

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, August 10, 2018 10:51 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 18-192 Evelyn Campos, Professional Compliance Director, Miami-Dade Aviation Department (Organizational Conflict Plan re: ISD Project No. A16-MDAD-03 - Terminal Optimization Program Facility Design Services)
Attachments: 18-0214-MOBIO-MDC Organizational Conflict of Interest Identification and .pdf; Bermello Ajamil Partners Organizational Conflict of Interest Plan Lett .pdf; MC Harry A16-MDAD-03 Conflict Plan.pdf; MC Harry A16-MDAD-03 Letter No Conflict.pdf; NTPC_A16-MDAD-03_FINAL_2016-12-30.pdf; Perez&Perez Organizational Conflict of Interest Plan.pdf

INQ 18-192 Campos

From: Centorino, Joseph (COE)
Sent: Friday, August 10, 2018 10:17 AM
To: Campos, Evelyn (Aviation) <ECampos@miami-airport.com>
Cc: Rull, Arlyn (Aviation) <ArlynRull@miami-airport.com>; Jimenez, Barbara S. (Aviation) <BJimenez@miami-airport.com>; Hernandez, Pedro (Aviation) <PHERNANDEZ@miami-airport.com>; Clerk of the Board (COC) <Clerk.Board@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Murray, David M. (Aviation) <dmmurray@miami-airport.com>
Subject: INQ 18-192 Evelyn Campos, Professional Compliance Director, Miami-Dade Aviation Department (Organizational Conflict Plan re: ISD Project No. A16-MDAD-03 - Terminal Optimization Program Facility Design Services)

Ms. Campos:

I have reviewed the correspondence and attachments forwarded to the Commission on Ethics in connection with the organizational conflict plan submitted by MDAD on ISD Project No. A16-MDAD-03 – Terminal Optimization Program Facility Design Services. It is my understanding that no organizational conflicts have been determined or revealed for any of the prime proposers or their sub-consultants. However, the Director of MDAD, in anticipation of possible conflicts involving this program where there may be consultants or proposed sub-consultants who have existing contracts under the MDAD Capital Improvement Program, has made it a requirement that no such consultant or sub-consultant may be involved in another contract under the program. The prime consultants have all been informed of and agreed to this requirement.

I am in agreement with and hereby to approve the proposed plan to deal with organizational conflicts on this program. It is laudable that the MDAD Director has taken such a forward-thinking approach to prevent the development of organizational conflicts at MDAD. \

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820

Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov



From: Campos, Evelyn (Aviation) [<mailto:ECampos@miami-airport.com>]
Sent: Tuesday, August 07, 2018 12:31 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Rull, Arlyn (Aviation) <ArlynRull@miami-airport.com>; Jimenez, Barbara S. (Aviation) <BJimenez@miami-airport.com>; Hernandez, Pedro (Aviation) <PHERNANDEZ@miami-airport.com>; Clerk of the Board (COC) <Clerk.Board@miamidade.gov>; Campos, Evelyn (Aviation) <ECampos@miami-airport.com>
Subject: Request for Approval-Conflict of Interest Plan-ISD Project No. A16-MDAD-03 - Terminal Optimization Program Facility Design Services

Mr. Centorino,

The above referenced solicitation seeks to award four (4) Professional Services Agreements (PSA) for Facility Design Services. Firms recommended are: Bermello, Ajamil & Partners, Inc., M. C. Harry and Associates, Inc., Mobio Architecture, Inc., and Perez & Perez Architects Planners, Inc.

In accordance with *NTPC Section 1.16 and attachment (entitled Organizational Conflict of Interest, and Conflict of Interest Related to Section 2-11.1 of the Code of Miami-Dade County)*, the Miami-Dade Aviation Director (MDAD) shall make the decision as to how to address an organizational conflict of interest, subject to the approval of the Executive Director of the Commission on Ethics.

MDAD's Plan

To prevent organization conflict of interest, the consultants awarded this PSA and its sub-consultants, will be precluded from being recommended for award on the MDAD Capital Improvement Program Support Services agreement during the term of this PSA.

MDAD is requesting your approval of our plan to address the organizational conflict of interest under the ISD Project No. A16-MDAD-03 - *Terminal Optimization Program Facility Design Services* proposal. Thank you.

Attachments:

NTPC Section 1.16 and attachment (*entitled Organizational Conflict of Interest, and Conflict of Interest Related to Section 2-11.1 of the Code of Miami-Dade County*)

Mobio Organizational Conflict of Interest Plan

M.C. Harry and Associates Organizational Conflict of Interest Plan

M.C. Harry and Associates Letter Denying Conflict of Interest

Perez & Perez Organizational Conflict of Interest Plan

Bermello Ajamil Partners Organization Conflict of Interest Plane

Evelyn Campos, Professional Compliance Director
Miami-Dade Aviation Department

P.O. Box 025504




Miami, FL 33102-5504

305-876-7390 Phone

305-439-9439 Cell

ecampos@miami-airport.com

www.miami-airport.com

Connect with us:   



[The award-winning Gateway of the Americas](http://www.miami-airport.com)

Date: February 14, 2018

To: Miami-Dade County
Internal Services Department
111 N.W. 1st Street, Suite 1300,
Miami, Florida 33128

Attn: Mr. Amado Gonzalez
A/E Consultant Selection Coordinator


RE: ISD Project No. A16-MDAD-03,
Terminal Optimization Program
Facility Design Services Contract

**ORGANIZATIONAL CONFLICTS OF INTEREST IDENTIFICATION AND REMEDIATION
PLAN (PLAN):**

In response to your request on February 9, 2018, we hereby share with you our team's 'Organizational Conflicts of Interest Identification and Remediation Plan' (PLAN) for the above referenced Contract. This PLAN will be enforceable as part of the team's 'Project Management Plan (PMP)'. Furthermore, the provisions stated herein will be included in each MOBIO's Sub-Consultant's professional services Agreement for services required under this Contract.

- I. As of today, to the best of our knowledge, MOBIO Architecture, Inc. (MOBIO) and all its Sub-Consultants: (1) RS&H, Inc.; (2) Premier Design Solutions, Inc.; (3) Louis J Aguirre & Associates, P.A.; (4) AMEC Foster Wheeler; and (5) Alpha Corporation confirm that they do not have potential, real or apparent Organizational Conflicts of Interest relative to this solicitation and other concurrent Terminal Optimization Program (TOP) projects.
- II. At the time of engaging the professional services of each Sub-Consultant, our standard Sub-Consultant Agreement will include a statement stating that their respective firms and individual team members assigned to this project do not have potential, real or apparent organizational conflicts of interest with other Terminal Optimization Program (TOP) projects.
- III. MOBIO and its Sub-Consultants shall be required to report quarterly the current status of their respective firms and individual team members assigned to this project do not have potential, real or apparent organizational conflicts of interest with other Terminal Optimization Program (TOP) projects. MOBIO shall report status of the entire team to Miami-Dade County when filing the Invoice and Project Progress Report of the last month of every quarter. Should there be any potential conflict with other Terminal Optimization Program (TOP) projects, MOBIO and its Sub-Consultants shall advise Miami Dade County promptly through the established channels of communication for the project.

- IV. MOBIO will include in every Sub-Consultants' Agreement language requiring every sub-consultant to report to MOBIO any change of status within fifteen (15) calendar days.
- V. MOBIO will require its employees and every Sub-Consultant, directly involved in the development of this Contract, to sign a "Confidentiality Agreement" to assure confidential project information pertaining to this Contract is not shared in case of project team members' being hired by other firms performing TOP projects services.
- VI. MOBIO and its Sub-Consultant will be required to report in advance to Miami-Dade County the intent of hiring MDAD personnel throughout the development of this Contract. This clause will be included in all MOBIO's Sub-Consultant Agreements.
- VII. MOBIO will enforce that, in case of MOBIO and/or any of its Sub-Consultants, are acquired by another firm or owner performing TOP project services; personnel assigned to this Contract shall not be involved with any tasks or assignments for any other TOP services projects.

MOBIO ARCHITECTURE, INC.	
	
Authorized Signature	
Name:	<u>Abdel F. Martel</u>
Title:	<u>Partner</u>
Date:	<u>February 14, 2016</u>

ORGANIZATIONAL CONFLICT OF INTEREST PLAN
ISD Project No. A16-MDAD-03
Terminal Optimization Program – Facility Design Services
Miami International Airport
Bermello Ajamil & Partners, Inc.
February 23, 2018

As required by the Miami-Dade Aviation Department (MDAD), we propose the following methodology to address any existing or potential organizational conflict of interest through the initial disclosure of and subsequent updates to prevent any existing or potential future organizational conflict of interest. This methodology emphasizes accountability, transparency and efficiency to make sure any existing or potential organizational conflict of interest are disclosed, identified and addressed in a manner consistent with Miami-Dade County procedures. If any team member or staff member of the Prime or a Subconsultant creates a potential conflict of interest because of their involvement on any project assigned to the scope/purview of the Facility Design Services Consultant for the Terminal Optimization Program, proper actions will be taken by the Team to eliminate the issue to the full satisfaction of the Director of MDAD, the Commission on Ethics and Public Trust and the Office of the Inspector General.

DISCLOSURE

We will require each team member, ourselves as the Prime Consultant and all Subconsultants, to provide an initial written identification of all existing or potential Miami-Dade County projects or contracts for which they have; an existing contract for services, are affiliated with other businesses that have a contract for services or are Subconsultants under a contract with another Prime Consultant. This letter will also identify potential, real or apparent Organizational Conflict of Interest relative to this solicitation and other concurrent Terminal Optimization Program (TOP) projects that Team members are currently pursuing or are anticipated to pursue where such person or entity may have a Conflict of Interest where they may be unable or potentially unable to render impartial assistance or advice to the County; or might be otherwise impaired in its subjectivity in performing the contract work; or have an unfair competitive advantage.

This identification will be in the form of a certified letter provided by each firm, listing all contracts and all Prime Consultants or Subconsultants associated with that contract. This letter will be certified by a principle of the firm and notarized. These certified letters will be compiled into one package which will be reviewed by the Prime Consultant and certified in writing that we do not have knowledge of any Organizational Conflict of Interest or potential Organizational Conflict of Interest. This package will then be submitted to MDAD for their review and approval prior to signing the Prime contract. Any subsequent subcontracts will not be signed with any Subconsultant without a certified letter having been submitted by them to the Prime Consultant.

These certified and notarized letters will list all firms and persons potentially conflicted and include the following for each:

- A list of all current Project Names and Scope of Work provided
- List of all future Project Names and Scope of Work to potentially be provided
- List of any future Project Names and Scope of Work being pursued
- Plan of action detailing the Management of any Potential Conflicts of Interest

MEASURES

1. If after submittal of our disclosure letters and upon a decision by the Director of MDAD we will take the following measures or combination of measures as appropriate to address any Organizational Conflict of Interest to the satisfaction of the Director of MDAD, the Office of the Commission on Ethics and Public Trust and the Office of the Inspector General:
 - a. Avoidance of risk through reduction of subjectivity in the analysis or by defining work tasks and deliverables with specificity
 - b. Implement structural barriers (firewalls) and internal corporate controls including but not limited to; separate staff personnel, separate offices, separate project files, network files and documents
 - c. Limit Subconsultants or personnel from involvement in work assignments
 - d. Setting specific hourly limits on defined tasks
 - e. Limiting or prohibiting certain pass through fees and markups
 - f. Executing a mitigation plan which will define specific Subconsultants duties to mitigate conflicts
 - g. Redirecting tasks to Subconsultants who are conflict free to perform identified scopes of work
 - h. Requiring Subconsultants to adopt, disseminate and instruct staff on conflict of interest identification and remediation procedures
 - i. Relying on more than one source and objective, verifiable information
2. Upon request of the Director of MDAD we would submit any and all sub-consultant agreements with special provisions/affidavits forms with the purpose of identifying any potential Organizational Conflict of Interest.
3. We will require the Prime Consultant and each Subconsultant to submit annual updated certified and notarized letters stating any changes to real or potential Organizational Conflict of Interest.

FUTURE DISCOVERY

The Prime Consultant or any Subconsultant shall be obligated to disclose to the County any Organizational Conflict of Interest or potential Organizational Conflict of Interest immediately upon its discovery. This disclosure will be in the form of a written letter to the Director of MDAD. This discovery may include, but is not limited to:

4. The Prime Consultant or Subconsultants personnel are hired by other firms.
5. MDAD personnel is hired by either the Prime Consultant or Subconsultant firms performing TOP project services.
6. The Prime Consultant or a Subconsultant is acquired by another firm performing TOP projects services.

