

Memorandum



Date: December 16, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

Agenda Item No. 8(0)(3)

From: Carlos A. Gimenez
County Mayor

****Consent Decree****

Subject: Resolution authorizing the Mayor or Mayor's designee to Reject All Proposals for ISD Project No. DB14-WASD-01: Request for Design-Build Services in connection with 72-inch sanitary sewer force main relating to the Consent Decree with the United States Department of Justice; waiving bids pursuant to Section 5.03(d) of the Charter, Section 2-10.4(8)(b)(i) of the Code of Miami-Dade County and Section 287.055(9)(c)(6) of the Florida Statutes to allow for expedited procurement among the three highest ranked proposers who submitted proposals for ISD Project No. DB14-WASD-01; waiving protest procedures under Section 2-8.4 of the Code of Miami-Dade County; delegating authority to the Mayor or Mayor's designee to award the emergency design-build construction contract; and providing for ratification by the Board of County Commissioners of any resulting emergency design-build construction contract

Recommendation

It is recommended that the Board of County Commissioners (Board) approve authorization for the Mayor or Mayor's designee to contract for the emergency replacement/rehabilitation of the 72-inch sanitary sewer force main along Northwest/Northeast 159th Street, between Northwest 17th Avenue and Northeast 10th Avenue and 1) reject all proposals for ISD Project No. DB14-WASD-01; 2) support Miami-Dade County's commitment to the United States Department of Justice for the Consent Decree and to prevent an undue hardship to the health and safety of the community and the County, and waive competitive bids pursuant to Section 5.03(D) of the Charter, Section 2-10.4(8)(b)(i) of the Code, and Section 287.055(9)(c)(6) of the Florida Statutes; 3) request lump sum bids from the three short-listed firms under the Sanitary Sewer Request for Design Build Services process: Insituform Technologies, Inc., Lanzo Construction Co., Florida, and Ric-Man Construction Florida, Inc.; 4) authorize the Mayor or Mayor's designee to enter into a design-build contract with the lowest responsive and responsible bidder to address the emergency condition of the 72-inch sanitary sewer force; 5) waive protest procedures under Section 2-8.4 of the Code of Miami-Dade County in connection with this rejection and any resulting award of the contract; and 6) provide for ratification of any resulting emergency design-build construction contract by the Board.

Scope

This item is of countywide significance as the wastewater system is interconnected. However, the portion of the 72-inch sanitary sewer force main located along Northwest/Northeast 159th Street between Northwest 17th Avenue and Northeast 10th Avenue is located in Districts 1 and 2, Commissioners Barbara Jordan and Jean Monestime, respectively.

Fiscal Impact/Funding Source

The Engineer's estimate for this project is \$18,220,836.00. The Miami-Dade Water and Sewer Department will retain the lowest responsive and responsible bidder to address the emergency condition of the 72-inch sanitary sewer force main. The funding sources are Wastewater Connection Charges, WASD Revenue Bonds sold,

future WASD Revenue Bonds and the Wastewater Renewal Fund.

Track Record Monitor

WASD's Deputy Director of Capital Improvements and Regulatory Compliance, Juan Carlos Arteaga, AIA NCARB will oversee the award of this emergency construction contract.

Background

On July 18, 2010, a portion of the 72-inch pre-stressed concrete cylinder pipe force main experienced a catastrophic failure just west of Northwest 17th Avenue. The corresponding failed pipe, along with an adjacent pipe segment, were removed and replaced at that time. Due to concerns over the condition of the pipeline, and the risk associated with an additional failure, WASD contracted Pure Technologies, in November 2010, to conduct an internal inspection and a condition assessment of the 72-inch force main's pre-stressed wires. Pipeline inspection, engineering analysis, and condition assessment of the 72-inch force main were conducted. Based on the results of those inspections, approximately 1.5 miles of the force main between Northwest 32nd Avenue and Northwest 17th Avenue were rehabilitated by slip-lining the existing 72-inch force main with high density polyethylene pipe.

