Metal roof system vent stack boot up to 3"	EA.				\$ 50.00
6.6 Metal roof system vent stack boot up to 4"	EA.				\$ 50.00
6.7 One way roof system (all types) relief vents (fully installed) per manufactures specifications	EA.			20.00	\$ 20.00
SECTION 6 TOTAL=					\$
Miscellaneous Sealing, Patching, Caulking, Painting		A	B	C	
SECTION 7 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)	UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
7.1 Typical removal/replacement chaulking (all types) to all surfaces as applies	L.F.			2.85	\$
7.2 Painting applications to include 1 primer/2finish coats	S.F.	3.00	2.75		\$
7.3 Stucco repair-Remove/Replace to match existing conditions	S.F.	25.00	23.50		\$
SECTION 7 TOTAL=					\$

Roof Drains and Drain System			A	B	C	
SECTION 8 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
8.1	Roof Drain Replacement w/collar, grate up to 6" (all types)	EA.			300.00	\$
8.2	Roof Drain Replacement w/collar, grate up to 12" (all types)	EA.			600.00	\$
8.3	Roof Drain clean out to include drain pipe system	L.F.			3.50	\$
			SECTION 8 TOTAL= \$			
Roof Replacement (20 year NDL)			A	B	C	
SECTION 9 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
9.1	Roof Replacement 25 year NDL warranty Modified Bitumen (3-ply) w/insulation (or not), nailable deck (or not), tapers included up to 1,000 S.F	S.F.	25.00	23.00		\$
9.2	Roof Replacement Metal panel system ENGLERT A1300 Mechanically Seamed Panel-standing seam metal roof system, 24 gauge 16" panel / bare galvalume eave drip metal with the face to receive a cleat, Install fascia skin (same as roof material) to receive a fascia cleating, all trim (including various penerations), applicable insulation up to 1,000 S.F	S.F.	35.00	33.00		\$
			SECTION 9 TOTAL= \$			
Roof Maintenance, Crew Labor			A	B	C	
SECTION 10 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Hourly Rate		Job Size (Hours)	Sub Total AMOUNT
10.1	Hourly Rate Roofer	EA.	25.00		500	\$
10.2	Hourly Rate Roof Laborer	EA.	18.00		500	\$
			SECTION 10 TOTAL= \$			
			Roofing Maintenance Repairs BASE SUB-TOTAL = \$			
			GRAND TOTAL: SECTIONS 1 - 10 (Add Totals from sections 1 - 10 for this sum): \$ 84,500.00			

Bidder's Name: ULISES PORRER Number of Addenda: 1

Address: 5401 SW 94th City: MIAMI State/Zip Code: FL 33165

Teleph Fax No.: 305 9777461 E-Mail: seanthease@bellbooth.net

Name of Person Submitting Quote (Print): ULISES PORRER

Signature: [Signature]

Note: Quotes must be submitted on this form to the Miami Dade PROS. via email to Miguel.Iglesias@miamidade.gov Email subject line must state RPO Number, date due and the Bidder's Name. Use of any other form for submission of the price quotation shall result in the rejection of the price quotation. Late bids will not be opened. All Bidder's will receive results. The Recommendation for Award, will identify requirements to submit current copies of insurance certificates in accordance with the Contract Documents; user Dept. will forward all Ins. Certificates to ISD for review.

Project Name: Zoo Miami- Roofing Repairs

RPQ # Z227526

Price Proposal (Cost to perform the work must be stated here. State No Bid if not submitting a price proposal)

ROOFING MAINTENANCE BID FORM

Maintenance Coatings		A	B	C		
SECTION 1 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
1.1	Maintenance coating repairs over modified/single ply (all types) with hydrostop or equal product approved	S.F.	14.00	25.00		20.00
1.2	Maintenance coating repairs over metal roof systems (all types) with hydrostop or equal product approved	S.F.	14.00	7.00		21.00
1.3	Maintenance coating repairs w/membrane over modified/single ply (all types) with hydrostop or equal product approved	S.F.	14.00	8.00		22.00
1.4	Maintenance coating repairs w/membrane over metal roof systems (all types) with hydrostop or equal product approved	S.F.	14.00	8.00		22.00
1.5	Maintenance coating repairs over stucco/concrete (all types) with hydrostop or equal product approved	S.F.	14.00	6.00		20.00
1.6	Maintenance coating repairs w/membrane over stucco/concrete (all types) with hydrostop or equal product approved	S.F.	14.00	7.00		21.00
1.7	Maintenance coating repairs w/membrane over surfaces (all types) with hydrostop or equal product approved up to 12"	L.F.			8.00	8.00
1.8	Maintenance coating repairs w/membrane over surfaces (all types) with hydrostop or equal product approved up to 24"	L.F.			8.00	8.00
					SECTION 1 TOTAL=	142.00
Roof Repairs		A	B	C		
SECTION 2 - DESCRIPTION (All pay items to include removal, new material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
2.1	Modified Bituminen built up roof system (all types) and applicable insulation repair (including various penetrations)	S.F.	25.00	13.00		38.00
2.2	Coal tar built up roof system and applicable insulation repair (including various penetrations)	S.F.	20.00	8.00		28.00
2.3	Single Ply roof system (all types) and applicable insulation repair (including various penetrations)	S.F.	22.00	10.00		32.00
2.4	Asphalt Shingle/three tap (all types) and applicable insulation repair (including various penetrations)	S.F.	20.00	8.00		28.00
2.5	Asphalt Shingle/dimensional (all types) and applicable insulation repair (including various penetrations)	S.F.	20.00	9.00		29.00
2.6	Slate/Stone tile roof systems (all types) and applicable insulation repair (including various penetrations)	S.F.	30.00	15.00		45.00
2.7	Metal Panel roof systems (all types) and applicable insulation repair (including various penetrations)	S.F.	35.00	15.00		50.00
					SECTION 2 TOTAL=	250.00
Sheet Metal		A	B	C		
SECTION 3 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
3.1	Removal/replacement eve drip/flashings (all types) up to 4" Glav.	L.F.			10.00	10.00
3.2	Removal/replacement "L" flashing (all types) up to 6" Glav.	L.F.			15.00	15.00
3.3	Removal/Cleaning/Caulking and resealing joints/transparent materials at skylights structures (all types)	EA.			15.00	15.00
3.4	Gutters (hanging type style G, replacement and new installation Alumn., all strapping/accessories, etc. included	L.F.			15.00	15.00
3.5	Gutter Corners (all Types)	EA.			15.00	15.00
3.6	Downspouts (all types) replacement and new installation, Alumn. all strapping/accessories, etc. included	L.F.			20.00	20.00
3.7	General Roof Cleaning coat: Remove all debris, clean drains-gutters-downspouts, blow off roof. Throw away all debris. (including roof debris on ground.)	S.F.	5.00	3.50		8.50
3.8	Pressure cleaning service.	S.F.	3.00	2.50		5.50
					SECTION 3 TOTAL=	104.00