7. The Prime Consultant or Subconsultant firm is acquired by an umbrella company or owner of other firms performing TOP projects services.

While we do not anticipate an Organizational Conflict of Interest or potential Organizational Conflict of Interest which cannot be remedied, should this occur we will either propose further alternate actions at that time to the satisfaction of; the Director of MDAD, the Office of the Commission on Ethics and Public Trust and the Office of the Inspector General or we will not perform the subject work.

END OF ORGANIZATIONAL CONFLICT OF INTEREST PLAN

G:\Steve\B&A\Proposals\MIA TOP Design\Organizational Conflict of Interest Plan Letter 2018.0223.docx
2/23/2018 3:52 PM

**A16-MDAD-03 : Terminal Optimization Program – Facility Design Services
Measures to Address Organizational Conflicts of Interest
M. C. Harry & Associates, Inc.
February 23, 2018**

MC Harry has met with the sub-consultant team of engineering firms to identify any potential, real or apparent, organization conflicts of interest relative to this solicitation with other 'terminal optimization projects' that any team member is currently pursuing or anticipates pursuing where the firm may have a conflict. Please refer to attached firm by firm documentation of each firm's assessment.

In summary, no member of the MC Harry Team foresees a conflict of interest. Once an assignment has been requested through this contract, the MC Harry Team will review it against the attached MDAD list of TOP projects for potential conflict and address any conflicts at that time.

The MC Harry Team understands that should a mitigation PLAN be required, it shall include at a minimum the following.

1. Identification procedures shall include review of Prime consultant's current affiliations and all its team members' affiliations, including sub consultants, to identify potential, real or apparent Organizational Conflicts of Interest relative to this solicitation and other concurrent Terminal Optimization Program (TOP) projects that Team members are currently pursuing or are anticipated to pursue where such person or entity may have a Conflict of Interest as referenced in the NTPC Section 1.16 Conflict of Interest Related to Section 2-11.1 of the code of Miami-Dade County and the Commission of Ethics and Public Trust's Amended Letter of Instruction, Organizational Conflicts of Interest dated April 13,2017; and consequently:
 - a. Is unable or potentially unable to render impartial assistance or advice to the county; or
 - b. Is or might be otherwise impaired in its subjectivity in performing the contract work; or
 - c. Has an unfair competitive advantage.
2. There are no conflicts or potential conflicts of interest that we are able to identify at this time, but we will address any that arise in the future by addressing the following for each team member:
 - a. List of all current Project Names and Scope of Work potentially conflicted;
 - b. List all future Project Names and Scope of Work potentially conflicted;
 - c. The development of a plan detailing the Management of Potential Conflicts of Interest.
3. Measures to address organizational conflicts of interest:

It is our understanding that the measure or combination of measures which may be appropriate to address an organizational conflict of interest, if any, shall be decided by the MDAD Director, and may include, but are not limited to:

 - a. Avoidance of risk through reduction of subjectivity in the analysis or by defining work tasks and deliverables with specificity;
 - b. Requiring the prime or its subs to implement structural barriers (firewalls) and internal corporate controls;
 - c. Limiting sub consultants or personnel to be involved in a work assignment;
 - d. Employing specific hourly limits on defined tasks;
 - e. Limiting or prohibiting certain pass through fees and markups;
 - f. Executing a mitigation plan which will define specific consultant and sub consultant duties to mitigate organizational conflicts of interest;
 - g. Requiring sub consultants who are conflict free to perform identified area of work;
 - h. Requiring the consultant or its sub consultants to adopt, disseminate and instruct staff on conflict of interest identification and remediation procedures; and
 - i. Relying on more than one source or on objective or verifiable data or information.
4. Submit any and all sub consultant agreements with special provisions/affidavit forms involved in the process of identifying potential conflicts of interest.

5. Include procedures/provisions in the event that Prime consultant's personnel is hired by other firms (Prime or sub consultants) performing TOP project services.
6. Include procedures/provisions in the event that MDAD personnel are hired by Prime or sub consultant firms performing TOP project services.
7. Include procedures/provisions in the event that Prime consultant is acquired by another firm performing TOP project services.
8. Include procedures/provisions in the event that Prime consultant is acquired by an umbrella company or owner of other firms performing TOP project services.
9. Actions proposed to address any conflict of interest which cannot be remedied.

We acknowledge that approval of a required PLAN will, in turn, require the review and concurrence of the Miami-Dade Aviation Director, the Office of the Commission on Ethics and Public Trust, and the Office of the Inspector General as applicable in accordance with the Amended Letter of Instruction, Organizational Conflicts of Interest.

MCHARRYASSOCIATES

February 23, 2018

Amado Gonzalez, A/E Consultant Selection Coordinator
Miami-Dade County – Internal Services Department
111 N.W. 1st Street, Suite 1300, Miami, FL 33128
(305) 375-3888

Re: A16-MDAD-03 TOP Facility Design Services
Recommendation to Negotiate a Professional Services Agreement
Organizational Conflict of Interest Plan Request

Amado:

In response to your email dated February 9, 2018, we have reviewed both the “*Organizational Conflict of Interest Plan Request*” document and the “*Amended Letter of Instructions Organizational Conflicts of Interest*” dated April 13, 2017. MC Harry Associates has met with its sub-consultant team to identify any potential organization conflicts of interest, real or apparent, relative to this solicitation with other ‘Terminal Optimization Projects’ that any team member is currently pursuing or anticipates pursuing.

In summary, no member of the MC Harry Team foresees a potential conflict of interest with any TOP projects. Once an assignment has been requested through the A16-MDAD-03 contract, the MC Harry Team will review it against the attached MDAD list of TOP projects and address any potential conflict at that time in keeping with the “*Amended Letter of Instructions Organizational Conflicts of Interest*” dated April 13, 2017.

Regarding MC Harry Associates’ assessment of conflict, please see the following for our prior involvement in TOP Projects and current assignments at Miami International Airport:

Concourse E Program #V008A – MIA Concourse E to F Connector

Scope of Services: MC Harry provided support services to Ricondo Associates through their E13-MDAD-01 on-call planning contract with Miami-Dade County. The study was an evaluation of three connector locations developed by the MDAD planning department; leading to a recommended connector location. This study was completed in August of 2015.

Concourse E Program #P252A – MIA CCE Satellite Automated People Mover Replacement

Scope of Services: This is a design/build/operate/maintain APM replacement project for which MC Harry Associates was a sub consultant to Beauchamp Construction, the prime consultant. MC Harry Associates’ responsibilities addressed the design of the fixed facilities component of the project. This project was concluded and closed out in November of 2017.

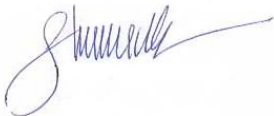
Concourse E/F Central Security Check Point Study

Scope of Services: MC Harry is providing support services to Ricondo Associates through their E16-MDAD-05 on-call planning contract with Miami-Dade County. MC Harry is responsible for the survey of existing conditions and creating graphic representations of the planning consultant’s options for a central security check point located between the two flanking concourses including related post security concession development opportunities; and hold room modification concepts to flanking Concourse F. This study has a marginal relationship to the Concourse E TOP Program #V008A. The study is scheduled to be completed in approximately three months.

Please refer to attached firm by firm documentation of each sub consultant’s assessment of conflict.

Sincerely,

M. C. Harry & Associates, Inc.



Thomas Carlson AIA
Principal

Attached:
MDAD TOP Projects List ;
MC Harry Associates Organizational Conflict of Interest Plan;
Sub Consultant ‘Conflict Assessment’ Letters

February 23rd, 2018

MIA/ Miami-Dade Aviation Department
TOP/Terminal Optimization Program - Facility Design Services
ISD Project No. A16-MDAD-03

Organizational Conflict of Interest Plan

In response to the Request by Miami Dade County ISD A/E Selection Coordinator, Amado Gonzalez on February 9th, 2018 in his e-mail communication regarding the recommendation for negotiations of a Professional Services Agreement (PSA) for the MIA/TOP facility Design Services contract at Miami International Airport.

General Statement

We have reviewed the Organizational Conflict of Interest Request information attached in communication as well as the COE/Amended Letter of instruction on the same issue dated April 13th, 2017. As a point of clarification, Perez & Perez Architects Planners, Inc. is not currently contracted by MDAD nor involved as a prime or sub consultant on any of the projects which are currently listed as part of the TOP program

P&P is currently a Sub-Consultant on the AECOM TOP Project Support Services ISD project No. A16-MDAD-02, and if the AECOM team is selected by the County as the consultant of choice for the TOP, our firm Perez & Perez Architects Planners, Inc. will recuse itself from any project that may be assigned to the AECOM team, whether it is planning, design or construction, which are found to be a conflict with the TOP Facility Design Services PSA to be held by our Firm, if opined by the Office of the Inspector General (OIG) and the Commission on Ethics and Public Trust (COE).

Organizational Plan

Inn order to itemize the responsiveness by our Firm to the questions posed by the Request we will first identify the Requested Information followed by our supporting Response. To this end we have the following Plan information:

1. Identification Procedures for Potential Conflicts of Interests
2. Listing of Persons/Firms Potentially Conflicted
3. Measures or Combination of Measures addressing an Organizational Conflict of Interest
4. Sub Consultant Agreements identifying Potential Conflict of Interest
5. Procedures/Provisions for Perez & Perez Architects Planners, Inc. Potential Conflict of Interest
6. Procedures/Provisions for MDAD Personnel Potential Conflict of Interest
7. Procedures/Provisions if P&P is acquired by another firm performing TOP Services
8. Procedures/Provisions if P&P is acquired by Umbrella Company/Owner of Firms performing TOP Services
9. Actions proposed to address any Conflict of Interest which cannot be remedied.

1. Identification Procedures for Potential Conflicts of Interests

Perez & Perez proposes the following Identification Procedures to identify and mitigate any Potential Conflicts of Interest via the following:

Upon notification of award and execution of the PSA, P&P will notify any Prime Consultant that it may be collaborating with, such as AECOM, of any Potential Conflict of Interest, real and or apparent and will identify procedures towards its resolution. Additionally, prior to entering into a Sub-Consultant Agreement

with all its proposed team members, P&P will meet with each of its sub-consultants to identify any potential conflicts with the TOP program prior to the execution of the Agreement and identify either an individual or number of individuals within each firm that may generate a Potential Conflict of Interest. As part of the procedural methodology P&P will discuss with MDAD staff affiliated with the scope of services that may cause the potential conflict of interest to ensure that a remedial solution be discussed and implemented if such a situation exists.

Additional Concerns which may cause a Conflict of Interest and consequently:

- a. Is unable or potentially unable to render impartial assistance or advice to the County; or
- b. Is or might be otherwise impaired in its subjectivity in performing the contract work; or
- c. Has an unfair competitive advantage.

As part of the Identification Procedure, Perez & Perez will endeavor to identify any all Potential Conflicts of Interest and develop a Plan of Action, duly coordinated with MDAD, which identifies the tasks to be performed, and the sub-consultants assigned to perform the work, and ensure that the subjectivity and or services are not impaired by the individuals or firms assigned to perform the work. P&P understands that, no team member poses an unfair competitive advantage in performing any TOP Facility Design Services, not will generate a subjective conflict of interest.

2. Listing of Firms with Potential Conflicts of Interest

a. Current Projects

As of the date of the Request for the Organizational Conflict Plan, there are no current Conflicts of Interest identified with relation to any work being performed by Perez & Perez Architects Planners, Inc. as we have no active PSA's with the Miami-Dade County Aviation Department.

Parsons Brinckerhoff/WSP, who is identified as a Sub-Consultant on our P&P team is currently active in the design of the Central Base Project, as a sub-consultant to the Prime Consultant, and P&P does not see a potential conflict of interest.

b. Future Projects

As stated previously, P&P is a member of the AECOM TOP Project Support Services team under ISD Project No. A-16-MDAD-02, and in the event that they are selected, are awarded, and negotiate a PSA with Miami Dade County MDAD, a potential Conflict of Interest on any services that may be required under ISD Contract No. A-16-MDAD-03 provided by P&P may be considered, to wit the AECOM Organizational Conflict of Interest Plan addresses. In the event that Perez and Perez is assigned to perform services on any TOP project, under the AECOM PSA, Perez and Perez will notify AECOM of the situation, and if required will recuse itself from having any P&P staff provide services to that project accordingly.

c. Management of Potential Conflicts of Interest.

Procedural steps have been identified in the previous sections to ensure that notification and identification of any Potential Conflicts of Interests have immediate resolution and be as transparent as possible in their implementation.

