



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners Meeting

May 20, 2014

9:30 A.M.

Commission Chamber

Research Division

Charles Anderson, CPA
Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

**Board of County Commissioners
May 20, 2014 Meeting
Research Notes**

Item No.	Research Notes
4A 141081	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; PROVIDING SEVERABILITY, PRIORITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	<p>The proposed ordinance creates Section 2-8.2.12 of the Code of Miami-Dade County (Code), delegating to the County Mayor or his 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 (MDWSD), to extend contract duration, to execute change orders and to settle claims without need for prior Board of County Commissioners (BCC) approval. In addition, the proposed ordinance provides for ratification of all actions on a quarterly basis.</p> <p>On May 21, 2013, under Resolution No. 393-13, the BCC authorized the execution of the Consent Decree between Miami-Dade County, the United States Environmental Protection Agency, Florida Department of Environmental Protection and the State of Florida, which requires the County to perform improvement projects on the wastewater system to bring the County into compliance with the Clean Water Act, discharge permits and State environmental laws (Consent Decree Work).</p> <p>Section 2-8.2.12 of the Code will be referred to as the Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance.</p> <ul style="list-style-type: none"> The MDWSD Consent Decree Work consists all those projects needed to comply with the Consent Decree approved on April 9, 2014 by the United States District Court for the Southern District of Florida. The MDWSD Capital Improvement Program consists of only those projects approved by the BCC as part of the Multi-Year Capital Plan. <p>The proposed ordinance, with respect to any Consent Decree Work or other required Capital Improvement Contract, authorizes the County Mayor or his designee to do among other things, the following:</p> <ul style="list-style-type: none"> Award and reject bids, proposals, or other offers received in connection with any competitive procurement. However, in the event that any proposed award of a contract is protested, the BCC will award such contract as provided for in Section 2-8.4 of the Code of Miami-Dade County and Implementing Order 3-21 governing the bid protest process. Unless previously authorized and delegated, the County Mayor or Mayor's designee may not waive competitive bids in the award of a contract without the approval of the BCC. Appoint selection evaluation committees to obtain professional services in accordance with Section 2-10.4 of the Code of Miami-Dade County and Section 287.055 of the Florida Statutes. Re-allocate unspent monies among projects within the approved Multi-Year Capital Plan. Provide a report on the status of Consent Decree Work and other required Capital Improvement projects to the BCC at least every thirty (30) days. The report will include the anticipated qualifications and contract measures, including Small Business Enterprise (SBE) goals and Community Business Enterprise (CBE) goals as applicable for upcoming projects, issue and evaluate Requests for Qualifications for Professional Services, if the RFQ and evaluation process is otherwise consistent with Section 2-10.4 of the Code of Miami-Dade County. <ul style="list-style-type: none"> In the event that the County Mayor or his designee is unable to negotiate a contract with the most qualified firm, the County Mayor or his designee is authorized to negotiate, sequentially, with the remaining firms in order of qualifications. Alternately, the County Mayor or his designee may at any time reject all qualifications received. Except as noted herein, nothing contained in this Section will otherwise modify the substantive or procedural requirements of Section 2-10.4 of the Code of Miami-Dade County. All procurement activities advertised or placed for public notice under the authority of this Ordinance will be reported to the Infrastructure and Capital Improvements Committee at the next available meeting for Committee review and approval. The Committee will have the authority to require that specific projects be removed from the authority granted under this Ordinance and that the award of such projects be subject to future Committee and Board approval. <p><u>Additional Information- Background – Consent Decree under Resolution No. 393-13</u></p> <p>On January 13, 1994, a First Partial Consent Decree was entered by the United States District Court for the Southern District of Florida to resolve claims involving compliance with the Clean Water Act that were brought by the United States against the County in Case Number 93-1109 CIV-Moreno. The First Partial Consent Decree required, among other things, construction of the 102-inch force main that conveys untreated sewage beneath Biscayne Bay from the mainland to the Central District Wastewater Treatment Plant. On September 12, 1995, a Second and Final Partial Consent Decree was entered into by the United States and the County to resolve all remaining issues in the case. The requirements of the First Partial Consent Decree and Second and Final Partial Consent Decree (Prior Consent Decrees) focused on providing additional capacity in the sewer collection system to prevent capacity-related sewage overflows.</p> <p>From Fiscal Year 1995 to Fiscal Year 2011, WASD has spent approximately \$1.8 billion upgrading its wastewater infrastructure and implementing and improving Capacity, Management, Operations and Maintenance Programs in order to comply with the requirements of the Prior Consent Decrees. However, in the past five years, a number of failures of aging pipelines have resulted in numerous sanitary sewer overflows. Additionally, the treatment standards have not been met on several occasions at the wastewater treatment plants due to equipment failures. Moreover, the Environmental Protection Agency conducted compliance evaluation inspections of the Central District Wastewater Treatment Plant and found several violations of the Clean Water Act Permit. Each of these violations is either a violation of the Clean Water Act or of the respective permit.</p>