[Signature]

Cold Process Applications		A	B	C		
SECTION 4 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
4.1	Cold process repair application to asphalt/shingle roof system w/membrane	S.F.	\$ 21.00	\$ 11.00		\$ 32.00
4.2	Cold process repair application to built-up/hot asphalt roof system w/membrane	S.F.	\$ 21.00	\$ 11.00		\$ 32.00
4.3	Cold process application to pitch pan (all types)	EA.			\$ 28.00	\$ 28.00
SECTION 4 TOTAL=						\$ 92.00
Wood Replacement		A	B	C		
SECTION 5 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
5.1	Ply Wood up to 5/8"	S.F.	10.00	9.00		\$ 19.00
5.2	Ply Wood 3/4"	S.F.	11.00	10.00		\$ 21.00
5.3	Common Board up to 1"x 6"	L.F.			\$ 7.00	\$ 7.00
5.4	Common Board 1"x 8"	L.F.			\$ 9.00	\$ 9.00
5.5	Common Board up to 1"x 6" PT	L.F.			\$ 7.00	\$ 7.00
5.6	Common Board 1"x 8" PT	L.F.			\$ 7.00	\$ 7.00
5.7	Common Board up to 2"x 6"	L.F.			13.50	\$ 13.50
5.8	Common Board 2"x 8"	L.F.			16.00	\$ 16.00
5.9	Common Board up to 2"x 6" PT	L.F.			14.00	\$ 14.00
5.10	Common Board 2"x 8" PT	L.F.			17.00	\$ 17.00
5.11	Furring Board 1"x 2" PT	L.F.			2.00	\$ 2.00
SECTION 5 TOTAL=						\$ 132.50
Venting		A	B	C		
SECTION 6 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
6.1	Lead Plumbing stack up to 2"	EA.			\$37.00	\$ 37.00
6.2	Lead Plumbing stack up to 3"	EA.			\$ 39.00	\$ 39.00
6.3	Lead Plumbing stack up to 4"	EA.			\$ 44.00	\$ 44.00
6.4	Metal roof system vent stack boot up to 2"	EA.			\$ 49.00	\$ 49.00
6.5	Metal roof system vent stack boot up to 3"	EA.			\$ 49.00	\$ 49.00
6.6	Metal roof system vent stack boot up to 4"	EA.			\$ 49.00	\$ 49.00
6.7	One way roof system (all types) relief vents (fully installed) per manufactures specifications	EA.			\$ 19.00	\$ 19.00
SECTION 6 TOTAL=						\$ 286.00
Miscellaneous Sealing, Patching, Caulking, Painting		A	B	C		
SECTION 7 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Unit Cost L.F. or Each (as applies)	Sub Total AMOUNT
7.1	Typical removal/replacement caulking (all types) to all surfaces as applies	L.F.			\$ 5.50	\$ 5.50
7.2	Painting applications to include 1 primer/2 finish coats	S.F.	\$ 6.00	\$ 6.00		\$ 12.00
7.3	Stucco repair Remove/Replace to match existing conditions	S.F.	\$ 20.00	\$ 20.00		\$ 40.00
SECTION 7 TOTAL=						\$ 57.50

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Roof Drains and Drain System		A	B	C	
SECTION 8 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Sub Total AMOUNT
8.1	Roof Drain Replacement w/collar, grate up to 6" (all types)	EA.		\$350.00	350.00
8.2	Roof Drain Replacement w/collar, grate up to 12" (all types)	EA.		\$575.00	575.00
8.3	Roof Drain clean out to include drain pipe system	L.F.		\$15.00	15.00
SECTION 8 TOTAL=					\$ 940.00

Roof Replacement (20 year NDL)		A	B	C	
SECTION 9 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Unit Cost up to 500 S.Q. Ft.	Unit Cost more than 500 S.Q. Ft.	Sub Total AMOUNT
9.1	Roof Replacement 25 year NDL warranty Modified Bitumen (3-ply) w/insulation (or not), nailable deck (or not), tapered included up to 1,000 S.F.	S.F.	25.00	\$20.00	45.00
9.2	Roof Replacement Metal panel system ENGLERT A1300 Mechanically Seamed Panel-standing seam metal roof system, 24 gauge 16" panel / bare galvalume eave drip metal with the face to receive a cleat, install fascia skin (same as roof material) to receive a fascia cleating, all trim (including various penetrations), applicable insulation up to 1,000 S.F.	S.F.	35.00	\$22.00	57.00
SECTION 9 TOTAL=					\$ 102.00

Roof Maintenance, Crew Labor		A	B	C	
SECTION 10 - DESCRIPTION (All pay items to include material, labor, equipment to complete work unless otherwise noted in RPQ.)		UNIT	Hourly Rate	Job Size (Hours)	Sub Total AMOUNT
10.1	Hourly Rate Roofer	EA.	25.00	500	\$ 12,500.00
10.2	Hourly Rate Roof Laborer	EA.	18.00	500	\$ 9,000.00
SECTION 10 TOTAL=					\$ 21,500.00

Roofing Maintenance Repairs BASE SUB-TOTAL = \$ 21,500.00

GRAND TOTAL: SECTIONS 1 - 10 (Add Totals from sections 1 - 10 for this sum) **\$ 23,606.00**

Bidder's Name ULISES FORNAR

Number of Addenda: 1

Address: 5401 SW 99 CT City: MIAMI State/Zip Code: FL 33165

Teleph Fax No.: 305 9777961

E-Mail: sean.those@bell.net

Name of Person Submitting Quote (Print): ULISES FORNAR

Signature: [Signature]

Note: Quotes must be submitted on this form to the Miami-Dade PDOS via email to Miguel.Hernandez@miamidade.gov and subject line must state RPQ Number, date due, and the Bidder's Name. Use of any other form for submission of the price quotation shall result in the rejection of the price quotation. Late bids will not be opened. All Bidders will receive results. The Recommendation for Award will identify requirements to submit current copies of insurance certificates in accordance with the Contract Documents. User Dept. will forward all the Certificates to ISO for review.

