



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Infrastructure and Utilities Committee

January 17, 2018
9:30 A.M.
Commission Chambers

Thomas B. Davis, Esq.
Director of Policy and Legislation
Office of the Commission Auditor
111 N.W. First Street, Suite 1030
Miami, FL 33128
(305) 375-2524

IUC Meeting: January 17, 2018
Research Notes

Item No. 3A**File No. 172874****Researcher: SAP Reviewer: TD**

RESOLUTION APPROVING REJECTION OF ALL BIDS RECEIVED IN RESPONSE TO FORMAL BID NO. FB-00579 FOR THE PURCHASE OF SODIUM PERMANGANATE FOR THE WATER AND SEWER DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve the rejection of all bids received under Formal Bid No. FB-00579 for purchase of Sodium Permanganate for the Water and Sewer Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) – requires formal sealed bids for purchases over \$250,000; provides that procurement procedures shall be established by Implementing Order and approved by the Board.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.1

Implementing Order No. 3-38 governing the County's processes and procedures for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

PROCEDURAL HISTORY

Department/Requester: Internal Services Department

Prime Sponsor: None

FISCAL IMPACT

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

The current Contract No. 7868-0/17 will expire on 1/31/2018 and shows the following BPO information in BTS:

BPO ID	Allocation Amount	Released Amount	Remaining Balance
ABCW1300199	\$3,161,000.00	\$1,789,737.50	\$1,1371,262.50

ANALYSIS

The proposed resolution authorizes the rejection of three (3) bids from Carus Corporation, Chemrite, Inc., and Shannon Chemical Corporation for the purchase of Sodium Permanganate for WASD. Note that there was a "No Bid" received from American Safety Utility Corporation. Sodium permanganate is the inorganic compound that absorbs water from the atmosphere and has a low melting point. The use of sodium permanganate depends on climatic conditions, such as low or high water and vegetation cycles, which cannot be predicted. The chemical is used by WASD for the treatment of potable water, reduction of total organic carbon, and disinfection.

IUC Meeting: January 17, 2018
Research Notes

The purpose of the solicitation is to establish a contract for the purchase and delivery of sodium permanganate in a 20% solution in tanker truck loads; and monthly rental of 6,500 gallon ultra-dense polyurethane (UDPE) tanks inclusive of installation and containment area in conjunction with the County's needs on an as needed basis. During the evaluation of bids, an error in the quantity required was discovered and the estimated quantities may have been relied upon by prospective bidders. As a result, a rejection of all bids is recommended to allow the County to issue a new solicitation.

In September 2013, the current Contract No. 7868-0/17 was awarded to the only two bidders, F2 Industries in Smyrna, TN as the primary vendor and Carus Corporation in Peru, IL as the secondary vendor. Award was made to the two responsive and responsible bidders offering the lowest aggregate price. As of January 10, 2017, under Commodity Code 88576 (*Odor Control Chemicals, etc.*), Pancar Industrial Supply Corporation located in Miami, Florida is a registered vendor on the Small Business Development Enterprise Certification List.

Additional Information

According to Florida Department of State, Division of Corporations, Carus Corporation has Registered Agent Name and Address listed as C T Corporation System, 1200 South Pine Island Road, Plantation, FL 33324.

IUC Meeting: January 17, 2018
Research Notes

Item Nos. 3B, 3C, 3D, 3E and 3F

File Nos. 172880, 172897, 172899, 172901 and 172902

Researcher: SAP Reviewer: TD

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 10 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND GUILLERMO E. GOMEZ DEL BARCO, GUSTAVO ALBERTO DUQUE V., JORGE ARTURO GOMEZ A., AND LUIS JAVIER ESCOBAR AS SELLERS FOR A PURCHASE PRICE OF \$53,000.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 9.04 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND CARLOTA CHALARCA AS SELLER FOR A PURCHASE PRICE OF \$45,000.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND JORGE H. POSADA, INDIVIDUALLY AND AS TRUSTEE, AS SELLER FOR A PURCHASE PRICE OF \$25,000.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