On May 2, 2014, Miami-Dade County advertised for design-build services under ISD Project No. DB14-WASD-01 for the replacement/rehabilitation of 3.5 miles of the 72-inch force main between Northwest 17th Avenue and Northeast 10th Avenue. The solicitation required design and construction services to address the current state of the 72-inch sanitary sewer force main with a water tight solution. The inclusion of water-tightness for both methodologies (slip-lining and cured in place rehabilitation) had been originally specified as it was considered that this will best guarantee health and public safety. Upon further review and engineering, it was determined that the water tightness is not necessary for the slip-lining portion of the work; and that this constitutes means and methods for the Contractors to propose and/ or innovate. The project is part of the Consent Decree, which was entered on April 9, 2014 in the United States of America, State of Florida, and State of Florida Department of Environmental Protection v. Miami-Dade County, Case No. 1:12-cv-24400-FAM.

Three firms were short-listed as most qualified to do the work during the Step 1 Evaluation of Qualifications: Insituform Technologies, Inc.; Lanzo Construction Co., Florida; and Ric-Man Construction Florida, Inc. These firms submitted Step 2 technical (base and alternate) and price proposals. During the review process of the submitted proposals, Lockwood, Andrews & Newnam, Inc., the Design Criteria Professional selected under a separate competitive procurement to prepare the design criteria package for this project, failed to identify the lack of water tightness in the Step 2 submittals (base and alternates) for Ric-Man Construction Florida, Inc. and Lanzo Construction Co., Florida, the top two ranked proposers. In addition, inaccurate information regarding the compliance of the third ranked proposer, Insituform Technologies, Inc., was provided by the Design-Criteria Professional to the Competitive Selection Committee, due to contradictory information provided by the proposer. As a result, the Competitive Selection Committee based their Step 2 evaluation on inaccurate information.

The failure to identify the water tightness requirement in the approved slip-lining alternate for the top ranked proposer, Ric-Man Construction Florida, Inc., was discovered during the first of two negotiation sessions with the proposer. As a result of the irregularity and after further input from the Negotiation Committee, staff and the Design Criteria Professional consulted with the County Attorney's Office which advised that the original solicitation document is indeed clear and did require water tightness. The Design Criteria Professional advised that the base proposals and accepted alternate proposals for the top two ranked firms were in non-compliance with the water-tightness requirement noted in the solicitation document.

The importance of a fast repair to this pipe cannot be overemphasized. A catastrophic rupture of the aging pipe presents a serious health hazard to the surrounding community and to the entire County as raw sewage may spill into the adjoining canal system. The proposed action is intended to address this public emergency. The entire project must be at the substantial completion mark in March 2016, and final completion date by May 2016. A final addendum, Addendum No. 11, in substantially the form attached hereto, will be issued clarifying those areas that previously created ambiguities during the original Request for Design Build Services process. Specifically, the water tightness requirement (which is a means and methods procedure) for the slip-lining method of rehabilitation will be eliminated. This addendum will level the field and provide the three shortlisted firms the possibility to price the project. After this addendum is issued, these three highest qualified firms will be asked to submit a lump sum bid price to execute the work using the slip-lining method of rehabilitation for the entire project. Prior qualitative scores and price submittals, for each of the three short-listed proposers, shall be of no further force or effect. The proposed solution takes advantage of the pre-qualification process of the three contractors which has already taken place. This allows the County to address some of the challenges identified in the original process, and award this time-sensitive procurement in a fair manner. The Board is strongly urged to approve this item, in the public's best interest, and in compliance with the Consent Decree. Any resulting contract will be submitted to the Board for ratification as soon as possible.

Per Ordinance 14-73, the impact of sea-level rise has been considered.


Jack Osterholt
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 16, 2014

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

SUBJECT: Agenda Item No. 8(0)(3)

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 Mayor'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

Agenda Item No. 8(0)(3)