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	<p><u>Proposed Federal and State Enforcement Action</u> In order to address these more recent compliance issues, on February 29, 2012, the United States, through the Environmental Protection Agency and the Department of Justice, presented the County with a draft proposal for a new Consent Decree and advised the County that a complaint would be filed against it in federal court. On December 13, 2012, the United States, the State of Florida and the Florida Department of Environmental Protection filed a complaint against the County for violations of the Clean Water Act and other federal and state laws, regulations and permits, Case Number 12-CV-24400-FAM.</p> <p><u>The Current Consent Decree</u> The requirements of the new Consent Decree include a number of operational and maintenance improvements in accordance with the Environmental Protection Agency's Capacity, Management, Operations and Maintenance Program guidelines that update existing WASD programs, such as operations and maintenance procedures and staffing, overflow response plans, spare parts inventories, information management systems, and financial assurance. These requirements, known as deliverables, will involve submission of a series of plans and reports and the implementation of those plans. On May 21, 2013, under Resolution No. 393-13, the BCC approved the Consent Decree between Miami-Dade County, the United States Environmental Protection Agency, Florida Department of Environmental Protection and the State of Florida. Subsequently, on April 9, 2014, the United States District Court for the Southern District of Florida approved the Consent Decree.</p>
<p style="text-align: center;">4B 141102</p>	<p>ORDINANCE ESTABLISHING NOTICE REQUIREMENTS FOR CONDOMINIUM ASSOCIATIONS, HOMEOWNERS' ASSOCIATIONS AND COOPERATIVE ASSOCIATIONS COMMUNITIES WHEN REJECTING OR APPROVING PERSPECTIVE BUYERS OR RENTERS; CREATING SECTION 11A-18.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p>
<p style="text-align: center;">Notes</p>	<p>The proposed ordinance creates Section 11A-18.1 of the Code of Miami-Dade County (Code), establishing notice requirements for condominium associations, homeowners' associations and cooperative associations communities when rejecting or approving perspective buyers or renters.</p> <p>On February 25, 1997, the Miami-Dade Board of County Commissioners (BCC) adopted Ordinance No. 97-17, as amended and as codified in Chapter 11A of the Code of Miami-Dade County (Code), prohibiting discrimination in housing, credit and financing practices, public accommodations, employment, family leave, and employment in Miami-Dade County service.</p> <p>Pursuant to Sections 11A-3 and 11A-4 of the Code, the BCC established the Office of the Commission on Human Rights (Director's Office) and the Commission on Human Rights (Commission), respectively. The Director's Office and the Commission have been delegated the authority to enforce the provisions of the Code, including but not limited to Article II relating to housing discrimination.</p> <p>The proposed ordinance creates Section 11A-18.1 of the Code, to read as follows:</p> <p style="padding-left: 40px;"><i>Sec. 11A-18.1. Required notices in connection with application to purchase or rent a dwelling.</i></p> <p style="padding-left: 40px;"><i>(a) Within fifteen (15) days after receipt of any incomplete or incorrectly completed application (or amended application) to purchase or rent a dwelling, the condominium association, homeowners' association, or cooperative association shall provide the applicant with written notice specifically identifying any and all items in the application that need to be completed or corrected.</i></p> <p style="padding-left: 40px;"><i>(b) Within forty-five (45) days after receipt of a correctly completed application, the condominium association, homeowners' association, or cooperative association shall either reject or approve the application and shall provide the applicant with written notice of same. If the application is rejected, the written notice must state with specificity each reason for the rejection.</i></p> <p style="padding-left: 40px;"><i>(c) If the condominium association, homeowners' association, or cooperative association fails to comply with the provisions of Sec. 11A-18.1 (a) and (b), of this article, the Director or the Commission may send a demand letter requesting that the condominium association, homeowners' association, or cooperative association, within ten (10) days after the date of the demand letter, provide to the applicant and the Director or the Commission a written acknowledgement of application receipt, notice of approval or rejection of the application, and notice specifying each reason for the rejection (if applicable). The failure of the condominium association, homeowners' association, or cooperative association to timely comply with this provision may be considered in determining whether reasonable cause exists to believe the association's decision or action was discriminatory.</i></p> <p><u>Additional Information- Broward County</u> According to a Broward County News Release dated September 11, 2013, the Broward County Commissioners approved an amendment to the Human Rights act providing that if an application for housing is denied by a homeowners', condo or cooperative association in Broward County, the applicant will now receive a written notice explaining the reason for the denial within forty five days of the filing. In addition, the amendment states that if the condominium association, homeowners' association, or cooperative association fails to comply, the Human Rights Section may send a demand letter requesting that the condominium association, homeowners' association, or cooperative association, within ten (10) days after the date of the demand letter, provide to the applicant and the Human Rights Section a written acknowledgement of application receipt, notice of approval or rejection of the application, and notice specifying each reason for the rejection (if applicable).</p>
<p style="text-align: center;">4C 141099</p>	<p>ORDINANCE AMENDING SECTION 26-1 OF THE CODE OF MIAMI-DADE COUNTY TO PROVIDE THAT NON-FENCED AND NON-GATED PARKS NEED NOT BE WELL-LIT IN ORDER TO REMAIN OPEN UNTIL 11:00 P.M.; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p>
<p style="text-align: center;">Notes</p>	<p>The proposed ordinance amends Section 26-1 of the Code of Miami-Dade County to provide that non-fenced and non-gated parks do not need to be well-lit in order to remain open until 11:00 p.m.</p>

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	<p>Additional Information</p> <p><i>According to Parks, Recreation, and Open Spaces (PROS), under the proposed amendment, the PROS Department Director and the Police Department Director would need to concur with the District Commissioner that the park should remain open past sunset. So the potential is that no parks will be affected. The Department has significant reservations about the proposed amendment, the idea of a well-lit public space is a minimum for extending hours of operation of parks and should remain a prerequisite within the ordinance.</i></p>
4D 141116	<p>ORDINANCE REPLACING REFERENCES TO "COUNTY MANAGER" WITHIN ARTICLE XLVII RELATING TO THE COMMISSION AUDITOR; AMENDING SECTION 2-477 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REMOVE SUCH REFERENCES; AMENDING SECTION 2-479 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REMOVE SUCH REFERENCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p>
Notes	<p>The proposed ordinance replaces references to "County Manager" within Article XLVII relating to the Commission Auditor, amending Sections 2-477 and 2-479 of the Code of Miami-Dade County (Code), to remove such references.</p>
5F 141104	<p>RESOLUTION APPROVING A SIGNIFICANT MODIFICATION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND (BBC GOB) PROGRAM PROJECT NO. 132 - "SONOVOID BRIDGE IMPROVEMENT PROGRAM" TO REDUCE ITS ALLOCATION OF \$10,100,000 TO \$3,300,000, A SIGNIFICANT MODIFICATION OF PROJECT NO. 133 - "SW 296 STREET SONOVOID BRIDGE OVER C-103 (874105) CANAL" TO REDUCE ITS ALLOCATION OF \$400,000 TO \$100,000, DELETION OF PROJECT NO. 137 - "PALMER LAKE BRIDGE" WITH AN ALLOCATION OF \$3,000,000, AND ADDITION OF PROJECT NO. 348 - "WEST VENETIAN BASCULE BRIDGE REPLACEMENT" WITH AN ALLOCATION OF \$10,100,000 TO BE FUNDED WITH THE SURPLUS FUNDS FROM PROJECT NOS. 132, 133, AND 137, ALL AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-914-04, AFTER A PUBLIC HEARING; AND WAIVING REQUIREMENTS OF IMPLEMENTING ORDER 3-47 REGARDING ADDING NEW PROJECTS TO BBC GOB PROGRAM USING SURPLUS FUNDS (SEE AGENDA ITEM NO. 8L1)(Public Works & Waste Management)</p>
8L1 141105	<p>RESOLUTION WAIVING COMPETITIVE BIDS AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO CONTRACT FOR THE REPLACEMENT OF APPROXIMATELY THE WESTERNMOST 730' OF THE WEST VENETIAN BASCULE BRIDGE ON THE VENETIAN CAUSEWAY BY TWO-THIRDS VOTE OF THE MEMBERS PRESENT; AND AUTHORIZING THE USE OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDS IN AN AMOUNT NOT TO EXCEED \$10,100,000 (SEE AGENDA ITEM NO. 5F)(Public Works & Waste Management)</p>
Notes	<p>Item 5(F)</p> <p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> Approves a significant modification to Building Better Communities General Obligation Bond (BBC GOB) Program Project No. 132 – "Sonovoid Bridge Improvement Program" to reduce the original BBC GOB funds allocation of \$10,100,000 assigned to the project down to \$3,300,000, which represents approximate monies already spent towards improvements on this project, and reallocate \$6,800,000 to a new Project No. 348 for the Venetian Causeway. Approves a significant modification to BBC GOB Program Project No. 133 – "SW 296 Street Sonovoid Bridge over C-103 (874105) Canal" to reduce the original BBC GOB funds allocation of \$400,000 assigned to the project down to \$100,000 and reallocate \$300,000 to a new Project No. 348 for the Venetian Causeway. Approves the deletion of BBC GOB Program Project No 137 – "Palmer Lake Bridge" with an original allocation of \$3,000,000 to reallocate these BBC GOB funds to the new Project No. 348. Waives provisions of Implementing Order (IO) 3-47 requiring completion of all existing BBC GOB Program projects or identification of funding for completion of all existing BBC GOB Program projects prior to adding a new project to the BBC GOB Program using surplus funds. Reallocates surplus BBC GOB Program funds from Project Nos. 132, 133, and 137 to new BBC GOB Program Project No. 348 "West Venetian Bascule Bridge Replacement" with a total allocation of \$10,100,000. <p>Any net Venetian Causeway revenues (i.e. those revenues that are in excess of operational costs) may be allocated in the future to refund the BBC GOB Program.</p> <p>Background</p> <p>The BBC GOB Program was approved by the voters in 2004, with one (1) of the questions authorizing expenditures to construct and improve bridges, public infrastructure and neighborhood improvements. The Board, through Resolution No. R-914-04, approved a number of projects to construct and improve bridges throughout the County. In order to address an immediate need, Public Works and Waste Management (PWWM) has proposed to reallocate funding from Projects No. 132, 133, and 137 and create Project No. 348 and effectuate the needed replacement of approximately the Westernmost 730' of the West Venetian Bascule Bridge (Bridge) on the Venetian Causeway (Causeway).</p> <p>Through the years, the County and the Florida Department Of Transportation (FDOT) have implemented major rehabilitation projects to address the condition of all 12 Causeway bridges, and have made the necessary adjustments to the load ratings as a result of FDOT's recurring inspections. In addition to this work, PWWM concluded that due to the age of the bridges, as well as their proximity to the corrosive marine environment, recurring major repairs would be unavoidable. As a result, PWWM initiated the design process for the full replacement of all bridges.</p> <p>A Notice to Proceed was issued to a design consultant on May 26, 2009, in order to prepare the contract documents required to secure a construction bid. However, the design process was stopped when FDOT informed PWWM that a Project Development and Environment Study (PD&E) would need to be completed prior to the design in order to remain eligible to receive Federal funding. The current estimate for the replacement of all 12 bridges is \$110 million, with any matching funds to be supported through Causeway toll revenues.</p> <ul style="list-style-type: none"> According to PWWM, the design consultant preparing the contract documents is Triangle Associates, Inc. and the design process was stopped on November 12, 2009.

