MEMORANDUM Agenda Item No. 5(B)

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

DATE: November 4, 2010

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

SUBJECT: Resolution authorizing the County Mayor to use Miami-Dade Water and Sewer Department employees and equipment to design and install approximately 6300 linear feet of 8-inch water pipelines for a project in the Continental Park area of Miami-Dade County in an amount not to exceed $1,150,000.00

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: November 4, 2010

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

SUBJECT: Agenda Item No. 5(B)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_✓_ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(B)
11-4-10

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO USE MIAMI-DADE WATER AND SEWER DEPARTMENT EMPLOYEES AND EQUIPMENT TO DESIGN AND INSTALL APPROXIMATELY 6300 LINEAR FEET OF 8-INCH WATER PIPELINES FOR A PROJECT ALONG SW 97TH STREET, SW 97TH TERRACE, SW 98TH TERRACE, AND SW 99TH STREET BETWEEN SW 79TH AVENUE AND SW 82ND AVENUE, AND ALONG SW 79 AVENUE FROM SW 97 STREET TO SW 100 STREET, IN THE CONTINENTAL PARK AREA OF MIAMI-DADE COUNTY IN AN AMOUNT NOT TO EXCEED $1,150,000.00; FINDING INSTALLATION OF WATER PIPELINES BY MIAMI-DADE WATER AND SEWER DEPARTMENT FORCES TO BE NECESSARY TO THE PUBLIC'S HEALTH, SAFETY AND WELFARE; AND WAIVING RESOLUTION NO. R-120-83

WHEREAS, the Miami-Dade County Health Department recently discovered concentrations of a pesticide above the State of Florida drinking water maximum contaminant limit in certain homes that use private well water; and

WHEREAS, the Miami-Dade County Health Department has urged residents with concentrations above this limit to stop drinking or cooking with this water; and

WHEREAS, 36 homes have been affected by the pesticide in the area along SW 97th Street, SW 97th Terrace, SW 98th Terrace, and SW 99th Street bounded by SW 79th Avenue and SW 82nd Avenue, and along SW 79 Avenue from SW 97 Street to SW 100 Street, in the Continental Park area of Miami-Dade County; and

WHEREAS, this Board finds that providing potable water from the County's water system to the residents of this area protects the public's health, safety and welfare; and

WHEREAS, the Miami-Dade Water and Sewer Department forces have the ability to quickly design and install the necessary water pipelines in the subject area; and

WHEREAS, the estimated cost of designing and installing the new water mains using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs and materials is $1,150,000; and

WHEREAS, Section 255.20(1)(c)9, Florida Statutes, authorizes a county to use its own services, employees and equipment to perform public improvements with an estimated cost in excess of $300,000 upon a majority vote of the Board members, after at least twenty-one (21) days public notice and a public meeting, finding that it is in the public's best interest to perform the improvements using its own services, employees, and equipment; and

WHEREAS, this Board desires to waive Resolution No. R-120-83 which established a county policy requiring that construction of public improvements be provided by private industry through competitive bid,

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

Section 1. Pursuant to Section 255.20(1)(c)9, Florida Statutes, this Board has considered the Miami-Dade Water and Sewer Department's estimated cost of $1,150,000 and the accuracy of the estimated cost and finds by a majority vote of the Board members that it is necessary to design and install water pipelines in the area along SW 97th Street, SW 97th Terrace, SW 98th Terrace, and SW 99th Street, bounded by SW 79th Avenue and SW 82nd Avenue and along SW 79 Avenue from SW 97 Street to SW 100 Street, in the Continental Park area of Miami-Dade County; and that it is in the public's best interest for the Miami-Dade Water and Sewer Department to utilize its own services, employees and equipment to design and install all improvements necessary to expeditiously provide county water to the subject area.

Section 2. This Board waives Resolution No. R-120-83 and authorizes the County Mayor or Mayor's designee to use Miami-Dade Water and Sewer Department's services, employees and equipment to design and install approximately 6300 linear feet of 8-inch water pipelines along SW 97th Street, SW 97th Terrace, SW 98th Terrace, and SW 99th Street bounded by SW 79th Avenue and SW 82nd Avenue, and along SW 79 Avenue from SW 97 Street to SW 100 Street, in the Continental Park area of Miami-Dade County. The cost of the project shall not exceed $1,150,000 without further approval by this Board.

The Prime Sponsor of the foregoing resolution is Commissioner Katy Sorenson. It 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
Carlos A. Gimenez
Joe A. Martinez
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of November, 2010. 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.

Henry N. Gillman