Veto _____

12-16-14

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO REJECT ALL PROPOSALS FOR ISD PROJECT NO. DB14-WASD-01: REQUEST FOR DESIGN-BUILD SERVICES IN CONNECTION WITH 72-INCH SANITARY SEWER FORCE MAIN RELATING TO THE CONSENT DECREE WITH THE UNITED STATES DEPARTMENT OF JUSTICE; BY TWO-THIRDS VOTE OF THE MEMBERS PRESENT WAIVING BIDS PURSUANT TO SECTION 5.03(D) OF THE CHARTER, SECTION 2-10.4(8)(b)(i) OF THE CODE OF MIAMI-DADE COUNTY AND SECTION 287.055(9)(c)(6) OF THE FLORIDA STATUTES TO ALLOW FOR EXPEDITED PROCUREMENT AMONG THE THREE HIGHEST RANKED PROPOSERS WHO SUBMITTED PROPOSALS FOR ISD PROJECT NO DB14-WASD-01 AND WAIVING THE PROTEST PROCEDURES UNDER SECTION 2-8.4 OF THE CODE OF MIAMI-DADE COUNTY; DELEGATING AUTHORITY TO THE MAYOR OR MAYOR'S DESIGNEE TO AWARD THE EMERGENCY DESIGN-BUILD CONSTRUCTION CONTRACT; AND PROVIDING FOR RATIFICATION BY THE BOARD OF COUNTY COMMISSIONERS OF ANY RESULTING EMERGENCY DESIGN-BUILD CONSTRUCTION CONTRACT

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, by a two-thirds vote of the members present, hereby finds that it is in the best interests of the County to:

Section 1. Approve the emergency replacement/rehabilitation of the 72-inch sanitary sewer force main along Northwest/Northeast 159th Street between Northwest 17th Avenue and Northeast 10th Avenue to support Miami-Dade County's commitment to the Department of

Justice for the Consent Decree, to address a public emergency, and to prevent an undue hardship on the health and safety of the community and the County.

Section 2. Reject all proposals for ISD Project No. DB14-WASD-01.

Section 3. Waive competitive bids pursuant to Section 5.03(D) of the Charter, Section 2-10.4(8)(b)(i) of the Code, and Section 287.055(9)(c)(6) of the Florida Statutes to address the public emergency.

Section 4. Request bids from the three short-listed firms under the Sanitary Sewer Request for Design Build Services process: Insituform Technologies, Inc.; Lanzo Construction Co., Florida; and Ric-Man Construction Florida, Inc., and authorize award of a lump sum bid contract to the lowest responsive and responsible bidder to address the emergency condition of the 72-inch sanitary sewer force main.

Section 5. Waive protest procedures under Section 2-8.4 of the Code of Miami-Dade County, and any resulting emergency design-build construction contract.

Section 6. Delegate authority to the County Mayor or Mayor's designee to award the emergency design-build construction contract.

Section 7. Provide for ratification of any resulting emergency design-build construction contract by the Board.

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:



Rebeca Sosa, Chairwoman

Bruno A. Barreiro

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of December, 2014. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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

ADDENDUM NO. ELEVEN

DATE: To be determined
DEPARTMENT: Miami-Dade Water and Sewer Department (WASD)
ISD PROJECT NAME: Design-Build Services for Replacement/Rehabilitation of 72-Inch Sanitary Sewer Force Main Along NW/NE 159th Street between NW 17th Avenue and NE 10th Avenue
ISD PROJECT NUMBER: DB14-WASD-01
SUBMITTAL DATE: To be determined
CONSULTANT COORDINATOR: Amelia M. Cordova-Jimenez

This Addendum, in substantially the form noted herein, is issued to the referenced Request for Design-Build Services (RDBS), and is hereby made part of the RDBS. All requirements of the RDBS not modified herein shall remain in full force and effect as originally set forth. The Addendum may be modified as necessary to allow for price to be the sole basis of selection among different bidders. Please be sure to acknowledge receipt of this Addendum.

Pursuant to Resolution No. [REDACTED], approved by the Miami-Dade County Board of County Commissioners on December 16, 2014, ISD Project No. DB14-WASD-01, has been declared an emergency. Bids from the following three short-listed proposers are hereby requested:

Insituform Technologies, LLC (formally known as Insituform Technologies, Inc.);
Lanzo Construction Co. Florida; and
Ric-Man Construction Florida, Inc.
(Hereinafter the three firms shall be referred to as the shortlisted firms)

The lowest priced responsive and responsible bidder shall be selected to perform the emergency rehabilitation work on the 72-inch sanitary sewer force main.

The County wishes to receive lump sum bids from each of the shortlisted firms that meet the basic specifications of the original RDBS, and not the alternatives, with the following modifications. It will be the responsibility of the contractors to select and implement methods and means to deliver a successful dewatering strategy for handling of construction water such as well points or other adequate groundwater controls systems.