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	<p>Additionally, based on the results of a future traffic analysis, toll increase(s) may be presented to the Board for approval in order to address the needs along the Causeway.</p> <p>PWWM is currently moving towards securing a design/build contract to effectuate the complete replacement of the affected segment of the Bridge. The procurement of the contract will be expedited with construction expected to commence within the next six (6) months. Actual construction is expected to take six (6) to nine (9) months thereafter, during which time the Bridge will be closed to vehicular traffic. The work, currently estimated at \$10,100,000, will consist of the complete demolition of the existing Bridge, and the construction of an entirely new bridge from foundations to bridge deck. Once completed, the current five (5) ton weight restriction will be removed and the life expectancy of the entire Bridge will be 60 years.</p> <ul style="list-style-type: none"> • <i>According to PWWM, unless directed otherwise, the firm for the design/build contract will be selected similar to the Rickenbacker Causeway Bridge rehabilitation Design/Build; the process would be an expedited competitive bid process carried out in conjunction with ISD in the same fashion as the Rickenbacker Bridges.</i> <p><u>Item 8(L)(1)</u></p> <p>The proposed resolution authorizes the Mayor or his designee to contract for the emergency replacement of approximately the Westernmost 730' of the West Venetian Bascule Bridge (Bridge Segment) on the Venetian Causeway (Causeway) providing for the following:</p> <ul style="list-style-type: none"> • Waiving competitive bids pursuant to Section 5.03(D) of the Charter, Section 2-8.1 of the Code of Miami-Dade County, and Section 287.055(9)(c)(6) of the Florida Statutes, in order to negotiate and contract with the best qualified design-build firm that can be identified as available to perform the subject work; • Waiving Miami-Dade County's procedures for the acquisition of professional engineering services pursuant to Section 2-10.4(8)(b)(i) of the Miami-Dade County Code and Section 287.055(3)(a)(1) of the Florida Statutes, authorizing the retaining of an engineering consultant as necessary to address the emergency condition of the Bridge Segments, including the preparation of plans and specifications, and the performing of inspections and testing; • Waiving Section 2-8.4 of the Code of Miami-Dade County regarding protest procedures; and • Authorizing funding for the work set forth above in an amount not to exceed \$10,100,000. <p>This Resolution is subject to prior approval of companion resolution, BCC agenda item 5(F), allocating the necessary funding.</p> <p><u>Background</u></p> <p>PWWM staff has coordinated the access across the Bridge Segment, including emergency services, with affected stakeholders and municipalities, and met with the Venetian Island's Homeowner's Associations on April 22, 2014, to provide details on the plan of action, and advise of what impacts can be expected during construction activities.</p> <p>FDOT is currently conducting a PD&E pursuant to R-547-11, adopted on July 7, 2011, and amended through Resolution No. R-906-13, on November 5, 2013. This PD&E will address viable replacement alternatives, the historic nature of the bridges, public and stakeholder concerns, environmental impacts, and potential costs. The PD&E is expected to be completed in four (4) to five (5) years depending on the level of effort required by the Federal Highway Administration, as the entity responsible for the review and approval of the study.</p> <ul style="list-style-type: none"> • <i>According to PWWM, the firm conducting the PD&E study is EAC Consulting, Inc. and the estimated completion date is not certain at this time because the first level of findings scheduled to be completed in April 2017 may dictate a more detailed study that would be completed around April 2019.</i> <p>The receipt of the most recent Load Rating for the Bridge Segment does not provide the time required for the typical County processes to design, bid, and build a project of this magnitude. PWWM has performed a series of actions in an effort to maintain the safety and operability of the Bridge Segment in its current condition. A delay to commence the necessary construction activities can further impact the existing restrictions to the use of the Bridge Segment, placing a significant and prolonged impact on its users.</p>				
	<table border="1"> <thead> <tr> <th colspan="2" data-bbox="272 1465 1484 1518">Additional Information- Background and Relevant Legislation</th></tr> </thead> <tbody> <tr> <td data-bbox="272 1518 467 1902"> May 6, 2008 R-501-08 </td><td data-bbox="467 1518 1484 1902"> <p>This resolution authorized the County Mayor to execute a County Incentive Grant Program (CIGP) Agreement, with the FDOT in the amount of \$5,500,000, for the rehabilitation of the Venetian Causeway bridges.</p> <p>The total estimated cost of the project is \$11,000,000. FDOT has programmed CIGP funding for this project in the amount of \$5,500,000. The project is listed in the 2008 Transportation Improvement Program (TIP) in the Primary State Highways and Intermodal Section. A local match in the amount of \$5,500,000 is required from the County, and will be provided by Public Works Department (PWD) Causeways Toll Revenue (\$3,000,000), and loan proceeds from the Sunshine State Governmental Financing Commission (\$2,500,000).</p> <p>Background</p> <p>The CIGP was created by Section 339.2817 of the Florida Statutes, as authorized by the 2000 State Legislature. Its purpose is "to provide grants to counties to improve a transportation facility which is located on the State Highway System or which relieves traffic congestion on the State Highway System".</p> <p>Over the last 75 years, the Venetian Causeway has undergone extreme environmental effects that have resulted in</p> </td></tr> </tbody> </table>	Additional Information- Background and Relevant Legislation		May 6, 2008 R-501-08	<p>This resolution authorized the County Mayor to execute a County Incentive Grant Program (CIGP) Agreement, with the FDOT in the amount of \$5,500,000, for the rehabilitation of the Venetian Causeway bridges.</p> <p>The total estimated cost of the project is \$11,000,000. FDOT has programmed CIGP funding for this project in the amount of \$5,500,000. The project is listed in the 2008 Transportation Improvement Program (TIP) in the Primary State Highways and Intermodal Section. A local match in the amount of \$5,500,000 is required from the County, and will be provided by Public Works Department (PWD) Causeways Toll Revenue (\$3,000,000), and loan proceeds from the Sunshine State Governmental Financing Commission (\$2,500,000).</p> <p>Background</p> <p>The CIGP was created by Section 339.2817 of the Florida Statutes, as authorized by the 2000 State Legislature. Its purpose is "to provide grants to counties to improve a transportation facility which is located on the State Highway System or which relieves traffic congestion on the State Highway System".</p> <p>Over the last 75 years, the Venetian Causeway has undergone extreme environmental effects that have resulted in</p>
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	<p>widespread deficiencies. The Causeway relieves traffic on the MacArthur Causeway (SR A1A) to the south and the Julia Tuttle Causeway (SR 112) to the north, and serves as an evacuation route for the residents of the Venetian Islands and the City of Miami Beach.</p> <p>Funds were requested through an application to CIGP for rehabilitation of the existing bridge system to enable the continued safe operation of the Causeway. This application was subsequently approved, and under the CIGP funding formula, the costs for the project will be equally divided between the County and FDOT on a 50% basis, with the County supplying matching funding through Causeways Toll Revenue and loan proceeds from the Sunshine State Governmental Financing Commission.</p> <p>Major rehabilitation to the Causeway bridges includes removing existing concrete and adding new reinforcing and concrete to the support beams. There are over 400 support beams in the 12 Venetian bridges. The application of Carbon Fiber Reinforced Polymer will also be included for those support beams requiring more extensive repairs. Major repairs will also be made to the diaphragms, deck, and support piers. In addition, a major cleaning and painting of the East Bascule bridge (near Miami Beach) will be undertaken as this bridge exhibits severe corrosion, mainly in the bolts.</p> <p>It should be noted that PWD is working concurrently on the design of the future replacement bridges.</p> <p>Comments <i>In response to Commissioner's question regarding how long this restoration would last, Public Works Department Director, noted it should last about 10 years.</i></p>
<p>July 7, 2011 R-546-11</p>	<p>This resolution authorized execution of a First Amendment to the CIGP Agreement between the County and FDOT for the rehabilitation of the Venetian Causeway Bridges.</p> <p>The current CIGP Agreement between FDOT and Miami-Dade County for the rehabilitation of the Venetian Causeway Bridges is for \$11,000,000. The County is required to make a local match of 50 percent (\$5,500,000), which is to be provided by PWD, Causeways Toll Revenue (\$3,000,000) and loan proceeds from the Sunshine State Governmental Financing Commission (\$2,500,000).</p> <p>The Project was let by the County with bids returning lower than expected Project costs. The Project will be utilizing \$8,000,800 (\$4,000,400 from CIGP and \$4,000,400 from the County). Due to the lower than expected construction costs for the Project, FDOT and the County have agreed to reallocate the excess funds to two other projects. Of the available excess construction funds (\$2,999,200), \$1,249,200 will be reallocated towards the Advanced Traffic Management System (ATMS) Project and \$1,750,000 for a PD&E Study of the Venetian Causeway Bridges.</p> <p>Background At the request of the County, the first reallocation addresses a previous administrative adjustment by FDOT in April 2009 that reduced funding by \$1,249,200 for the ATMS. The County has also requested that FDOT perform a PD&E Study for the rehabilitation and/or replacement of the 12 existing Venetian Causeway bridges. This study is necessary for the County to apply for future federal construction funding. The PD&E Study is currently unfunded, and therefore the County has requested an allocation of \$1,750,000 from the available Project construction funds for the PD&E Study.</p>
<p>July 7, 2011 R-547-11</p>	<p>This resolution authorized execution of a Locally Funded Agreement (LFA) and Memorandum of Agreement (MOA) between the County and FDOT to fund the PD&E Study for the Venetian Causeway Bridges.</p> <p>The total cost of the PD&E Study is estimated at \$1,750,000. FDOT will provide a 50% match (\$875,000) by reallocating County Incentive Grant Program (CIGP) funds that have become available through the First Amendment to the CIGP Agreement. This will be FDOT's maximum participation in the PD&E Study.</p> <p>The County will provide a local contribution to FDOT in the amount of \$875,000 for the payment of costs associated with the PD&E Study from Public Works Department Causeways Division Series 2010 Bond proceeds. Should the costs for the PD&E Study exceed \$1,750,000, additional funding will be required from the County pursuant to future approval by the BCC.</p> <p>A consulting firm will be selected by FDOT to carry out the PD&E Study and FDOT will be the primary manager. PWD is responsible for monitoring this project on behalf of the County. A PD&E Study is required in order to have the project's construction be eligible to receive federal funding. The PD&E takes into account viable replacement alternatives, the historic nature of the bridges, public and stakeholder concerns, environmental impacts, and potential costs.</p> <p>Background The Venetian Causeway has undergone extreme environmental effects resulting in widespread deficiencies to the 12 bridges that comprise the Causeway. Repairs are currently being performed through a rehabilitation contract to</p>