[Signature] 12/28/2020

MIAMI-DADE COUNTY

OFFICE OF THE INSPECTOR GENERAL



FINAL AUDIT REPORT

APPENDIX A

PROS' Response to the OIG Draft Report
(51 Pages)

*Audit of Miami-Dade Parks, Recreation and Open Spaces Department's (PROS)
Utilization of the County's Miscellaneous Construction Contracts Program*

IG21-0003-A
February 27, 2024

Memorandum



Date: February 21, 2024

To: Felix Jimenez, Inspector General
Miami-Dade County Office of the Inspector General

From: Maria I. Nardi *M. I. Nardi*
Director
Parks, Recreation and Open Spaces Department

Subject: OIG Audit Report Follow-Up Response - MDC PROS utilization of the MCC Emergency Response Team Pool for Emergency Construction Projects - Ref: IG21-0003-A

On behalf of Miami-Dade County's Parks, Recreation and Open Spaces Department (PROS), I would like to extend our appreciation for the information provided in the OIG Audit Report, IG21-0003-A. PROS has conducted a comprehensive review of processes and is implementing process improvements aimed at addressing these concerns.

This document serves as a response to the OIG's Draft Report (IG21-0003-A) findings.

Finding No. 1: Documentation demonstrating compliance with the Emergency Response Team (ERT) rotational policy was missing from the sample project files.

PROS Response to Finding No. 1: As stated in the OIG Report, maintaining a copy of the Capital Improvement Information System Emergency Response Team (CIIS ERT) rotation list in the project files is not a requirement of Implementing Order (IO) 3-53. However, PROS agrees that saving the CIIS ERT rotation list in all project files is a good practice and one which will be consistently implemented as part of internal processes.

Regarding adherence to rotational policy, the rotation of the firms is electronically and automatically effectuated by CIIS when the user department pulls the ERT list, which meets the rotational requirement. When selecting ERT contractors from a provided ERT list, PROS staff is encouraged to select different contractors for each emergency project. In very rare circumstances, there is sufficient justification to use the same ERT contractor for multiple emergency projects, assuming that they are on both ERT lists and if Miami Dade County will benefit in costs savings by selecting the same contractor. In this specific case, the ERT contractor already working on site happened to be on a secondary ERT list for a project in the same location and was willing to perform the work without adding additional mobilization costs. Notwithstanding this rare exception which was made for the reason stated, PROS has and will follow OIG Recommendation No. 1 to adhere to ERT rotational policy by contacting the contractors in the order listed on the CIIS rotation list.

Attached supporting documentation:

- SBD MCC Program Power Point Presentation; Slide 21, 22 re. Emergency Process.
- Miami Dade County Implementing Order (IO) 3-53.

Finding No. 2: A Blanket Construction Contract was awarded to a contractor whose bid was incomplete and should have been considered non-responsive.

PROS Response to Finding No. 2: Regarding the matter concerning the Blanker Contract awarded to a contractor who presented an incomplete and unbalanced bid, it is important to note that, after the negotiation of a more balanced bid with the contractor, the order of bids based on total amount remained unchanged. After PROS rectified the mathematical errors in the bidder's line items, the originally selected lowest bidder remained the selected lowest bidder.

PROS will follow OIG Recommendation No. 2, to ensure contracts administration staff continue to comply with both the IO and Request for Price Quote (RPQ) requirements that bid forms be complete and that awards are made to the lowest priced, responsive, and responsible bidder.

Observation No. 1: Several payments to contractors did not comply with the County's Prompt Payment Policy.

PROS Response to Observation No. 1: Regarding payments which did not meet the required timeframe, PROS is reinforcing payments be made within 14 days of the bill or invoice on amounts not in dispute, in alignment with the County's Prompt Payment Policy and IO 3-53.

As part of reinforcing this adherence, as stated in the audit report, in August 2023 PROS conducted the Lean Six Sigma DMAIC Improvement Study, with results that improved and are expected to continue improving PROS' payment processes.

Additionally, PROS will complete another Lean Six Sigma DMAIC Improvement Study within this fiscal year to focus on assessing and enhancing the construction payment requisition turnaround process. We are committed to utilizing a comprehensive checklist to assist our staff in streamlining the invoice review process.

Conclusion

We would like to thank the OIG audit team for their due diligence and for acknowledging that non-emergency project documentation was consistent, organized and very detailed, as well as the auditors' statement that PROS Contracts Administration staff acknowledged opportunities for improvement and promptly explained and addressed identified observations. The actions we are taking in response to the audit findings reflect PROS' commitment to maintaining strict compliance with the established regulations governing the County's Miscellaneous Construction Contracts (MCC) program.

If you have any questions regarding this response OIG Draft Audit report, please do not hesitate to contact me at 305-755-7903 or maria.nardi@miamidade.gov

Attachments:

- SBD MCC Program Power Point Presentation; Slide 21, 22 re. Emergency Process.
- Miami Dade County Implementing Order (IO) 3-53.



Internal Services Department (ISD)
Small Business Development Division
(SBD)

Miscellaneous Construction Contracts
(MCC) Program



Employment & Training Requirement Programs

Designed to increase employment opportunities for MDC residents

When to Apply?	Project Value	Project Duration	Scope: Construction, demo, alteration or repair/Improv County owned land	No Federal, State, or Regulation Conflicts	Designated Target Area (DTA) Check w/ SBD	Work Order Driven (check w/SBD)
Community Workforce (CWP) Ord. 13-66	>\$250K	>30 days	✓	✓	✓	May apply
Employ Miami-Dade AO 3-63	>\$1 M	>120 days	✓	✓	N/A	✗
Residence First 2-11.17	>\$1 M	N/A	✓	✓	N/A	May apply

Employment & Training Requirement Programs – Contractors/
Departments responsibilities – for details contact Catherine Forte at
(305) 375-3598 or cforte@miamidade.gov.

