

Memorandum



Date: June 7, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No 9(A)(6)

From: Alina T. Hudak
County Manager

Subject: Option to Renew Professional Services Agreement No. E06-SWM-01 with Westthorp and Associates, Inc. for Landfill Engineering Services at the South Dade Landfill; GOB Project No. 14-70116

Recommendation

It is recommended that the Board approve the attached resolution authorizing a two (2) year option to renew (OTR) for Professional Services Agreement No. E06-SWM-01 with Westthorp and Associates, Inc. for engineering services at the South Dade Landfill Cells 3 and South Dade Landfill Cell 5, effective October 20, 2011. The maximum compensation for the initial four (4) year term was \$3.9 million. The maximum compensation over the entire six (6) year term of the agreement, including the recommended two (2) year option to renew, is \$4.9 million.

Scope

The scope of the agreement, as originally approved, specifically required the consultant to provide construction engineering services for South Dade Landfill Cell 3 (Cell 3), as well as design and construction engineering services for South Dade Landfill Cell 5 (Cell 5). Construction of Cell 3 has already been completed and accepted by the Florida Department of Environmental Protection (FDEP). In addition, the design work of Cell 5 has also been completed, and a permit application to construct has been submitted to FDEP. FDEP has designated the permit application as complete, and is expected to issue a permit for construction within the next 90 days. During the two (2) year Option to Renew period, the consultant will only provide construction engineering services for the Cell 5. This contract has a countywide impact. The scope of work of the consultant for the two (2) year OTR period will include the following items during the construction of Cell 5:

- o Assist DSWM during the bidding & award recommendation
- o Assist DSWM in measuring quantities for payment
- o Monitor all construction activities and attend weekly construction meetings
- o Construction Quality Assurance (CQA) of the liner system and soil layers
- o Monitoring and testing during installation of gas extraction wells
- o Review and approve shop drawings
- o Respond to request for information (RFI) from the Contractor
- o Generate reports and prepare FDEP Certification Package
- o Obtain acceptance from FDEP of the construction cell to receive waste

Fiscal Impact/Funding Source

This contract is funded by Building Better Communities General Obligation Bonds, and the Waste Disposal Operating Fund. This OTR is for time extension only and will not increase the project total of \$14.9 million (Project #505480-South Dade Landfill Cell 5 Construction)

Track Record/Monitor

According to the Firm History Report as provided by the Department of Small Business Development, Westhorp and Associates, Inc. has received four (4) Equitable Distribution Program (EDP) contracts valued at \$134,000.00 from Miami-Dade County in the last five years. The Office of Capital Improvements CIIS database contains six (6) evaluations from County departments for Westhorp and Associates, Inc. with an average rating of 3.9 which represent satisfactory performance. The day to day responsibilities for this project are the responsibility of Luis Moreno, Construction Manager III.

Background

The Department of Solid Waste Management is responsible for the collection and disposal of garbage and trash from 323,000 households throughout Miami-Dade County. The Department has two (2) active landfills, namely North Dade Landfill and South Dade Landfill. The proposed Cell 5 is situated within the South Dade Landfill. Once constructed and placed in operation, Cell 5 will provide much required landfill space for 18 contract cities and private haulers operating in Miami-Dade County. As required by the Florida Statute, and as incorporated in the concurrency requirement of Miami-Dade County Comprehensive Development Master Plan (CDMP), the County is obligated to always have five (5) years of waste disposal space for waste it is obligated to accept for disposal. The proposed Cell 5 is necessary to provide this capacity.

BUDGET
APPROVAL
FUNDS
AVAILABLE:



OSBM DIRECTOR 4/17/11
DATE

APPROVED AS TO
LEGAL
SUFFICIENCY:



COUNTY ATTORNEY 4/18/11
DATE



ASSISTANT COUNTY 4/20/11
MANAGER DATE



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 7, 2011

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

SUBJECT: Agenda Item No. 9(A) (6)

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)(6)
6-7-11

RESOLUTION NO. _____

RESOLUTION APPROVING TWO (2) YEAR OPTION TO RENEW FOR PROFESSIONAL SERVICES AGREEMENT NO. E06-SWM-01 WITH WESTHORN AND ASSOCIATES, INC., BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BONDS PROJECT NO. 14-70116 FOR LANDFILL ENGINEERING SERVICES AT THE SOUTH DADE LANDFILL

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 a two (2) year Option To Renew for Professional Services Agreement No. E06-SWM-01 with Westhorn and Associates, Inc. for Landfill Engineering Services at the South Dade Landfill in substantially the form on file with the Clerk, an excerpt of which is attached hereto and made a part herof; 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:

| | |
|-------------------------------------|----------------------|
| Joe A. Martinez, Chairman | |
| Audrey M. Edmonson, Vice Chairwoman | |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of June, 2011. 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.



