



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111th Avenue
Miami, Florida 33172-5800

JIM BOXOLD
SECRETARY

March 7, 2016

Alfredo Quintero Jr., EI, CFM, CGC, CCC
Director of Public Works
Town of Cutler Bay, Department of Public Works
Cutler Bay Town Center
10720 Caribbean Blvd. Suite 105
Cutler Bay, FL 33189

Subject: **Award Concurrence Letter**

Safe Routes to School Cutler Bay Academy of advance Studies (Cutler Bay Middle)
FM # 436939-1
Federal ID: SRTS-354-A
Contract: G0674
County: Miami-Dade

Dear Mr. Quintero:

The Florida Department of Transportation has received Form 325-010-49 "*Local Agency Checklist for Federally Funded Professional Services Contract*", "*Federal and State Requirements*".

This letter serves as concurrence with the Town of Cutler Bay's design consultant selection process. Therefore, the Town of Cutler Bay can proceed with the award recommendation to Kimley Horn and Associates, Inc.

For further reference, please contact District 6 LAP Project Manager Alfredo Reyna by telephone at (305) 470-5288 or email Alfredo.Reyna@dot.state.fl.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aiah Yassin". The signature is fluid and cursive.

Aiah Yassin
District LAP Administrator

Cc: Alfredo Reyna, File

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**LOCAL AGENCY PROGRAM CHECKLIST FOR FEDERALLY FUNDED
 PROFESSIONAL SERVICES CONTRACTS
 FEDERAL AND STATE REQUIREMENTS**

525-010-49
 SPECIFICATIONS & ESTIMATES
 06/15

Project Title: Safe Routes to School Cutler Bay Academy of Advance Studies
 Financial Management Number: 436939-1
 Federal-Aid Project Number: SRTS-354-A
 Local Agency Name: Town of Cutler Bay

SHS/NHS Project (Yes/No): No If yes, identify System: _____
 LAP Agreement Amount (\$): \$54,599.00
 Continuing Contract: No
 Simplified Acquisition (Yes/No): NO

Requirement	Reference	Compliance Documentation	District Monitoring Responsibilities	Requirement Locations
1. Fair, open, and competitive selection of qualified consultants including solicitation and qualifications	<p>Project is publicly announced in a uniform and consistent manner. [ref. 287.055(3)(a)1, F.S.]</p> <p>[ref. 40 USC 1101-1104 ("Brooks Act"), 23 USC 112(b)(2)(A), 23 CFR 172.5(a)(1),</p> <p>287.001, and 287.001, 287.055(4), Florida Statutes</p>	<p>Local agency provides a copy of the project advertisement and request for qualifications/proposal. It must include project description, scope, qualifications, selection process, scoring criteria, and schedule.</p> <p>Local Agencies will use consultants prequalified by the Department for all projects on the SHS and NHS and all off system critical projects as defined in the LAP Manual Chapter 23 and LAP Bulletin 14-01. Prequalified Consultants link http://www.dot.state.fl.us/procurement/Prequalification.shtm</p> <p>On SHS/NHS the types of work (major and minor) for prequalification shall be identified Chapter 14-75.003, F.A.C.</p> <p>Local Agency verifies consultant qualifications for each proposal received, including sub consultants.</p> <p>Public meetings are held when necessary, are properly noticed, and minutes taken or recorded. Sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation are exempt from public records until such time as the agency provides notice of an intended decision to make a contract award or until 30 days after opening the bids, proposals, or replies, whichever is earlier. 119.071 F.S.</p>	<p>Verify agency issues solicitation regionally and solicitation defines project description, scope, qualifications, selection process, scoring criteria, and schedule.</p> <p>Review draft RFQ/RFP qualifications, scoring criteria and selection process for conflict with state or federal requirements.</p>	Pages 2-19