Contractors' Responsibilities	Meet Workforce labor hour goal	OSHA 10 Hr safety training for all employees	At the time of bid-submits FORM RFTE 1 - If not submitted, dept. sends written notice allowing 48 hrs to submit or bid is deemed nonresponsive and disqualified.	Prior to NTP – submits workforce Plan and FORM (RFTE 2). Failure may result in award being rescinded (Check w/SBD)	Submit Monthly Updates of Workforce Plan
Community Workforce (CWP) Ord. 13-66	Min 10% of workforce	N/A	N/A	✓	N/A
Employ MD AO 3-63	20% of workforce	N/A	N/A	✓	N/A
Residence First 2-11.17	51% of labor hours	✓	✓	✓	✓

MCC Program



- Managed by SBD/ISD
- Creed: Provide a fair opportunity to licensed contractors countywide
- Contracts: Maximum value of each solicitation (RPQ) is \$5.0M ORD 09-101
- Types of Projects: Construction projects, facility repairs, neighborhood improvements, emergency repairs and maintenance work
- All capital departments can participate

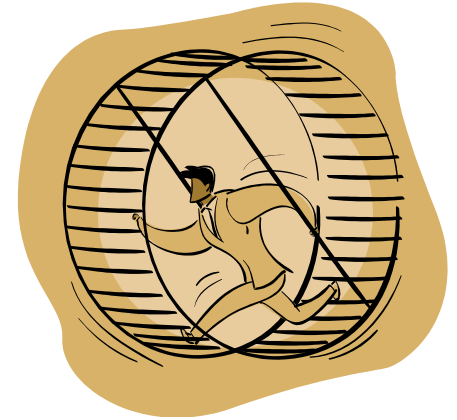


MCC Program

Ordinance 09-101 & IO 3-53

MCC 7040 Plan

- 100% set-aside SBE-CONS
- GS Component: Goods & Services
Goal may apply to Contracts =>
\$700,000.00
- Pre-qualified rotational pool
- Rotational Factor by license
- Only contractors included in the
Bidders' list can bid a job
- **By invitation only**



MCC 7040 Plan

Level of Participation

Contractor Certification Level	Single Trade RPQs Specialty Trades (<u>only</u>) SIC 17	Multiple Trade RPQs General Building, Engineering, Mechanical	Certification Level (Based on 3-year Average Gross Revenues)
SBE-Construction <u>Level 1</u>	No Limit	No Limit	\$0 to \$2M
SBE-Construction <u>Level 2</u>	>\$50K	>\$2.0M to \$5M	>\$2.0M to \$5M
SBE-Construction <u>Level 3</u>	>\$50K	<u>Can only compete when 1 and 2 are not available</u>	>\$5.0M to \$10M

7040 RPQs valued up to \$10K

- SBD will provide a bidders list with a minimum of (4) contractors in numerical order based on each contractor's placement on the rotation. No competitive bidding.
- If no contractor can be awarded, user shall request additional bidders list.
- Users are to contact the contractors in numerical order (one at a time). Exception made if contractor is unable to provide insurance. Go 2 next bidder.
- Rotation Policy; intended to distribute contracts equitably based on contracting opportunities and awards.

MCC Program

For 7040 RPQs:

$\leq \$10,000 \rightarrow 4$ Contractors
(no competitive bidding)

$> \$10,000 \leq \$200,000 \rightarrow 10$ Min.

$> \$200,000 \rightarrow$ ALL Contractors

Single Trade Contract

- 100% of the scope of work can be performed by a Specialty Building Contractor as defined under Chapter 10 or when the scope of work is primarily a single trade but ancillary work is required.
- Under the 7040 Plan - Only Specialty Building Contractor can bid as the prime.

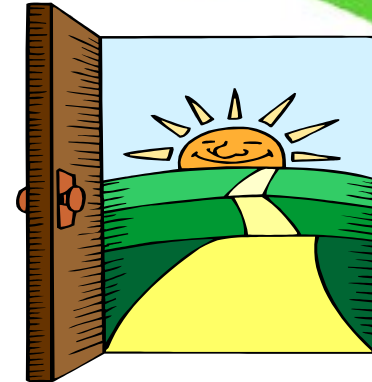
Multiple Trade Contract

- When the scope requires a licensed General Contractor (ex. Building, Engineering or Mechanical) as the prime and specialty subcontracting trades.
- Under 7040, subcontractors must be a certified SBE-Con unless none is available (user department must request an exemption from SBD prior to issuing the solicitation)

7360 Plan Solicitations

- Before adding an RPQ to CIIS:
- Submit project to SBD for review to determine applicable SBE measures (if required)
- **Accompanied by a memo addressed to the director containing project details (scope, estimated, and duration is required).**
- All 7360 non-emergency projects must be submitted to SBD for review and the execution of a Project worksheet signed by SBD Director must be identified.

MCC Program



- **MCC 7360 Plan**

- Open and Competitive
- Must be pre-qualified at the time of the award
- Effective April 5, 2021 vendor seeking to do business with Miami-Dade County must register in INFORMS. Please click on this direct link <https://supplier.miamidade.gov>
- All RPQs require SBD Review for small business measures prior to advertisement (A separate spreadsheet itemized may be required) Send Memo to Director copy Chief to request project review
- 7360 is used when Federal Funding is involved, the funding source does not allow a set-aside, and if 100% SBE goal is not attainable due to license type required through 7040 then.

7360 MCC Program



NEW UPDATE

Plan, plan, plan.....Deadline is 4 days prior to publication! Weekends Excluded!!!

- Wednesday 10 A.M. Submit project into CIIS
Expect (3) days for OMB APPROVAL
- Friday SBD Receives project to advertise in the Daily Business Review
- Thursday the project is Advertised in the Daily Business Review & (bidders list will be added to the RPQ – user department contacts bidders)

Bid Compliance with FSS 255.0525

- \$200K to \$500K = min **21** Calendar days to advertise from bid notification before bids are due
- > \$500K = min **30** days required to advertise from bid notification before bids are due
- The earliest the pre-bid meeting can be scheduled is **5** days after bid notification
- <\$200K, requires reasonable amount of time
- ***Emergency projects are exempt from require advertisement time***

MCC 7040 & 7360 INSURANCE REQUIRMENTS UPDATES Effective October 1, 2021 Highlights:

INDEMNIFICATION AND INSURANCE

Contractor shall indemnify and hold harmless the County.

Contractor expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by the Contractor shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities as herein provided.

Full Requirements update: http://intra8/ciis/CIIS_Menu_FAQ.asp?SelArea=3

INSURANCE REQUIREMENTS CONTINUE

The Contractor shall furnish to insert your Departments name and address, on Certificate(s) of Insurance which indicate that insurance coverage has been obtained which meets the requirements as outlined in the 2021 updated Insurance Requirements.

NOTE: CERTIFICATE HOLDER MUST READ:

**MIAMI-DADE COUNTY
111 NW 1st STREET
SUITE 2340
MIAMI, FL 33128**



Insurance Coverages Cont.

If asbestos abatement or removal operations, environmental work as in extraction of contaminated soil, and/or transportation/delivery/unloading of hazardous materials is required of the Contractor, then Pollution Liability insurance, in an amount not less than \$1,000,000 covering third party claims, remediation expenses, and legal defense expenses arising from on-site and off-site loss, or expense or claim related to the release or threatened release of Hazardous Materials that result in contamination or degradation of the environment and surrounding ecosystems, and/or cause injury to humans and their economic interest may be required.