Edward Z. Shafer

5

**EXERCISE CONTRACT OPTION
FOR PROFESSIONAL ENGINEERING SERVICES
CONTRACT NO. E06-SWM-01 GOB 14-70116
BETWEEN WESTHORP & ASSOCIATES, INC.
AND
MIAMI-DADE COUNTY, FLORIDA**

THIS CONTRACT OPTION No. 1, made this 19th day of May, 2011

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 Westhorp and Associates, 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 **October 20, 2011**, executed and filed with the Clerk of the Board pursuant to approval as amended by the Board of County Commissioners on February 5, 2008 is hereby modified as follows:

1. Contract time duration is increased by **730 calendar days, effective October 20, 2011.**
2. The new contract expiration date shall be **October 19, 2013.**

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

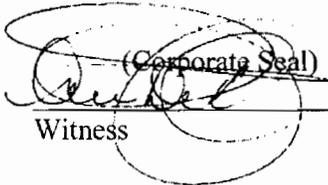
IN WITNESS THEREOF THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT OPTION No. 1 on the _____ day of _____ 2011.

WESTHORP & ASSOCIATES, INC.

MIAMI-DADE COUNTY
BY ITS BOARD OF
COUNTY COMMISSIONERS


By: Brenda J. Westhorp, P.E.
Title: President

Alina T. Hudak
County Manager


Witness

HARVEY RUVIN,
CLERK OF THE BOARD

ATTEST:


Witness

BY: _____
Deputy Clerk

Approved as to Form and
Legal Sufficiency: 

6

**Department of Solid Waste Management
Professional Consulting Engineering Services
For
Design Engineering Services
Contract No. E06-SWM-01 GOB 14-70116
Option to Renew**

| | |
|-----------------------------------|------------|
| Agreement Execution Date (COB) | 10/19/2007 |
| Original Term | 2190 Days |
| Original Expiration Date | 10/19/2011 |
| Option to Renew No. 1 | 730 Days |
| Revised Agreement Expiration Date | 10/19/2013 |

7



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

From: 02/17/2006 To: 02/17/2011

FIRM NAME: WESTHORP & ASSOCIATES, INC.
9499 NE 2nd Ave, Suite 207
Miami Shores, FL 33138

PRIMES

| PROJECT # | CONTRACT | DEPT. | MEASURES | AWARD DATE | AWARD AMOUNT |
|--|----------|-------|--------------|------------|-----------------------|
| * EDP-SW-SR-06T008 | 1 | SW | NO MEASURE | 08/28/2006 | \$19,000.00 |
| | | | | | <u>\$19,000.00</u> |
| * EDP-SW-07S009 | 1 | SW | NO MEASURE | 03/24/2007 | \$50,000.00 |
| | | | | | <u>\$50,000.00</u> |
| E06-SWM-01 | 1 | SW | GOAL CBE 36% | 02/05/2008 | \$5,390,000.00 |
| | | | | | <u>\$5,390,000.00</u> |
| Total Award Amount | | | | | \$5,459,000.00 |
| Total Change Orders Approved by BCC | | | | | \$0.00 |

Exit

All Departments

Find Projects With Search String ==>



Capital Improvements Information System

EDP Projects Report

| Dept | Project | Title | Firm | PPE Ctr | Date | Contact | Amount Award | Amount Paid | % Done |
|-----------|--------------------|---|-----------------------------|---------|-----------|----------------|--------------|-------------|--------|
| CQ | EDP-CICC-SR-10 | CAPITAL IMPROVEMENTS PRESENTATION | WESTHORP & ASSOCIATES, INC. | 1 | 10/6/2005 | Art Tillberg | \$15,000 | \$0 | 0% |
| SP | EDP-SP-2004.039 P1 | PH 2 DREDGING MONITORING | WESTHORP & ASSOCIATES, INC. | 1 | 5/27/2005 | Becky Hope | \$50,000 | \$30,416 | 100% |
| SW | EDP-SW-07S009 | FEASIBILITY STUDY FOR S. DADE LANDFILL CELL 6 | WESTHORP & ASSOCIATES, INC. | 1 | 3/24/2007 | Anne Webber | \$50,000 | \$50,000 | 100% |
| SW | EDP-SW-SR-06T008 | PALM SPRINGS NORTH - NEW GUARDHOUSE | WESTHORP & ASSOCIATES, INC. | 1 | 8/28/2006 | Anne E. Webber | \$19,000 | \$19,000 | 100% |
| Totals: 4 | | | | | | | \$134,000 | | |

Exit

| | | | | | |
|-----------------------|---------------------------------|------------|---------------|--------------------------------|------------|
| SW E06-SWM-01 | PSA WESTHORP & ASSOCIATES, INC. | 11/13/2009 | Luis Moreno | Interim | <u>4.0</u> |
| SW E06-SWM-01 | PSA WESTHORP & ASSOCIATES, INC. | 1/12/2010 | Luis Moreno | Interim | <u>3.8</u> |
| SW E06-SWM-01 | PSA WESTHORP & ASSOCIATES, INC. | 2/10/2010 | Luis Moreno | Interim | <u>3.8</u> |
| SW EDP-SW-07S009 | EDP WESTHORP & ASSOCIATES, INC. | 2/13/2009 | GreCIA Posada | Project conclusion or closeout | <u>4.0</u> |
| SW EDP-SW-SR-06T008 | EDP WESTHORP & ASSOCIATES, INC. | 1/11/2010 | GreCIA Posada | Project conclusion or closeout | <u>4.0</u> |
| SP EDP-SP-2004.039 P1 | EDP WESTHORP & ASSOCIATES, INC. | 2/17/2009 | Becky Hope | Project conclusion or closeout | <u>4.0</u> |

6 WESTHORP & ASSOCIATES, INC. Evaluations Average: 3.9

10