3. Measures or Combination of Measures addressing an Organizational Conflict of Interest

Upon notification of award and execution of the PSA, P&P will notify MDAD of any Potential Conflict of Interest, real and or apparent and will identify procedures towards its resolution. As part of the procedural methodology P&P will discuss with MDAD staff affiliated with the scope of services that may cause the potential conflict of interest to ensure that a remedial solution be discussed and implemented if such a situation exists.

Perez & Perez will endeavor to identify any all Potential Conflicts of Interest and develop a Plan of Action, duly coordinated with MDAD, which identifies the tasks to be performed, and the sub-consultants assigned to perform the work, and ensure that the subjectivity and or services are not impaired by the individuals or firms assigned to perform the work.

4. Sub Consultant Agreements identifying Potential Conflict of Interest

As of this date, there are no Sub-Consultant Agreements with any of the P&P TOP Facility Design Services team members, and upon award of and execution of the PSA on A-16-MDAD-03 contract to Perez & Perez as the Prime, and herein will require that the Sub-Consultant Agreement, incorporate the methodology that has been established as part of this document to identify any potential conflicts of interest. The Sub-Consultants on the P&P team are as follow:

Parsons Brinckerhoff/WSP, Inc.
PSI/Professional Services Industries, Inc.
Botas Engineering Inc.
SDM Consulting Engineers, Inc.

5. Procedures/Provisions for Perez & Perez Potential Conflict of Interest

In the event that any Perez & Perez personnel is hired by other firms (Prime and sub-consultants) which may be awarded and has executed a PSA, and is performing A/E services, as part of any TOP contract, P&P will notify MDAD of this change in status of the P&P staff, and will put a plan together to address this situation, specifically as it relates to the project and potential conflicts that may arise and will be shared with the Miami-Dade County staff for review approval with the ultimate goal to review and address any potential conflict of interest.

6. Procedures/Provisions for MDAD Personnel Potential Conflict of Interest

In the event that any professional MDAD personnel is hired by P&P and or any P&P team sub-consultants performing TOP services, P&P will notify MDAD of this change in status of the P&P staff, and will put a plan together to address this situation, specifically as it relates to the project and potential conflicts that may arise and will be shared with the Miami-Dade County staff for review approval with the ultimate goal to review and address any potential conflict of interest of this change and to not assign the ex-MDAD employee to the TOP program.

7. Procedures/Provisions if P&P is acquired by another Firm performing TOP Services

In the event that Perez & Perez Architects Planners, Inc. is acquired by, and or merges with another firm performing TOP services, P&P will promptly disclose it to MDAD and a plan of action specific to the acquisition and its potential conflict of interest will be developed in conjunction with MDAD.

8. Procedures if P&P acquired by Umbrella Co./Owner of Firms performing TOP Services

In the unlikely event that it P&P is acquired by an Umbrella Company/Owner of a Firms that is providing A/E services on any MDAD MIA TOP program, P&P will disclose the possible acquisition and or merger to MDAD and a plan of action specific to the potential conflict of interest will be developed in conjunction with MDAD.

9. Actions proposed to address any Conflict of Interest which cannot be Remedied

Perez & Perez will advise MDAD of any Potential Conflicts of interests that cannot be remedied and will work in conjunction with MDAD to ensure that a plan of action is established with MDAD's best interests as a priority.

**MIAMI-DADE COUNTY, FLORIDA
NOTICE TO PROFESSIONAL CONSULTANTS (NTPC)
MIAMI-DADE AVIATION DEPARTMENT
TERMINAL OPTIMIZATION PROGRAM – FACILITY DESIGN SERVICES
ISD PROJECT NO. A16-MDAD-03**

The County Mayor, Miami-Dade County (County), pursuant to Section [287.055](#), Florida Statutes, Sections [2-8.1](#) and [2-10.4](#) of the County Code, Implementing Order [3-34](#), and Administrative Order (A.O.) [3-39](#) announces that Miami-Dade County Aviation Department (MDAD) is seeking Terminal Optimization Program (TOP) – Facility Design Services.

It is the policy of Miami-Dade County that all elected and appointed County officials and County employees shall adhere to the Public Service Honor Code (Honor Code). The Honor Code consists of minimum standards regarding the responsibilities of all public servants in the County. Violation of any of the mandatory standards may result in enforcement action. (See [I.O. 7-7](#))

TABLE OF CONTENTS

DIVISION 1.0 PROCEDURES AND SCOPE OF SERVICES..... 3

<ul style="list-style-type: none"> 1.1 Definitions 1.2 Scope of Services 1.3 Teaming Restrictions 1.4 Pre-Qualification Requirements 1.5 Work History Disclosure 1.6 A/E Technical Certification Requirements 1.7 Contact Measure(s) 1.8 Schedule 1.9 Additional Information/Addenda 1.10 NTPC Availability 1.11 Applicable Legislation 1.12 Cone of Silence 1.13 Communications and Submittal of Additional Information 1.14 Local Preference 1.15 Confidential Information 1.16 Conflict of Interest Related to Section 2-11.1 of the Code of Miami-Dade County, FL 	<ul style="list-style-type: none"> 1.17 Draft Professional Services Agreement 1.18 Sustainable Building Program 1.19 Vendor Registration 1.20 Public Entity Crimes 1.21 Lobbyist Contingency Fees 1.22 Local Certified Veteran Business Enterprise Preference 1.23 Energy Efficient Building Tax Credit 1.24 Scrutinized Companies 1.25 Subcontractor – Race, Gender and Ethnic Makeup of Owners and Employees 1.26 Access Statement for Notices of Public Meetings and Department Publications 1.27 Sea Level Rise 1.28 Public Records and Contracts for Services Performed on Behalf of Miami-Dade County 1.29 Aspirational Policy Regarding Diversity 1.30 Employ Miami-Dade Program
---	---

DIVISION 2.0 PROPOSAL REQUIREMENTS.....19

- 2.1 Format and Contents
- 2.2 Submittal Requirements
- 2.3 Postponement/Cancellation
- 2.4 Costs Incurred by Proposers

DIVISION 3.0 EVALUATION/SELECTION PROCESS.....24

- 3.1 Introduction

- 3.2 Selection Process
- 3.3 Proposal Evaluation
- 3.4 Negotiations

ATTACHMENTS:

- Miami-Dade County Letter of Qualifications (LOQ)
- ISD Form No. 5 Lobbyist Registration for Oral Presentation
- ISD Form No. 7 Subcontractor/Supplier Listing
- ISD Form No. 9 Fair Subcontracting Policies
- ISD Form No. 11 Experience & Qualification/Preference/Reference Form
- Contractor Due Diligence Affidavit form
- Organizational Conflict of Interest, and Conflict of Interest Related to Section 2-11.1 of the Code of Miami-Dade County
- Exhibit "A" Disadvantaged Business Enterprise (DBE) Participation Provisions ***(To be issued via Addendum)***

DIVISION 1.0 PROCEDURES AND SCOPE OF SERVICES

1.1 DEFINITIONS

The following definitions, as well as additional terms necessary for understanding the provisions of this solicitation, are defined in A.O. 3-39. Subject legislation may be obtained via the internet at www.miamidade.gov, or from the Clerk of the Board (COB); refer to Division 2.2 for COB location.

- a) A/E: Architectural and engineering.
- b) BCC: Board of County Commissioners
- c) COB: Clerk of the Board.
- d) CSC: Competitive Selection Committee. As defined in Section 2-10.4 (5) of the Code, the committee appointed by the County Mayor or County Mayor's designee to evaluate qualifications and performance of the firms requesting consideration for the specific project, and select the most qualified firm (s) to perform the services.
- e) Consultant: Respondent that receives an award of a contract, from the County, as a result of this solicitation. Consultant is also synonymous with the term "prime consultant".
- f) Contract: Synonymous with the term "agreement." An agreement refers to the Professional Services Agreement (PSA).
- g) E&Q: Experience and Qualifications. An aptitude and knowledge/familiarity factor which shall be considered by the appointed CSC during the evaluation process.
- h) ISD: Internal Services Department: County department which combined the former Americans with Disability Act Coordination, Capital Improvements, General Services Administration, and Procurement Management departments.
- i) LOQ: Letter of Qualifications. A two-page document identified in this NTPC, which will be utilized by Miami-Dade County to obtain information from A/E firms about their qualifications. Subject LOQ is required to be submitted on or before the deadline for receipt of proposals.
- j) Non-Responsive: Term utilized to identify a proposer, who in the County's sole discretion, has not complied with all the material requirements outlined in the solicitation, as applicable. Those proposers who are found non-responsive may not be considered for contract award.
- k) NTPC: Notice to Professional Consultants. A document soliciting professional A/E services. Subject document contains scope description, technical certification requirements, applicable contract measures, data sheets (forms to be completed and submitted as part of the proposal), and submission dates.
- l) Preference: Term utilized to identify positive evaluation consideration granted, by the appointed CSC, to consultants demonstrating favored experience, as denoted in Section 1.2, Scope of Services.

- m) Pre-Qualification Certification: An annual certification process required of all firms providing A/E, landscape architectural, land surveying and mapping professional services pursuant to Miami-Dade County professional services agreements. Pre-qualification certification is the consolidation of various certification processes and includes, but may not be limited to, technical certification, affirmative action plan verification, vendor registration and execution of basic Miami-Dade County affidavits, as applicable. The pre-qualification certification program is administered by the ISD. Pre-Qualification approval is granted to firms who have received approval from ISD on all the required certification processes outlined above.
- n) Project: Shall mean that fixed capital outlay study or planning activity as defined in Section 2-10.4(1) (e) (1) and (2), of the Code.
- o) Proposer: The person, firm, entity or organization submitting a response to this solicitation. Term is synonymous with the words “submitter” and/or “respondent.”
- p) PSA: Professional Services Agreement. Synonymous with the term “contract.”
- q) Qualifier: A full-time professional employee of the firm whose project references comply with the specific Technical Category requirements and are listed on the Technical Certification Form 2 on file with Miami-Dade County.
- r) Responsive: Term utilized to identify a proposer who, in the County’s sole discretion, has complied with all the material requirements outlined in the solicitation, as applicable.
- s) Technical Certification: Comprehensive review by the County Technical Certification Committee affirming a firm’s eligibility to provide professional services to the County in various technical categories.

1.2 SCOPE OF SERVICES

The scope of services to be provided by the selected A/E firm includes, but is not limited to, renovations and improvements to Terminal wide, outer buildings and new facilities including: interior, roofing and glazing work, miscellaneous code compliance, and aesthetics related improvements. The County intends to retain four (4) qualified firms under four (4) Non-Exclusive Professional Services Agreements (PSAs) with an effective term of One Thousand Eight Hundred Twenty Five (1,825) calendar days per PSA. Each PSA has a total maximum compensation of two million two hundred five thousand five hundred dollars (\$2,205,500.00), inclusive of a ten percent (10%) contingency in accordance with Ordinance 00-65 and a quarter of a percent (.0025%) Inspector General Fee in accordance with Ordinance 97-215. The County reserves the right to re-use the work products of the retained consultant and to retain other consultants to provide the same or similar services at its sole discretion.

Experience and Qualifications:

The Prime consultant should have cumulative five (5) years of experience in modifying and/or designing airport facilities at major airport hubs, within the last 30 years.

The expertise must be met by a qualified individual(s) of the prime and/or sub -consultant firm(s), as applicable. The experience must be demonstrated by direct or substantial involvement of the individual(s) in a supervisory capacity at the Project Manager level or above. The determination of the individual's qualifications and compliance with the experience and qualifications and preference stipulations shall be at the sole discretion of the County. The Competitive Selection Committee (CSC) may negatively evaluate proposals from firms they determine have failed to meet the above experience and qualification(s). The CSC shall also consider in their evaluations the possible future replacement of key or support individual personnel to the respondent Team composition. Information regarding the experience and qualification(s) and preference stipulations, for the prime and A&E sub-consultants, must be included in ISD Form No. 11.

1.3 TEAMING RESTRICTIONS

Respondents must select between submitting as a prime consultant or sub-consultant when responding to a specific solicitation. All affected proposals, wherein the respondent is in violation of this condition, shall not be considered.

- a) Consultants electing to submit as a prime consultant may only respond once to a solicitation, limited to participation on a single team. If submitting as a prime consultant, said consultant may not participate as a sub-consultant on the same solicitation. In the event of specific industry requirements, the County Mayor or County Mayor's designee may make exceptions.
- b) A/E sub-consultants may only participate on three teams when responding to a solicitation, due to the availability of firms in each of the specified A/E technical certification categories.

