

# Memorandum



**Date:** July 21, 2020

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

Agenda Item No. 8(J)(4)

**Subject:** Resolution Approving and Authorizing the Execution of Amendment 001 to the Original Five-year Reimbursable Agreement between Miami-Dade County and the National Oceanic and Atmospheric Administration National Ocean Service Center for Operational Oceanographic Products and Services for the Installation, Management, Operation, Maintenance and Repair of the Miami Physical Oceanographic Real-Time System (Ports®)

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve the accompanying resolution approving and authorizing the execution of Amendment 001 ("Amendment") to the Memorandum of Agreement between Miami-Dade County and the National Oceanic and Atmospheric Administration National Ocean Service Center for Operational Oceanographic Products and Services ("NOAA") ("Agreement") authorizing the reduction of monitoring stations from four to three; reprogramming of \$87,715 funds for the de-scoped fourth monitoring system to purchase a second spare part current measuring system (\$43,259) with the remaining funds allocated to a reserve fund (\$44,456), providing for a new payment schedule (replacing Exhibit A) due to a 12-month delay in installation and acceptance of the system, and modifying the point of contact information pursuant to the authority delegated by Sections 2-9 and 2-10 of the Code of Miami-Dade County.

## **Scope**

PortMiami is located within District 5, which is represented by Commissioner Eileen Higgins. The impact of this agenda item is countywide, as PortMiami is a regional asset and generates employment for residents throughout Miami-Dade County.

## **Fiscal Impact/Funding Source**

The purpose of this Amendment is to reduce the number of ocean current monitoring stations authorized under the original Agreement from four to three, reprogram certain funds to purchase a second spare current measurement system, and revise the dates and funding for the operations and maintenance periods of the original Agreement.

The original Agreement was ratified by the Board on November 21, 2017, via Resolution No. R-1132-17. The original Agreement contemplated an initial cost of \$400,519, which included the purchase, installation, operation and maintenance of Buoy Mounted Current measurement systems at four locations (and one spare for immediate replacement) for the measurement of vertical ocean currents, and funding for one year of operations and maintenance ("O&M"). The Port has already issued this initial payment to NOAA in accordance with the original Agreement. The Agreement also required funding of four additional years of O&M at an estimated cost of \$100,000 per year for four years, or approximately \$400,000 in total. Ultimately, NOAA elected to install only three monitoring stations and use the unspent funds for the de-scoped fourth (Sea Buoy 15 station) and associated Period 1 O&M therefore (\$87,715) to purchase a second spare monitoring system in the amount of \$43,259, with the remaining unspent funds (\$44,456) being allocated to a reserve account, as set forth in the Amendment's new Appendix A.

The first year of O&M was adjusted to begin on May 1, 2018, due to a 12-month delay in the installation, successful testing, and acceptance of the Miami PORTS® current measurement system. Period 1 (included in June 2017 payment) began on May 1, 2018 and ended April 30, 2019. Period 2 O&M (\$87,075) began on May 1, 2019 and ended April 30, 2020, and Periods 3 (\$88,817) and 4 O&M (\$90,593) will follow the same schedule through the expiration of the agreement on April 30, 2022. Beginning with Period 2 O&M, NOS will invoice PortMiami annually for the next three periods in advance of the anniversary expiration dates in accordance with amended Appendix A, for a total of \$667,004 over the duration of the Agreement ending on April 30, 2022. These Port obligations will be funded from Port operating revenues.

### **Background**

Currently, PortMiami's main shipping channel has an authorized depth of -50/-52 feet at mean low water, making our harbor the deepest in the region and the only port south of Virginia able to accommodate the new, larger Post-Panamax vessels. Our Port has 6,100 linear feet of continuous berth along the deepened channel and is 2.5 nautical miles to berth (30 min). PortMiami is the closest port in the continental United States to the Panama Canal and stands to benefit from an increase in cargo as trade patterns shift from the west coast to the east coast ports. As a result, there are larger, higher capacity vessels scheduled for our port. Bringing the larger Post-Panamax vessels at higher speeds into the navigation channel to break through the cross currents of the Gulf Stream presents new challenges. Having real time current information via NOAA PORTS® will better enable a more precise calculation of inbound vessel speed for the safe transiting of these larger vessels calling PortMiami.

