

Memorandum



Date: March 10, 2009

BPS

Agenda Item No. 3(H)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: Carlos Alvarez
Mayor

George M. Burgess
County Manager

Subject: Resolution Waiving Bid Protest Procedures Pursuant to Section 2-8.4 of the County Code; Rejecting the Single Bid Received in Response to the Bid Solicitation for Beach Renourishment Project – Project No: BEAR2-GOB-08 ESP: Contract No: BEAR2; Waiving Competitive Bidding Pursuant to Section 2-8.1(b) of the County Code, Section 5.03(D) of the Home Rule Charter; and Florida Statutes 255.20; and Authorizing the County Mayor or County Mayor's Designee to Advertise, Award, and Execute a Contract in an Amount Not to Exceed \$4 Million; and to Exercise Any and All Other Rights Conferred Therein

Recommendation

It is recommended that the Board of County Commissioners (BCC): (1) waive bid protest procedures pursuant to Section 2-8.4 of the County Code; (2) reject the single bid received in response to the bid solicitation for Beach Renourishment Project – Project No: BEAR2-GOB-08 ESP: Contract No: BEAR2; (3) waive competitive bidding pursuant to Section 2-8.1(b) of the County Code, Section 5.03(D) of the Home Rule Charter; and Florida Statutes 255.20 (1) (c) 1. a. b., and 255.20 (1) (c) 10. b. (II); and (4) following the process set forth in this memorandum, authorize the County Mayor or County Mayor's designee to advertise, award, and execute a contract in an amount not to exceed \$4 million, and to exercise any and all rights conferred therein.

This recommendation has been prepared by the Department of Environmental Resources Management (DERM) and is recommended for approval pursuant to Section 2-8.2.7 of the Code of Miami-Dade County.

Delegation of Authority

The resolution delegates to the Mayor or the Mayor's designee the authority to award and execute a contract in an amount not to exceed \$4 million.

Background

The proposed beach renourishment contract is to be used to renourish areas of eroded beach between Government Cut and Sunny Isles. DERM performed a comprehensive analysis of topographic surveys and coastal volume modeling which is updated annually. This analysis has allowed DERM to determine the areas of beach that are in need of renourishment. Failure to restore the most severe beach erosional hot spots before the coming hurricane season may pose an immediate danger to public health and safety with potentially extensive damage to public and private property, and potentially cause other major environmental and economic impacts. This project is funded by the Building Better Communities General Obligation Bond and through reimbursement by the State Beach Erosion Grant.

This project is part of the Economic Stimulus Plan. The Request to Advertise was approved on July 14, 2008. DERM issued fifteen (15) bid packages; however, only one (1) bid was received. Bid opening was on October 3, 2008. The single bid was submitted by American Earth Movers Inc. which included a base bid of \$2,212,625.00 and a ten percent (10%) contingency for a total bid amount of \$2,433,887.50.

On January 22, 2009, the BCC followed the recommendation of the Transportation Committee and awarded a county contract for the Public Works Department to the second bidder based on a finding that American Earth Movers, Inc. was not responsible to do the contract work. Previously, on December 10, 2008, the Transportation Committee had rejected the award recommendation and directed the Public Works Department to negotiate the bid and ultimately award the project to the second bidder citing American Earth Movers, Inc.'s history with the CSBE program, violations, and documented non-compliance. The BEAR2 Contract is not materially different from the Public Works project rejected by the BCC, and the BEAR2 Recommendation to Award will likely involve a rejection for similar reasons. Therefore, upon careful review of the alternatives and to avoid any further loss of time, it is recommended that all bids be rejected. The length of time needed to competitively rebid and award the project will expose the eroded beach areas to more substantial damage, create an undue hardship, and further compromise the County's ability to protect public health and safety, public and private property, and the environment. This recommendation does not violate the Compliance Agreement that American Earth Movers Inc. entered into with Miami-Dade County on December 10, 2008.

In order to expedite the badly needed renourishment work, the only valid alternative is to solicit proposals and pursue new bids and a contract award through the following steps:

1. The Review Committee CSBE goal determination will be updated for the project under the Economic Stimulus Plan (ESP) guidelines.
2. The project will be published for advertisement in the local newspaper(s) and the Daily Business Review by the Clerk's Office.
3. Qualified contractors must be deemed qualified by the County prior to receiving a Recommendation to Award. Qualifications include:
 - Registration as a Vendor with the Department of Procurement Management
 - Certification with a State of Florida General Contractor's License
 - A minimum of two years of documented proof of experience in beach renourishment projects
 - Meeting all other contract requirements
4. At least fifteen (15) calendar days will be allowed between solicitation and opening of bids.
5. DERM will conduct a pre-bid public meeting.
6. Award will be made to the lowest responsive and responsible bidder determined by SBD as having an acceptable record.
7. Ratification of award is to be done through the ESP.

The rationale for this approach is based on the fact that this accelerated process is estimated to take sixty (60) days to complete prior to award, allowing the work to commence by the beginning of the hurricane season. DERM considers that the process is transparent, it preserves competition among contractors, and it is consistent with obtaining the best value for the County.