If a prime consultant or sub-consultant fails to adhere to the restrictions stated herein and participates in more than the outlined maximums, then all affected proposals shall be found non-responsive.

1.4 PRE-QUALIFICATION REQUIREMENTS

In accordance with Chapter 2, Section 2-10.4 and Administrative Order 3-39 of Miami-Dade County, all firms and/or individual consultants properly licensed to provide A/E, landscape architectural, land surveying and mapping services, regardless of their individual assignments in connection with this project, and responding to this solicitation must have filed a pre-qualification package with and have an approved pre-qualification status from ISD by the response deadline of this solicitation. Firms and/or individual consultants are required to have and maintain an approved pre-qualification certification status at the time of submittal to this NTPC, throughout the selection process, at time of award, and throughout the duration of the contract term without any lapses. Interested A/E firms must secure the required pre-qualification certification, which includes technical certification, affirmative action plan verification vendor registration and execution of basic Miami-Dade County affidavits, as applicable, prior to the submittal date. Proposers (prime and/or sub-consultants) failure to be pre-qualified, at the time of proposal submittal, shall render the proposal non-compliant.

Any change (e.g. termination, resignation, etc.) in a qualifying agent (Qualifier), must be, immediately reported in writing to the Technical Certification Committee, through ISD. Failure to notify the Committee will result in a termination of your current certification and a possible denial of any future certification requests.

PLEASE VERIFY EACH TEAM MEMBER PROVIDING A/E SERVICES HAS AN APPROVED PRE-QUALIFICATION CERTIFICATION PRIOR TO THE RESPONSE DEADLINE.

1.5 WORK HISTORY DISCLOSURE

Work History Disclosure (WHD) and supplement forms are not required to be submitted with the proposal. It is the requirement for all A/E firms to submit a Work History Disclosure (WHD) at least once. Subsequently, the Prime is responsible for submitting a Monthly Utilization Report (MUR) to report all payments to Primes and sub-consultants. WHD is limited to firms providing architectural, engineering, landscape architecture, land surveying and mapping services. Any firm proposing on this solicitation that has not previously submitted a WHD and up to date MURs is required to submit subject form(s), prior to the submittal date, to the Internal Services (ISD) Department, 111 N.W. 1st Street, 19th Floor, Miami, Florida 33128, Attention: Small Business Development. New firms requesting pre-qualification certification with Miami-Dade County to provide A/E, landscape architectural, land surveying and, mapping services are required to submit WHD forms to ISD. For additional information, please contact Small Business Development, at (305) 375-3111.

1.6 A/E TECHNICAL CERTIFICATION REQUIREMENTS

4.01 Aviation Systems – Engineering Design (PRIME)

4.02 Aviation Systems – Architectural Design (PRIME)

14.00 Architecture (PRIME)

9.05 Soils, Foundations and Materials Testing – Roof Testing and Consulting

11.00 General Structural Engineering

12.00 General Mechanical Engineering

13.00 General Electrical Engineering

16.00 General Civil Engineering

18.00 Architectural Construction Management

To satisfy the technical certification requirements for the requested services, valid technical certification in all of the above-specified area(s) of work must be held by a firm responding as a sole respondent, or a team of firms. Teams of firms must designate one of its members as the “prime consultant”. **The prime consultant will be held responsible for the coordination of all work and must hold technical certification in categories 4.01 Aviation Systems – Engineering Design, 4.02 Aviation Systems – Architectural Design and 14.00 Architecture.** Joint ventures shall not be allowed. Furthermore, if an individual is providing services that require technical certification by Miami-Dade County, then said individual is required to have the relevant certification(s). Individuals who are not technically certified will not be allowed to perform work for those scopes of work requiring technical certification. Additionally, firms that list other areas of work as supplements to the required technical certifications must also be certified for those supplemental areas.

For non-project specific questions regarding Miami-Dade County's A/E Technical Certification and Certification Committee meeting dates, please contact Nubia Jarquin, ISD, at (305) 375-5637. Technical Certification application submission deadline dates and Technical Certification meeting dates may be accessed via the web at <http://www.miamidade.gov/procurement/library/pgc-tc-schedule-2017.pdf>.

Proposers (prime and/or sub-consultants) failure to be technically certified at the time of proposal submittal, as applicable, shall cause the proposal to be deemed non-compliant.

1.7 CONTRACT MEASURE(S)

The Miami-Dade County Disadvantaged Business Enterprise (DBE) goal is:

Four (4) Agreements with

28% DBE Goal per PSA

(Refer to – Exhibit “A” - DBE Participation Provisions)

Proposed participating DBE firms must have a valid Miami-Dade County DBE certification by the response deadline of this solicitation. If selected, participating DBE firms must have a valid DBE certification at the time of award of the contract and throughout the contract term.

All required DBE documents must be completed and submitted. Failure to submit the required documentation may render the proposal non-responsive.

1.8 SCHEDULE

The anticipated schedule for this solicitation is as follows:

NTPC Available for Distribution:	December 30, 2016
Pre-Submittal Project Briefing: Location:	January 9, 2017 at 10:30 A.M. Stephen P. Clark Center 111 N.W. 1 st Street 10 th Floor, Conference Room 1011 Miami, Florida 33128
Deadline for Receipt of Questions:	January 17, 2017 at 5:00 P.M. (Local Time)
Deadline for Receipt of Proposals: Location:	February 6, 2017 at 3:30 P.M. (Local Time) Miami-Dade County, Clerk of the Board Stephen P. Clark Center 111 NW 1 st Street, 17 th Floor, Suite 17-202 Miami, Florida, 33128
First Tier & Second Tier Meetings:	TBD

A/E Consultant Selection Coordinator: Pablo Valin
Address: Stephen P. Clark Center
111 N.W. 1st Street, Suite 1300
Miami, FL 33128
Telephone: (305) 375-2852
Facsimile: (305) 375-4407
E-Mail: pablo.valin@miamidade.gov

All project specific questions and/or requests for public documents shall be addressed, in writing, to the A/E Consultant Selection Coordinator, referenced above, with a copy to the COB.

While attendance is not mandatory, interested parties are encouraged to attend the Pre-Submittal Project Briefing. This meeting provides interested parties a more detailed scope of the requested services, response requirements, and provides any necessary clarifications prior to the response deadline. Proposers are encouraged to submit any questions in writing, to the A/E Consultant Selection Coordinator no less than three working days in advance of the Pre-Submittal Project Briefing date.

1.9 ADDITIONAL INFORMATION/ADDENDA

Requests for additional information or clarifications must be made in writing and addressed to the A/E Consultant Selection Coordinator denoted in this NTPC. Subject requests must be submitted no later than the deadline for receipt of questions specified in Section 1.8, Schedule. The request must contain the ISD project number, title, proposer's name, name of proposer's contact person, address, phone number, facsimile number, and e-mail address. Electronic facsimile or e-mail requesting additional information will be received by the A/E Consultant Selection Coordinator at the e-mail address specified in **Section 1.8** above.

The County will issue responses to inquiries and any other corrections or amendments it deems necessary in the form of written addenda; subject addenda will be issued prior to the deadline for receipt of proposals. Proposers should not rely on any representations, statements or explanations other than those made in this NTPC or in any written addenda to this NTPC. Where there appears to be conflict between the NTPC and any addenda, the last addendum issued shall prevail. It is the proposer's responsibility to assure receipt of all addenda. Proposers are required to acknowledge the number of addenda received, in the LOQ, as part of their proposal.

Proposers who obtain copies of this NTPC from sources other than the County's website risk the potential of not receiving addenda. Such proposers are solely responsible for those risks. Only proposers, who are included in the County's Vendors List, for this particular NTPC, will receive pertinent addenda.

1.10 NTPC AVAILABILITY

A solicitation notification will be forwarded electronically to all consultants who are pre-qualified with Miami-Dade County and who have denoted an e-mail address, and commodity code 99-999 (PRE-QUALIFIED ARCHITECTS AND ENGINEERS) on their

vendor registration form. It will also be e-mailed to those that have vendor enrolled. The NTPC and accompanying documents may be obtained online at <http://www.miamidade.gov/procurement/solicitations.asp>. Once directed to the aforementioned site click on "Solicitations" for additional information on how to do business with Miami-Dade County. Copies of the NTPC, forms, and accompanying participation provisions, as applicable, may also be obtained from ISD at the Stephen P. Clark Center, 111 NW 1st Street, 13th Floor, Suite 1300, Miami, Florida 33128. The phone number for the unit is (305) 375-2307.

1.11 APPLICABLE LEGISLATION

The selected consultant will be required to abide by all applicable federal, state, and local laws, as amended. The following are among the applicable laws:

Florida Statute(s)

- Section 119.07: Inspection and Copying of Records; Photographing Public Records; Fees; Exemptions.
- Section 119.0701: Contracts; Public Records
- Section 287.055: Consultants Competitive Negotiation Act
- Section 287.133: Public Entity Crimes

Miami-Dade County Code

- Section 2-1076: Office of the Inspector General
- Section 2-8.5: Local Preference
- Section 2-8.5.1: Local Certified Veteran Business Enterprise
- Section 2-8.8: Fair Subcontracting Practices
- Section 2-10.4: Acquisition of Professional Architectural, Engineering, Landscape Architectural or Land Surveying and Mapping Services.
- Section 2.11.1: Conflict of Interest and Code of Ethics
- Section 10-34: Listing of Subcontractors Required

Ordinance(s)

- 03-27: Cone of Silence
- 03-107: Ordinance Amending Section 2-11.1 (s) of the Conflict of Interest and Code of Ethics
- 07-65: Sustainable Building Program
- 09-68: Local Certified Service Disabled Veterans Preference
- 82-37: A/E Affirmative Action Plan
- 98-30: County Contractors- Employment/Procurement Practices
- 11-24: Community Business Enterprise
- 11-90: Ordinance Relating to the Collection of Data for a Disparity Study
- 14-79: Sea-Level Rise Ordinance

Implementing Order(s)

- 3-34: Formation and Performance of Selection Committees
- 3-32: Community Business Enterprise
- 3-41: Small Business Enterprise
- 7-7: Policies and Procedures Establishing a Public Service Honor Code for

Elected and Appointed County Officials and County Employees

Administrative Order(s)

- 3-20: Independent Private Sector Inspector General Services
- 3-26: Ordinance Amending Section 2-10.4 Requiring Certain Agreements for Professional Architectural and Engineering Services to Include Value Analysis as a Part of the Base Scope of Services.
- 3-39: Standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting
- 3-63: Employ Miami-Dade Program
- 10-10: Duties and Responsibilities of County Departments for Compliance with the Americans with Disabilities Act (ADA)

Resolution(s)

- R-1040-93: Affirmative Action Plan Furtherance and Compliance
- R-385-95: Policy Prohibiting Contracts with Firms Violating the American with Disabilities Act (ADA) and Other Laws Prohibiting Discrimination on the Basis of Disability ADA Requirements, are a Condition of Award, as Amended by Resolution R-182-00
- R-894-05: Independent Private Sector Inspector General Services
- R-744-00: Requiring the Continued Engagement of Critical Personnel in Contracts for Professional Services for the Duration of the Project
- R-185-00: Domestic Violence Leave Requirements are A condition of Award
- R-273-05: Public Involvement Planning
- R-390-10: Resolution Rescinding Administrative Order 3-34, Formation and Performance of Selection Committees, and Approving Implementing Order 3-34 to Provide Direction to The County Mayor or His Designee Regarding the Formation and Performance of Selection Committees.
- R-63-14: Contractor Due Diligence Affidavit
- R-1106-15: Aspirational Policy of Miami-Dade County

Copies of the aforementioned legislation may be obtained at the COB. Refer to Section 1.8, Schedule, for detailed COB location information).

1.12 CONE OF SILENCE

Pursuant to Section 2-11.1(t) of the Miami-Dade County Code, as amended, a “Cone of Silence” is imposed upon advertisement of each Request for Proposal (RFP) or Request for Qualifications (RFQ), and terminates at the time a written recommendation is issued to the County Mayor (Mayor) or Board of County Commissioners (BCC), as applicable. The Cone of Silence is hereby defined to mean a prohibition on the following, among possible others:

- a) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the County's professional staff including, but not limited to, the Mayor and his or her staff;

- b) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the Mayor and his or her staff;
- c) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the selection committee therefore;
- d) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the selection committee therefore;
- e) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor, County Commissioners and their respective staffs; and
- f) Any communication regarding a particular RFP, RFQ, or bid between any member of the County's professional staff and any member of the selection committee therefore.