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	<div data-bbox="477 245 1471 422"> <p>restore the bridges to their original load carrying capacity and to enable the continued safe operation of the Causeway. However, it is anticipated that life expectancy of this work is approximately 10 years once rehabilitations are completed. To address the need for a long-term resolution of the rapid deterioration of the existing structures, additional sources such as federal funding will be necessary. After discussions with representatives from FDOT and the Federal Highway Administration, PWD was informed that a PD&E Study for the rehabilitation and/or replacement of the 12 existing bridges was required in order to have the project's construction be eligible to receive federal funding.</p> </div> <div data-bbox="282 428 448 474"> <p>November 5, 2013 R-906-13</p> </div> <div data-bbox="477 428 1471 1488"> <p>This resolution provided for the following:</p> <ul style="list-style-type: none"> • Authorized the County to contribute an additional \$516,483.50 as its share of the LFA between the County and FDOT for the PD&E Study for the Venetian Causeway Bridges; and • Authorized the Mayor to execute a further amendment to the contract in an amount not to exceed an additional \$570,687.50 in the event that the class of action for the PD&E Study is elevated from an Environmental Assessment to an Environmental Impact Statement. <p>The total estimated cost to fund the PD&E Study has increased from \$1,750,000.00 to \$2,782,967.00. This increase is attributed to the need to fully address considerations such as potential historic and environmental impacts and more extensive public involvement.</p> <p>Furthermore, if the class action of the PD&E Study is elevated from an Environmental Assessment to an Environmental Impact Statement, it will require a further increase from the above \$2,782,967.00 to \$3,924,342.00. The County will also be responsible for a fifty percent (50%) local contribution, thereby increasing the County's participation an additional amount of \$570,687.50, from \$1,391,483.50 to a total amount of \$1,962,171.00.</p> <p>Background On July 7, 2011, the BCC adopted R-547-11, approving a LFA between the County and FDOT in order to address the need for funding a PD&E Study for the rehabilitation and/or replacement of the twelve (12) existing Venetian Causeway Bridges. Prior to the commencement of the study, FDOT informed the County that the total amount to fully fund the PD&E Study has increased from \$1,750,000.00 to \$2,782,967.00. This increase is attributed to the need to fully address considerations that include the following:</p> <ul style="list-style-type: none"> • Multiple historic resources in the area need to be evaluated that will involve more extensive coordination with historic preservation groups and Florida's State Historic Preservation Officer, and the utilization of historic architecture services. • Procurement of additional services related to new structural design guidelines, drainage provisions for bridge hydraulics, geotechnical investigations, and environmental services. • Significantly greater public involvement costs to inform and involve the general public in the development of the project. <p>The current scope of the Venetian Causeway PD&E Study involves the preparation of an Environmental Assessment (EA) for the Project. However, if it is determined during the process of preparing the EA that the EA Class of Action is not sufficient due to the significance of the environmental impacts associated with the potential project improvements, additional services primarily related to Public Involvement and Environmental Documentation, will be required to develop an Environmental Impact Statement (EIS). An EIS is a full disclosure document that details the process through which a transportation project was developed, includes consideration of a range of reasonable alternatives, analyzes the potential impacts resulting from the alternatives, and demonstrates compliance with other applicable environmental laws and executive orders.</p> <p>The PD&E is expected to be completed in four (4) to five (5) years depending on the level of effort required by the Federal Highway Administration, as the entity responsible for the review and approval of the study.</p> </div> <div data-bbox="282 1495 422 1541"> <p>April 11, 2014 Mayor's Memo</p> </div> <div data-bbox="477 1495 1471 1902"> <p>Working with FDOT, PWWM has obtained the services of an FDOT consultant to conduct immediate inspections of the Bridge in order to determine the full extent of the required repairs. These efforts commenced on March 18, 2014 and will be followed by PWWM accessing a consultant contract to negotiate a scope and cost for the full inspection of the remaining 11 bridges on the Causeway, and to prepare the documents necessary to perform any needed repairs.</p> <p>The following questions, followed by responses, were posed to PWWM by OCA:</p> <ul style="list-style-type: none"> • What is the status of this? FDOT inspection is complete, PWWM inspection pending. • What firm conducted the inspections? For FDOT, Bolton Perez & Associates as a sub to KCA. • Has PWWM accessed a consultant contract for the remaining 11 bridges? Not yet. <p>As a result of the lowered load ratings, MDT Route A is being suspended until further notice. This route provides bus service on the Venetian Causeway from Lincoln Road on Miami Beach to the Omni Bus/ Mover Terminal (Biscayne and 15th Street). Customers have been notified of the route suspension. MDT is currently analyzing the impact and evaluating alternatives.</p> <ul style="list-style-type: none"> • The following was provided in response to OCA's question whether the bus routes over the Venetian causeway were still suspended; According to MDT, they are currently running shuttle buses from the </div>