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IUC Meeting: January 17, 2018
Research Notes

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 5 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, **MIAMI-DADE COUNTY AS ASSIGNEE, AND IRA S. SILVER, INDIVIDUALLY AND AS TRUSTEE, AS SELLER FOR A PURCHASE PRICE OF \$25,000.00** USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

ISSUE/REQUESTED ACTION

Whether the Board should approve resolutions to accept the "Assignment of Option to Purchase" within the Environmentally Endangered Lands (EEL) Program acquisition site, and authorizing use of EEL acquisition trust funds for the purchase in the event the BBC-GOB program funds are not available. Purchase price to the sellers are as follows:

Seller(s)	Acres	Appraised Value	Negotiated Purchase Price
Guillermo E. Gomez del Barco, Gustavo Alberto Duque V., Jorge Arturo Gomez A, and Luis Javier Escobar	10	\$60,000.00	\$53,000.00
Carlota Chalarca	9.04	\$58,000.00	\$45,000.00
Jorge H. Posada	5	\$30,000.00	\$25,000.00
Pedro Garcia, Juan Garcia and Marlen Garcia	5	\$30,000.00	\$25,000.00
Ira S. Silver	5	\$32,500.00	\$25,000.00

APPLICABLE LEGISLATION/POLICY

Resolution No. R-974-09: County interest in real property be recorded in public records of Miami-Dade County.
<http://intra/gia/legistarfiles/MinMatters/Y2009/091900min.pdf>

PROCEDURAL HISTORY

Department/Requester: Regulatory and Economic Resources

Prime Sponsor: Commissioner Dennis C. Moss, District 9

FISCAL IMPACT

Building Better Communities General Obligation Bond (BBC-GOB) Program funding under Project No 2. Site #70230 will be used for all six purchases. As of September 30, 2017, the remaining balance under the BBC-GOB Program for allocations towards EEL acquisitions is \$11,308,299.

ANALYSIS

These five items seek approval of resolutions to accept the "Assignment of Option to Purchase" and also authority to use EEL acquisition trust fund for the purchases in the event BBC-GOB funds are not available. The EEL program, administered by the Regulatory and Economic Resources (RER) department, focuses on the protection and conservation of endangered lands. All five parcels are located in District 9 and are outside the Urban Development Boundary.

Office of the Commission Auditor
Office of the Commission Auditor

IUC Meeting: January 17, 2018
Research Notes

The purpose of the EEL Program is to acquire, preserve, enhance, restore, conserve and maintain environmentally-endangered lands for the benefit of present and future generations. The EEL Program and its partners have brought more than 20,700 acres of environmentally endangered lands into public ownership since 1990. Additionally, the EEL Program manages 2,800 acres of natural lands within Miami-Dade County Parks, for a total of more than 23,500 acres protected.

Property Sales History

Seller(s)	Folio	Sales History
Guillermo E. Gomez del Barco, Gustavo Alberto Duque V., Jorge Arturo Gomez A, and Luis Javier Escobar	30-8906-001-0012	January 1990 - Special Warranty Deed
Carlota Chalarca	30-7925-001-5400	June 1987 – Quit Claim Deed June 1992 – Warranty Deed
Jorge H. Posada	30-7935-001-0050	January 1996 – Warranty Deed
Pedro Garcia, Juan Garcia and Marlen Garcia	30-8909-000-0870	May 1983 – Warranty Deed February 1986 – Quit Claim Deed February 1986 – Warranty Deed
Ira S. Silver	30-8909-000-0900	February 2012- Tax Deed February 2016 – Quit Claim Deed

The South Dade Wetlands Project Area contains the most important wetland system in the southern part of Miami Dade. Public agencies have targeted the area for acquisition because of the wetland's strategic location between two national parks Everglades National Park and Biscayne National Park in the watersheds of Florida Bay, Biscayne Bay, Card Sound and Barnes Sound and because of the importance of the region to endangered and threatened species. These wetlands are home to many of South Florida's endangered species.