The Mayor and the Chairperson of the selection committee may communicate about a particular selection recommendation, but only after the committee has submitted an award recommendation to the Mayor and provided that should any change occur in the committee recommendation, the content of the communication and of the corresponding change as well as the reasons for such change shall be described in writing and filed by the Mayor with the COB and be included in any recommendation submitted by the Mayor to the BCC. Notwithstanding the foregoing, the Cone of Silence shall not apply to:

- a) Competitive processes for the award of Community Development Block Grants (CDBG), Home Investment Partnership Program (HOME), State Housing Initiatives Partnership (SHIP) and Surtax Funds administered by the Miami-Dade County, Office of Community and Economic Development and the community-based organization (CBO) competitive grant processes administered by the Park and Recreation, Library, Water and Sewer, and Solid Waste Departments, Cultural Affairs and Tourist Development Councils and the Department of Environmental Resources Management;
- b) Communications with the County Attorney and his or her staff;
- c) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees of the Management and Technical Assistance Unit of SBD regarding small business and/or minority business programs, the CBE and Equitable Distribution Programs (EDP);
- d) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees responsible for administering disadvantaged business enterprise programs in County departments receiving federal funds, provided the communications are limited strictly to matters of programmatic process or procedure;

- e) Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the Mayor makes his or her written recommendation;
- f) Any emergency procurement of goods or services pursuant to Administrative Order 3-2;
- g) Communications regarding a particular RFP, RFQ or bid between any person and the Vendor Information Center staff, the procurement agent or contracting officer responsible for administering the procurement process for such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;
- h) Communications between a potential vendor, service provider or bidder and employees the DPM or other department identified in the solicitation document as the issuing department; and
- i) Consultations by employees of the DPM with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.

Exceptions

- a) The provisions of this ordinance shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the BCC during any duly noticed public meeting or communications in writing at any time with any county employee, official or member of the BCC unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the COB and the COB shall make copies available to any person upon request.
- b) The provisions of this ordinance shall also not apply to oral communications at briefings held by county commissioners and the County Mayor or his designee, after the selection committee or other evaluating group makes its recommendation to the Mayor, provided that the briefings are not intended to influence the outcome of the selection committee or other evaluating group's recommendation to the Mayor; provided, however, that this exception shall not apply to outside groups such as lobbyists or representatives of the responding or bidding companies or entities.

Penalties

- a) In addition to the penalties provided in Subsections (s) and (v) hereof, violation of this Subsection (t) by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to said bidder or proposer voidable. Any person who violates a provision of this ordinance shall be prohibited from serving on a Miami-Dade County CSC. In addition to any other penalty provided by law, violation of any provision of this ordinance by a Miami-Dade County employee shall subject said employee to disciplinary action up to and including dismissal. Additionally, any person who has personal knowledge of a violation of this ordinance shall

report such violation to the State Attorney and/or may file a complaint with the Ethics Commission.

Within 30 days of a recommendation from a selection committee, the County Mayor or his designee shall either appoint a negotiation committee or take other affirmative action with respect to the solicitation, including but not limited to rejection of proposals or recommendation for award. In the event that negotiations have not commenced within 30 days, or if such other affirmative action has not been taken within 30 days, the County Mayor or his designee shall report such event, and the reasons therefore, to the BCC. Additionally, the County Mayor or his designee shall present the COB with a recommendation for award, or a recommendation to reject proposals, within 90 days from the date a selection committee makes a recommendation. In the event that the County Mayor or his designee has not provided such recommendation to the COB within 90 days, the County Mayor or his designee shall provide a report on the status of the solicitation to the BCC, including the reasons for any delay.

Written communications may be in the form of an e-mail, with a copy to the COB at clerkbcc@miamidade.gov.

This language denoted above is only a summary of the key provisions of the Cone of Silence. Please review Section 2-11.1(t) of the Miami-Dade County for a complete and thorough description of the Cone of Silence.

1.13 COMMUNICATIONS AND SUBMITTAL OF ADDITIONAL INFORMATION

Additional submittals and/or supplemental information after the submission deadline, as noted in Section 1.8, shall be submitted solely to the Clerk of the Board, and only upon request by the County Proposers are hereby advised that effective with the advertisement of this solicitation, proposers and their lobbyists are prohibited from having any communication, oral or written, with CSC members or the entire CSC outside of the publicly noticed Selection Committee meetings. All communications shall be forwarded to the A/E Selection Coordinator with a copy to the Clerk of the Board.

1.14 LOCAL PREFERENCE

Not applicable.

1.15 CONFIDENTIAL INFORMATION

The proposer shall not submit any information in response to this solicitation which he or she considers to be a trade secret or confidential. The submission of any information to the County in connection with this solicitation shall be deemed conclusively to be a waiver of any trade secret or other protection, which would otherwise be available to the proposer.

If a proposer submits information to the County in violation of this restriction, either inadvertently or intentionally, and clearly identifies that information in the proposal as protected or confidential, then the County shall endeavor to redact and return subject information to the proposer as quickly as possible, if appropriate. The County will then evaluate the balance of the proposal. The redaction or return of information pursuant to this clause may render a proposal non-responsive.

1.16 CONFLICT OF INTEREST RELATED TO SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY

Questions regarding organizational conflicts of interest shall be submitted prior to the submittal date and addressed to the Miami-Dade Commission on Ethics by any bidder, proposer, contractor, or subcontractor regarding potential organizational conflicts pertaining to its own bid, or by the local government contracting officer regarding potential organizational conflicts pertaining to any bidder, proposer, contractor, or subcontractor. The Commission on Ethics shall evaluate the request based on standards established under the Federal Acquisition Regulation (FAR) at 48 CFR § 9.5 (2013) in order to determine if any possible organizational conflicts of interest exist. Determinations by the Commission on Ethics shall be deemed final. When a bidder, proposer, contractor, or subcontractor is found to have a conflict, the submittal presented by the conflicted party shall be rendered nonresponsive.

Refer to the attachment titled “ORGANIZATIONAL CONFLICT OF INTEREST, AND CONFLICT OF INTEREST RELATED TO SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY” specifying identification and disclosure obligations of Organizational Conflict of Interest by all Prime and Sub-consultant firms applicable to this solicitation.

1.17 DRAFT PROFESSIONAL SERVICES AGREEMENT (PSA)

The selected consultant will be invited to carefully review the draft PSA prior to negotiations.

1.18 SUSTAINABLE BUILDING PROGRAM, IF APPLICABLE

The primary mechanism for determining compliance with the Sustainable Building Program shall be the U. S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Rating System. All construction projects are required to meet the standards delineated in Ordinance 07-65. Compliance shall be determined by completing a formal certification process with the U.S. Green Building Council, or as otherwise directed by the County’s Sustainability Manager.

- New Construction (NC): All new construction projects shall be required to attain “Silver” or higher level rating under the LEED-NC Rating System.
- Major Renovations and Remodels: All major renovations and remodels shall attain “Certified” or higher level rating under the LEED-NC Rating System.
- Non-Major Renovations and Remodels: All non-major renovations and remodels shall attain “Certified” or higher level rating under the appropriate LEED Rating System such as LEED-NC, LEED-Existing Building (EB) or LEED-Commercial Interior (CI).
- Renovations, remodels, and other building upgrades not meeting the above criteria are encouraged to incorporate the maximum number of LEED approved green building practices as are feasible from a practical and fiscal perspective; however, LEED certification will not be required.

1.19 VENDOR REGISTRATION

A Miami-Dade County Vendor Registration Package (VRP) must be completed in order to

be recommended for contract award. Effective July 1, 2008, a new VRP, inclusive of the Uniform Affidavit Packet (Affidavit Form), must be completed by vendors and returned to ISD's, Vendor Assistance Unit, within 14 days of notification of the intent to recommend for contract award. In the event the VRP is not properly completed and returned within the specified time the County may, in its sole discretion, award to the next lowest responsive, responsible proposer. The proposer is responsible for downloading the VRP and applicable affidavits, from the ISD website at <http://www.miamidade.gov/procurement/vendor-services.asp>. In addition, copies of the VRP and applicable affidavits may be obtained from ISD's, Vendor Assistance Unit, located at the Stephen P. Clark Center, 111 N.W. 1st Street, 13th Floor, Miami, FL 33128.

1.20 PUBLIC ENTITY CRIMES

Pursuant to Paragraph 2(a) of Section 287.133, Florida Statutes, a person or affiliate who has been placed on the Convicted Vendor List following a conviction for a public entity crime is prohibited from the following:

- Submitting a proposal for a contract to provide any goods or services to a public entity;
- Submitting a proposal on a contract with a public entity for the construction or repair of a public building or public work;
- Submitting a proposal on leases of real property to a public entity;
- Being awarded or performing work as a contractor, supplier, sub-contractor, or consultant under a contract with any public entity;
- Transacting business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two (\$10,000), for a period of 36 months from the date of being placed on the Convicted Vendor List.

1.21 LOBBYIST CONTINGENCY FEES

In accordance with Section 2-11.1(s) of the Code of Miami-Dade County, after May, 16, 2003, no person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee.

A contingency fee is a fee, bonus, commission or non-monetary benefit as compensation that is dependent on, or in any way contingent upon, the passage, defeat, or modification of: 1) any ordinance, resolution, action or decision of the BCC; 2) any action, decision or recommendation of the Mayor or any County board or committee; or 3) any action, decision or recommendation of any County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation that foreseeably will be heard or reviewed by the BCC or a County board or committee.

1.22 LOCAL CERTIFIED VETERAN BUSINESS ENTERPRISE PREFERENCE

Not applicable.

1.23 ENERGY EFFICIENT BUILDING TAX CREDIT, IF APPLICABLE

The Energy Policy Act (EP Act) of 2005 (Section 1331) as established IRS Section 179D, allows taxpayers to accelerate depreciation on the cost of qualified energy efficient commercial building property placed-in-service after December 31, 2005. This incentive was recently extended by the Emergency Economic Stabilization Act of 2008, to include improvements placed-in-service before January 1, 2014. The returns may be amended going back three tax years, so projects that come on line in 2007 or afterwards are eligible.

The Consultant is designated as the Designer/Construction Manager (“the Designer”) for the energy efficient improvements incorporated in the Energy Consumption Reduction Project (“the Project”) for:

- a) The purposes of allocating accelerated depreciation benefits pursuant to Section 179D of the Internal Revenue Code of 1986, as amended (the “Code”).
- b) If County and the Internal Revenue Service (IRS) determine that the Consultant is eligible and shall receive accelerated depreciation benefits as a “Designer” for the purposes of Section 179D of the Code or that the Consultant shall otherwise benefit financially from the monetization of the accelerated depreciation benefit, the Consultant hereby agrees to discount its contract price or provide a cash rebate to County (the determination of rebate versus discount to be determined by County in its sole discretion) in an amount equal to the total financial benefit realized by the Consultant; at the time the financial benefit to the Consultant becomes ascertainable.
- c) County reserves the right to retain a third party consultant (the “Third Party Consultant”) –to manage and administer the process of obtaining and monetizing the accelerated depreciation benefit derived from the Project and to designate the Third Party Consultant as the “Designer” of the energy efficient improvements for the purposes of Section 179D of the Code.
- d) The County agrees to cooperate in all reasonable respects with the Consultant’s efforts to obtain and monetize any such benefits derived from the Project on behalf of County.

1.24 SCRUTINIZED COMPANIES

By executing this proposal through a duly authorized representative, the proposer certifies that the proposer is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, as those terms are used and defined in sections 287.135 and 215.473 of the Florida Statutes. In the event that the proposer is unable to provide such certification but still seeks to be considered for award of this solicitation, the proposer shall, on a separate piece of paper, clearly state that it is on one or both of the Scrutinized Companies lists and shall furnish together with its proposal a duly executed written explanation of the facts supporting any exception to the requirement for certification that it claims under Section 287.135 of the Florida Statutes. The proposer agrees to cooperate fully with the County in any investigation undertaken by the County to determine whether the claimed exception would be applicable. The County shall have the right to terminate any contract resulting from this solicitation for default if the proposer is found to have submitted a false certification or to

have been placed on the Scrutinized Companies for Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

1.25 SUBCONTRACTORS - RACE, GENDER AND ETHNIC MAKEUP OF OWNERS AND EMPLOYEES

Pursuant to Ordinance No. 11-90, for all contracts which involve the expenditure of one hundred thousand dollars (\$100,000) or more, the entity contracting with the County must report to the County the race, gender and ethnic origin of the owners and employees of its first tier subcontractors using the Subcontractor/Supplier Listing form. In the event that the successful proposer demonstrates to the County prior to award that the race, gender and ethnic information is not reasonably available at that time, the successful proposer shall be obligated by contract to exercise diligent efforts to obtain that information and to provide the same to the County not later than ten (10) days after it becomes available and, in any event, prior to final payment under the contract.

