MEMORANDUM

Agenda Item No. 7(B)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	July 24, 2007
FROM:	R. A. Cuevas, Jr. Acting County Attorney	**SUBJECT:**	Ordinance creating Section 2-8.2.11 of the Code; relating to award of contracts for design and construction of various improvements

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Natacha Seijas.

R. A. Cuevas, Jr.
Acting County Attorney

RAC/bw

Memorandum

MIAMI-DADE COUNTY

Date: July 24, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance creating Section 2-8.2.11 of the Code; relating to award of contracts for design and construction of various improvements

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The ordinance providing for the acceleration of various Water and Sewer Department projects will not have a fiscal impact to Miami-Dade County. However, the ordinance will expedite projects that are necessary to obtain the Consumptive Use Permit and comply with the consent order for High Level Disinfection.

for: Roger Carlton
Assistant County Manager

fis01607

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: July 24, 2007

FROM: R.A. Cuevas, Jr. Acting County Attorney

SUBJECT: Agenda Item No. 7(B)

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
Veto _____
Override _____

Agenda Item No. 7(B)
7-24-07

ORDINANCE NO. _____

ORDINANCE CREATING SECTION 2-8.2.11 OF THE MIAMI-DADE COUNTY CODE; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO ADVERTISE AND RECOMMEND AWARD CONTRACTS FOR DESIGN AND CONSTRUCTION OF VARIOUS IMPROVEMENTS; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE ALL CONTRACT TERMS, TO APPROVE EXTENSIONS OF CONTRACT TIME, WAIVE LIQUIDATED DAMAGES, NEGOTIATE AND SETTLE CLAIMS, AND APPROVE CHANGE ORDERS TO SUCH CONTRACTS; PROVIDING FOR APPROVAL OF SUCH CONTRACTS BY THE BOARD OF COUNTY COMMISSIONERS WITHOUT NEED FOR PRIOR COMMITTEE APPROVAL; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board recognizes that Miami-Dade County ("the County"), faces a crisis in ensuring that there is a sustainable water supply for current and future generations unless immediate action is taken; and

WHEREAS, the County, by and through the Miami-Dade County Water and Sewer Department ("WASD") owns and operates a county-wide water and sewer utility; and

WHEREAS, that utility is subject to regulation by the United States Environmental Protection Agency ("USEPA"), the Florida Department of Environmental Protection ("FDEP"), and is permitted to withdraw water by action of the South Florida Management District ("the District"); and

WHEREAS, the District has required that WASD construct certain projects and improvements listed on Exhibit A hereto by various dates as a condition of receiving a 20-year Consumptive Use Permit; and

WHEREAS, USEPA and FDEP thru a Consent Order have required that WASD construct certain projects and improvements listed on Exhibit B hereto involving High Level Disinfection by 2009 and 2010 or face potential penalties; and

WHEREAS, in the event that WASD is unable to complete this construction in a timely manner, the County will face water or sewer moratoria, with consequent grave health, economic and social impacts to the County; and

WHEREAS, this Board desires to institute procedures to accelerate all projects specified herein which includes those projects required for compliance with federal, state and South Florida Water Management District consent orders, agreements, and executive orders; and

WHEREAS, the Board has previously approved Resolution R-757-94, which allowed WASD to accelerate construction, necessary to comply with various prior consent decrees between the County and the United States,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-8-2.11 of the Code of Miami-Dade County is hereby created to read as follows:

Section 2-8-2.11. Water and Sewer Department Contracting Authority.

(1) Intent

This ordinance grants the Mayor or his designee authority to accelerate the processing and procurement of contracts and agreements related to design and construction of the improvements on Exhibits A and B attached to the ordinance from which this Section derives. Copies of Exhibits A and B are attached in their entirety and incorporated herein by reference.

(2) Authority of the County Mayor With Respect to Specified Projects

Notwithstanding any other provision of the Code of Miami-Dade County to the contrary, the Mayor or his designee shall have the authority to take the following actions with respect to the projects specified in Section 2-8.2.11(1), and for which the appropriate contract measures as provided in Sections 10-33.02(3)(b)(6) and 10-33.02(3)(b)(7)(c) have been applied::

(a) Competitive solicitation of capital improvements contracts, including the ability to:

1. Approve Request to Advertise construction contracts or solicitations for professional services with applicable measures subject to ratification by the Board of County Commissioners.

