

Memorandum



Date: December 7, 2010

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

Agenda Item No. 9(A)(4)

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of the County Manager.

Subject: Option to Renew a Professional Services Agreement for Professional Bond Engineering Services to Malcolm Pirnie, Inc. - Contract No. E05-SWM-01; Project No. E05-SWM-01

Recommendation

This Option to Renew a Professional Services Agreement between Miami-Dade County and Malcom Pirnie, Inc. for Professional Bond Engineering Services for an additional two (2) year period in the amount of \$2,440,000 has been prepared by the Department of Solid Waste Management and is recommended for approval.

Scope

This contract has countywide impact. It involves an engineering firm providing the following services:

- Conduct an annual inspection of the Department's facilities and financial records, pursuant to Section 607 of Bond Ordinance No. 96-168.
- Prepare and submit to the Department an annual report of the Resources Recovery Facility and other system facilities; the report shall evaluate each facility's physical condition and operating efficiency, the Department's rates and charges and make recommendations for advisable revisions or modifications, as well as the amount that shall be deposited monthly during the following fiscal year to credit the Department's Renewal and Replacement Fund, pursuant to Section 508 of the Bond Ordinance.
- Generate recommendations, approvals, and/or certifications to the Operations and Management Agreement by and between Miami-Dade County and Covanta (successor to Montenay-Dade LTD).
- Perform all the various services required of the consultant by Ordinance 96-168, and the Covanta Agreement (successor to Montenay-Dade LTD), whether or not specifically listed here; provide other engineering services for the Department that do not present conflicts of interest relative to its bond consultant services, including, but not limited to, planning, feasibility, process studies, preparing and submitting annual Rate and Fees Report, as well as preparing and submitting the Landfill Capacity Report and the Long-Term Care and Closure Cost Report as required by the Florida Department of Environmental Protection (FDEP).

Fiscal Impact/Funding Source

This contract is funded by waste disposal operating funds. The project will have an impact on the Department's FY 10-11 and FY 11-12 budgets.

Track Record/Monitor

According to the Firm History Report as provided by the Department of Small Business Development, Malcolm Pirnie, Inc. has received five (5) contracts valued at \$9,645,000 from Miami-Dade County in the last five years. The Office of Capital Improvements CIIS database contains 35 evaluations from County departments for Malcolm Pirnie, Inc. with an average rating of 3.6, which represents satisfactory performance. The day-to-day responsibilities for this project reside with Mr. Lee Casey, Sr. Division Director, Technical Services and Environmental Affairs.

Background

The Department of Solid Waste Management is involved in several bond agreements. Pursuant to Section 607 of Bond Ordinance No. 96-168, an independent bond engineer is required as part of each bond agreement and associated financing documents to act on behalf of the bondholders. The bond engineer is required to review financial transactions and abilities, engineering decisions, future plans for concurrency, garbage fees, expansion of services, and Departmental facility improvements.

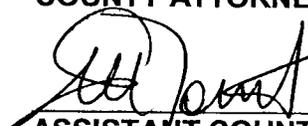
The initial agreement with Malcolm Pirnie, Inc. for Professional Bond Engineering Services received approval from the Board of County Commissioners on December 4, 2007, as noted in legislative file number 073468, and was for a term of three years. The agreement gives the Department of Solid Waste Management the authority to exercise a two-year option to renew. This is the only option to renew.

**BUDGET
APPROVAL
FUNDS
AVAILABLE:**



OSBM DIRECTOR 10/18
DATE

**APPROVED AS TO
LEGAL
SUFFICIENCY:**

COUNTY ATTORNEY DATE


ASSISTANT COUNTY 10/19
MANAGER DATE



MEMORANDUM
(Revised)

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

DATE: December 7, 2010

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

SUBJECT: Agenda Item No. 9(A)(4)

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. 9(A)(4)
12-7-10

RESOLUTION NO. _____

RESOLUTION APPROVING OPTION TO RENEW FOR PROFESSIONAL BOND ENGINEERING SERVICES FOR AN ADDITIONAL TWO YEARS IN THE AMOUNT OF \$2,440,000.00; CONTRACT NO. E05-SWM-01; PROJECT NO. E05-SWM-01