1.26 ACCESS STATEMENT FOR NOTICES OF PUBLIC MEETINGS AND DEPARTMENTAL PUBLICATIONS

The Americans with Disabilities Act (ADA) obligates State and local governments to provide effective communications for individuals with disabilities. This includes written and oral communications. To request materials in accessible format, sign language interpreters, and/or any accommodation to participate in a County-sponsored program or meeting regarding this solicitation, please contact the Contracting Officer listed herein five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

1.27 SEA LEVEL RISE

In accordance with Ordinance 14-79, the Consultant shall consider the potential impacts of sea level rise.

1.28 PUBLIC RECORDS AND CONTRACTS FOR SERVICES PERFORMED ON BEHALF OF MIAMI-DADE COUNTY

The Contractor shall comply with the Public Records Laws of the State of Florida, including but not limited to: (1) keeping and maintaining all public records that ordinarily and necessarily would be required by Miami-Dade County (County) in order to perform the service; (2) providing the public with access to public records on the same terms and conditions that the County would provide the records and at a cost that does not exceed the cost provided in Chapter 119, F.S., or as otherwise provided by law; (3) ensuring that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law; and (4) meeting all requirements for retaining public records and transferring, at no cost, to the County all public records in possession of the Contractor upon termination of the contract and destroying any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements upon such transfer. In addition, all records stored electronically must be provided to the County in a format that is compatible with the information technology systems of the County. Failure to meet any of these provisions or to comply with Florida's Public Records Laws as applicable shall be a material breach of the agreement and shall be enforced in accordance with the terms of the agreement.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (305) 375-5773; ISD-VSS@MIAMIDADE.GOV; 111 NW 1 STREET, SUITE 1300, MIAMI, FLORIDA 33128

1.29 ASPIRATIONAL POLICY REGARDING DIVERSITY

Pursuant to Resolution No. R-1106-15 Miami-Dade County vendors are encouraged to utilize a diverse workforce that is reflective of the racial, gender and ethnic diversity of Miami-Dade County and employ locally-based small firms and employees from the communities where work is being performed in their performance of work for the County. This policy shall not be a condition of contracting with the County, nor will it be a factor in the evaluation of solicitations unless permitted by law.

1.30 EMPLOY MIAMI-DADE PROGRAM

The County has an initiative to provide construction labor employment and training opportunities for Miami-Dade residents through the Employ Miami-Dade initiative. Contractors are encouraged to visit the Employ Miami-Dade website at <https://www.employ-miamidade.com> to learn more about this continuing effort.

DIVISION 2.0 PROPOSAL REQUIREMENTS

2.1 FORMAT AND CONTENTS

Proposers should carefully follow the format and instructions outlined herein. The LOQ must include the signature of the firm's authorized representative. Please refer to Section 2.2, Submittal Requirements for Initial Submission and Second Tier Additional Information, when Applicable, for the amount of copies to be submitted.

Every firm or team of firms, whether a sole respondent, a prime consultant firm, or a sub-consultant firm, must be responsive to all applicable items contained in this NTPC. Proposers shall not modify any of the forms provided, and must submit the completed forms listed below in their proposal. Failure to provide all of the requested information may deem a respondent's proposal non-responsive.

Each proposal (original and copies) shall consist of the following documents in the order noted below and must be bound.

a) Letter of Qualifications

This document, together with all other ISD applicable forms, is available on Miami-Dade County's webpage at the following link:

<http://www.miamidade.gov/procurement/architectural-engineering-forms.asp>.

Proposers are advised that changes to the proposed team composition, such as adding, deleting or replacing a firm(s), or individual sub-consultant(s), after the response deadline specified herein, will only be allowed at the discretion of Miami-Dade County. Under no circumstance shall a change be allowed that results in a proposer gaining a competitive advantage over other proposers.

The execution of the LOQ constitutes the unequivocal offer of the proposer to be bound by the terms of its proposal. Failure of a respondent to properly execute the LOQ may render the proposal non-responsive. The County, may however, at its sole discretion, accept any proposal that includes an executed document which unequivocally binds the proposer to the terms of its offer.

b) Resumes

Resumes must be submitted for all team members participating on the project. Subject document must be paginated and include personnel's name at the top of each page.

Additional personnel which do not adequately fit in the space provided in the LOQ shall be added on an additional sheet to be appended to the LOQ.

c) ISD Form No. 5 - Lobbyist Registration Affidavit

ISD Form No. 5 shall be submitted by the prime consultant, and shall list all members of the presentation team who will be participating in Second Tier (oral presentations). An amended ISD Form No. 5 must be submitted to the COB prior

to Second Tier (oral presentations), if additional individuals will be speaking at subject meeting. The amended form should be titled as "Amended" and should denote those members that have been substituted and/or added with an asterisk. Be sure to submit the amended form to both ISD and the COB within the above stated timeframe. Applicable fees may apply.

Pursuant to Miami-Dade County's Ethics Commission Rules and Procedures, Section I, Subsection 9.7, Selection Committee Registration Requirements, please be advised of the following:

1. Any person who appears as a representative for an individual or firm, for an oral presentation before a County certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the County all individuals who may make presentations. The affidavit shall be filed with the COB at the time of response submittal.
2. The individual or firm must submit a revised affidavit for any additional team members with the COB, by the time of the scheduled oral presentation. Any person not listed on the revised affidavit or who is not a registered lobbyist will not be permitted to participate in the oral presentation.

All additional team members, who are lobbyists, as defined herein, must file a principal authorization form (for the individual or entity) with the COB, prior to the oral presentation.

- d) ISD Form No. 11 - Experience & Qualification / Preference / Reference Form
ISD Form No. 11 shall be submitted by each team member (Prime, A/E Sub-consultant, and/or non-A/E sub-consultant), as applicable. Applicable firm must list previous similar type project in which it has performed work. The reference provided should be for one project and must comply with the requirements listed in Section 1.2. Firms must denote whether the reference project is to meet an experience and qualification requirement, a preference stipulation, and/or a general project reference.
- e) Table of Organization (T.O.) - It is required that a TO, inclusive of the following information, be submitted by the Prime Consultant:
 1. Listing of all team member firms as denoted on the LOQ. All firms must be denoted with proper Federal Employer Identification Number (FEIN). For purposes of satisfying the applicable requirements of this solicitation, Miami-Dade County considers every company having a different FEIN, a separate legal entity.
 2. Listing of all assigned personnel and professional services, including Miami-Dade County's technical certification categories assigned to each team member in connection with this project.
- f) DBE Applicable forms (Please refer to Exhibit "A" – DBE Participation Provisions).

- g) Contractor Due Diligence Affidavit. (Only required of the Prime consultant)

Failure to provide the information required by Miami-Dade County may result in the negative evaluation of the team, or disqualification of the team, at Miami-Dade County's sole discretion.

Please ensure that each one of your references has been advised that they may be contacted by ISD staff, or designee, to verify the information provided in any of the following applicable forms:

- ISD Form No. 11 Experience & Qualification / Preference / Reference Form

Pursuant to an Ethics and Public Trust Commission opinion, dated March 15, 2005, respondents requesting professional references from Miami-Dade County employees must submit said request in writing, to the attention of subject County employee with a copy to the COB. The COB may be reached via e-mail at clerkbcc@miamidade.gov, or via facsimile at (305) 375-2484.

Pursuant to Section 2-11.1(p) of the Miami-Dade County Code, County employees may not provide personal letters of recommendation.

The County Mayor or County Mayor's designee may impose the loss of eligibility to participate in County contracts, for a specified period of time not to exceed five years, upon an applicant, its individual officers, its shareholders with significant interests, and its affiliated businesses for violations of, or non-compliance with A.O. 3-39. Subject violations and/or non-compliance may include the falsification of information provided in a proposal and/or consultant selection documents.

Please note that the following forms are not required to be included with your proposal. The selected Proposer must submit the following as a condition of award:

ISD Form No. 7 – Subcontractor/Supplier Listing (Ordinance 97-104)

ISD Form No. 9 – Fair Subcontracting Policies (Section 2-8.8 of the Miami-Dade County Code)

DBE Post Award Forms (Refer to Exhibit A):

- DBE Monthly Utilization Form
- Affidavit of DBE Subcontractor Payment
- Project Site Review

2.2 SUBMITTAL REQUIREMENTS FOR INITIAL SUBMISSION AND SECOND TIER ADDITIONAL INFORMATION, WHEN APPLICABLE

Interested firms must submit their proposal in sealed envelope(s) and/or container(s), which clearly state the following:

- Project Number
- Project Title

- Consultant's Name
- Consultant's Mailing Address
- Consultant's Telephone Number

Each sealed envelope and/or container shall include one (1) printed and signed original; four (4) bound printed copies; six (6) CD electronic copies and one (1) flash drive electronic copy, in SEARCHABLE .pdf format; inclusive of the firm's authorized representative's signature. Please ensure that all CDs contain ONLY the information provided in the original printed copy; therefore, no animations or videos are permitted. All sealed envelopes and/or containers shall be delivered to the following location:

**Miami-Dade County
Clerk of the Board
Stephen P. Clark Center
111 NW 1st Street, Suite 17-202 - Miami, Florida 33128
Attention: Mr. Pablo Valin
Re: ISD Project No. A16-MDAD-03**

Pursuant to Florida Statute 119.07(3) (m), all proposals received will become public record 30 days after the response deadline.

To preclude a late respondent from having an advantage, economic or otherwise, all submittals shall be delivered to the COB, Suite 17-202, no later than the proposal submittal deadline denoted in Section 1.8, Schedule. The COB will stamp each submittal with the date and time of receipt. This stamp shall constitute definite evidence of such date and time. All proposals received and time stamped by the COB prior to the proposal submittal deadline shall be accepted as timely submittals. The circumstances surrounding all proposals received and time stamped by the COB after the proposal submittal deadline will be evaluated by the procuring department in consultation with the County Attorney's Office, in order to determine whether the proposal will be accepted as timely.

The responsibility for submitting a proposal to the COB, on or before the stated time and date, is solely and strictly the responsibility of the proposer. Miami-Dade County is not responsible for delays caused by any mail, package/couriers service, nor caused by any other occurrence.

Be advised that all sealed proposal envelopes and/or containers received after the specified response deadline may not be considered.

2.3 POSTPONEMENT/CANCELLATION

The County may, at its sole and absolute discretion, reject any and all, or parts of any and all proposals; re-advertise this solicitation; postpone or cancel, at any time, this solicitation process; or waive any irregularities in this solicitation or in the proposals received as a result of this solicitation.

2.4 COSTS INCURRED BY PROPOSERS

All expenses involved with the preparation and submission of proposals to the County, or

any work performed in connection therewith, shall be the sole responsibility of the proposer(s). No payment will be made for any responses received, nor for any other effort required of, or made by the proposer(s) prior to commencement of work as defined by a contract approved by the BCC.

DIVISION 3.0 EVALUATION/SELECTION PROCESS

3.1 INTRODUCTION

The County Mayor or County Mayor's designee will appoint a CSC with the appropriate experience and/or knowledge necessary to evaluate the scope of services. The CSC will be comprised of appropriate County personnel from multiple departments and members of the community as deemed necessary, while also being balanced with regards to ethnicity and gender.

3.2 SELECTION PROCESS

In accordance with the guidelines established in I.O. 3-34 and A.O. 3-39, proposals will be evaluated based on a two tier selection process, when applicable. In the event that the County receives fewer than three proposals, or fewer than three proposals are determined to be responsive and responsible to perform the required services, the County may proceed with the number of proposal(s) received which are determined to be responsive and responsible, provided that the County has conducted an analysis of market availability for subject services and determined at its sole discretion that there is no further market availability or immediate interest to provide subject services. Furthermore, in the event that the County receives fewer than three proposals, the County at its sole discretion may extend the proposal submittal deadline date, denoted in Section 1.8, Schedule, provided that proposal(s) have not been opened. A summary of the evaluation process to be utilized in this solicitation is set forth below.

3.3 PROPOSAL EVALUATION

The CSC will evaluate responsive, responsible proposals, based on First and Second Tier criteria, in an effort to make a responsible recommendation to the County Mayor or County Mayor's designee as to which of the respondents should be granted the right to negotiate a contract for the solicited services. This recommendation is made with the objective of effecting an equitable distribution of contracts among qualified firms. Upon the County Mayor or County Mayor designee's approval, the County shall enter into negotiations with the recommended proposer(s).