Please contact Risk Management if further clarification is needed:

RiskInsTrans@miamidade.gov

Payment & Performance Bond

- Contracts $>$ \$200K  P & P Required
- Contracts \geq \$100K  P & P Required when federal funds are involved
- Check with funding source for P&P requirements.
- Bid Bond is required when P&P is required.
- SBD approval required for projects below the thresholds above.
- Applies to Emergency Work – no exceptions!!



Liquidated Damages

- User departments are encouraged to include liquidated damages provisions, when applicable.
- Make sure you are able to support your Liquidated Damages amounts.
- Calculations may include: cost per hour for Project Manager times (x) the number of days delayed. (Justification is required)
- Lost Income, and Potential Losses

Certificate of Assurance (CoA)

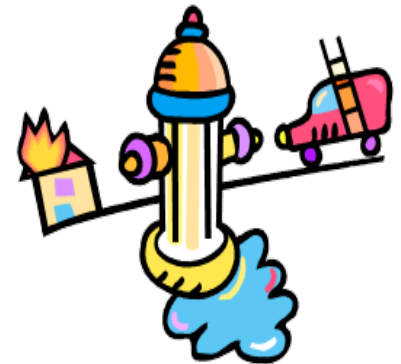
RPQ	Value	Trade Type	CoA
7040	=<\$10K	Single	Not required
7040	>\$10K	Single	Required
7040	Any	Multiple	Required
7360	Any	With SBE measures	Required
7360	Any	W/O SBE measures	Not required

- CoA (if applicable) is required at the time of bid submittal.
- The bidder/proposer is committed to meeting the established measure(s) assigned to this project.
- Departments are to forward the CoA (of the three lowest bidders) to SBD.
- Departments are to notify SBD of bids without the CoA.

The MCC Emergency RPQ Process

What is an Emergency?

- ✓ An emergency is an **unforeseen or unanticipated urgent and immediate need** where the **protection of life, health, safety or welfare of the community or the preservation of public properties** would not be possible using normal procurement procedures.



Emergency

The MCC Emergency RPQ Process continues...



Emergency

- ✓ Only use the Emergency RPQ process for emergencies:
- ✓ Access the emergency list of contractors in CIIS. (**ROTATE the contractors!**).
- ✓ Print the Emergency List at the time of selection of contractor assigned to the project and *place that list in the project file.*
- ✓ http://intra8/ciis/CIIS_Menu_MCC.asp
- ✓ See: MCC 7040 Emergency License Type Contracts
- ✓ MCC 7360 Emergency License Type Contracts
- ✓ Within **5 working days** submit the post award documentation to SBD, with an **e-mail justifying the circumstances of the emergency; copying the user department's Director or his designee.** IO 3-53.
- ✓ In the event a contractor does not respond to the emergency request, send us an e-mail documenting the non-responsiveness of the contractor. Contractors will be removed from the ERT if they do not respond to two consecutive emergency requests. After expiration of 6 months suspension, contractors can reapply.

THE MCC RPQ PROCESS

Step #1: User enters the information in CIIS creating the RPQ.

Once the RPQ is submitted in CIIS, it may go to the Budget office (OMB) for approval.

Plan for the RPQ to be with OMB for, at least, 3 – 5 days.

THE MCC RPQ PROCESS continues...



Step #2: Once OMB approves the funding (if required*), the RPQ goes to SBD for processing.

NOTE: *All RPQs above \$50,000 require OMB funding approval. Projects funded by Bond/CORF/Federal regardless of value require OMB approval.

THE MCC RPQ PROCESS continues...



Step #3: SBD reviews the RPQ and adds the bidders list to the RPQ (use checklist for guidance).

REMEMBER to include the **project qualifier** in each RPQ

The project qualifier must have working knowledge of the work to be accomplished and possess general project/construction management skills.

Note: make sure to contact all bidders provided on the list (don't leave anyone out).

THE MCC RPQ PROCESS continues...



Step #4: Once the contractors are notified of the RPQ, (7040) via fax, or e-mail and the (7360) advertised through the Daily Business Review, the **Cone of Silence** goes into effect. Refer to AO 3-27 for details on the Cone.

THE MCC RPQ PROCESS continues...

Step #5:

Addendums shall be issued when changes and or additional information (scope, time, answer to questions, etc.) are required after a project is advertised and before the bid due date.



Be mindful of multiple addendums



REMEMBER: All Addendums must be entered into CIIS (please forward copies to SBD). MCC 7360 RPQs/ITBs and Addendums must be uploaded in E-procurement and sent to all Contractors listed on the Bidder's List.

NOTE: Verbal statements are not binding to the County.



THE MCC RPQ PROCESS continues...

Step #6: Bids :

- Sealed bids are to be opened publicly and read aloud.
- Certificate of Assurance (if applicable) should be submitted to SBD for compliance review.
- **Appendix 5A is recognized as the BID FORM**
- **Evaluate your bids for the lowest, responsible, and responsive bidder.**



At a minimum, do your **due diligence**...by using the link to help determine **responsibility**.

<http://intra.miamidade.gov/procurement/vendor-compliance.asp>

Refer to Mayor's memo for additional instructions.

NOTE: Check with the CAO for responsiveness inquiries.

THE MCC RPQ PROCESS continues...



Step #7: Once the **Recommendation for Award** is signed by the authorized user, the Cone of Silence ends.

- Send signed copy of the Recommendation for Award letter, from **\$25K to \$250K** – for posting on the e-procurement website and added to the CIIS Notes section.
- **Awards greater than \$250K** must be filed with the Clerk of the Board, by the User Department.
- **Bid Protest** procedure goes into effect. Refer to IO 3-21 for details on the Protest procedures
- Submit the Recommendation for Award letter in CIIS (Click the button).



THE MCC RPQ PROCESS continues...

Step #8: A Parent and/or Child funding source is Identified/created in INFORMS or Peoplesoft for ISD's review. *NOTE: AV & WASD still submit PO's.*

INFORMS contract will be compared to RPQ.

- Include a justification in CIIS when the disparity between the estimated amount is greater or less than 20% (IO 3-53).
- Once the contract and Award letter (In CIIS) are approved, the option to enter the **NTP will be available** in CIIS.
- Enter the NTP in CIIS, and submit for final review and approval of CC.



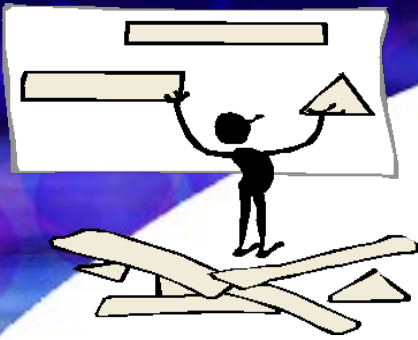
THE MCC RPQ PROCESS continues...

