MEMORANDUM

Agenda Item No. 7(A)

(Second Reading 12-2-08)

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

DATE: October 7, 2008

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

SUBJECT: Ordinance amending Sec. 2-8.2.11 of the Code relating to contract authority for specific water and sewer projects

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

R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum

MIAMI-DADE COUNTY

Date: December 2, 2008

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

From: George M. Burgess
County Manager

Subject: Ordinance amending Sec. 2-8.2.11 of the Code relating to contract authority for specific water and sewer projects

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The ordinance amending Sec. 2-8.2.11 of the Code relating to contract authority for specific water and sewer projects will not have a fiscal impact to Miami-Dade County. The amendment allows the Miami-Dade Water and Sewer Department to move forward on actions involving waiving liquidated damages as a result of rescheduling contract activities or internal milestones provided that neither involves a change in the total contract time or total contract amount. Therefore, saving the time for preparing and acting upon individual ratification items for consideration by the Board as currently required.

Susanne M. Torriente
Assistant County Manager

fis00409

MEMORANDUM

(Revised)

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

DATE: December 2, 2008

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

SUBJECT: Agenda Item No. 7(A)

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(A)

12-2-08

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-8.2.11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO CONTRACT AUTHORITY FOR SPECIFIC WATER AND SEWER PROJECTS; PROVIDING EXCEPTION TO RATIFICATION REQUIREMENT FOR CERTAIN ACTIONS BY MAYOR OR HIS DESIGNEE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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, Florida, is hereby amended to read as follows:[1]

Sec. 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

[1] Words Stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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:

* * *

(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 Environment Committee and shall be waived to the agenda of the next scheduled Board of County Commissioners meeting for ratification. >>However, no ratification is required of an action executed by the Mayor or his designee which involves waiving liquidated damages as a result of rescheduling contract activities or internal milestones provided neither the total contract time inclusive of time allowances nor the total contract amount inclusive of contingency allowances is exceeded. Any such action shall be included in a report submitted to the Board of County Commissioners on a quarterly basis.<<

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Section 2. If any section, subsection, sentence, clause or provision 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 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:

Henry N. Gillman

Prime Sponsor: 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