First Tier evaluation will be performed based on the criteria listed below. A proposer may receive a maximum qualitative point value of 100, or any portion thereof, per CSC member in his or her discretion, depending on the merit of the proposal in accordance with the following criteria:

FIRST TIER EVALUATION CRITERIA

Criterion 1A: Qualifications of Firms Including the Team Members Assigned to the Project (1 point min. / 50 point max.)

Evaluation of the qualifications of the firm and individuals to be assigned to the project, quality and availability of the manager and staff of the firm to be assigned (if any). The qualifications shall also include, but not be limited to, familiarity with County regulations and experience level of professional and management staff.

Criterion 2A: Knowledge and Past Experience of Similar Type Projects (1 point min. / 20 point max.)

Evaluation of the respondent's understanding of the scope of work, which may include but not be limited to studies performed that may affect the specific project being evaluated for: key design elements, contract, approach to the project, understanding and awareness of the permitting requirements involved with the project and health and safety programs as applicable. Evaluation of respondent's past experience and knowledge on similar type projects.

*Criterion 3A: Past Performance for the Firms
(1 point min. / 20 point max.)*

Evaluation of the firms on the team, overall interrelationship with proposed sub consultants and responsiveness, experience in scheduling projects, and timely submittal of deliverables on past projects. Respondents shall submit a minimum of one (1) reference for work performed within a ten-year period or another period stated within the NTPC. For respondents with previous County work experience, ISD shall provide the CSC the available performance evaluation data for each firm. The firms may be provided a standard questionnaire to augment the County's data.

*Criterion 4A: Amount of Work Awarded and Paid by the County
(1 point min. / 5 point max.)*

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

*Criterion 5A: Ability of the Team Members to Interface with the County
(1 point min. / 5 point max)*

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

The Consultant Selection Committee (CSC) Chairperson records the qualitative points awarded by each CSC member for each of the five (5) criteria for each respondent firm. Chairperson records the total qualitative points for each firm.

Chairperson determines and records ordinal scores for each firm based on the qualitative points awarded to each firm by each CSC member.

The CSC Chairperson shall determine the adjusted ordinal score by discarding the highest and lowest ordinal scores for each firm and tabulating the remaining ordinal scores.

The firms shall be ranked by the CSC based on the adjusted ordinal score and such rank shall become the final rankings for recommendation by the CSC (CSC Rank).

Pursuant to Miami-Dade County Code 2-10.4 and I.O. 3-34, the adjusted qualitative score

of all CSC Ranked proposers will be determined by discarding the highest and lowest total qualitative scores and tabulating the remaining qualitative scores. The adjusted qualitative scores shall be used for any necessary tie-breaks or application of the LCVBE or Local Business Preference.

Upon conclusion of the First Tier evaluation process, the CSC may exercise one of the following options:

- a) The CSC may waive the Second Tier evaluation process, and recommend to the County Mayor or County Mayor's designee that a contract be negotiated with the highest ranked responsive and responsible proposer(s) based solely on the evaluation results of First Tier. Upon the County Mayor or County Mayor designee's approval, the County shall enter into negotiations with the recommended proposer(s).
- b) The CSC may short-list and require short-listed respondents to participate in a Second Tier. Short-listed respondents may be required to submit additional documentation which may include, but is not limited to, knowledge of project scope, qualifications of team members assigned to the project, and ability to provide required services within schedule and budget and /or to participate in oral presentations.

If the CSC decides by majority vote to waive Second Tier, the CSC recommendation shall be reflective of the ranking. Upon the County Mayor or County Mayor designee's approval, the County shall enter into negotiations with the recommended respondent(s).

If the CSC decides by majority vote to proceed to Second Tier, the CSC First Tier ranking shall be reflective of the application of LCVBE, Local Preference, and any tie-breakers as applicable.

If proceeding to Second Tier, the order of oral presentations will be determined via a random selection drawing during the First Tier meeting.

ISD staff will notify short-listed respondents regarding the following as applicable:

- Oral presentation date, time, location and duration
- Additional information submittal due date, time and location. This information shall be submitted to the Clerk of the Board as indicated in Section 2.2 – Submittal Requirements.

A proposer participating in the Second Tier evaluation process may receive a maximum qualitative point value of 100, or any portion thereof, per CSC member in his or her discretion, depending on the merit of the proposal in accordance with the following criteria:

SECOND TIER EVALUATION CRITERIA

*Criterion 1B: Knowledge of Project Scope
(1 point min. / 50 point max.)*

Evaluation of the respondent's understanding of the scope of work, which may include but not be limited to, studies performed that affect this project, key design elements, (a design scheme may be required) and effects on the community involved. The managerial

approach to the advertised solicitation shall also be evaluated, including the implementation of systems that shall be utilized to keep track of the project schedule, cost control, quality assurance and quality control, understanding and awareness of permitting requirements and health and safety programs.

*Criterion 2B: Qualifications of Team Members Assigned to the Project
(1 point min. / 40 point max.)*

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

*Criterion 3B: Ability to Provide Required Services within Schedule and Budget
(1 point min. / 10 point max.)*

Evaluation of the respondent's overall management approach including experience in scheduling projects, systems that will be used to keep track of the schedule, cost control, quality assurance, and quality control, issues and methods employed to avoid cost overruns and project delays.

The CSC's scores for Second Tier criteria will be submitted in writing to the A/E Consultant Selection Coordinator. The total qualitative points given by each CSC member to each respondent will be converted to an ordinal score pursuant to Miami-Dade County Code 2-10.4. The firms shall be ranked by the CSC based on the ordinal score and such rank shall become the final rankings for recommendation by the CSC (CSC Rank). The qualitative scores may be used for any necessary tie-breaks or application of the LCVBE or Local Business Preference.

Upon the County Mayor or County Mayor designee's approval, the County shall enter into negotiations with the recommended proposer(s).

3.4 NEGOTIATIONS:

The County reserves the right to enter into contract negotiations with the selected proposer(s). If the County and the proposer(s) do not agree to the terms of the PSA, then the County may elect to terminate negotiations and begin negotiating with the second highest ranked proposer and so forth. This process will continue until a contract has been executed, or all submittals have been rejected. No proposer shall have any claims and/or rights against the County arising from such negotiation and/or the qualification process.

**CARLOS A. GIMENEZ
COUNTY MAYOR
MIAMI-DADE COUNTY, FLORIDA**



**MIAMI-DADE COUNTY – INTERNAL SERVICES DEPARTMENT (ISD)
ARCHITECT-ENGINEER LETTER OF QUALIFICATIONS (LOQ)**

(I) - PROJECT INFORMATION

ISD Project No.: **A16-MDAD-03** Measures Goal DBE: **28%** No. of Addenda Received:
 Project Name: **TERMINAL OPTIMIZATION PROGRAM (TOP) - FACILITY DESIGN SERVICES**

Prime # 1

(II) - PRIME CONSULTANT INFORMATION

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

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

Sub #	Firm Name	FEIN	Assigned Personnel
2			
3			
4			
5			
6			
7			
8			
9			
10			

(IV) – A/E TECHNICAL CERTIFICATION REQUIREMENTS

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

A/E Technical Certification Category	Prime #	Sub #
4.01 Aviation Systems - Engineering Design - PRIME		
4.02 Aviation Systems - Architectural Design - PRIME		
14.00 Architecture - PRIME		
9.05 Soils, Foundations and Materials Testing - Roof Testing and Consulting		
11.00 General Structural Engineering		
12.00 General Mechanical Engineering		
13.00 General Electrical Engineering		
16.00 General Civil Engineering		
18.00 Architectural Construction Management		

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

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

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

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

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

(VII) - RESUMES FOR ASSIGNED PERSONNEL

Attach resumes for assigned personnel identified on this LOQ.

(VIII) - LOCAL CERTIFIED VETERAN BUSINESS ENTERPRISE

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

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

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

(IX) - PRIME CONSULTANT ACKNOWLEDGEMENT

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

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

Signature Authorized Representative: _____ Date: _____

**MIAMI-DADE COUNTY
ISD FORM NO. 5 - LOBBYIST REGISTRATION FOR ORAL PRESENTATION**

1. PROJECT TITLE: _____
2. ISD PROJECT NO.: _____ DEPARTMENT: _____
3. FIRM/PROPOSER'S NAME: _____
ADDRESS: _____ ZIP: _____
BUSINESS TELEPHONE: _____ FAX: _____

4. List All Members of Presentation Team Who Will Participate in the Oral Presentation

LOBBYIST REPRESENTATIVE

NAME	TITLE	EMPLOYED BY	TELEPHONE NO.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**MIAMI-DADE COUNTY
ISD OFFICE USE ONLY**

SIGNATURE

The individuals named above are Registered and the Registration Fee is not required for the Oral Presentation ONLY. Proposers are advised that any individual substituted for or added to the presentation team after submittal of the proposal and filing by staff, **MUST** register with the Clerk of the Board and pay all applicable fees. Other than for the oral presentation, Proposers who wish to address the county commission, county board or county committee concerning any actions, decisions, or recommendations of County personnel regarding this solicitation in accordance with Section 2-11.1(s) of the Code of Miami-Dade County **MUST** register with the Clerk of the Board (Form BCCFORM2DOC) and pay all applicable fees.

I do solemnly swear that all the foregoing facts are true and correct and I have read or am familiar with the provision of Section 2-11.1(s) of the Code of Metropolitan Dade County as amended.

SIGNATURE OF AUTHORIZED REPRESENTATIVE _____

STATE OF _____ (Name and Title of Signatory, Printed or Typed)

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____

BY _____, a _____ (Individual, Officer, Partner or Agent) _____ (Sole, Corporation or Partnership)

who is personally known to me or who has produced _____ as identification, and who did/did not take an oath.

(Signature of Notary Public Taking Acknowledgment)

(Name of acknowledger typed, printed or stamped)

(Title or Rank) _____ (Serial Number, if any)

(ATTACH ADDITIONAL COPIES OF THESE SHEETS IF NECESSARY)

ISD Form 7 - SUBCONTRACTOR/SUPPLIER LISTING

(Miami-Dade County Code Sections 2-8.1, 2-8.8 and 10-34)

Firm Name of Prime Contractor/Respondent _____ FEIN # _____
 Project/Contract Number _____

In accordance with Sections 2-8.1, 2-8.8 and 10-34 of the Miami-Dade County Code, this form must be submitted as a condition of award by all bidders/respondents on County contracts for purchase of supplies, materials or services, including professional services which involve expenditures of \$100,000 or more, and all bidders/respondents on County or Public Health Trust construction contracts which involve expenditures of \$100,000 or more. The bidder/respondent who is awarded this bid/contract shall not change or substitute first tier subcontractors or direct suppliers or the portions of the contract work to be performed or materials to be supplied from those identified, except upon written approval of the County. The bidder/respondent should enter the word "NONE" under the appropriate heading of this form if no subcontractors or suppliers will be used on the contract and sign the form below.

In accordance with Ordinance No. 11-90, an entity contracting with the County shall report the race, gender and ethnic origin of the owners and employees of all first tier subcontractors/suppliers. In the event that the successful bidder demonstrates to the County prior to award that the race, gender, and ethnic information is not reasonably available at that time, the successful bidder shall be obligated to exercise diligent efforts to obtain that information and provide the same to the County not later than ten (10) days after it becomes available and, in any event, prior to final payment under the contract. (Please duplicate this form if additional space is needed.)

Business Name and Address of First Tier Subcontractor/ Sub-consultant	Principal Owner	Scope of Work to be Performed by Subcontractor/ Sub-consultant	Principal Owner (Enter the number of male and female owners by race/ethnicity)							Employee(s) (Enter the number of male and female employees and the number of employees by race/ethnicity)						
			Gender		Race/Ethnicity					Gender		Race/Ethnicity				
			M	F	White	Black	Hispanic	Asian/Pacific Islander	Native American/Native Alaskan	Other	M	F	White	Black	Hispanic	Asian/Pacific Islander

Mark here if race, gender and ethnicity information is not available and will be provided at a later date. This data may be submitted to Contracting/User department or on-line to the Small Business Development Division of the Regulatory and Economic Resources Department at <http://new.miamidade.gov/business/business-development.asp>.

I certify that the representations contained in this Subcontractor/Supplier listing are to the best of my knowledge true and accurate.

Signature of Bidder/Respondent _____ Print Title _____ Print Name _____ Date _____



**MIAMI-DADE COUNTY – INTERNAL SERVICES DEPARTMENT (ISD)
ISD FORM NO. 9 – Fair Subcontracting Policies
(Section 2-8.8 of the Miami-Dade County Code)**

FAIR SUBCONTRACTING PRACTICES

In compliance with Section 2-8.8 of the Miami-Dade County Code, the Proposer submits the following detailed statement of its policies and procedures for awarding subcontracts:

I hereby certify that the foregoing information is true, correct and complete.