Step #9: Upon e-mail notification of the **NTP approval in CIIS, print and sign the NTP then forward it to the contractor for execution.**

- Send a copy of the NTP to the appropriate staff person.
- Send a copy of the executed NTP to Marcia Martin.
- Keep the original for your records.

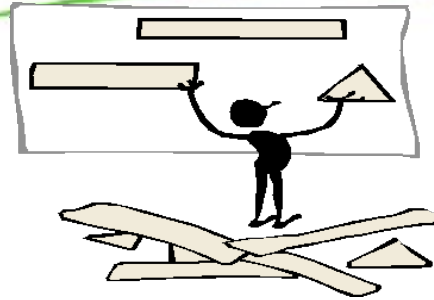
At the time the contractor signs the NTP, the contract between the County and the contractor is established.





Changes to the RPQ Process

- Change should be within **the general scope of the original RPQ.**
- At the **physical location or adjacent to the original site** of the RPQ.
- Should involve **trades currently included in the original RPQ or involve an unanticipated discovery** occurring during the course of the contract.
- Equitable adjustment (**increase/decrease**) to the contract price caused by a requested change in work or **time extension (excusable delays only- beyond the contractor's control).**



Changes to the RPQ Process continues...

- When changed work must be performed within the general scope of work, a change order must be processed, regardless of the value of the changes being made. All change order must be processed in CIIS and reviewed and approved by ISD before execution.

Changes to the RPQ Process continues...



- Clearly justify the reason for the change and identify the general reason(s) in CIIS –



- **Regulatory Change** – revision in federal, state or local regulations after award

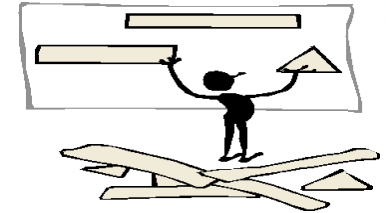


- **Other Agency Requested Change**



- **Design Errors Change** – errors caused by A & E

Changes to the RPQ Process continues...



➤ **Design Omissions**

Change – items necessary but not included

➤ **County Requested Change**

– revision in programmatic, operational, occupancy schedule

➤ **Unforeseen/Unforeseeable Change** –hidden and **Other (Force Majeure)** – uncontrollable (covid-19)




- If you have various reasons for the changes, submit a breakdown of days by category.

Change orders or Revisions to the contract

- **Change orders must be reviewed and approved by SBD (in CIIS).** Do not print and route for signatures prior to SBD's (CIIS) approval. If required, route your changes to the Mayor's office. ISD/SBD will no longer provide this service.
- CO must be in compliance with Resolution No. R-1001-15 – requires contracts with SBE measures to **meet at least 85% of the SBE goals applicable** to the portion of the contract work performed to date before a CO or contract amendment be considered
- Submit all fully executed CO to SBD. **No increases to a PO or CC will be approved without an executed CO.** Your hard copy of the CO must match CIIS. If not, the CO/PO will be delayed/returned.

Terminating a Contract

- **Termination for Default** – this method is used when the contractor is not performing as stipulated in the terms of the contract. 
- Issue **Notice to Cure** – Notify Surety (when applicable) and CAO
- Issue **Termination for Default** – Notify Surety (when applicable) and CAO



Terminating a Contract continues...



- **Termination for Convenience** – this method is used when the County determines that the project must be stopped (not caused by contractor's negligence).
- Contractor must be compensated for any project related expenses resulting from the issuance of the **Termination for Convenience**.

Evaluations

- IO 3-53 requires at least 1 evaluation to be performed (in CIIS) for the awarded contractor.



- RATING KEY**

- 4 SUPERIOR PERFORMANCE**

- 3 Satisfactory performance Minor errors noted

- 2 Guarded performance - Errors and Omissions documented in writing with timely corrective action.

- 1 Unresponsive performance documented in writing without timely corrective action.



BOARD OF COUNTY COMMISSIONERS (BCC)

- 4 Quarterly Reports are prepared by SBD
- Complete the “RPQ Status Responds Form”
- All Project reporting activities are monitored in the MCC
- County Commissioners & The Mayor have Read Only Access

TIPS

- Review the 7040 and 7360 Terms & Conditions.
- Review the MCC Ordinance 09-101 and Implementing Order 3-53.
- Make sure the contractors insurances are current for the duration of the project.
- Use the emergency RPQ process for emergencies only.
- For Parent/Child contract questions please contact: Marcia Martin or Laurie Johnson.
- **For MCC Program/Administrative** related questions please contact Jacqueline Fussell, or Laurie Johnson.



MCC Program

Thank you for participating....
ANY QUESTIONS



Implementing Order



Implementing Order No.: IO 3-53

Title: Miscellaneous Construction Contracts Program

Ordered: 12/05/2017

Effective: 12/15/2017

AUTHORITY:

Sections 2-8.1 and 2-8.2.7.01 of the Code of Miami-Dade County, Resolutions R-1139-07, Resolution R-597-08, and Sections 1.01, 2.02 and 5.03(D) of the Miami-Dade County Home Rule Amendment & Charter.

SUPERSEDES:

This Implementing Order (IO) replaces the prior IO 3-53 and supersedes Section III.C.1 of Implementing Order 3-39, which became effective on April 16, 2010.

SCOPE:

This IO establishes the policy for administration of the Miscellaneous Construction Contracts (MCC) Program. This IO is applicable to the pre-qualification, registration, award and administration of miscellaneous construction contracts with a maximum value as specified in Section 2-8.1(b) of the Code of Miami-Dade County (Code). The MCC Program has two (2) plans. The 7040 Plan is 100% set-aside for certified Small Business Enterprise-Construction (SBE-CON) contractors. The 7360 Plan is open to all contractors and only used if either federal funding is involved or an SBE-CON set-aside cannot be established.

The County Mayor or County Mayor's designee shall ensure that the MCC program is utilized as approved by the Board of County Commissioners and that the work is awarded in a fair and equitable manner. The Internal Services Department (ISD) Small Business Development (SBD) Division shall administer the MCC Program. The use of the MCC program shall be in strict adherence with all applicable local, state, and federal regulations.

POLICY:

This IO is intended to enhance contracting opportunities for SBE-CON contractors and to expedite the award of construction contracts.

