

MEMORANDUM

Agenda Item No. 7(F)

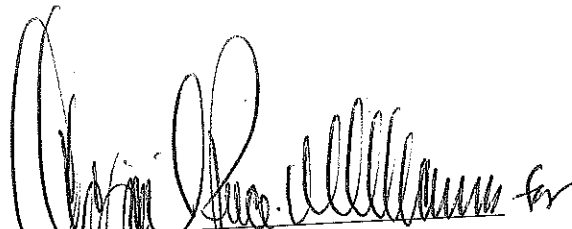
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 2-3-15)
December 16, 2014

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

SUBJECT: Ordinance amending Ordinance
No. 14-77 related to accelerating
certain Water and Sewer
Department contracts;
authorizing application of
accelerate powers to certain
contracts; authorizing the County
Mayor to negotiate contract
modifications to conform such
contracts to the requirements of
section 2-8.2.12 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/ep

Memorandum



Date: February 3, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Ordinance creating Section 2-8.2.12 of the Code of Miami-Dade County; delegating to the County Mayor or Mayor's designee the authority to advertise, award, amend and negotiate contracts for goods and services, construction and professional services for the Miami-Dade Water and Sewer Department, to extend contract duration, to execute change orders and to settle claims without need for prior board approval; providing for ratification of all actions on a quarterly basis

The implementation of the proposed amendment to Ordinance 14-77 will accelerate the procurement process of all approved Water & Sewer Department capital construction projects. If approved, this ordinance is not expected to have a negative fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

Jack Osterholt
Deputy Mayor

Fis02515



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 3, 2015

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

SUBJECT: Agenda Item No. 7(F)

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
Veto _____
Override _____

Agenda Item No. 7(F)
2-3-15

ORDINANCE NO. _____

ORDINANCE AMENDING ORDINANCE NO. 14-77 RELATED TO ACCELERATING CERTAIN WATER AND SEWER DEPARTMENT CONTRACTS; AUTHORIZING APPLICATION OF ACCELERATE POWERS TO CERTAIN CONTRACTS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE CONTRACT MODIFICATIONS TO CONFORM SUCH CONTRACTS TO THE REQUIREMENTS OF SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY AND EXCLUSION FROM THE CODE

WHEREAS, on September 3, 2014, this Board enacted Ordinance No. 14-77 ("the Ordinance") to accelerate needed repairs and upgrades to the County's water and sewer system; and

WHEREAS, the Ordinance created Section 2-8.2.12 of the Code of Miami-Dade County, which delegates to the County Mayor the authority to award contracts if such contracts have been reported to the appropriate Committee of this Board after such contracts have been publicly advertised; and

WHEREAS, there are certain contracts which were advertised prior to the effective date of the Ordinance which are nevertheless crucial to completion of the Consent Decree or to successful completion of the Miami-Dade Water and Sewer Department Capitol Improvement Program; and

WHEREAS, those projects should be eligible for award and administration pursuant to the terms of the Ordinance,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Ordinance No. 14-77 is hereby amended to add a new section 7 that reads as follows:¹

>>Section 7. The provisions of this Ordinance, including but not limited to provisions for award of contracts and administration of contracts, shall apply to the following contracts which were advertised prior to the effective date of this Ordinance:

1. E14-WASD-03 Professional Engineering Services Related To Operations and Maintenance of the Water and Sewer Department Water System;
2. E13-WASD-10 Engineering Services For Design of Upgrades for Water Distribution and Transmission and Sanitary Sewer Collection and Transmission Systems
3. DB13-WASD-03 Design Build Services For the Replacement of Water Mains and Service Conversions in the Shenandoah Area of the City of Miami Phase A
4. DB14-WASD-04 Design Build Services For the Replacement of Water Mains and Service Conversions in the Shenandoah Area of the City of Miami Phase A
5. E14-WASD-01 Engineering and Geological Services, Water, Wastewater, and Reclaimed Water Planning Services
6. DB14-WASD-01 Design Build Services for Replacement/Rehabilitation of a 72 inch Sanitary Sewage Force Main along NW/NE 159th St. between Northwest 17th Ave and N.E. 10th Ave.

Additionally, the provisions of this Ordinance related to contract administration, including but not limited to provisions related to change orders, claims, and time extensions, may be utilized by the County Mayor or County Mayor's Designee with respect to previously awarded contracts for the Program Management of the Consent Decree Projects, previously awarded contracts for Program Management of Ocean Outfall projects, and design contracts whose work scope is

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Consent Decree, Ocean Outfall project design. In the event that any of the contracts listed here above contains language which is inconsistent with the Ordinance, the County Mayor or Mayor's Designee is delegated the authority, without need for prior Board Action, to amend such contracts for the limited purpose of conforming such contracts to the requirements of the Ordinance. In no case shall such amendment add funds to such Contract.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, be excluded from the Code of Miami-Dade County.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance shall sunset on the same date as, and in the same manner as described in, Miami-Dade County Ordinance 14-77. Notwithstanding, the Contracts described above shall continue in accordance with the procedures and processes set forth in this Ordinance until such contract has been completed.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

DM

David M. Murray

Commissioner Juan C. Zapata