Scope

PROJECT NAME: Miami-Dade County Beach Renourishment Project

PROJECT NO: BEAR2-GOB-08 ESP

CONTRACT NO: BEAR2

PROJECT DESCRIPTION: Complete beach re-nourishment projects for badly eroded portions of Miami-Dade County beaches. This includes the modification of existing erosion control structures as well as the installation of offshore submerged erosion control structures.

PROJECT LOCATION: Various locations from Government Cut through Sunny Isles Beach

PROJECT SITES:	<u>LOCATION</u>	<u>DIST</u>	<u>ESTIMATE</u>	<u>T-S-R</u>
	Various Locations	4,5	\$4,000,000.00	45-52,53-2,11,26
		Total:	\$4,000,000.00	

PRIMARY COMMISSION DISTRICT: Various Districts

APPROVAL PATH: Board of County Commissioners & Economic Stimulus Plan (ESP)

USING DEPARTMENT: Department of Environmental Resources Management

MANAGING DEPARTMENT: Department of Environmental Resources Management

Fiscal Impact/Funding Source

FUNDING SOURCE:	<u>SOURCE</u>	<u>AMOUNT</u>
	The Building Better Communities General Obligation Bond and the State Beach Erosion Grant	\$4,000,000.00

SL/2/25/09

PTP FUNDING: No

GOB FUNDING: Yes

GOB PROJECT:	<u>GOB PROJECT / DESCRIPTION</u>	<u>GOB ALLOCATION</u>
	52- Beach Erosion Mitigation and Renourishment Project	\$2,000,000.00

CAPITAL BUDGET PROJECT:	<u>BUDGET PROJECT / DESCRIPTION</u>	<u>RTA ESTIMATE</u>
	5555701- Miami-Dade County Beach Erosion and Renourishment - Maintenance	\$4,000,000.00
	Book Page: 219 Funding Year: Adopted Capital Budget Book for FY 2008-09, Prior Year Funds	

Honorable Chairman Dennis C. Moss
And Members, Board of County Commissioners
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**PROJECT TECHNICAL
CERTIFICATION**

REQUIREMENTS: State of Florida General Contractor's License
State of Florida Professional Engineer's License

**ESTIMATED CONTRACT
PERIOD:** 730 Calendar Days

**ESTIMATED
CONTINGENCY PERIOD:** 73 Days

**IG FEE INCLUDED
IN BASE CONTRACT:** Yes

**ART IN PUBLIC
PLACES:** No

BASE ESTIMATE: \$3,636,363.64

CONTINGENCY ALLOWANCE (SECTION 2-8.1 MIAMI-DADE COUNTY CODE)	TYPE	PERCENT	AMOUNT
	Infrastructure	10%	\$363,636.36

**TOTAL DEDICATED
ALLOWANCE:** \$0.00

COST ESTIMATE: \$4,000,000.00

Track Record/Monitor

EXPLANATION: This contract consists of providing equipment, labor, materials, and all required project management assignments to replenish any lost or relocated sand, and/or making any necessary modifications or repairs to the existing beach erosion control structures as well as the installation of submerged offshore erosion control structures. The replenishing of sand will be performed at various locations from Government Cut through Sunny Isles.

Work assignments shall be shown in the Work Orders to be issued under the contract and may consist of, but not be limited to, dredging and barging of sand material from a designated borrow area and trucking of dredged material along the beach or from an approved upland source, and placement of sand via mechanical or hydraulic methods, or via truck hauls. This includes placing and grading sand as per approved permit conditions.

Work may also include the modification to the existing beach erosion control structures or the installation of submerged offshore erosion control structures.

Contractor must be able to mobilize or respond within five (5) calendar days of receiving a work order on a non-emergency basis or within forty-eight (48) hours in case of an emergency assignment. This shall be an open type contract for a set budgeted amount (four million dollars) for a period of two years with provisions for the issuing of Work Orders on an "as needed basis." Each work order will describe the work to be performed by Contractor. The County does not guarantee that the full contract amount or quantities will be issued under this contract.

MINIMUM QUALIFICATIONS EXCEED LEGAL REQUIREMENTS:

No

REVIEW COMMITTEE:

MEETING DATE:
6/11/2008 (to be updated)

SIGN OFF DATE:
6/11/2008 (to be updated)

RESPONSIBLE WAGES:

Yes

REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:

<u>TYPE</u>	<u>GOAL</u>	<u>COMMENT</u>
CSBE	10 %	RC date 6/11/08, Item No. 3-01 (to be updated)
CBE	0.00%	Not Applicable
DBE	0.00%	Not Applicable
CWP	0.00%	Not Applicable

MANDATORY CLEARING HOUSE:

Yes

CONTRACT MANAGER NAME/PHONE/EMAIL:

Juan Curiel 305-372-6424 curiej@miamidade.gov

PROJECT MANAGER NAME/PHONE/EMAIL:

Juan Curiel 305-372-6424 curiej@miamidade.gov

DEPARTMENT FINANCE:

DEPT FINANCE OFFICER **DATE**

INDEX CODES:

CPA052DE1635 (GOB \$2,000,000.00), CPE315DE1635 (State Funding \$2,000,000.00)

BUDGET APPROVAL
FUNDS AVAILABLE:

*Fok
2/24*



OSBM DIRECTOR

2-24-09
DATE

950K

CAPITAL
IMPROVEMENTS
CONCURRENCE:

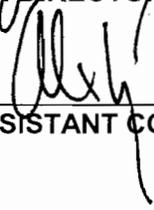
*GW
2/27*



OCI DIRECTOR

2-27-09
DATE

APPROVED
PURSUANT TO
SECTION 2-8.2.7 OF
THE MIAMI DADE
COUNTY CODE):



ASSISTANT COUNTY MANAGER

2-27-09
DATE

CLERK DATE:

DATE

APPROVED AS TO
LEGAL SUFFICIENCY:



COUNTY ATTORNEY

2/26/09
DATE

STRATEGIC AREA: Neighborhood and Unincorporated Area Municipal Services
 DEPARTMENT: Environmental Resources Management

***** FUNDED PROJECTS *****
 (dollars in thousands)

Beach Projects

MIAMI-DADE COUNTY BEACH EROSION AND RENOURISHMENT - MAINTENANCE

PROJECT # 555701

DESCRIPTION: Complete beach renourishment projects for badly eroded portions of Miami-Dade County beaches in cooperation with the U.S. Army Corps of Engineers; projects include maintenance and other capital projects

LOCATION: Countywide
 Countywide

DISTRICT LOCATED: Countywide
 DISTRICT(S) SERVED: Countywide

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Army Corps of Engineers	0	0	2,500	0	0	0	0	0	2,500
State Beach Erosion Control Funds	7,129	4,291	700	0	0	0	0	0	12,120
Building Better Communities GOB Program	7,000	3,700	0	0	0	0	0	0	10,700
TOTAL REVENUE:	14,129	7,991	3,200	0	0	0	0	0	25,320
EXPENDITURE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Construction	0	0	3,200	0	0	0	0	0	3,200
Capital Maintenance	13,520	8,600	0	0	0	0	0	0	22,120
TOTAL EXPENDITURES:	13,520	8,600	3,200	0	0	0	0	0	25,320

MIAMI-DADE COUNTY BEACH EROSION AND RENOURISHMENT - MAJOR CAPITAL PROJECTS

PROJECT # 552590

DESCRIPTION: Complete beach renourishment projects for badly eroded portions of Miami-Dade County beaches in cooperation with the U.S. Army Corps of Engineers; projects include major capital projects (Alternative Sand Test Beach)

LOCATION: Countywide
 Countywide

DISTRICT LOCATED: Countywide
 DISTRICT(S) SERVED: Countywide

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Army Corps of Engineers	600	3,500	7,500	5,500	0	0	0	0	17,100
Capital Outlay Reserve	300	0	0	0	0	0	0	0	300
State Beach Erosion Control Funds	300	4,125	4,125	0	0	0	0	0	8,550
Building Better Communities GOB Program	0	2,500	2,500	1,800	0	0	0	0	6,800
TOTAL REVENUE:	1,200	10,125	14,125	7,300	0	0	0	0	32,750
EXPENDITURE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Construction	1,200	10,000	11,000	10,550	0	0	0	0	32,750
TOTAL EXPENDITURES:	1,200	10,000	11,000	10,550	0	0	0	0	32,750



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 7, 2009

FROM: 
R. A. Cuevas, Jr.
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 Mayor'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.

RESOLUTION NO. _____

RESOLUTION WAIVING BID PROTEST PROCEDURES PURSUANT TO SECTION 2-8.4 OF THE COUNTY CODE; REJECTING THE SINGLE BID RECEIVED IN RESPONSE TO THE BID SOLICITATION FOR BEACH RENOURISHMENT PROJECT – PROJECT NO: BEAR2-GOB-08 ESP: CONTRACT NO: BEAR2; WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 2-8.1 (B) OF THE COUNTY CODE, SECTION 5.03(D) OF THE HOME RULE CHARTER; AND FLORIDA STATUTES 255.20; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ADVERTISE, AWARD, AND EXECUTE A CONTRACT IN AN AMOUNT NOT TO EXCEED \$4 MILLION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE 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 the Board: (1) waives bid protest procedures pursuant to Section 2-8.4 of the County Code; (2) rejects the single bid received in response to the bid solicitation for Beach Renourishment Project – Project No: BEAR2-GOB-08 ESP: Contract No: BEAR2; (3) waives competitive bidding pursuant to Section 2-8.1(b) of the County Code, Section 5.03(D) of the Home Rule Charter; and Florida Statutes 255.20; (4) authorizes the County Mayor or County Mayor's designee

to advertise, award and execute a contract in an amount not to exceed \$4 million;
and to exercise any and all 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:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted
this 7th day of April, 2009. 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

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

HBS,