Sections 2-9 and 2-10 of the Code of Miami-Dade County allow the County to enter into agreements with other government entities subject to Board ratification of the agreement. For this purpose, the County entered into an Agreement with NOAA on March 20, 2017, for NOAA's purchase, installation, operation, maintenance, and repair of the Miami Physical Oceanographic Real-Time System (Ports ®), which Agreement was ratified by this Board on November 21, 2017 via resolution No. R-1132-17. It is recommended the accompanying resolution approving and authorizing the execution of the above-described Amendment 001 to the Agreement be approved in the best interests of the County.

### **Track Record/Monitoring**

The PortMiami staff members responsible for monitoring the Agreement are Dalgis Betancourt, Assistant Port Director, Operations and Franklin Roig, Chief Operating Officer.

### **Delegation of Authority**

There are no authorities beyond those specified in the resolution, which include authorizing the execution of Amendment 001 to the Agreement by the County Mayor or the County Mayor's designee, paying expenditures authorized in the resolution, and exercise of the cancellation, renewal and other County rights in the Agreement as amended by Amendment 001.



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Jack Osterholt  
Deputy Mayor

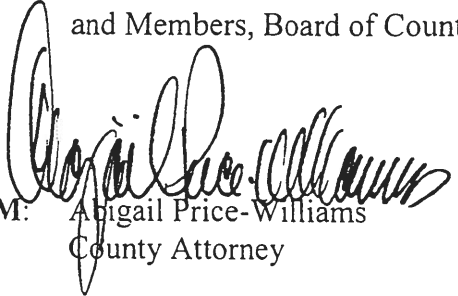


## MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

DATE: July 21, 2020

FROM:   
Abigail Price-Williams  
County Attorney

SUBJECT: Agenda Item No. 8(J)(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
- ☐ Statement of social equity 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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ 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. 8(J)(4)  
7-21-20

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AMENDMENT 001 TO THE MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NATIONAL OCEAN SERVICE CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES AUTHORIZING THE REDUCTION OF MONITORING STATIONS FROM FOUR TO THREE, AUTHORIZING REPROGRAMMING OF \$87,715.00 OF FUNDS FOR THE DE-SCOPED FOURTH MONITORING STATION TO PURCHASE A SECOND SPARE CURRENT MEASUREMENT SYSTEM, WITH REMAINING FUNDS ALLOCATED TO A RESERVE FUND, REPLACING PRIOR APPENDIX A TO PROVIDE FOR NEW OPERATIONS AND PAYMENT PERIODS TWO THROUGH FOUR, AND MODIFYING PREVIOUSLY IDENTIFIED POINT OF CONTACT INFORMATION; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENT 001 AND TO EXERCISE ALL COUNTY RIGHTS CONFERRED THEREIN INCLUDING RIGHTS OF CANCELLATION AND RENEWAL

**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:

**Section 1.** Approves Amendment 001 to the Memorandum of Agreement between Miami-Dade County and the National Oceanic and Atmospheric Administration National Ocean Service Center for Operational Oceanographic Products and Services (NOAA) (MOA-2017-009/10382), in substantially the form attached hereto and made a part hereof, reducing the number of required locations for buoy-mounted current measurement systems from four to three and deleting the original Sea Buoy 15 location; authorizing the reprogramming of \$87,715.00, previously

budgeted for the installation and first operating and maintenance period of the de-scoped Sea Buoy 15 monitoring system toward the purchase of a second spare measurement system (\$43,259.00) with the remainder of the funds (\$44,456.00) allocated to the reserve fund as set forth in new Appendix A; replacing prior Appendix A to add provisions for annual operations and maintenance periods 2 through 4 (ranging from May 1, 2019 through April 30, 2022) and the payment therefore and otherwise adjusting operations and maintenance period dates; and updating previously identified points of contact.

**Section 2.** Authorizes the County Mayor or the County Mayor' designee to execute Amendment 001, in substantially the form attached hereto and made a part hereof, and to exercise all cancellation, renewal, and other rights conferred 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:

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 21<sup>st</sup> day of July, 2020. 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.

