

# Memorandum



**Date:** October 3, 2019

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

Agenda Item No. 3(B)(4)

**From:** Carlos A. Gimenez  
Mayor

*[Signature]*  
\*\*CONSENT DECREE\*\*

Resolution No. R-1003-19

**Subject:** Resolution Ratifying Action Related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance pursuant to Section 2-8.2.12 of the Miami-Dade County Code

### Recommendation

It is recommended that the Board of County Commissioners (Board) ratify the action of the County Mayor or County Mayor's designee, as authorized under Section 2-8.2.12 of the Miami-Dade County Code related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance (WASD Acceleration Ordinance) for the funded project identified below and in Exhibit A, as attached.

### Consent Decree Project

Item 1 – Reject all Bids for CD 1.11 General Electrical Design Substations 9, 10, 11 and 12 – Contract No. S-914. During a review of the bids, the County learned that it has already awarded the roofing work for the electrical substations included in this Project under a separate solicitation which had been open competitively bid among Small Business Enterprise (SBE) roofing firms.

The Department is executing hundreds of simultaneous projects across three distinct, regulatory-driven capital investment programs. Integrating these various construction programs and procurement is very challenging. In this instance, we have further centralized some of the procurement functions and will institute a new clearing house process to attempt to avoid conflicts.

### Scope

The commission district of the project locations is noted in Exhibit A.

### Fiscal Impact/Funding Source

The fiscal impact and funding source for this project are detailed in Exhibit A. There is no fiscal impact to the County with the rejection of bids.

### Track Record/Monitoring

WASD's Senior Advisor Capital Projects & Compliance, Lynnette Ramirez, would oversee the implementation of this project.

**Background**

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor or County Mayor's designee to award contracts for funded projects and related goods and services, to reject bids and proposals received in connection with any competitive procurement, and to accelerate the approval of WASD's (1) Consent Decree projects and (2) projects identified in WASD Multi-Year Capital Plan's Capital Improvements Program without the need for prior Board approval but subject to ratification by the Board.

On December 6, 2018, the Department received bids for the Project. During a review of the bids, the County learned that it had already awarded the roofing repair work for the electrical substations included in this Project under a separate solicitation which had been open competitively bid among Small Business Enterprise (SBE) roofing firms.

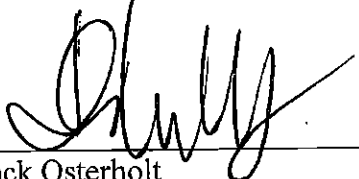
It is in the best interest of the County to proceed with roofing repairs to protect the contents of the electrical substations from water damage and avoid any potential interruption to plant operations. Therefore, WASD recommends rejecting all bids received and re-advertising the project with a revised scope of work.

Exhibit A includes the details of the competitively bid award for which ratification is being requested. Exhibit A contains the information bulleted below for the contract award:

- Item Number
- Department Name
- Type of Solicitation
- Contract Type
- Contract No. / Project No.
- Project Name
- Commission District
- Operations and Maintenance Costs
- Estimated Start Date/Estimated End Date
- Contract Measures: SBE Goods & Services; SBE-A/E; SBE-Construction; and CWP Program
- Brief Project Description

Attached as Exhibit B is the request to reject all proposals for Construction Contract Item No. 1 as referenced in this memorandum.

Attachments

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

# Exhibit A

## Ratification of Rejection of all Proposals Authorized by the WASD Accelerate Ordinance

Item No.	Dept. Name	Type of Solicitation	Contract Type	Contract No.		Project Name	Operations and Maintenance Costs	Est. Start Date		Contract Measures				Brief Project Description
				Contract No.	Project No.			Est. Start Date	Est. End Date	SBE Goods & Services	SBE A/E	SBE Construction	CWP Program	
1	WASD	County Bid Process	Construction Contract		S-314	CD 1.11 General Electrical Design Substations 9, 10, 11 and 12	N/A		N/A		N/A	N/A	N/A	This project consists of furnishing all materials, labor, and equipment necessary for the electrical improvements for Substations 9, 10, 11 and 12.

3

Exhibit B

Memorandum

MIAMI-DADE COUNTY  
MAY 28 AM 8:36  
OFFICE OF THE BOARD  
COUNTY ADMINISTRATOR  
301 N.W. 1ST STREET  
MIAMI, FL 33136

Date:

To: Kevin Lynskey, Director  
Water and Sewer Department

From: *Alissa Penaloza*  
Alissa Penaloza, Assistant Director  
Intergovernmental and Internal Operations

Subject: Request to Reject all Bids for CD 1.11 General Electrical Design Substations 9, 10, 11 and 12 - Project No.: N/A; Contract No.: S-914

**RECOMMENDATION:**

Pursuant to the Miami-Dade Water and Sewer Department (WASD) Consent Decree and Capital Improvement Programs Acceleration Ordinance, Section 2-8.2.12 of the Code of Miami-Dade County, it is recommended that the County Mayor or County Mayor's designee approve this recommendation to reject all bids received by WASD in response to the open competitive solicitation for Contract No. S-914.