PROCEDURES:

I. DEPARTMENT ELIGIBILITY AND INCLUSION OF CONTRACTS

All County departments are eligible to access the MCC Program. To participate, the department must adhere to the procedures described herein and maintain well-trained, knowledgeable staff to manage the construction activities. Inclusion of contracts in the MCC Program shall be as established by Section 2-8.2.7.01 of the Code.

II. CONTRACTOR REGISTRATION PROCESS

A. MCC Program Participation Requirements

To enroll in the MCC Program, contractors should submit an MCC Program Registration Form to SBD. Contractors must be in good standing with the County by not having any outstanding debts and demonstrating acceptable past performance.

B. 7040 Plan Registration Requirements

Contractors wishing to participate in the 7040 Plan must comply with the following two (2) requirements:

1. Register as a vendor with ISD Procurement Management Services Division; and
2. Be certified as a Miami Dade County Small Business Enterprise - Construction (SBE-CON) contractor and maintain certification at all times as a SSE-CON contractor with SBD.

Note: SBE-CON certification requires that the contractor hold valid Miami-Dade County Certificates of Competency and/or State of Florida contractor's licenses.

Contractors will be automatically enrolled in the 7040 Plan by checking the appropriate box on the Small Business Enterprise Program certification application and effective the date of the SSE-CON certification approval. If the contractor opts out of the 7040 Plan by checking the appropriate box on their SSE Certification Application the firm will not be added to the pool. Contractors may be enrolled in the 7040 Plan at any time after the submittal of a SBE certification application by completing and submitting the MCC Program Registration Form.

C. 7360 Plan Registration Requirements

Contractors wishing to participate in the 7360 Plan must comply with the following three (3) requirements:

1. Register as a vendor with ISD Procurement Management Services Division;
2. Submit a completed MCC Program Registration Form to SBD; and
3. Hold at all times valid Miami-Dade County Certificates of Competency and/or State of Florida licenses.

D. Emergency Response Team Pool Registration Requirements

An emergency is an unforeseen or unanticipated, urgent and immediate need for construction services where the protection of life, health, safety, welfare of the community or the preservation of public property would not be possible using any of the County's standard contracting methods. The Emergency Response Team (ERT) Pool under the MCC Program may be used for such construction contract awards.

Contractors wishing to be a part of the ERT Pool must comply with the following:

1. Meet the requirements of either the 7040 or 7360 Plan;
2. Complete the MCC Program Registration Form and indicate their intent to be part of the ERT Pool;
3. Submit proof of insurance for Worker's Compensation, General Liability and Automobile Liability (Owned, Non-Owned and Hired Vehicles) Insurance in an amount not less than \$300,000 combined single limit for bodily injury and property damage; and
4. Be available 24 hours per day/ 7 days per week and respond to the user department's emergency call, within two (2) hours of the call, by communicating with a live person from said user department.

Note: In the event a contractor fails to respond two (2) consecutive times within two (2) hours of being contacted for an emergency, the user department shall notify SBD of the contractor's lack of compliance. SBD will then determine if the contractor will be suspended from the ERT Pool. SBD will allow a suspended contractor to reregister for the ERT Pool following the expiration of a six-month suspension period.

III. REQUEST FOR PRICE QUOTATION IN THE CAPITAL IMPROVEMENTS INFORMATION SYSTEM

A. Request for Price Quotation Creation

A Request for Price Quotation (RPQ) refers to the solicitation document issued by the County containing the project scope of work to be performed and requesting submittal of prices and other necessary information. The solicitation process begins when a user department creates and submits a complete RPQ in the Capital Improvements Information System (CIIS).

An RPQ from a user department shall:

1. Contain an estimated project value based on recent prices (no more than six months old);
2. Have a well-defined scope of services;
3. Identify special requirements, when applicable;
4. Clearly state in CIIS the plans and/or specifications, if any; and
5. Contain the Office of Management and Budget (OMB) approved capital budget project number, site number and its specific funding source with the index code (if applicable), as all RPQs are subject to funding approval by OMB.

The user department shall include the "RPQ Bid Form" with the bid package they provide to bidders.

B. Bonds

It is the policy of the County to foster opportunities for small businesses and the requirement for a Bid Bond or Payment and Performance Bond may serve as a barrier for an opportunity. Accordingly, SBD will review RPQs requiring a Bid Bond or Payment and Performance Bond with an estimated contract value less than \$200,000 to determine whether such requirement is appropriate under the circumstances before it provides the user department with a bidders list.

C. Liquidated Damages

User departments are encouraged to include liquidated damages provisions in RPQs, when applicable.

D. Single Trade Contract

A Single Trade Contract is created when 100% of the scope of the work can be performed by a Specialty Building Contractor as defined under Chapter 10 of the Code or when the scope of work is primarily a single trade but ancillary trade work is required to complete 100% of the work. Under the 7040 Plan, only Specialty Building Contractors can bid as the prime contractor on a Single Trade Contract RPQ.

E. Multiple Trade Contract

A Multiple Trade Contract is created when the scope of work to be performed requires a licensed General Contractor (ex., Building, Engineering or Mechanical) as prime

contractor and specialty subcontracting trades. Under the 7040 Plan, subcontractors must be certified SBE-CON contractors unless none is available, in which case the user department must request an exemption from SBD prior to issuing the solicitation.

IV. MCC PROGRAM SOLICITATION PROCESS

A. 7040 Plan Solicitations

RPQs issued for the 7040 Plan are not publicly advertised and only contractors registered in the 7040 Plan are eligible to bid by invitation only. Once the user department submits a complete RPQ through CIIS, SBD will review the RPQ for compliance with this 10 and create a bidders list as stated below. To process the RPQ, three (3) or more licensed prime contractors in the 7040 Plan must be licensed in the categories required for the work.

A contractor's certification level established pursuant to Section 10-33.02 of the Code determines that contractor's participation level in the 7040 Plan. The Mayor or Mayor's designee shall be authorized to issue, and regularly update, the Contractor's Rotation Policy. The Contractor's Rotation Policy shall be intended to distribute contracts equitably among contractors registered in the 7040 Plan based on number of prior contracting opportunities within the plan and contract awards. The Contractor Rotation Process establishes the placement of each 7040 Plan contractor for RPQs. Once SBD approves a contractor to participate in the 7040 Plan and its profile is complete in the CIIS, the system will allocate the placement of that contractor based on a rotation factor. The rotation factor is further explained in SBD's Contractor's Rotation Policy.

