

MEMORANDUM

GOE

AGENDA ITEM NO. 2 (M)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

DATE: December 9, 2003

FROM: George M. Burgess  
County Manager



SUBJECT: Waiver of Competitive Bidding  
Procedures and Authority to  
Negotiate and Award a Contract  
For the Exterior Restoration of  
the Dade County Courthouse

**RECOMMENDATION**

It is recommended that the Board of County Commissioners approve the attached resolution waiving competitive bidding procedures, waiving Sections 2-8.3 and 2-8.4 of the Code of Miami Dade County, Florida, related to bid protest procedures; and authorizing the County Manager to negotiate and award a contract for the exterior restoration of the Dade County Courthouse (DCC), after an informal competitive process among three firms who specialize in this type of work that would be capable of meeting the stated requirements, and upon review and approval by the County Attorney's Office.

**BACKGROUND**

The Dade County Courthouse was placed on the National Register of Historic Places in 1989, for its historical importance and architectural significance. The Dade County Courthouse is the only building in Dade County and one of few buildings in the southeastern United States that has a terra cotta façade. During the past fifteen years the County has spent approximately \$16,400,000 renovating the DCC. During 1980 and 1981 approximately \$2,100,000 was spent on selected exterior façade repair work, and in 1992 and 1993 approximately \$800,000 was spent to replace the steel casement windows. The remaining expenditures, \$13,541,000, were for interior renovations.

In November 1999 Wiss, Janney, Elstner Associates, Inc (WJE), an engineering consulting firm who was overseeing a project at the Lawson E. Thomas Courthouse Center, was requested to perform a close-up inspection of a cracked column at the south side of the DCC. In February 2000 WJE recommended that a more extensive inspection be performed. This recommendation was based on their observation of the deterioration to portions of the terra cotta façade.

During March 2001 some of the terra cotta block elements failed and fell to the ground. As a result, security covering and netting was put in place to mitigate any potential hazard to the public.

In April 2002, WJE performed an in-depth analysis of the exterior conditions of the DCC. WJE was utilized for this study based on the expertise and prior knowledge of some of the existing conditions. WJE is a structural, architectural and materials engineering firm with extensive experience in failure investigations and repair and rehabilitation design, including historic preservation. WJE has overseen the renovation or analysis of numerous older and historic facilities, including many facilities possessing terra cotta façades, which include:

- ✚ Westmoreland County Courthouse – Greensburg Pennsylvania
- ✚ Dupage County Courthouse – Wheaton , Illinois
- ✚ Cook County Courthouse – Gainesville Texas
- ✚ Philadelphia Museum of Art – Philadelphia, Pennsylvania
- ✚ Woolworth Building – New York, New York
- ✚ Russ Building – San Francisco, California
- ✚ Filene’s Department Store, Boston Massachusetts

WJE issued their final report in December 2002, detailing the façade inspection and identifying conceptual repair recommendations. The report identifies numerous significant problems and conditions, including:

- ✚ Corrosion of support steel resulting in cracking/spalling of terra cotta
- ✚ Restraint of thermal and/or moisture movement causing cracking and displacement
- ✚ Deterioration of previous repairs. Previous repairs have reached the end of their life cycle.
- ✚ Unaccounted load transfer and stress concentration leading to fracture of terra cotta
- ✚ Deterioration related to weather/aging
- ✚ Moisture-related deterioration and biological growth resulting in glaze and material loss

WJE stated in their report; “it is apparent that the courthouse is at a critical stage wherein substantial repairs are required to mitigate imminently hazardous conditions and to restore the façade to serviceable condition. Due to its position on the National Register of Historic Places, repairs to the façade should conform to the Secretary of the Interior’s Standards for the Treatment of Historic Properties. If repairs are not performed in the near future, the Miami-Dade Courthouse will continue to undergo significant deterioration and the cost of repairs will increase at an accelerating rate.”

### **Scope of Work**

The significant portion of the restoration work to be performed includes repairs and replacement of the entire terra cotta façade and repair and replacement of all supplemental lateral support and pinning. The complexity of the work will require the contractor to design fixes to conditions for a significant portion of the work as the work is performed. The contractor will also need to develop plans for site access, building and site security and emergency response in order to protect the public and employees who utilize the DCC.

The contractor will also need an established working relationship with at least one of two existing terra cotta suppliers, only one of which is located in the United States. This relationship is necessary since the terra cotta supplier will need access to the site to measure each piece to be replaced and then prepare the necessary shop drawings, prior to commencing the manufacturing process. Manufacturing terra cotta material will take approximately six to eight months. Ornamental and unique pieces will take even longer to manufacture. As a result, the timing for measuring of the terra cotta pieces is critical to the timely completion of the project.