**DELEGATION OF AUTHORITY:**

The County Mayor or County Mayor's designee is authorized to reject bids pursuant to the provisions of Sections 2-8.2.12 (4)(b) of the Code of Miami-Dade County.

**PROJECT NAME:**

CD 1.11 General Electrical Design Substations 9, 10, 11 and 12

**PROJECT DESCRIPTION:**

The scope of work includes, but is not limited to, furnishing all materials, labor, and equipment necessary for the electrical improvements for Substations 9 and 10 and 11 and 12. The work generally includes, but is not limited to, demolition and replacement of existing electrical transformer and switchgear equipment and panels, electrical busduct, conduits, and cabling; associated instrumentation and controls; and modifications to the existing substation buildings, including: replacement of existing built-up roofing, new interior and exterior lighting, power and lighting panels, new doors, louvers, equipment pads, exhaust fans, and air conditioning and filtration equipment; and new sidewalks, fencing, and site grading.

**PROJECT LOCATION:**

The Project is located within WASD's South District Wastewater Treatment Plant at Electrical Substation Nos. 9, 10, 11 and 12, 8590 S.W. 232nd Street, Section 21, Township 56, Range 40, Miami-Dade, Florida 33190.

**FISCAL IMPACT / FUNDING SOURCE:**

There is no fiscal impact to the County for the rejection of bids.

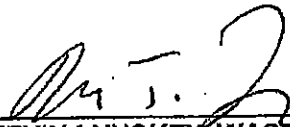
**TRACK RECORD / MONITOR/SBD HISTORY OF VIOLATIONS:**

Due diligence was conducted by WASD and the Internal Services Department (ISD) in accordance with ISD's Procurement Guidelines to determine responsibility, including verifying corporate status and performance, safety and compliance data.

**EXPLANATION:**

On December 6, 2018, the Department received bids for the Project. During a review of the bids, the County learned that it had already awarded the roofing repair work for the electrical substations included in this Project under a separate solicitation which had been open competitively bid among Small Business Enterprise (SBE) roofing firms.

It is in the best interest of the County to proceed with roofing repairs to protect the contents of the electrical substations from water damage and avoid any potential interruption to plant operations. Therefore, WASD recommends rejecting all bids received and re-advertising the project with a revised scope of work.

  
\_\_\_\_\_  
KEVIN LYNSKEY, WASD DIRECTOR  
ON BEHALF OF MAYOR CARLOS A. GIMENEZ

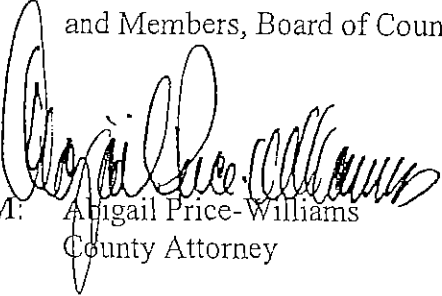
5-24-19  
DATE



MEMORANDUM  
(Revised)

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

DATE: October 3, 2019

FROM:   
Abigail Price-Williams  
County Attorney

SUBJECT: Agenda Item No. 3(B)(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. 3(B)(4)  
10-3-19

RESOLUTION NO. R-1003-19

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE REJECTION OF ALL BIDS FOR CD 1.11 GENERAL ELECTRICAL DESIGN SUBSTATIONS 9, 10, 11 AND 12 - CONTRACT NO. S-914

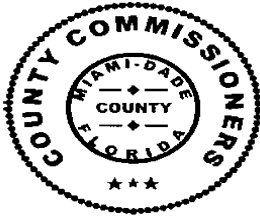
**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board ratifies the action of the County Mayor or County Mayor's designee, as authorized by Section 2-8.2.12 of the Code of Miami-Dade County, specifically the rejection of all the bids for CD 1.11 General Electrical Design Substations 9, 10, 11 and 12 – Contract No. S-914, all as set forth in the accompanying memorandum.

The foregoing resolution was offered by Commissioner **Daniella Levine Cava**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	aye		
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of October, 2019. 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: Linda L. Cave  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "H. N. Gillman", is written over a horizontal line.

Henry N. Gillman