1. RPQs valued up to \$10,000

SBD will provide the user department a bidders list with a minimum of (4) contractors in numerical order based on each contractor's placement on the rotation. The user department shall invite Bidder Number 1 to provide a quote and award the contract to it, if the quote is responsive and the bidder is responsible. If Bidder Number 1 either (1) fails to respond, (2) is unavailable to perform the work, (3) provides a quote that is not responsive, or (4) is not responsible, the user department shall give Bidder Number 2 the same opportunity to provide a quote. This process shall continue until the user department awards the contract to a contractor on the list or the project is canceled. In the event that the user department determines that none of the contractors from the bidders list can be awarded or none responded to the RPQ, the user department shall request from SBD an additional bidders list.

2. RPQs valued from \$10,001 to \$200,000

SBD shall provide the user department with a minimum of ten (10) contractors that will bid competitively. However, user departments may request that SBD provide it with all contractors registered in the primary license trade.

3. RPQs valued from \$200,001 to \$5,000,000

The user department shall invite all contractors registered in the primary license trade to bid competitively. RPQs in the 7040 Plan valued at \$250,000 and over may be subject to Community Workforce Program (CWP) requirements. SBD will provide the CWP goal, if applicable.

B. 7360 Plan Solicitations

RPQs processed through the 7360 Plan are those that are either federally funded or approved by SBD as there is insufficient availability for a 100% SBE-CON set-aside. However, projects to be processed through the 7360 Plan must first be submitted to SBD for review and application of SBE subcontractor and/or CWP measures, if applicable.

RPQs for the 7360 Plan are advertised publicly and are open for bidding by all contractors that comply with the requirements of this 10. SBD will advertise 7360 Plan RPQs and post on the ISD Procurement Management Services website.

V. 7040 AND 7360 PLANS RPQ AWARD PROCESS

A. Sealed Bids

All sealed bids must be opened publicly and read aloud.

B. Recommendation for Award

For the 7040 Plan, the Recommendation for Award letter will be issued to the responsive and responsible bidder. For the 7360 Plan, the Recommendation for Award letter will be issued to the lowest priced, responsive and responsible bidder. SBD shall review the Recommendation for Award (via CIIS), confirm that the contractor's insurance is current and approve the Purchase Order (via ADPICS/ERP) to ensure compliance with this 10.

Note: Contractor's insurance must be approved by the ISD Risk Management Division.

Award amounts more than 20% below or above the original estimated contract value shall include written justification in CIIS from the user departments. A user department shall also provide a written justification for any decision to not use a contractor that proffered a bid to the County in the rotation process.

C. Posting and Filing of Awards

Awards from \$25,000 to \$250,000 shall be posted by the user department on ISD's website and notification shall be sent to all bidders. Awards greater than \$250,000 shall be filed by the user department with the Clerk of the Board.

D. Notice to Proceed

The user department shall only approve, execute and release the Notice to Proceed (NTP) after SBD approves the purchase order. The executed NTP constitutes a contract with Miami-Dade County for the MCC Program and shall incorporate by reference the latest version of the contract documents available at the time of execution of the NTP. No work shall begin prior to the approval of the purchase order and issuance of the NTP.

VI. ERT POOL AWARD PROCESS

An Emergency RPQ may be awarded without utilizing the competitive bid procedures if the user department determines that the work to be performed is an emergency and cannot be performed within the required time using competitive purchasing procedures. The user department's Project Manager shall process a request for the emergency work by contacting, and awarding the project to, a contractor from the ERT Pool in CIIS.

Contractors may submit their emergency quotes by telephone, facsimile or e-mail, followed by written confirmation.

Within five (5) working days after the contractor is contacted to perform the work described in the Emergency RPQ, the user department's director or authorized designee shall submit to SBD a written explanation of the circumstances mandating the emergency procedures.

VII. CHANGE ORDERS OR REVISIONS TO THE RPQ

The County may process change orders, which result in additions to, or reductions from, the amount, type or value of the work described in the RPQ, including the contract timeline. User departments shall follow the same approval process for MCC Program awards outlined above when submitting a change order. Change Orders must have all required authorizations prior to submittal to SBD.

Any County contract with small business measures is required to meet at least eighty-five percent (85%) of the small business goals applicable to the tasks and value of the portion of the contract work performed to date before a change order or contract amendment may be considered for approval, unless the following explanatory information has been provided. Items with small business measures which fail to meet this minimum threshold or equivalent percentage must clearly explain (i) the circumstances as to why the goal(s) was not achieved, (ii) steps taken by the prime contractor(s) and the user department to meet the goal(s), and (iii) how the small business goal(s) will be achieved in the change order or contract amendment.

A. Contracts Valued up to \$1,000,000

Change orders for contracts with a current value up to \$1,000,000 require authorization by the user department's Project Manager and Assistant Director.

B. Contracts Valued \$1,000,001 or over

Change orders for contracts with a current value of \$1,000,001 or over require authorization as shown in the table below.

% Contract Value of Cumulative Change Order Amount*	% Time Extension*	Authorization by (or designee)
< 15%	< 15%	User Department Project Manager and Assistant Director
15 – 25%	15 – 25%	User Department Project Manager and Director
> 25%	> 25%	User Department Project Manager and Deputy Mayor

***Not to exceed the maximum value specified in Section 2-8.1(b) of the Code.**

User departments shall submit to SBD copies of all executed change orders regardless of the dollar amount or time change requested. A change order is executed when all applicable signatures are received, which may include contractor, user department Project Manager, user department Assistant Director, user department Director, Deputy Mayor and surety.

Any change order that will increase the contract value in excess of the maximum value specified in Section 2-8.1 (b) of the Code shall be subject to approval by the Board of County Commissioners.

VIII. PERFORMANCE EVALUATIONS

In accordance with Administrative Order No. 3-42, *Evaluation and Suspension of Contractors and Consultants*, all contractors shall be evaluated for their performance at least once on each capital improvement contract. The performance evaluation shall be completed in the CIIS by the user department's Project Manager no later than 90 days after contract completion or final acceptance, whichever comes first. Performance evaluations may be used as a basis for determining future awards.

IX. CONSTRUCTION MANAGEMENT AND CIIS

User departments shall identify a "Project Qualifier" for each RPQ submitted to SBD. The Project Qualifier and the personnel assigned to manage a capital improvement project must have working knowledge of the type of work to be accomplished and possess general project/construction management skills. All personnel assigned to manage an MCC Program RPQ shall become familiar with the policies and Procedures involving the use of CIIS. SBD staff shall provide overall CIIS training to all users.

Maintaining data in the CIIS

User departments shall provide, on a monthly basis, a current status for each RPQ by entering the appropriate information in that RPQ's unique "home page" in the CIIS.

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

Approved by the County Attorney
as to form and legal sufficiency.