Requirement	Reference	Compliance Documentation	District Monitoring Responsibilities	Requirement Locations
2. Required Forms to comply with Federal and State laws	FDOT Topic 375- 030-002-I (1)] LAP Manual Chapter18 287.055(5)(a), 287.017 F.S.	Truth in Negotiation Certification for contracts above \$195,000 threshold. Local Agency may use FDOT Form #375-030-30. Applicable to lump sum and cost plus fixed fee contracts. Upload forms to LAPIT with final contract package.	Verify provision and form is included in the procurement and final contract packages.	Attachment C Page 45
3. Required Forms continued	FDOT Topic 375- 030-002-I (1)] LAP Manual Chapter18 2 CFR 1201.112 2 CFR 200.318(C) 23 CFR 1.33 112.317 F.S. FDOT Procedure #375-030-006	Conflict of Interest Certification (FDOT Form #375-030-50) Local Agency must include the certification and provision in the solicitation package and the contract. Form is required from each person involved in the procurement process, both local agency staff and consultants per federal and state law.	Verify provision and form is included in the procurement and final contract packages.	Attachment D Page 46
4. Required Forms continued	FDOT Topic 375- 030-002-I (1)] LAP Manual Chapter18 2 CFR 180.220 23 CFR 630.112 <u>DOT Order 4200.5E</u>	Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Federal Aid Contracts FDOT Form #375-030-32 Local Agency utilizes federal and state databases to verify prime consultant and subconsultant eligibility as part of the qualifications verification. Federal: https://www.sam.gov DMS link for state and federally disqualified vendors http://www.dms.myflorida.com/business_operations/state_purchasing/vendor_information A screen print or other documentation noting the database has been checked should be included in the Shortlist package submitted to the FDOT for review and also with the final contract package. Local Agency must verify any subconsultants added during negotiations or to the contract.	Verify provision and form is included in the procurement and final contract packages. Verify shortlisted consultants and subconsultants are eligible for federal contracts.	Attachment B Page 44

Requirement	Reference	Compliance Documentation	District Monitoring	Requirement Locations
5. Required Forms continued	FDOT Topic 375- 030-002-1 (1) LAP Manual Chapter18 49 CFR 20.100 23 CFR 630.112 2 CFR 200.450	<p><i>Certification for Disclosure of Lobbying Activities on Federal-Aid Contracts (Form #375-030-33)</i></p> <p><i>As needed: Standard Form-LLL, Disclosure of Lobbying Activities Form (Form #375-030-34)</i></p> <p>Local Agency must include the certification in the solicitation package and the related provision contract.</p> <p>Upload form to LAPIT with final contract package.</p>	Verify provision and form is included in the procurement and final contract packages.	Attachment A Page 43

<p>6. Compliance with State and Federal Contracting Requirements</p>	<p>337.106, 287.133, 287.055, 287.017 F.S. Florida Governor's Executive Order 11-116 2 CFR 200 23 CFR 172 49 CFR Part 21, 49 CFR 26.13 (b), 49 CFR Part 26, USC 18 Section 1020, . 49 CFR 26.51 FDOT Topic 375- 030-002-I (1)] LAP Manual Chapter 18</p>	<p>State Requirements: (1) Any Tangible Assets are identified in contract agreement. (2) Professional Liability Insurance carried by prime consultant per 337.106, F.S. (3) E-verify (Executive Order 11-116) (4) Public Entity Crimes Statement 287.133 F.S. (5) Drug free workplace certification (6) Prompt payment provision (7) Public Access to Public Records language Federal Requirements: (8) Terms for Federal Aid Contracts incorporated in the Professional Services Agreement. FDOT Form #375-040-84. FDOT form includes the Title VI Non-Discrimination Contract Provisions Appendices A and E, DBE, and EEO contract provisions. (9) Include termination clause for cause, convenience, and default (all contracts greater than \$10,000). (10) Perform an evaluation of the consultant after the project is complete. Must include contract language indicating as such. (11) Records retention and access to records by FHWA, OIG, etc. (12) Contracts for more than the simplified acquisition threshold (\$150,000), must address administrative, contractual, or legal remedies in instances where contractor violates or breaches contract terms, and provide for penalties or sanctions.</p>	<p>Verify provisions and contract terms are included in the procurement and final contract packages.</p>	<p>2 - Page 20 3 - Attachment E Page 47 4 - Appendix C Pages 38-40 5 - Appendix D Page 41 7 - Page 5 8 - Attachment F Page 48 9 - Page 29</p>
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Requirement	Reference	Compliance Documentation	District Monitoring Responsibilities	Requirement Locations
7. Shortlist	<p>287.055(4)(b), F.S. 40 U.S.C. 1101 http://www.fhwa.dot.gov/programadmin/172ga.cfm</p>	<p>Submit list of a minimum of three shortlisted firms to FDOT for review based on qualifications review and score.</p> <p>Use of price/cost elements or in-state/local preference as part of the selection criteria on federally funded contracts is prohibited.</p> <p>Re-advertise the project if a minimum of three firms cannot be shortlisted.</p> <p>Factors considered in shortlisting include: ability of professional personnel; past performance; willingness to meet time requirements; recent, current & projected workloads; and volume of work previously awarded to each firm. A small locality presence criterion of no more than 10 percent may be used. This criterion cannot be based on political boundaries and should be used on a project-by-project base for projects where a need has been established. Further, if a firm currently outside the locality criterion indicates as part of its proposal that it will satisfy that criterion in some manner, such as establishing a local project office, it should be considered to have met the locality criteria.</p>	<p>Review scores and verify selection criteria. Concur with the agency's most qualified (#1) candidate for negotiations.</p>	
8. Independent Staff Hour Estimates	<p>23 CFR 172 2 CFR 200.323 216.3475 F.S. Consultant Wage Rate Averages Report FDOT Negotiation Handbook 03/2014</p>	<p>Agency submits in-house staff hour estimate prior to negotiations with shortlisted firms.</p> <p>Agency will use In-house staff-hour estimates to check reasonableness of consultant estimate.</p> <p>Agency will perform a detailed analysis of costs proposed by consultant.</p> <p>Agency may use Consultant Wage Rate Averages Report and the Department's Negotiation Handbook to development the Agency estimate and/or verify the consultant estimate.</p>	<p>Review in-house staff estimate, consultant estimate and final negotiated contract fee.</p>	