### **Selection of Contractor**

The report developed by WJE clearly identifies the need for complex repairs to a unique (terra cotta) façade on a historical building. Given these factors, and based on WJE's extensive experience with such facilities, staff requested that WJE identify the qualifications that a contractor must possess in order to perform this work. Staff also asked WJE to identify companies who could successfully perform this work.

WJE identified the following qualifications a company would need to possess to be capable of performing the work:

- ✚ Familiarity with façade systems and construction issues similar to the DCC
- ✚ Prior experience on the repair and restoration of a historical facility
- ✚ Prior experience in similar projects where combined design and construction services are required
- ✚ Extensive experience in the repair and replacement of terra cotta
- ✚ Extensive experience in specialized masonry work
- ✚ Close working relationship with a least one of the two manufacturers of terra cotta material
- ✚ Available staff resources with qualified and skilled personnel
- ✚ Successful past performance on similar projects

WJE was able to identify three companies who specialize in this type of work that would be capable of meeting the stated requirements. These contractors are: Sprayobond Company, located in Milwaukee, Wisconsin; Ahern Holtzman, Inc., located in Port Chester, New York; and Mertes Contracting Corp., located in Broadview, Illinois. Below is detailed information on each company:

**Sprayobond Company**

Company Principal(s): Robert A. Forrer, President  
Years in Business: 77 Years  
Previous Contracts with the County: None

**Ahern Holtzman, Inc.**

Company Principal(s): Richard Ahern, President  
Michael Ahern, Secretary/Treasurer  
Years in Business: 43 Years  
Previous Contracts with the County: None

**Mertes Contracting Corporation**

Company Principal(s): Edward Mertes, President  
Allen Mertes, Vice President/Secretary  
Jay Irvin, Vice President  
James Mertes, Vice President/Treasurer  
Daniel Mertes, Assistant Secretary  
Years in Business: 34 Years  
Previous Contracts with the County: None

**Proposed Contract**

WJE, in conjunction with the County, developed the estimated cost of construction and time frame for completion of this project. The estimated time to complete the project is three years with an estimated cost of \$8,700,000.00. Given the complexity of the work to be performed, including numerous unknown conditions which will require design as the work proceeds and the adverse impact to operations at the DCC, staff recommends a contract with a guaranteed maximum price (GMP) with a bonus provision for early completion.

This contracting method will help to ensure that the work is performed in a timely and cost effective manner. The GMP is based on the construction estimate. The contractor will only obtain payment under the bonus provision if the work is completed below the GMP and within the maximum time frame for completing the work.

**Selection of Contractor**

WJE clearly states that the work needs to commence as expeditiously as possible. This is necessary to protect the people who utilize the facility, protect the facility itself from further degradation, and to mitigate any increases in cost resulting from further deterioration of the facility.

Based on the limited number of companies capable of performing the specialized work, staff recommends that negotiations be conducted with the three companies identified by WJE and that an award be issued to the company that will enter into an agreement that is most advantageous to the County. Factors to be taken into account include the time frame for completing the work and the percentage bonus to be paid to the contractor. Staff will work closely with the County Attorney's Office to ensure that the contract awarded is in the best interest of the County.

Due to the urgency of beginning the work as quickly as possible, as well as the limited availability of qualified firms, staff recommends to waive the competitive bidding process and award a contract to the most qualified firm in order to protect the health, safety, and welfare of the public, County personnel, and preserve the historic character of the DCC.



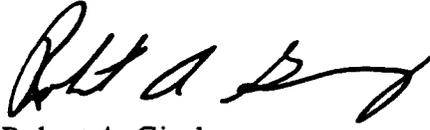
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** November 4, 2003

**FROM:**   
Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No.

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION WAIVING COMPETITIVE BIDDING PROCEDURES; WAIVING SECTIONS 2-8.3 AND 2-8.4 OF THE CODE OF MIAMI DADE COUNTY, FLORIDA, RELATED TO BID PROTESTS PROCEDURES; AUTHORIZING THE COUNTY MANAGER TO NEGOTIATE AND AWARD A CONTRACT, UPON REVIEW AND APPROVAL BY THE COUNTY ATTORNEY'S OFFICE, FOR THE EXTERIOR RESTORATION OF THE DADE COUNTY COURTHOUSE; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby waives competitive bidding procedures; waives Sections 2-8.3 and 2-8.4 of the Code of Miami-Dade County, Florida, related to bid protests procedures; authorizes the County Manager to negotiate and award a contract, upon review and approval by the County Attorney's Office, for the exterior restoration of the Dade County Courthouse, and authorizes the County Manager to exercise any and all other rights conferred therein.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of November, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency. 

By: \_\_\_\_\_  
Deputy Clerk