Most recent actions, adopted by the Board on December 5, 2017

Resolution	Seller	Negotiated Price	Acre(s)
R-1182-17	Sattur Gafoor http://intra/gia/legistarfiles/Matters/Y2017/172439.pdf	\$175,000.00	35
R-1183-17	Leopold N. Bonitto and Putra Oakley Bonitto http://intra/gia/legistarfiles/Matters/Y2017/172443.pdf	\$ 22,500.00	5
R-1184-17	Ira S. Silver (individually and as trustee) http://intra/gia/legistarfiles/Matters/Y2017/172446.pdf	\$ 45,000.00	10
R-1185-17	Carlos L. Fernandez http://intra/gia/legistarfiles/Matters/Y2017/172448.pdf	\$ 22,500.00	5
R-1186-17	Juan Manuel Hernandez http://intra/gia/legistarfiles/Matters/Y2017/172450.pdf	\$ 25,000.00	5
R-1187-17	Jacinto I. Fernandez or Norma M. Fernandez http://intra/gia/legistarfiles/Matters/Y2017/172451.pdf	\$ 22,500.00	5

Input from RER, Division of Environmental Resources Management

The primary responsibility of the Land Acquisition Selection Committee is to recommend to the Board of County Commissioners the EEL Acquisition List. If only a portion of the property is on the EEL Acquisition List, then the Department request an appraisal for only the portion that is eligible for acquisition. The property owner is responsible for subdividing the property prior to the closing.

IUC Meeting: January 17, 2018
Research Notes

Item No. 3G**File No. 172898****Researcher: SAP Reviewer: TD**

RESOLUTION ACKNOWLEDGING REVERSION OF OWNERSHIP OF COUNTY-OWNED PROPERTY LOCATED AT 1000 N.W. 209 STREET, MIAMI GARDENS, FLORIDA, IN AS-IS CONDITION, PURSUANT TO A REVERTER CLAUSE IN THE WARRANTY DEED TO THE MIAMI-DADE WATER AND SEWER AUTHORITY AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE ACKNOWLEDGEMENT OF THE REVERSION AND TO TAKE ALL ACTION NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should authorize the acknowledgement of the reversion of ownership of County-owned property located at 1000 NW 209 Street in Miami Gardens, in as-is condition, to the Water and Sewer Department (WASD).

APPLICABLE LEGISLATION/POLICY

Resolution R-377-09, adopted April 7, 2009, establishing official County policy that when the County conveys property with reverter clauses or conditions in deeds, County Department shall request from Tax Collector annual tax notices on said property until conditions for reverter are no longer valid.

<http://intra/gia/legistarfiles/Matters/Y2009/090513.pdf>

Section 197-343 of the Florida Statutes. For all County agencies and departments involved in the sale or transfer of property wherein the deed of transfer evidences an obligation to comply with certain conditions or contains a right of reverter, involved agencies or departments shall request that the Miami-Dade Tax Collector provide them with duplicate annual tax notices for the property.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.343.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barbara J. Jordan, District 1

Department/Requester: Water & Sewer Department

FISCAL IMPACT

The fiscal impact to the County is the value of the property which is \$94,240.

ANALYSIS

Pursuant to Warranty Deed dated January 27, 1978, this item seeks acknowledgement of reversion of ownership for a 23,560 sq. ft. County property located at 1000 N.W. 209 Street, Miami Gardens, in as-is condition to WASD. The Deed contains a reverter clause that provides that the property shall revert to the (the Grantor), or its successor, in the event any portion of the property or the entire property is not used or useful to WASD. On January 26, 2006, D. R. Horton, Inc. (Horton) assumed ownership of the land surrounding the WASD property, therefore becoming the property's successor and having reversionary rights to the property.

On May 10, 2006, Horton's representative requested a conveyance of the WASD property for the purpose of development. The land was initially acquired to be used as an interim sewage treatment facility, but the land remained vacant and was never utilized by WASD. In 2008, Horton provided the County with an environmental release releasing the County from any liability for environmental issues regarding the Property. An indemnification agreement holding the County harmless from any liability states that Horton understands and agrees that any insurance protection required

IUC Meeting: January 17, 2018
Research Notes

by this County Deed, or otherwise provided by Horton shall in no way limit the responsibility to indemnity, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities.