MODIFICATIONS TO THE CONTRACT DOCUMENTS:

1. The shortlisted firms are invited to provide a lump sum bid for design and construction required to perform the slip-lining rehabilitation work of the 72-inch force main with a Substantial Completion date of March 31, 2016, and a Final Completion Date of May 31, 2016. No additional oral presentations are required for the emergency Design-Build project.
2. For the proposed work from North Miami Avenue to NE 10 Avenue, the method using cured-in-place rehabilitation is removed completely, and is substituted with a requirement for use of the slip-lining methodology. The pricing submittal shall reflect use of the slip-lining method for the entire project.
3. METHOD OF AWARD: LOWEST LUMP SUM BID TO BE AWARDED TO THE LOWEST, RESPONSIVE AND RESPONSIBLE BIDDER.

Award of this contract shall be made to the responsive and responsible bidder with the lowest lump sum bid price. Miami-Dade County ("County") reserves the right to negotiate with the lowest responsive and responsible bidder.

4. LOCAL PREFERENCE:

The evaluation of competitive bids is subject to Section 2-8.5 of the Miami-Dade County Code, which, except where contrary to federal and state law, or any other funding source requirements, provides that preference be given to local businesses.

A. A Local Business shall be defined as:

1. a business that has a valid Local Business Tax Receipt, issued by Miami-Dade County at least one year prior to bid or proposal submission;
2. a business that has physical business address located within the limits of Miami-Dade County from which the vendor operates or performs business. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said physical address; and
3. a business that contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way. This may include but not be limited to the retention and expansion of employment opportunities and the support and increase in the County's tax base. To satisfy this requirement, the vendor shall affirm in writing its compliance with either of the following objective criteria as of the bid or proposal submission date stated in the solicitation:
 - (a) vendor has at least ten (10) permanent full time employees, or part time employees equivalent to 10 FTE ("full-time equivalent" employees working 40 hours per week) that live in Miami-Dade County, or at least 25% of its employees that live in Miami-Dade County, or
 - (b) vendor contributes to the County's tax base by paying either real property taxes or tangible personal property taxes to Miami-Dade County, or
 - (c) some other verifiable and measurable contribution to the economic development and well-being of Miami-Dade County.

B. Additionally, a Locally-Headquartered Business shall mean a Local Business as defined above which a "principal place of business" has in Miami-Dade County. "Principal place of business" means the nerve center or the center of overall direction, control, and coordination of activities of the bidder. If the bidder has only one business location, such business location shall be its principal place of business.

C. If the Low Bidder is a not a Local Business, then any and all responsive and responsible Local Businesses submitting a price within ten percent of the Low Bid, the Low Bidder, and any and all responsive and responsible Locally-Headquartered Businesses submitting a price within fifteen percent of the Low Bid, shall have an opportunity to submit a best and final bid equal to or lower than the Low Bid.

D. If the Low Bidder is a Local Business which is not a Locally-Headquartered Business, then any and all responsive and responsible Locally Headquartered Businesses submitting a price within five percent of the Low Bid, and the Low Bidder shall have an opportunity to submit a best and final bid equal to or lower than the Low Bid.

E. At this time, there is an Interlocal Agreement for Reciprocity of Local Business and Locally-Headquartered Business Preferences in effect between Miami-Dade and Broward Counties until September 30, 2015. Therefore, a vendor which meets the requirements of (A) and/or (B) above for Broward County shall be considered a Local Business and/or Locally-Headquartered Business.

5. **SCHEDULE:**

Question Deadline Date: To be determined

Submittal Date and Time: To be determined

Location: Miami-Dade County Clerk of the Board's Office
Stephen P. Clark Center
111 NW 1st Street
17th Floor, Suite 202
Miami, FL 33128

A/E Coordinator: Amelia M. Cordova-Jimenez
Address: 111 N.W. 1st Street, Suite 1300
Miami, FL 33128-1974
Telephone: (305) 375-3022
Fax: (305) 375-4407
E-Mail: ameliac@miamidadegov

Bids will be publicly opened. The County provides equal access and does not discriminate on the basis of disability in its programs or services. It is our policy to make all communication available to the public, including those who may be visually or hearing impaired. If you require information in a non-traditional format please call 305-375-5278.