Requirement	Reference	Compliance Documentation	District Monitoring Responsibilities	Requirement Locations
<p>9. Overhead Rates (indirect rates) and Direct Salary Multipliers</p>	<p>23 USC 112(b)(2)(C)-(D) 23 CFR 172.11(b)(1)</p> <p>SHS/NHS- FDOT prequalified consultants include their letter of approved overhead rates at negotiation.</p>	<p>Overhead rates shall not be capped by the Agency. Contracting agencies shall use the indirect cost rate established by an audit report prepared by an independent Certified Public Accountant, or a State or Federal agency. A lower indirect cost rate may be used if submitted by the consultant firm; however the consultant's offer of a lower indirect cost rate shall not be a condition of contract award. The contracting agencies shall apply these indirect cost rates for the purposes of contract estimation, negotiation, administration, reporting, and contract payment and the indirect cost rates shall not be limited by any administrative or de facto ceilings. The consultant's indirect cost rates for its one- year applicable accounting period shall be applied to the contract, however once an indirect cost rate is established for a contract it may be extended beyond the one year applicable accounting period provided all concerned parties agree.</p> <p>Direct salary multipliers shall not be capped. Any limitation on direct salary multipliers would have the effect of creating an administrative or de facto ceiling on the Indirect cost rate, which is not in accordance with Federal-Aid Highway Program requirements.</p>	<p>Review contract to ensure Overhead Rates (Indirect Rates) and Direct Salary Multipliers are not capped.</p>	<p>✓</p>

Requirement	Reference	Compliance Documentation	District Monitoring Responsibilities	Requirement Locations
10. Negotiations	<p>40 USC 1103 40 USC 1104 23 CFR 172</p> <p>287.055 (5), Florida Statutes</p> <p><u>FDOT Negotiation Handbook 03/2014</u></p> <p>Chapter 2011-140, Laws of Florida</p>	<p>Agency shall attempt to negotiate a contract with the most highly qualified firm using all resources available to conduct effective negotiations, including but not limited to, the refined scope of work, the evaluation factors and their relative importance, and the Agency's cost estimate as required.</p> <p>Agency may formally terminate negotiations and then undertake negotiations with the next most qualified of the selected firms, continuing the process until an agreement is reached.</p> <p>Agency shall maintain records of negotiations to document negotiation activities. Records shall be maintained in accordance with the provisions of 2 CFR 200.333-337.</p> <p>Oral presentations, negotiations, vendor Q & A sessions, and discussions of negotiations strategies are all exempt meetings. A complete recording shall be made of any portion of an exempt meeting. No portion of the exempt meeting may be held off the record. The recording is exempt until such time as the agency provides notice of an intended decision to make a contract award or until 30 days after opening the bids, proposals, or replies, whichever occurs earlier. 286.0113 F.S.</p>	<p>Verify Local Agency maintains all records of negotiations in the project file.</p> <p>Concur with termination of negotiations as needed.</p>	Page 20