**MAG**

Miguel A. Gonzalez

**AMENDMENT 001 TO MOA-2017-009/10382**

**A REIMBURSABLE AGREEMENT**

**between the**

**U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL OCEAN SERVICE  
CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS  
AND SERVICES**

**and**

**MIAMI-DADE COUNTY THROUGH ITS SEAPORT DEPARTMENT  
("PORTMIAMI")**

**for the**

**INSTALLATION, ENHANCEMENT, MANAGEMENT, OPERATION,  
MAINTENANCE, AND REPAIR OF NOAA'S MIAMI PHYSICAL  
OCEANOGRAPHIC REAL-TIME SYSTEM (PORTS®)**

**NOS Agreement Code: MOA-2017-009(Amend 001)**

The purpose of Amendment 001 is to revise the dates and the funding for the Operations and Maintenance (O&M) Periods in the underlying Agreement due to a twelve-month delay in the installation and acceptance of the Miami PORTS®. The Amendment also accounts for funds received from PortMiami for the Sea Buoy 15 measurement system that was not installed and updates the Points of Contact (POC) for the agreement.

Therefore, pursuant to Section **VIII. DURATION OF AGREEMENT, AMENDMENTS, OR TERMINATION**, the Parties herein agree to amend the underlying Agreement, MOA-2017-009, and addenda, as follows:

1. Section **IV. THE MIAMI PORTS®**, replace Paragraph A in its' entirety, deleting the installation of Sea Buoy 15, with the following:
  - A. Buoy Mounted Current measurement systems at three locations for the measurement of vertical current profiles. Buoy mounted stations include: (1). Buoy 1, (2). Buoy 3, and (3). Buoy M. Each system includes an Acoustic Doppler Current Profiler (ADCP) to measure currents, mounted on a Coast Guard navigation buoy using a clamparatus to secure the current meter; an Iridium modem to transmit data and battery pack.
2. Section **VI. FUNDING, PAYMENT, AND REIMBURSEMENT ARRANGEMENTS**, (1) replace Paragraph A. in its entirety to adjust the dates of Period 1 and add the subsequent Periods of O&M to reflect the twelve month delay in the installation of the Miami PORTS®, (2) add Paragraph B. to account for the funding not expended installing Sea Buoy 15, and (3) adjust all subsequent paragraphs up one letter:
  - A. Following the signing of the underlying Agreement, NOS invoiced Miami-Dade County through its Seaport Department ("PortMiami") for \$400,519. These funds were for the acquisition, installation and first year of Operations and Maintenance (O&M) of the Miami PORTS®. The first year of O&M was adjusted to begin on May 1, 2018 due to a twelve-month delay in the installation, successful testing, and acceptance of the Miami PORTS® from NOS. Period 1 began May 1, 2018 and ended April 30, 2019. Subsequent periods will begin on May 1<sup>st</sup> and end on April 30<sup>th</sup>. Period 2 O&M began on May 1, 2019 and ended April 30, 2020 and periods 3 and 4 O&M will follow the same schedule through the expiration of the agreement on April 30, 2022. Beginning with Period 2 O&M, NOS will invoice PortMiami annually for the next three periods in advance of the anniversary expiration dates in accordance with amended Appendix A, for a total of \$266,485 over the duration of the agreement ending on April 30, 2022. These funds will be provided to NOS within 30 days of the invoice. There will be no required amendments to this Agreement unless there is substantial change in service, costs or products.
  - B. Funding received for the Sea Buoy 15 installation and Period 1 O&M (\$87,715) will be used to purchase a second spare measurement system (\$43,259) with the remainder of funds allocated to the reserve fund (\$44,456) as per the amended Appendix A.



3. Section **VII. CONTACTS**, replace Paragraphs A.1.in its entirety with the following:

A. The Points of Contact (POC) for each of the Parties to this Agreement are:

- |    |                        |  |
|----|------------------------|--|
| 1. | Name of NOS POC:       | Brent Ache   |
|    | Position:              | Chief of Staff   |
|    | Address:               | NOAA/NOS/CO-OPS<br>1305 East West Highway<br>Silver Spring, Maryland 20910 |
|    | Telephone Number:      | (240) 533-0480   |
|    | Fax:                   | (301) 713-4392   |
|    | E-mail:                | <u><a href="mailto:Brent.Ache@noaa.gov">Brent.Ache@noaa.gov</a></u>        |
| 2. | Name of PortMiami POC: | Dalgis Betancourt  |
|    | Position:              | Assistant Port Director, Port<br>Operations                                |
|    | Address:               | PortMiami<br>1015 N. America Way<br>Miami, Florida 33132-2081              |
|    | Telephone Number:      | (305) 347-4841   |
|    | E-mail:                | <u><a href="mailto:dalgis@miamidade.gov">dalgis@miamidade.gov</a></u>      |