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	<p style="text-align: center;"><i>Omni to the Beach during AM and PM peak periods only. The routing has been modified to go to the Publix and connect to the Rt. 123.</i></p> <p>As a temporary measure until such time as permanent repairs can be conducted, PWWM will procure services to mill the existing asphalt and place a lightweight concrete deck cover with steel mesh over the affected area of the bridge. This work will take approximately four (4) weeks to complete, during which time the bridge will be closed to vehicular traffic. The cost of the work is estimated at \$700,000 and based on consultations with FDOT, will temporarily extend the life of the bridge for two (2) years. PWWM is currently working with the ISD to expeditiously procure a contract for these services.</p> <ul style="list-style-type: none"> • <i>The following questions, followed by responses, were posed to PWWM by OCA:</i> • <i>Has this work been completed? This option was not followed because the bridge deck was covered with steel plates in the critical areas and thus the County did not deem this necessary as full replacement will be done within the next year or so.</i> • <i>Which firm performed the repairs? PWWM forces installed the plates.</i> • <i>What was final cost? As of May 16, 2014, response from PWWM pending.</i>
7A 140613	<p>ORDINANCE AMENDING SECTION 24-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING DEFINITIONS RELATED TO THE CERTIFICATION OF SANITARY SEWER SYSTEM COLLECTION, TRANSMISSION AND TREATMENT CAPACITY; AMENDING SECTION 24-42.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AMENDING THE CRITERIA FOR CERTIFICATION OF SANITARY SEWER SYSTEM COLLECTION, TRANSMISSION AND TREATMENT CAPACITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE(Regulatory and Economic Resources)</p>
Notes	<p>The proposed ordinance amends Section 24-5 of the Code of Miami-Dade County (Code) to provide definitions related to the certification of sanitary sewer system transmission and treatment capacity, and amends Section 24-42.3 of the Code regarding the criteria for certification of sanitary sewer system transmission and treatment capacity.</p> <p>Background</p> <p>On May 21, 2013, the Board approved Resolution No. R-393-13, which authorized the execution of the Consent Decree between Miami-Dade County, the United States of America and the State of Florida Department of Environmental Protection in order to comply with the Federal Clean Water Act and federal and state laws, regulations and permits, with the goal of eliminating sanitary sewer overflows and prohibited bypasses.</p> <p>This ordinance addresses Paragraph 18(a) of the Consent Decree, which requires changes to the Criteria for Certification of Sanitary Sewer System Transmission and Treatment Capacity within one hundred-eighty (180) days of the December 6, 2013 effective date of the new Consent Decree. The proposed ordinance complies with the required change by amending the Criteria for Certification of Sanitary Sewer System Transmission and Treatment Capacity to prevent sustained sewage spills, overflows and surcharge conditions resulting from new additional sewage flows.</p>
8F1 140958	<p>RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AGREEMENTS WITH NAN MCKAY AND ASSOCIATES, INC. AND CVR ASSOCIATES, INC. FOR CONSULTANT SERVICES RELATED TO OVERSIGHT AND MANAGEMENT OF THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM, FOR AND ON BEHALF OF MIAMI-DADE COUNTY, SUBJECT TO FUNDING AVAILABILITY FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AMEND, EXTEND, TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED IN SAID AGREEMENTS; CONTRACT NOS.: RFP878A; RFP878B; RFP878C; AND RFP878D; AND WAIVING RESOLUTION NO. R-1038-06(Internal Services)</p>
Notes	<p>The proposed resolution approves award of RFP No. 878, Section 8 Housing Choice Voucher Program Oversight and Management Services to Nan McKay and Associates, Inc. and CVR Associates, Inc. for the administration and management of the Miami-Dade County (County) Section 8 Housing Choice Voucher Program (Voucher Program) on behalf of Public Housing and Community Development (Department).</p> <p>Previously, the Department operated the Voucher Program, a federal program that offers subsidized funding to families, the elderly, and the disabled in order to afford decent, safe, and sanitary housing in the private market. Public housing agencies, such as the County, receive federal funds from the United States Department of Housing and Urban Development (HUD) to administer the Voucher Program. On October 18, 2007, the County and HUD entered into a Settlement Agreement by which HUD took temporary possession of the federally funded housing programs administered by the County, such as the Voucher Program. Pursuant to an amendment to the Settlement Agreement, dated August 5, 2008, the County and HUD agreed to outsource the Voucher Program through a competitive Request for Proposal (RFP) process. The resultant contract, RFP No. 648, is currently in place and provides Voucher Program services until June 27, 2014.</p> <p>The services under the Voucher Program are divided into four separate categories: 1) Intake, 2) Case Management, 3) Inspections, and 4) Family Self-Sufficiency. One contract will be awarded for each of these categories, to include management and oversight of approximately 15,000 vouchers.</p> <p>The Project-Based Voucher Program and the Veteran's Affairs Supportive Housing Program, both a part of the Voucher Program, will be administered internally by the Department.</p> <p>Fiscal Impact</p>