Instructions: The Clerk of the Board business hours are 8:00am to 4:30pm, Monday through Friday. Additionally, the Clerk of the Board is closed on holidays observed by the County. Each Bid submitted to the Clerk of the Board shall have the following information clearly marked on the face of the envelope: the Bidders name, return address, Bid number, opening date of the Bid and the title of the Bid. Included in the envelope shall be an original and two copies of the Bid Submittal, plus attachments if applicable.

All Bids received time and date stamped by the Clerk of the Board prior to the bid submittal deadline shall be accepted. The circumstances surrounding all bids received and time stamped by the Clerk of the Board after the bid submittal deadline will be evaluated by the procuring department, in consultation with the County Attorney's Office, to determine whether the bid will be accepted as timely.

6. The protest procedures are waived in accordance with the conditions of the emergency contract, Section 5.03(D) of the Charter, Section 2-10.4(8)(b)(i) of the Code of Miami-Dade County, and Section 287.055(9)(c)(6) of the Florida Statutes.
7. The bids utilizing a Class IV, fully structural (to act as a separate pipe with the existing pipe acting as merely a right-of-way for the installation) continuous slip-lining with high-density polyethylene (HDPE) application do not require water-tightness for the pits/shafts. It will be contractor's

responsibility to select and implement methods and means to deliver a successful dewatering strategy for handling of construction water such as well points or other adequate groundwater control systems.

8. In Volume II, TABLE OF CONTENTS, delete the line which reads, "17100 Cured-in-Place Pipe (CIPP) 17100-1 – 17100-33".

9. To Section DB 01006, Summary of Work, Page DB 01006-3, delete Paragraph 1.02,A.8., and substitute the following:

"Furnish and install approximately 6,400 linear feet of Class IV fully, structural (to act as a separate pipe within the existing pipe acting merely as a right-of-way for the installation) continuous slip-lining with high density polyethylene (HDPE) between North Miami Avenue and NE 10 Avenue. The preferred material for this installation shall also be the 63-inch fusible HDPE, SDR 32.5 with a minimum pressure rating of 60 psi as required in the other portion of the work."

10. To Section DB 01007 Mandatory Requirement for Design, Page DB 01007-6 delete Paragraph 2.14 F in its entirety and substitute therefore with the following:

"F. Slip-Line: The water-tightness requirement for the pit/shaft of the slip-lining operation is hereby removed from the Contract. All fusion welding shall be done in dry conditions satisfactory to the Engineer.

Cured-in-Place: The cured-in-place rehabilitation method has been removed from the Contract."

11. To Section DB 02314 Excavation, Backfill and Fill for Structural Facility and Utility Systems, Page DB 02314-3 delete Paragraph 3.01,C., in its entirety.

12. To Section DB 17300 Dewatering, Page DB 17300-1, Paragraph 1.01,B., delete the sentence "Well point dewatering will not be permitted for tunneled construction (jacking and receiving shafts)."

13. To Section DB 17300 Dewatering, Page DB 17300-1 delete Paragraph 1.01,C., and substitute therefore with the following:

"C.Cleaning and evacuation of the waste from the pipeline shall be the responsibility of the Contractor and performed to the satisfaction of the Engineer. It shall be the Contractor's responsibility to control the entry of debris into the main and verify the condition of the pipe is acceptable to perform the slip-line operation."

14. Delete Section 17100 Cured-in-Place Pipe (CIPP) Pages 17100-1 – 17100-33 in their entirety.

15. To Section DB 17400 Shaft Excavation and Support make the following changes:

a. Page 17400-1 delete Paragraph 1.02 A1 in its entirety and substitute with the following:

"1. The Contractor is required to establish his own dewatering operation that satisfies the dewatering requirements of his method of construction for slip

lining. The dewatering shall also allow for Department forces to inspect and verify the pipeline interior prior to slip-lining of the main.”

b. Page 17400-1 delete Paragraph 1.02, A.7., in its entirety.

Attachments:

Acknowledgement of Addenda
Price Proposal Form – Revised 12/02/14

c: Patricia David, WASD
Clerk of the Board

DRAFT