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CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA**



**MEMORANDUM**

Agenda Item No. 14(A)(21)

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

**DATE:** July 21, 2009

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

**SUBJECT:** Resolution directing the County Mayor to require a positive comprehensive report from the U.S. Environmental Protection Agency's Environmental Technology Verification Program, along with other criteria for bid solicitation or procurement by the County of any fuel savings products violations

**Resolution No. R-996-09**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsors Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Carlos A. Gimenez, Commissioner Joe A. Martinez and Commissioner Katy Sorenson.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp



**MEMORANDUM**  
(Revised)

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

**DATE:** July 21, 2009

**FROM:**   
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County Attorney

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Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 14(A)(21)

Veto \_\_\_\_\_

7-21-09

Override \_\_\_\_\_

RESOLUTION NO. R-996-09

RESOLUTION DIRECTING THE COUNTY MAYOR OR HIS DESIGNEE TO REQUIRE A POSITIVE COMPREHENSIVE REPORT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S ENVIRONMENTAL TECHNOLOGY VERIFICATION PROGRAM, ALONG WITH OTHER CRITERIA, FOR BID SOLICITATION OR PROCUREMENT BY THE COUNTY OF ANY FUEL SAVINGS PRODUCTS

**WHEREAS**, a number of products which claim to improve fuel economy are currently being sold on the market; and

**WHEREAS**, the County may wish to consider purchasing a fuel savings product to be used in County vehicles; and

**WHEREAS**, the United States Environmental Protection Agency ("EPA") conducts a program, called the Environmental Technology Verification Program, to evaluate environmental technologies and products which claim to improve fuel economy or reduce exhaust emissions, and through this Program, products are tested under controlled conditions; and

**WHEREAS**, not all products which claim to improve fuel economy have been tested through the EPA's Environmental Technology Verification Program; and

**WHEREAS**, it is possible that a product which claims to improve fuel economy may fail EPA's Environmental Technology Program testing or such product may cause damage to vehicles,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** directs the County Mayor or his designee to include as part of the procurement documents in any procurement for any fuel savings products the requirement that the following be provided for each specific fuel savings product: (i) a complete report from EPA's Environmental Technology Verification Program, showing positive findings with respect to the specific fuel savings product at issue and including evidence that the durability and drivability of vehicles are not compromised by the specific product at issue; (ii) a recent letter of approval from the original equipment manufacturer (OEM); (iii) a demonstration that the fuel savings product at issue complies with vehicle manufacturer warranty requirements; (iv) a demonstration that the fuel savings product at issue does not compromise either the warranty required by EPA on emissions equipment or Department of Transportation safety standards; (v) an agreement that the provider(s) of the fuel savings product shall be liable for any damages to County property caused by the product, including damages due to improper formulation; and (vi) an agreement that any and all fuel additives will either be pre-mixed into fuel prior to delivery to a Miami-Dade County fuel facility, or that the provider(s) of the fuel savings product will supply equipment and will operate and provide maintenance for that equipment, all at the provider(s)' expense, so that the fuel additives can be mixed onsite at a Miami-Dade County fuel facility.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsors are Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez, Commissioner Sally A. Heyman, Commissioner Joe A. Martinez and Commissioner Katy Sorenson. It was offered by Commissioner Joe A. Martinez who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	aye		
Jose "Pepe" Diaz, Vice-Chairman	aye		
Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of July, 2009. 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: **DIANE COLLINS**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Abbie N. Schwaderer

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