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	<p>The fiscal impact for the initial two-year term is estimated to be \$14,946,000. If the three one-year options to renew, which are each estimated at \$7,473,000, are exercised, the contract's cumulative value will be \$37,365,000. The current contract, RFP No. 648, is for five years and six months and is valued at \$67,537,000.</p> <p>Funding is contingent upon a federal grant allocation from Housing and Urban Development to the County, and may vary in the amount of funding received from year to year. Should county funding be reduced/increased during the initial term, or the option to renew years, the amount payable to the vendor will be adjusted accordingly.</p>														
<p>801 141117</p>	<p>RESOLUTION APPROVING NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND AECOM TECHNICAL SERVICES, INC. (F/K/A/ EARTH TECH, INC.) FOR PROGRAM AND CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE WASTEWATER SYSTEM PRIORITY PROJECTS IN THE AMOUNT NOT TO EXCEED \$91,149,497.00 WITH A TOTAL CONTRACT TERM OF FIVE YEARS AND TWO FIVE-YEAR OPTIONS-TO-RENEW, CONTRACT NO. 14ATSI001, PROJECT NO. E13-WASD-01R; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND EXERCISE ANY PROVISIONS CONTAINED THEREIN(Water & Sewer Department)</p>														
<p>Notes</p>	<p>The proposed resolution awards a Professional Services Agreement under Project No. E13-WASD-01R; Agreement No. 14ATSI001 to AECOM Technical Services, Inc. (AECOM) for Program and Construction Management Services related to the Wastewater System Priority Projects, with a total compensation amount of up to, but not exceeding \$91,149,497 for a total contract term of five years with two (2) five-year options-to-renew. The Mayor will seek approval from the Board prior to exercising any of the options-to-renew or any compensation above the initial award amount.</p> <p><u>Project Description</u> The consultant will be responsible for the overall delivery of tasks required by the new Consent Decree, which calls for expenditures in the amount \$1.6 billion for improvements over a fifteen (15) year period. AECOM will serve as the Program Manager of this non-exclusive professional services agreement and will manage the overall delivery of all tasks required for development and implementation of a comprehensive and technically sound long-term "Capacity, Management, Operations and Maintenance Program," and will manage the design, procurement, construction, and commissioning of the capital projects required in Consent Decree. AECOM will be familiar with and acknowledges that it will comply with the Consent Decree. AECOM will ensure that the program components are technically, economically, and functionally consistent and are implemented in a manner that meets the specific deadlines and milestones of the Consent Decree and the requirements of the Clean Water Act, WASD's National Pollution Discharge Elimination System Permits, Florida Department of Environmental Protection regulations, and any additional applicable regulatory requirements.</p> <p><u>Review Committee Assigned Contract Measures</u> CBE 28.00% - Estimated Value \$25,480,000</p> <p><u>Subconsultants</u> Parsons Water & Infrastructure Inc.; Parsons Transportation Group Inc.; 300 Engineering Group, P.A.; Cardozo Engineering, Inc.; Gannett Fleming, Inc.; HBC Engineering Company; New Millenium Engineering, LLC; Program Controls, Inc.; Robayna and Associates, Inc.; Wingerter Laboratories Inc.; EAC Consulting, Inc.; EV Services, Inc.; The Vailon Group, Inc.; Wodraska Partners, Inc.; and John Proni.</p> <p><u>Fiscal Impact / Funding Sources</u> WASD Revenue Bonds Sold; WASD 2013 Revenue Bonds; Future WASD Revenue Bonds; Wastewater Renewal Fund; and Wastewater Connection Charges</p> <table border="1" data-bbox="269 1331 1485 1625"> <thead> <tr> <th colspan="2">Capital Budget Projects</th></tr> <tr> <th>Description</th><th>Award Estimate</th></tr> </thead> <tbody> <tr> <td>9651071- Pump Station Improvements Program Book Page:131 Adopted Budget Book For Fiscal Year 2013-2019</td><td>\$4,970,000</td></tr> <tr> <td>964440- Sewer Pump Station Systems - Consent Decree Projects Book Page:120 Adopted Budget Book For Fiscal Year 2013-2019</td><td>\$7,470,000</td></tr> <tr> <td>968150- Wastewater Collection And Transmission Lines - Consent Book Page:123 Adopted Budget For Fiscal Year 2013-2019</td><td>\$9,370,000</td></tr> <tr> <td>964120- Wastewater Treatment Plants - Consent Decree Projects Book Page 119:Adopted Budget Book For Fiscal Year 2013-2019</td><td>\$69,339,497</td></tr> <tr> <td>Capital Budget Projects Total</td><td>\$91,149,497</td></tr> </tbody> </table> <p><u>Background</u> On June 6, 2013, a Notice to Professional Consultants was issued under full and open competition.</p> <p>On June 28, 2013, the Clerk of the Board received two (2) proposals.</p> <p>On August 14, 2013, at the First Tier "Evaluation of Qualifications" meeting, the Competitive Selection Committee reviewed and ranked the two (2) proposals received. At this meeting, it was determined that both proposals met the minimum qualifications and demonstrated their relevant experience with the projects as required.</p> <p>On August 28, 2013, the Second Tier "Oral Presentation" meeting, the Competitive Selection Committee evaluated and ranked CH2M Hill,</p>	Capital Budget Projects		Description	Award Estimate	9651071- Pump Station Improvements Program Book Page:131 Adopted Budget Book For Fiscal Year 2013-2019	\$4,970,000	964440- Sewer Pump Station Systems - Consent Decree Projects Book Page:120 Adopted Budget Book For Fiscal Year 2013-2019	\$7,470,000	968150- Wastewater Collection And Transmission Lines - Consent Book Page:123 Adopted Budget For Fiscal Year 2013-2019	\$9,370,000	964120- Wastewater Treatment Plants - Consent Decree Projects Book Page 119:Adopted Budget Book For Fiscal Year 2013-2019	\$69,339,497	Capital Budget Projects Total	\$91,149,497
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	<p>Inc., as the highest ranking firm. The Competitive Selection Committee recommended to negotiate the contract with CH2M Hill, Inc.</p> <p>On September 27, 2013, due to some concerns raised by the action of one of the firms prior to the second tier meeting, the Mayor requested an opinion from the Executive Director and General Counsel of the Miami-Dade County Commission on Ethics and Public Trust (Ethics Commission), in connection with the integrity of the original solicitation process for the award of this professional services agreement.</p> <p>On November 5, 2013, the Executive Director of the Ethics Commission, in a written opinion addressed to the Mayor, concluded that "legal ambiguities and the failure of the County's solicitation document to set clear guidelines have led to a flawed process that must be reassessed to assure an outcome consistent with the public trust. The integrity issues raised are not those of the parties to the process but of the process itself."</p> <p>On November 15, 2013, the Mayor issued a memorandum that upon review of the opinion written by the Executive Director of the Ethics Commission, dated November 5, 2013, a Mayoral Advisory Committee comprised of three (3) external and two (2) County staff members with knowledge and expertise in the delivery of the services required by this professional services agreement would be charged with providing the Mayor a final ranking and consensus statement of the proposals submitted by CH2M Hill, Inc. and AECOM Technical Services, Inc. In addition, the memorandum outlined the necessary steps to be taken to conclude the final selection process and allowed for AECOM Technical Services, Inc. and CH2M Hill, Inc. to submit any additional information to supplement and/or substitute their original proposals.</p> <p>On November 26, 2013, AECOM Technical Services, Inc. and CH2M Hill, Inc. were advised to respond to questions and submit any additional information to supplement their original proposals by December 13, 2013.</p> <p>On January 16, 2014, the Mayoral Advisory Committee heard oral presentations from the AECOM Technical Services, Inc. and CH2M Hill, Inc. and evaluated and ranked AECOM first and CH2M Hill second, in order of preference.</p> <p>On February 4, 2014, the Negotiation Committee met with AECOM Technical Services, Inc. and concluded the negotiations meeting.</p> <p><u>Additional Information</u></p> <p>On September 16, 2013, the Office of the Inspector General (OIG) contacted the Ethics Commission to seek clarification on whether a vendor (and/or its lobbyist) may directly communicate with selection committee members, by email, even when the Clerk of the Board is copied on the communication. By way of informal telephone inquiry (INQ#13-228), the OIG was advised:</p> <ul style="list-style-type: none"> • <i>During the Cone of Silence, written communication to a non-County employee who serves on a selection committee, with a copy to the Clerk, is permissible. The non-County employee serves in a capacity similar to that of an advisory board appointee and is considered a County official.</i> <p>On September 27, 2013, the Mayor requested an opinion, from the Executive Director of the Ethics Commission, regarding various communications taken by a proposer during the evaluation period to determine whether one proposer had an undue advantage over another in a competitive selection process. The specific questions were:</p> <ul style="list-style-type: none"> • Is there an integrity problem created when a proposer communicates directly with each selection committee member during the evaluation process after the proposals are received, opened and made public? • Following the public opening and distribution of competitive proposals, is it appropriate to allow a proposer to supplement its original submittal to include additional information and staff credentials directly to selection committee members prior to the selection meeting? • Is there an integrity or competitive advantage problem created when a proposer submits a supplemental submittal to include a substantial amount of additional new information? <p>On November 1, 2013, the OIG sent a Memo, responding to the Ethics Commission, providing comments and observations (listed below) related to the procurement.</p> <ul style="list-style-type: none"> • <i>In summary, the OIG observed that CH2M's "project approach" submission, given its size, as well as its distribution method and timing, was an irregular county practice. There is a question whether such a submission is permissible under county guidelines, but the guidelines themselves are imprecise and offer little in the way of useful guidance. That CH2M's submission of additional material disrupted the evaluation process is undeniable; the effect this had on the eventual award is a question that we cannot answer.</i> • <i>Of overriding concern to the OIG, is that CH2M's actions, whether permissible or not, give rise to a perception that the process was not equitable and we are uncomfortable with this perception.</i> • <i>It is apparent that when first put on notice of CH2M's intent to defer its project approach submission until the Tier Two Evaluation, that they later reiterated in a second notice, the county did not effectively impose any guidelines on how this proposed action should take place; instead, the County allowed CH2M's initiative to dictate the process.</i> • <i>As a result, the timing and method of CH2M's submission has raised many questions posed by all parties, about whether there was a fair, impartial evaluation of the respective proposals and justified recommendation to award the sought after contract. Accordingly, we believe that these events should be evaluated to determine how the county, in the future, could best prevent their recurrence.</i> <p>On November 5, 2013, the Executive Director of the Ethics Commission responded to the Mayor's request for an opinion.</p>