C. The Financial Points of Contact (POC) for this Agreement are:

- |    |                        |   |
|----|------------------------|---|
| 2. | Name of PortMiami POC: | Dalgis Betancourt   |
|    | Position:              | Assistant Port Director, Port<br>Operations                           |
|    | Address:               | PortMiami<br>1015 N. America Way<br>Miami, Florida 33132-2081         |
|    | Telephone Number:      | (305) 347-4841  |
|    | E-mail:                | <u><a href="mailto:dalgis@miamidade.gov">dalgis@miamidade.gov</a></u> |

4. Replace underlying Agreement **APPENDIX A** to reflect the adjusted dates for Period 1, add Periods 2-4, and reallocate funding.
5. All of the other terms and conditions of the underlying Agreement, as amended, remain in full force and effect.

**XI. APPROVALS**

ACCEPTED AND APPROVED FOR THE  
U.S. DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND  
ATMOSPHERIC ADMINISTRATION  
NATIONAL OCEAN SERVICE

ACCEPTED AND APPROVED FOR  
MIAMI-DADE COUNTY THROUGH ITS  
SEAPORT DEPARTMENT

BY: \_\_\_\_\_  
Nicole R. LeBoeuf,  
Acting Assistant Administrator

BY: \_\_\_\_\_  
Juan Kuryla  
Director PortMiami

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

## Appendix A

### Miami PORTS®

#### Installation, Management, Operation, Maintenance, and Repair Cost Schedule

Measurement System	Equipment (Inc. Install)	Operations and Maintenance	Operations and Maintenance	Operations and Maintenance	Operations and Maintenance	
		Period 1 5/01/2018 - 4/30/19	Period 2 5/01/19 - 4/30/20	Period 3 5/01/20 - 4/30/21	Period 4 5/01/20 - 4/30/22	Total
Sea Buoy M	\$59,259	\$28,456	\$29,025	\$29,606	\$30,198	
Buoy #1	\$59,259	\$28,456	\$29,025	\$29,606	\$30,198	
Buoy #3	\$59,259	\$28,456	\$29,025	\$29,606	\$30,198	
Buoy #15*	\$59,259	\$28,456	\$0	\$0	\$0	
Spare System #1	\$43,259	\$0	\$0	\$0	\$0	
Spare System #2	\$0	**	\$0	\$0	\$0	
NOAA Inspection	\$6,400	\$0	\$0	\$0	\$0	
<b>Total</b>	<b>\$286,695</b>	<b>\$113,824</b>	<b>\$87,075</b>	<b>\$88,817</b>	<b>\$90,593</b>	
<b>Total Installation and Four Periods of O&amp;M</b>						<b>\$667,004</b>

\*Sea Buoy 15 measurement system was not installed.

\*\*Spare System #2 (\$43,259) was purchased with unused funds from the Sea Buoy 15 installation and Period 1 O&M funds (\$87,715) with the remainder (\$44,456) allocated to the reserve fund.

## Miami PORTS®: Annual Report May 2019 – April 2020

### Physical Oceanographic Real Time System (PORTS®)

The Miami Physical Oceanographic Real-Time System (Miami PORTS®) supports safe and cost efficient navigation in the entrance channel to the Port of Miami by providing the maritime community with accurate real-time information. Miami PORTS® is the result of collaboration between the Miami-Dade County Seaport Division (PortMiami) and NOAA's Center for Operational Oceanographic Products and Services (CO-OPS) that began in 2016. The system is necessary to assist pilots navigating large Post-Panamax vessels through the channels' cross currents. The two entities signed a five-year memorandum of agreement, NOAA MOA-2017-009, in March 2017, defining each party's responsibilities. The system originally called for the installation of four current meters throughout the channel, but after further consideration, only three locations were finalized. The system also includes an existing NOAA National Water Level Observation Network (NWLON) station at Virginia Key, Biscayne Bay. The current meters were installed in late 2017 and the system was declared operational on May 8, 2018. The agreement's first period included funding for installation and operation and maintenance (O&M) through April 2018. Due to delays in the installation, O&M funds from period one were used to cover the second period of O&M beginning in May 2018. Reserve funds were also used to fund the third period of O&M. The MOA is being amended to include funding for O&M for the remainder of the agreement and to account for a delayed installation of the system. The current pandemic has contributed to delays in the amendment process.