Requirement	Reference	Compliance Documentation	District Monitoring Responsibilities	Requirement Locations
11. Disadvantaged Business Enterprise (DBE) and Bid Opportunity List	<p>49 CFR 26.51 337.139, F.S. LAP Manual Chapter 14</p> <p>DBE firms available on the FDOT Equal Opportunity Office (EOO) website. This list can be accessed at the following link:</p> <p>http://www.dot.state.fl.us/equalopportunityoffice/moresources.shtm</p>	<p>The Local Agency shall comply with FDOT's DBE Program Plan unless the Local Agency has a DBE Program Plan approved by the USDOT. FDOT currently has a race neutral program with an 9.91% goal. Agency must monitor the consultant on EEO and DBE provisions of the contract. Provisions are included in FDOT Form #375-040-84 LAP Terms for Federal Aid Contracts.</p> <p>The agency shall not use DBE preference selection criteria in the selection process.</p> <p>Other programs may be tracked by the Agency, such as MBE, BDI, etc. but they cannot be required on federal contracts and must not be applied to any selection or award criteria.</p> <p>Verify consultants enter their bid opportunity information in the <u>Equal Opportunity Compliance (EOC) System</u> found at http://www.dot.state.fl.us/equalopportunityoffice/eoc.shtm within 3 business days of submission of the proposal for all subconsultants who quoted bids for FHWA-assisted projects. Use FDOT contract number for reporting.</p>	<p>Verify Terms for Federal Aid Contracts (Appendix I) is attached to contract.</p> <p>Verify DBE participation is not required.</p> <p>Verify other program participation is not mandatory for the contract award (MBE, BDI, etc.)</p> <p>Verify bidder opportunity reporting prior to award concurrence per LAP Manual Chapter 14.4.2</p>	Attachment G Page 49-52
12. Contract Execution	23 CFR 172.5 287.055 F.S. LAP Manual Chapter 18	<p>After concurrence, Agency submits fully executed contract to FDOT via LAPIT. Contract must have all federal and state provisions and forms attached.</p> <p>Agency must create the Local Agency Contract screen in LAPIT immediately upon contract award for DBE data and usage reporting.</p>	<p>Provide concurrence for contract award.</p> <p>Verify documents are uploaded to LAPIT and contract screen created.</p>	

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**LOCAL AGENCY PROGRAM CHECKLIST FOR FEDERALLY FUNDED
PROFESSIONAL SERVICES CONTRACTS
FEDERAL AND STATE REQUIREMENTS**

525-010-49
SPECIFICATIONS & ESTIMATES
03/15

Local Agency: I hereby certify that the above mentioned LAP project professional services RFP and associated contract contains the provisions set forth in this checklist.

Rafael Casal
Signature

Town Manager
Procurement/Purchasing Position Title

RAFAEL G. CASALS
Name (Printed)

2/29/16
Date

District LAP Administrator/Designee: I hereby certify that the Checklist is complete as indicated and that the provisions set forth in this checklist are contained in LAP project professional services RFP and associated contract.

Aiah Yassin
Signature

DO - LAP Administrator
Position Title

Aiah Yassin
Name (Printed)

3.7.2016
Date

**LOCAL AGENCY PROGRAM CHECKLIST FOR FEDERALLY FUNDED PROFESSIONAL SERVICES
CONTRACTS
FEDERAL AND STATE REQUIREMENTS**

The purpose of this form is to provide the District LAP Administrator and the Local Agency Project Manager with a guide of what documentation should be collected and reviewed for each professional services contract to demonstrate compliance with the applicable federal and state requirements. The compliance indicator column of this form lists the needed documentation and reviews necessary to demonstrate compliance on a specific project. Specific technical questions should be submitted to the district professional services expert for guidance. Federal Authorization is required in order for a Local Agency to execute a consultant contract and/or task work order and be reimbursed with federal funds for services under that contract.