In December 2016, Horton provided a Notice of Reverter that included the following:

- Horton is the owner of the property acquired by Special Warranty Deed;
- The Warranty Deed which conveyed the Reverter Property to Miami-Dade WASD contained a reverter provision; and
- Horton as the owner of the Horton property is the successor of the First Federal Savings and Loan Association of Broward County and as the Reverter Property is not being used as an interim sewage treatment facility the applicable reversionary interest to the reversionary Property reverts to D.R. Horton, inc. a Delaware corporation.

In March 2017, the property was circulated by the Internal Services Department and it was determined that no other County Department has use for the Property, hence the Property is being reverted to Horton. The property is located in District 1, Commissioner Barbara J. Jordan.

Similar actions by the Board

Resolution	Adopted	Description
R-1231-04	October 19, 2014	Authorizing Miami-Dade County to convey County-owned property located at 1200 NW 139 th Street, Miami to Dade Memorial Park, Inc. pursuant to the Reverter Clause in the Special Warranty Deed to Miami-Dade County. http://intra/gia/matter.asp?matter=042415&file=true&yearFolder=Y2004
R-693-01	June 19, 2001	Authorizing the recapture of five (5) residential sites awarded to New Washington Heights Community Development Conference (NWHCDC); authorizing staff to commence legal proceedings to recapture sites in accordance with the reverter clause in the deed, if necessary http://intra/gia/matter.asp?matter=011349&file=false&yearFolder=Y2001
R-736-97	June 17, 1997	Requesting that the Florida Department of Transportation convey certain land, at no cost, to Dade County, stating the public purpose for use of such land; authorizing due diligence inspection of the Property; authorizing the acceptance of a deed for the subject land with a reverter clause. http://intra/gia/matter.asp?matter=971775&file=false&yearFolder=Y1997

ADDITIONAL INFORMATION

According to Sunbiz, D.R. Horton, Inc. is a registered company in Delaware. The Florida Department of State, Division of Corporations records an Articles of Merger, effective January 1, 2003 for Continental Homes of Florida, Inc. into D.R. Horton, Inc. There are no local offices in Miami-Dade County; however, eight (8) Florida offices are located in Melbourne, Saint Johns, Orlando, Panama City, Pensacola, Coconut Creek, Tampa and Fort Myers.

IUC Meeting: January 17, 2018
Research Notes

Item No. 3H**File No. 172717****Researcher: SAP Reviewer: TD**

RESOLUTION APPROVING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CP LOGISTICS WESTVIEW, LLC FOR SANITARY SEWER FACILITIES, INCLUDING CONSTRUCTION OF NEW SEWER INFRASTRUCTURE, FOR A PERIOD OF 365 DAYS; APPROVING ALLOCATION OF \$3,224,304.00 FUNDED BY BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BONDS PROGRAM PROJECT NO. 17 – “COUNTYWIDE WATER AND SEWER SYSTEM ENHANCEMENTS” FOR CONSTRUCTION OF OFFSITE SEWER IMPROVEMENTS AND A NEW SEWAGE PUMP STATION; WAIVING FORMAL COMPETITIVE BIDDING REQUIREMENTS OF SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE, SECTION 5.03(D) OF THE HOME RULE CHARTER, AND SECTION 255.20, FLORIDA STATUTES; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a New Business Agreement I.D. No. 23064 entitled: Agreement for Sanitary Sewer Facilities between the County and CP Logistics Westview, LLC. for sanitary sewer facilities, and approve allocation of \$3,224,304.00 funded by Better Building Communities-General Obligation Bond (BBC-GOB) Project Program No. 17 for construction of offsite sewer improvements and a new sewage pump station.