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	<p><i>"This opinion presents only my own views regarding the questions you have posed. I do not speak for the entire Commission on Ethics, which has binding authority over the interpretation of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. This opinion is rendered as non-binding guidance on a matter pertaining to the protection of the public trust."</i></p> <p><i>"To the extent that I have identified integrity issues in my review, they relate to the integrity of the solicitation and evaluation process itself, rather than to the personal ethics or morality of the individuals engaged in the process. Any lack of integrity referenced points to a defective and ambiguous process that created conditions conducive to miscalculation, misinterpretation, and mistake."</i></p> <p><i>"No individual representing either CH2M or AECOM intentionally violated any county ordinances or policies during the process; The County's "Cone of Silence" ordinance, the applicability of which is disputed between the two proposers, was not violated, based upon interpretations of the Cone by Ethics Commission staff and by the County Attorney's Office. However the language of the Cone Ordinance is not as explicit as it should be to adequately inform proposers of its requirements; The solicitation document was flawed in that it did not clearly state the conditions which the County staff intended that it state in connection with the submission of supplemental written materials directly to selection committee members, as well as the permissible scope of submissions; The decision making process as a whole, on a project of great significance to Miami-Dade County, has raised substantial issues regarding the integrity of the process and the fairness of the outcome, which could have a negative impact upon the public trust in County government."</i></p> <p>On April 28, 2014, the OIG issued the Final Report into Alleged Misrepresentations Made in the Course of the Notice to Professional Consultants Selection Process for Program and Construction Management Services for the Water and Sewer Department's Wastewater System Priority Projects.</p> <ul style="list-style-type: none"> • The OIG's investigation was predicated upon a request by the Internal Services Department; it was also based on their own initiative in light of their on-going oversight efforts relative to WASD's capital program. • Overall, the OIG investigated 15 plus allegations made by the second-ranked firm, CH2M Hill, Inc., against AECOM, the first-ranked firm. The OIG determined that only one allegation concerning a statement made during the oral presentation has merit. • It was alleged that the AECOM team, in its oral presentations to the Mayoral Advisory Committee, claimed that Ms. Cardozo negotiated (or helped negotiate) the current WASD Consent Decree. The OIG review surrounding the development and negotiation of the current Consent Decree determined that Ms. Cardozo's work did contribute to the development of the Consent Decree, but that her involvement cannot reasonably be characterized as having negotiated or having helped negotiate the latest Consent Decree. <p>The April 29, 2014, Responsibility Review Memo from Internal Services Department included the following:</p> <ul style="list-style-type: none"> • On the AECOM Table of Organization included in their proposal, Ms. Roseanne Cardozo of Cardozo Engineering Inc. (Cardozo) is listed as the sub-consultant responsible for Consent Decree Compliance. At the January 16, 2014 Mayoral Advisory Committee meeting, Cardozo indicated to the Committee that she negotiated the first two Consent Decrees, as well as the current (third) one for WASD. • The documents staff reviewed did not indicate Cardozo's direct or indirect involvement with WASD negotiations with the EPA for the current (third) Consent Decree. However, her firm was involved in the prior two Consent decrees and assessment for the latest Consent Decree. • In addition to the review of the documentation submitted, staff spoke with a WASD Assistant County Attorney, WASD Deputy and Assistant Directors, and a former WASD Assistant Director of Wastewater Operations, in regard to Cardozo's involvement with negotiations of the Consent Decrees for WASD. These consultations confirmed that Cardozo was part of the contracted team assisting WASD with the previous two Consent Decrees, but not with the negotiations of the current one. • Misrepresentations of information by firms or their team members poses concerns. County Selection and Evaluation Committees rely, in substantial part, on the proposals submitted, and the written and oral responses provided in the deliberative process aimed at selecting the highest qualified firm. • AECOM advised that to the best of their knowledge they were not under criminal investigation but have been the subject of various allegations. Subsequent to the responsibility review meeting, AECOM advised that in May 2011, the US Attorney's Office (USAO) and the EPA advised of an investigation regarding potential criminal charges in connection with contracted services provided by AECOM to the operator of the Waimanalo Gulch Sanitary Landfill in Hawaii. AECOM reported ongoing discussions with USAO regarding resolution. County staff contacted the USAO to gather information regarding this matter; the Assistant US Attorney handling the matter was not able to comment or release information due to confidentiality requirements. • The results of the County's responsibility review indicate that the AECOM team has the technical and financial resources and capacity required to carry out the contractual responsibilities to effectively manage the implementation of the required scope of services. <p><u>Highlights from the Non-Exclusive Professional Services Agreement</u></p> <p>County Obligations and Authorization to Proceed</p> <ul style="list-style-type: none"> • The County agrees that WASD will furnish to the Program Manager (PM) any plans or other data reasonably available in the County's files pertaining to the work to be performed under this Agreement. • The Director/designee will confer with the PM before any task authorization to proceed is issued in order to discuss and agree upon the scope, time for completion, and fee for services to be rendered. • The Director/designee will issue written task authorization to proceed to the PM for each section of the work to be performed. <p>Professional Services</p> <ul style="list-style-type: none"> • First Task Service Order for the First Six Months- The services to be provided by the PM will include: Consent Decree Compliance; Wastewater Treatment Plan Design Management; Water Collection Transmission System Design Management; Construction