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 approves an additional two (2) year renewal of Contract No. E05-SWM-01 in the amount of \$2,440,000.00 to Malcolm Pirnie, Inc. for Professional Bond Engineering Services in substantially the form on file with the Clerk, an excerpt of which is attached hereto and made a part hereof; and authorizes the County Mayor or Mayor's designee to execute same and to exercise the termination provisions contained 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	Lynda Bell
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

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



Thomas H. Robertson



**EXERCISE CONTRACT OPTION
FOR PROFESSIONAL BOND ENGINEERING SERVICES
CONTRACT NO. E05-SWM-01
BETWEEN MALCOLM PIRNIE, INC.
AND
MIAMI-DADE COUNTY, FLORIDA**

THIS CONTRACT OPTION No. 1, made this ____ day of _____ 2010

BY AND BETWEEN MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, (hereinafter called the "COUNTY") and Malcolm Pirnie, Inc. (hereinafter called the "CONSULTANT") for consideration set forth herein agree:

WITNESSETH, that the County and the Consultant, for the considerations set forth herein, agree that:

The Contract dated **January 2, 2008**, executed and filed with the Clerk of the Board pursuant to approval as amended by the Board of County Commissioners on December 4, 2007 is hereby modified as follows:

1. Contract amount is increased by **\$2,440,000.00**.
2. Contract time duration is increased by **730 calendar days, effective January 1, 2011**.
3. The new contract expiration date shall be **December 31, 2012**.

In all other respects, the Contract shall remain in full force and effect in accordance with the terms and conditions specified therein.

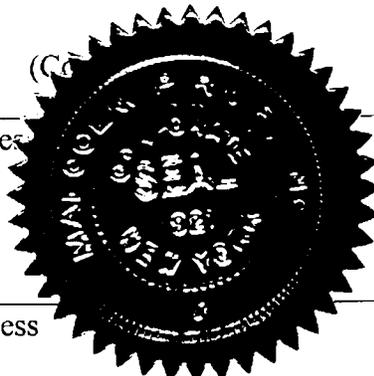
IN WITNESS THEREOF THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT OPTION No. 1 on the ____ day of _____ 2010.

MALCOLM PIRNIE, INC.

MIAMI-DADE COUNTY
BY ITS BOARD OF
COUNTY COMMISSIONERS


By: Nigel O. Grace
Title: Vice President

George M. Burgess
County Manager

Witness _____

Witness _____

HARVEY RUVIN,
CLERK OF THE BOARD

ATTEST:

BY: _____
Deputy Clerk

Approved as to Form and
Legal Sufficiency: _____



MIAMI DADE COUNTY
Department of Small Business Development
A&E Firm History Report

From: 09/28/2005 To: 09/28/2010

FIRM NAME: MALCOLM PIRNIE, INC.
5201 Blue Lagoon Dr, 9th Fl
Miami, FL 33126-0000

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
EDP-AV-710814-2104-10 ENVIRONMENTAL CONTAMINATION ASSESSMENT MONITORING	1	AV	NO MEASURE	02/13/2006	\$50,000.00
EDP-WS-SR-58 20 YR WATER CONSERVATION PLAN	1	WS	NO MEASURE	09/20/2006	\$145,000.00
EDP-AV-710814-2104-10-2 ENVIRONMENTAL CONTAMINATION ASSESSMENT MONITORING PH2	1	AV	NO MEASURE	08/15/2007	\$50,000.00
EDP-SWM-01 BOND CONSULTING SERVICES (SIC 871)	1	SW	GOAL CBE 16%	12/04/2007	\$6,100,000.00

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* Indicates closed or expired contracts
 Disclaimer: Payments shown may not reflect current information



MIAMI DADE COUNTY
Department of Small Business Development
A&E Firm History Report

From: 09/28/2005 To: 09/28/2010

PRIMES

FIRM NAME: MALCOLM PIRNIE, INC.
 5201 Blue Lagoon Dr, 9th Fl
 Miami, FL 33126-0000

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
Total Award Amount				\$9,645,000.00	
Total Change Orders Approved by BCC				\$0.00	

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**Department of Solid Waste Management
Professional Bond Engineering Services
Contract No. E05-SWM-01
Option to Renew**

Agreement Execution Date (COB)	1/2/2008
Original Term	1095 days
Original Expiration Date	1/1/2011
Option to Renew No. 1	730
Revised Agreement Expiration Date	12/31/2012