### **Financial Summary**

MOA-2017-009 and the subsequent Amendment consists of the installation and four, one-year operation and maintenance periods. The PortMiami provided funds in advance for the installation and first period of O&M. The agreement allows for unused funds to be carried over to subsequent periods of O&M without amendment. (See Table 1).

**Table 1. Period of Performance, Funding, and the PortMiami Account Balance as of April 30, 2020**

MOA Period	Begin / End Dates	Carryover from Previous Period	Agreement Amount	PortMiami Payment	Funds Expended	Unobligated Balance
	Mar '17 – Apr '18	\$0	\$286,695 (Equipment, Install)	\$400,519	\$200,951	\$199,568
1	May '18 – Apr '19	\$199,568	\$113,824 (Period 1 O & M)	-	\$107,725	\$91,843
2	May '19 – Apr '20	\$91,843	\$87,075 ***	<b>\$0</b>	\$82,750 **	\$9,093
3	May '20 – Apr '21		\$ 88,817 ***	<b>\$0</b>		
4	May '21 – Apr '22		\$ 90,593 ***	<b>\$0</b>		
<p>* Unused funds from MOA Period One were carried over and used to fund O&amp;M contract during period 2.  ** Breakdown of Period 2 Expended Funds: Contracts: \$64,089; Equipment, Supplies: \$18,661  *** Agreement Amounts and Period breakdown for Periods 2, 3, 4 reflect what is outlined in the MOA amendment that is not yet signed. Please refer to MOA amendment appendix.</p>						

### **System Maintenance**

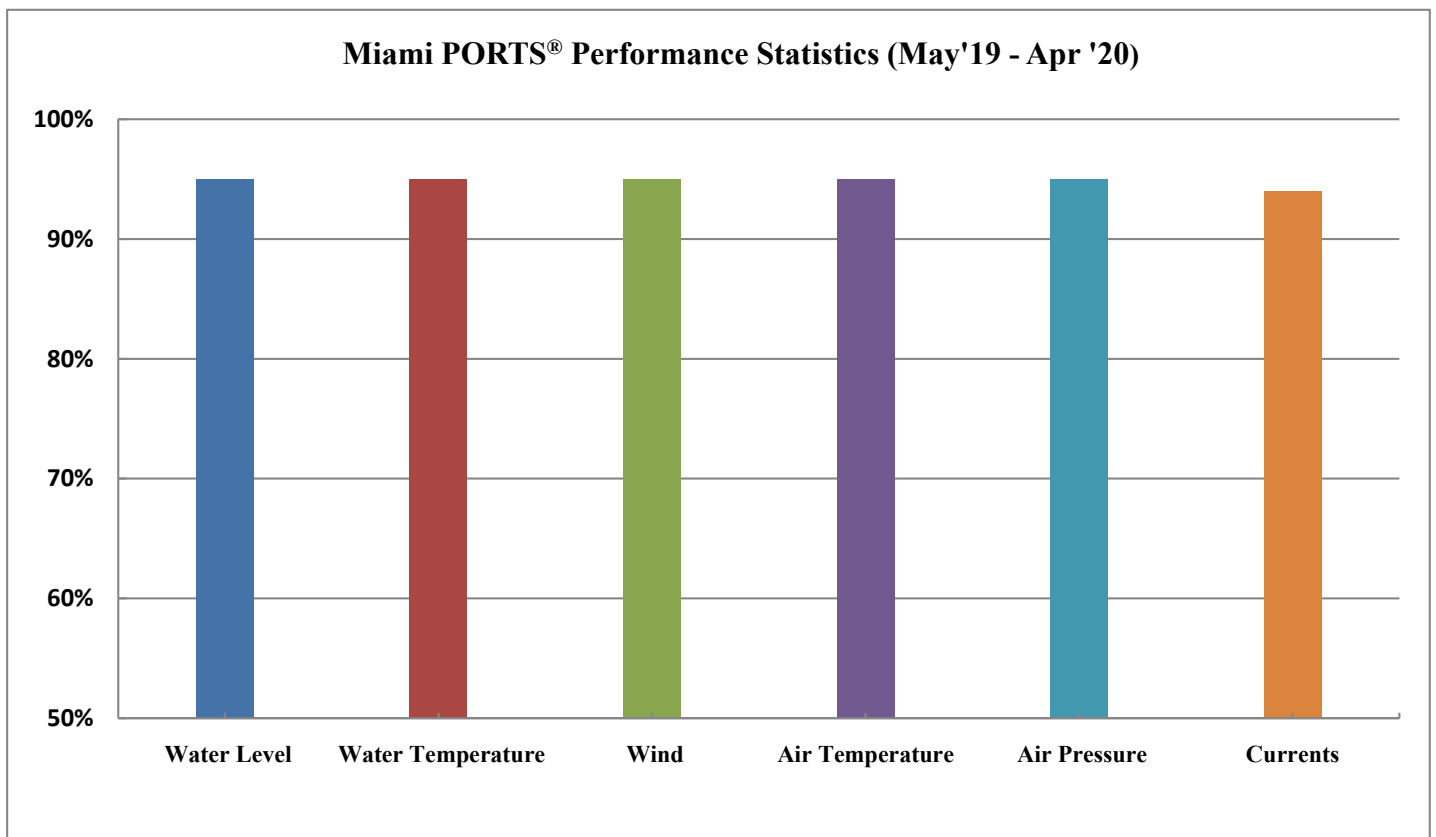
For the period May 2019 – April 2020, MIPORTS® stations were visited in accordance with the standard PORTS® maintenance schedule found in Table 2 below. Over the past several years, CO-OPS has conducted a comprehensive evaluation of PORTS® sensor maintenance intervals. The result of the evaluation is that CO-OPS is confident maintenance intervals can be increased for most sensors without significant impact on short- and long-term performance. We continue to monitor sensor performance closely as the new maintenance schedule is implemented and sensor data becomes available.