Signature of Authorized Representative: _____

Title: _____ Date: _____

Proposer's Name: _____



MIAMI-DADE COUNTY – INTERNAL SERVICES DEPARTMENT (ISD)

ISD FORM NO. 11

EXPERIENCE & QUALIFICATION / PREFERENCE / REFERENCE FORM

INSTRUCTIONS

This form must be submitted by each team member (Prime, A/E Sub-consultant, and/or non-A/E sub-consultant), as applicable. Applicable firm must list previous similar type project in which it has performed work.

The reference provided below should be for one project and must comply with the requirements listed in Sections 1.2, Scope of Services, Experience and Qualifications/Preferences, and 2.1, Format and Contents, of the NTPC.

APPLICABILITY TO EXPERIENCE & QUALIFICATION(S) / PREFERENCE(S)

This project reference complies with the Experience and Qualification(s) and/or Preference(s) required under Section 1.2, Scope of Services, of the NTPC. Yes OR Not Applicable

If yes, please indicate which of the Experience and Qualification(s) and/or Preference(s) that is met with this project reference.

REFERENCE PROJECT INFORMATION

Firm Name:

Reference Project Name/Address:

Name(s) and Role(s) of Consultant Personnel Working on this Reference Project:

Reference Project Description:

Scope of Services Provided:

Total Compensation for Services: \$

Project Start Date: / Project Completion Date: /

Project Construction Cost: \$

Construction Start Date: Construction Completion Date: / /

Reference Company Name:

Reference Contact Name:

Reference Telephone Number:

Facsimile Number:

E-mail:

SPACE BELOW IS TO BE UTILIZED TO EXPAND ON THE SCOPE OF SERVICES PROVIDED FOR THIS PROJECT REFERENCE. PLEASE DESCRIBE YOUR FIRM'S INVOLVEMENT IN THE REFERENCE PROJECT. PROVIDE DETAILS TO SUPPORT WHETHER EACH TEAM MEMBER'S PARTICULAR EXPERTISE RELEVANT TO THE PROJECT WAS GAINED UNDER CURRENT EMPLOYMENT, OR AS A MEMBER OF ANOTHER FIRM. (ADDITIONAL SHEETS OF PAPER MAY BE USED TO INCLUDE INFORMATION).

Miami-Dade County

Contractor Due Diligence Affidavit

Per Miami-Dade County Board of County Commissioners (Board) Resolution No. R-63-14, County Vendors and Contractors shall disclose the following as a condition of award for any contract that exceeds one million dollars (\$1,000,000) or that otherwise must be presented to the Board for approval:

- (1) Provide a list of all lawsuits in the five (5) years prior to bid or proposal submittal that have been filed against the firm, its directors, partners, principals and/or board members based on a breach of contract by the firm; include the case name, number and disposition;
- (2) Provide a list of any instances in the five (5) years prior to bid or proposal submittal where the firm has defaulted; include a brief description of the circumstances;
- (3) Provide a list of any instances in the five (5) years prior to bid or proposal submittal where the firm has been debarred or received a formal notice of non-compliance or non-performance, such as a notice to cure or a suspension from participating or bidding for contracts, whether related to Miami-Dade County or not.

All of the above information shall be attached to the executed affidavit and submitted to the Procurement Contracting Officer (PCO)/ AE Selection Coordinator overseeing this solicitation. The Vendor/Contractor attests to providing all of the above information, if applicable, to the PCO.

Contract No. : _____ Federal Employer Identification Number (FEIN): _____

Contract Title: _____

_____	_____	_____
Printed Name of Affiant	Printed Title of Affiant	Signature of Affiant
_____	_____	_____
Name of Firm		Date
_____	_____	_____
Address of Firm	State	Zip Code

Notary Public Information

Notary Public – State of _____ County of _____

Subscribed and sworn to (or affirmed) before me this _____ day of, _____ 20

by _____ He or she is personally known to me or has produced identification

Type of identification produced _____

Signature of Notary Public	Serial Number
----------------------------	---------------

Print or Stamp of Notary Public	Expiration Date	Notary Public Seal
---------------------------------	-----------------	--------------------

**ORGANIZATIONAL CONFLICT OF INTEREST, AND CONFLICT OF INTEREST
RELATED TO SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY**

The Prime and its Sub-consultants shall be obligated to identify and disclose to the County any organizational conflict of interest, or the potential for the same to occur, immediately upon its discovery. The disclosure shall be in writing, addressed to the Contract Manager identified in the contract specifications. The disclosure shall identify the organizational conflict of interest with sufficient detail for the County's analysis and shall propose a method to address the same. Such disclosure shall also be reported to the Office of the Inspector General (OIG) and the Commission on Ethics and Public Trust (COE) pursuant to NTPC Section 1.16 *Conflict of Interest Related to Section 2-11.1 of the Code of Miami-Dade County*. The consultant's failure to identify an organizational conflict of interest, or to disclose the same to the County in the manner set forth herein, may be considered a material breach of the contract. Each solicitation shall also require respondents to address the methodology proposed to identify and address any potential organizational conflict of interest, particularly in those instances where the proposer offers to use the same sub-consultants which may be primes or sub-consultants in other Terminal Optimization Program (TOP) contracts where such use is not specifically prohibited by the advance restrictions set forth in this policy. The County will analyze and address potential organizational conflicts of interest on a case-by-case basis, because such conflicts arise in various, and often unique, factual settings. The potential for organizational conflicts of interest, and the methodology offered to prevent organizational conflicts of interest, may be evaluated by the County as a criterion for selection as set forth in the applicable competitive solicitation documents from potential respondents.

The language that effectuates these changes is noted below:

All Consultants must comply with this section.

A. Organizational Conflict of Interest

1. Policy

Miami-Dade County (the "County"), through its Miami-Dade Aviation Department (MDAD) adopts the provisions of this section to govern potential conflicts of interest in its procurement of consultants to implement the Terminal Optimization Program (the "Program"). It is the policy of the County, implemented through this section, to identify, analyze and address organizational conflicts of interest that might otherwise exist in order to maintain the public's trust in the integrity and fairness of the County's contracting for the Program and to protect the business interests of the County thereby safeguarding public dollars. This policy shall be supplemental to and not in derogation of the requirements of law relating to conflicts of interest including, but not limited to, the County's Code of Ethics.

2. Definitions

Organizational conflict of interest situation in which a consultant: (a) under the contract, or any part thereof, including a particular work order or defined task, is required to exercise judgment to assist the County in a matter such as in drafting specifications or assessing another consultant's or contractor's proposal or performance and the consultant has a direct or indirect financial or other interest at stake in the matter, so that a reasonable person might have concern that when performing work under the contract, the contractor may be improperly influenced by its own interests rather than the best interest of the County, or (b) would have an unfair competitive advantage in a County competitive solicitation as a result of having performed work on a County contract that put the consultant in a position to influence the result of the solicitation.

Affiliates: business concerns are affiliates of each other when either directly or indirectly one concern or individual controls or has the power to control another, or when a third party controls or has the power to control both.

Sub-consultants: firms under contract with the prime consultant.

3. Certification of no organizational conflict of interest

The consultant's: (a) execution of the contract or any agreement to perform any work under a work order or (b) making a claim for payment under the contract, constitutes the consultant's certification to the County that the consultant or its sub-consultants do not have knowledge of any organizational conflicts of interest to exist in performing the work under the contract. False certifications may be considered a material breach of the contract and the consultant may be liable to the County for a false claim under the County's false claim ordinance. At any time in anticipation of awarding the contract, or during the performance of the contract, the County may require the consultant to execute an express written certification that after diligent inquiry the consultant does not have knowledge of any organizational conflict of interest. The County may also require the consultant to set forth in writing the scope of the inquiry conducted to make the express certification. Failure to make diligent inquiry, to disclose a known conflict or potential conflict, or to execute the documents required to be produced may be considered, if pre-award, a reason for disqualification of the proposal, and following award, a material breach of the contract.

4. Identification of organizational conflict of interest

The consultant and sub-consultants shall be obligated to disclose to the County any organizational conflict of interest, or the potential for the same to occur, immediately upon its discovery. The disclosure shall be in writing, addressed to the Contract Manager identified in the contract specifications. The disclosure shall identify the organizational conflict of interest with sufficient detail for the County's analysis and shall propose a method to address the same. Such disclosure shall also be reported to the Office of the Inspector General (OIG) and the Commission on

Ethics and Public Trust (COE). The consultant's/sub-consultants' failure to identify an organizational conflict of interest, or to disclose the same to the County in the manner set forth in this Section, may be considered a material breach of the contract. Each solicitation shall also require respondents to address the methodology proposed to identify and address any potential organizational conflict of interest, particularly in those instances where the proposer offers to use the same sub-consultants which may be primes or sub-consultants in other Program contracts where such use is not specifically prohibited by the advance restrictions set forth in this policy. The potential for organizational conflicts of interest, and the methodology offered to prevent organizational conflicts of interest, may be evaluated by the County as a criterion for selection as set forth in the applicable competitive solicitation documents.

5. Addressing organizational conflicts of interest

The County will analyze and address organizational conflicts of interest on a case-by-case basis, because such conflicts arise in various, and often unique, factual settings. The Director of MDAD, subject to the approval of the Executive Director of the Commission on Ethics or his designee, shall make the decision of how to address an organizational conflict of interest. The Executive Director of the Commission on Ethics or his designee shall render its determination promptly to avoid impacting the Program. The County shall consider the specific facts and circumstances of the contracting situation and the nature and potential extent of the risks associated with an organizational conflict of interest when determining what method or methods of addressing the conflict will be appropriate. When an organizational conflict of interest is such that it risks impairing the integrity of the Program, then the County must take action to substantially reduce or eliminate those risks. If the only risk created by an organizational conflict of interest is a performance risk relating to the County's business interests, then the County shall have broader discretion in accepting some or all of the performance risk, but only when the potential harm to the County's interest is outweighed by the expected benefit from having the conflicted consultant perform the contract. The County shall balance risks created by any organization conflict of interest against potential impacts to the Community Business Enterprise community in analyzing the appropriate method of addressing any organizational conflict of interest.

6. Measures to address organizational conflicts of interest

The measure, or combination of measures, which may be appropriate to address an organizational conflict of interest, if any, shall be decided by the Director of MDAD and include, but are not limited to: (a) avoidance of risk through reduction of subjectivity in the analysis or by defining work tasks and deliverables with specificity, (b) requiring the prime and/or its subs to implement structural barriers (firewalls) and internal corporate controls, (c) limiting sub-consultants or personnel to be involved in a work assignment, (d) employing specific hourly limits on defined tasks, (e) limiting or prohibiting certain pass through fees and

markups, (f) executing a mitigation plan which will define specific consultant and sub-consultant duties to mitigate organizational conflicts of interest, (g) requiring sub-consultants who are conflict free to perform identified areas of work, (h) requiring the consultant or its sub-consultants to adopt, disseminate and instruct staff on conflict of interest identification and remediation procedures and (i) relying on more than one source or on objective or verifiable data or information.

7. Documentation and evaluation

The Director of MDAD will set forth in the contract file a written explanation of the methodology used to address an identified organizational conflict of interest. The County shall periodically evaluate the effectiveness of the methodology in the protection of the Program. Upon the rendering of a decision regarding the resolution of a reported conflict of interest, a copy of such finding shall be forwarded to the OIG and the COE.

8. Organizational conflicts of interest which are not remedied

If in the sole discretion of the County there is no measure or combination of measures which protect the County against the organizational conflict of interest, then the consultant may not perform the subject work. The County may in its discretion, if pre-award, decide not to award the contract to the affected consultant, and following award, terminate the contract, or portion of the contract, which the consultant has materially breached because of such inability to perform.

B. Conflict of Interest Related to Section 2-11.1 of the Code of Miami-Dade County

Questions regarding conflicts of interest governed by Section 2-11.1 of the Code of Miami-Dade County shall be submitted prior to the submittal date and addressed to the Miami-Dade Commission on Ethics by any bidder, proposer, contractor, or subcontractor regarding potential organizational conflicts pertaining to its own bid, or by the local government contracting officer regarding potential organizational conflicts pertaining to any bidder, proposer, contractor, or subcontractor. Determinations by the Commission on Ethics shall be deemed final. When a consultant is found to have a conflict, the submittal presented by the conflicted party may be rendered nonresponsive.