2. Issue bid and proposal documents including addenda thereto;

3. Receive, open and review bids and proposals;

4. Appoint selection committee and negotiation committee members for professional services in accordance with Florida Statute 287.055.

5. Recommend award or rejection of bids or proposals, including professional service agreements and construction contracts.

(b) The Mayor or his designee shall be entitled to exercise all provisions of all contracts awarded pursuant to this ordinance. The County Mayor or his designee may, if specified in the bid specifications and contract document, negotiate and settle contractor claims, waive liquidated damages, extend contract time, and issue change orders for additional work under contracts and amendments for professional services agreements; as to any specific contract or agreement,

change orders or amendments thereto shall not exceed $500,000 in cumulative dollar amount and shall not exceed 15 percent of the contract price in cumulative percentage amount; provided however, that the foregoing limitation shall not apply to any change order or amendment related to environmental remediation or health requirements and the foregoing change orders and amendments shall require ratification by the Board; provided further that the County Mayor or his designee may reduce in any amount the scope and compensation payable under any contract and grant compensable and non-compensable time extensions thereunder.

(c) All actions executed by the Mayor or his designee pursuant to subsections 2-8.2.11(a) and (b) shall be submitted to the next meeting of the Governmental Operations and Environmental Committee and shall be waived to the agenda of the next scheduled Board of County Commissioners meeting for ratification.

(3) Authority to Award

The Mayor or his designee shall not have the authority to award contracts pursuant to this section, and all awards of such contracts shall be made by the Board of County Commissioners. Any contract recommended for award under this Chapter shall be heard by the Board of County Commissioners without need for prior approval of any committee.

Section 2. If any section, subsection, sentence, clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention and the word "ordinance" may be changed to "section", "article" or other appropriate word.

Section 4. This Ordinance shall be subject to sunset review annually commencing one year from the date of adoption.

Section 5. This Ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: _____

Prepared by: _____

David M. Murray

Sponsored by Commissioner Natacha Seijas

Exhibit "A"

Alternative Water Supply Projects required for 20-YR CUP from SFWMD

Project Description	Estimated Project Cost ($ in million)	Required Completion date
Floridan Aquifer ASR-UV at Alex Orr WTP Wellfields	7.3	3/31/2009
Aquifer Recharge Pilot	1.5	8/3/2009
Floridan Aquifer Blending at Hialeah/Preston WTP Wellfields	10.3	11/27/2009
Biscayne Bay Coastal Wetlands Re-hydration Demonstration	19.2	12/31/2009
New Upper Floridan Aquifer RO WTP-Phase 1	93.0	12/25/2010
South Miami Heights WTP, wellfields, and pipelines	185.2	7/4/2011
Central District WWTP Water Reclamation	15.3	10/15/2011
North District WWTP Water Reclamation	26.8	10/15/2011
South District WWTP Water Reclamation-Phase 1 Groundwater Recharge	357.5	12/1/2013

Exhibit "B"

High Level Disinfection Projects required by the FDEP Consent Decree for South District Wastewater Treatment Plant

Project Description	Estimated Project Cost ($ in million)	Required Completion date
Oxygenation Train 7	14.8	12/26/2009 & 12/22/2010
Temporary Field Office Facilities	10.1	12/26/2009 & 12/22/2010
Site Preparation and Roadwork	23.0	12/26/2009 & 12/22/2010
Yard Piping	17.7	12/26/2009 & 12/22/2010
Chlorine Contact Tanks	24.9	12/26/2009 & 12/22/2010
Filter System	165.7	12/26/2009 & 12/22/2010
Clarifier Upgrade	100.8	12/26/2009 & 12/22/2010
Transfer Pump Station	31.5	12/26/2009 & 12/22/2010
Electrical Distribution System	102.9	12/26/2009 & 12/22/2010
Effluent Pump System	40.0	12/26/2009 & 12/22/2010
On-Site Hypochlorite Generation System	48.9	12/26/2009 & 12/22/2010
Fat, Oil, & Grease Removal Upgrade	14.9	12/26/2009 & 12/22/2010
Plant Process Control	1.6	12/26/2009 & 12/22/2010
Final Sitework	3.0	12/26/2009 & 12/22/2010