**Table 2. Maintenance Schedule**

Sensor	2 Mo	4 Mo	6 Mo	Yearly	2 Year
Buoy Mounted Current Meter			Replace		Replace and Calibrate
Water Level Gauge (NOAA gauge)				Service	
Meteorological Sensors				Service (replace wind sensor nose cone)	

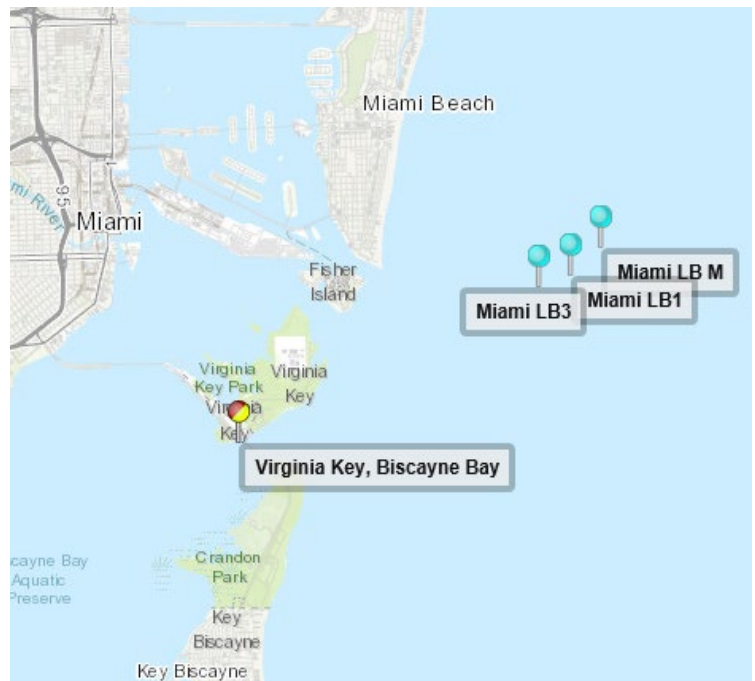
**Sensor Performance**

CO-OPS' operational goal is to attain 95 percent sensor reliability. All Miami PORTS® NWLON water level and meteorological sensors averaged above 95 percent for the period. The current meters all returned above 90 percent reliable data. The Miami LB M returned 91 percent, Miami LB1 returned 99 percent, and Miami LB3 returned 93 percent. Given buoy mounted current meters operate in harsher offshore environments, returns above 90 percent for all three current meters are excellent for the system.

**Figure 1.**

### **Planned Enhancements**

No enhancements are planned for the system in the upcoming year.



**Figure 2: Map of Miami PORTS®**