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	<p>Management; Program Controls; Community Involvement; Program Management.</p> <ul style="list-style-type: none"> The total compensation for the First Task Service Order is \$4,725,105. <p>Prime Consultants and Subconsultants</p> <ul style="list-style-type: none"> The County anticipates awarding four separate Contracts, each to a different Prime Consultant for the following scope of services: Program Management Consultant, Capacity Management Operation and Maintenance (CMOM) Program Consultant, Design of Wastewater Treatment Plant Capital Improvements and Design of Wastewater Collection and Transmission Systems Capital Improvements. While Consultants will be permitted to submit proposals for more than one contract, it is anticipated that the County will award each Prime only one Contract. The Prime selected as a Program Management Consultant will not participate as a Subconsultant to any other Prime. Subconsultants to the selected Program Manager will not be a Subconsultant to any other Prime under the Program. Other than the waiver for no availability, this restriction may not be waived at the time of selection of the Prime. Following the initial selection of Prime and during the course of the performance of the contracts, the Director may in his sole discretion waive this restriction applicable to Subconsultants of the PM upon consideration of certain criteria. Proposers must select between submitting as a Prime or Sub when responding to a specific solicitation. Consultants electing to submit as a Prime may only respond once to a solicitation, limited to participation on a single team. If submitting as a Prime, said consultant may not participate as a Sub on the same solicitation. <p>Compensation for Services- Fee for Professional Services as a Multiple of Direct Salary Cost and Fixed Hourly Rate:</p> <ul style="list-style-type: none"> 2.85 multiplier for Office Employees; 2.4 for PM employees working in County offices; and 2.1 for all Field Employees. In no case will the maximum rate of compensation, including multipliers of direct salary, exceed \$255 per hour (p/h); with the exception of David Haywood \$295 p/h; Pedro Hernandez \$275 p/h; and Gustavo Soto-Rosa \$275. Compensation for overtime will be computed with a multiplier of 1.1 times the overtime rate and number of hours. Maximum Compensation: The total of all payments will not exceed \$91,149,497, inclusive of contingencies for an effective term of 5 years with two 5 year options to renew. The Maximum Compensation may not be increased for the entire duration of this Agreement except through written amendment approved by the BCC.
<p>11A1 141080</p>	<p>RESOLUTION URGING CONGRESS TO AUTHORIZE AND PROVIDE FUNDING FOR THE CENTRAL EVERGLADES PLANNING PROJECT</p>
<p>Notes</p>	<p>The proposed resolution urges Congress to authorize and provide funding for the Central Everglades Planning Project. In addition, the proposed resolution authorizes and directs the Office of Intergovernmental Affairs to amend the 2014 Federal Legislative Package to include this item and to include this item in the 2015 Federal Legislative Package when it is presented to the Board of County Commissioners (BCC).</p> <p>On October 2, 2012, the BCC enacted Resolution No. 817-12, which supported the Central Everglades Planning Project for the restoration of the central Everglades.</p> <p>The Central Everglades Planning Project still awaits Congressional authorization, and as a result, risks not being finalized in time to be included in the current Water Resources Development Act bill in Congress, which would provide funding for the project.</p> <p><u>Additional Information</u></p> <p>According to the Central Everglades Planning Project (CEPP), January 2014 Fact and Information Sheet, the goal of the CEPP Project is to deliver a finalized plan, known as a Project Implementation Report (PIR), for a suite of restoration projects in the central Everglades to prepare for congressional authorization, as part of the Comprehensive Everglades Restoration Plan (CERP). The Central Everglades Planning Project will identify and plan for projects on land already in public ownership to allow more water to be directed south to the central Everglades, Everglades National Park and Florida Bay.</p> <p>The CEPP incorporates updated science and technical information gained over the last decade to identify a recommended plan and prepare a PIR for congressional authorization of the next generation of CERP projects. The pilot planning study process uses clearly defined decision points to make the process more predictable and more efficient, while reducing the current planning study process timeline. The U.S. Army Corps of Engineers (USACE) is leading this planning effort in partnership with the South Florida Water Management District (SFWMD). The SFWMD is fully integrated in the technical planning process and is leading modeling efforts for the study.</p> <p>This study will develop the next increment of project components that focus on restoring more natural water flow, depth, and durations into and within the central Everglades by:</p> <ul style="list-style-type: none"> Increasing storage, treatment and conveyance of water south of Lake Okeechobee; Removing canals and levees within the central Everglades; and Retaining water within Everglades National Park and protect urban and agricultural areas to the east from flooding.