APPLICABLE LEGISLATION/POLICY

Resolution No. 912-04, adopted July 20, 2004, providing for holding of General Obligation Bond Special Election in Miami-Dade County, FL, with respect to authorization of not exceeding \$378,183,000 General Obligation Bonds to construct and improve Water, Sewer and Flood Control systems

<http://intra/gia/matter.asp?matter=042284&file=false&yearFolder=Y2004>

Resolution No. R-597-13, adopted July 2, 2013, directing County Mayor or County Mayor’s designee to provide plan to extend sewer service to commercial and industrial areas.

<http://intra/gia/matter.asp?matter=132022&file=false&yearFolder=Y2013>

Resolution R-537-14, adopted June 3, 2014, approving allocation of \$126,000,000.00 from BBC-GOB Program Project No. 17 – “Countywide Water and Sewer System Enhancements” to fund extension of sewer system to developed commercial and industrial corridors of County

<http://intra/gia/matter.asp?matter=140987&file=true&yearFolder=Y2014>

Section 2-8.1 of the County Code which expands on the “bid requirement for certain purchases; delegation of authority to advertise, award and reject bids or proposals for certain purchases.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.1

Section 5.03(d) of the Home Rule Charter. The Board upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the County.

<http://www.miamidade.gov/charter/library/charter.pdf>

Section 255.20(10)(d) of the Florida Statutes governing local bids and contracts for public construction works; specification of state-produced lumber. The project is to be awarded by a method other than a competitive selection

IUC Meeting: January 17, 2018
Research Notes

process, and the architect or engineer of record has provided a written recommendation that the project be awarded to the private sector contractor without competitive selection

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0255/Sections/0255.20.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Department/Requester: Water & Sewer Department

FISCAL IMPACT

There is a fiscal impact to the County. The total project estimate for the sewer improvements is \$3,466,994.00. This estimate which includes design and construction costs, was prepared by CP Logistics Westview, LLC and was reviewed, validated and approved by WASD. Additional cost payables submittals by CP Logistics Westview, LLC beyond the maximum of \$3,224,304 are non-negotiable and will not be subject to cost sharing by the County.

ANALYSIS

This item seeks approval of an agreement with CP Logistics Westview, LLC for construction of a new sewage pump station for a period of 365 days; and approval of allocation of \$3,224,304.00 funded by BBC-GOB Project Program No. 17 for construction of offsite sewer improvements. According to the Mayor's memo, CP Logistics Westview, LLC approached the Department about the lack of sewer infrastructure in the proposed project area, as the Company is planning to construct an industrial warehouse and an office building inside the project boundaries. As part of its development, once built, the offsite sewer improvements and pump station will become County property and will serve CP Logistics Westview, LLC's development as well as other developments in the area.

The item also seeks a waiver of formal competitive bidding requirements. As required by Section 255.20(10)(d), the Engineer of Record for Miami-Dade WASD has provided a written recommendation that CP Logistics Westview, LLC and its contractors be awarded the project without competitive solicitation. A memorandum dated December 12, 2017 from the WASD Director of Planning and Regulatory Compliance Division to the Director of WASD outlined the following recommendations for the waiver of competitive solicitation:

1. CP Logistics Westview, LLC is uniquely qualified to undertake the project because the contractor is currently working under contract constructing sewer infrastructure at a site adjacent to the proposed project site; and
2. The time to competitively award the project would delay construction of sewer infrastructure in the NW 27th Corridor which is currently without sewer service, creating an undue hardship on the public welfare. Postponement of the project would increase costs of the project and delay the economic development of the area.

The Agreement for Sanitary Sewer Facilities states that:

Payment for Offsite Sewer Improvements and New Public Sewage Pumping Station - All construction costs will be shared by CP Logistics Westview, LLC and the County as follows:

- a. The County will be responsible for reimbursing ninety three percent (93%) of the cost of such construction and new public sewage pumping station; which amount shall not exceed \$3,224,304.00; and
- b. CP Logistics Westview, LLC will be responsible for the seven percent (7%) of the total cost or approximately \$242,690.00 which amount represents 7% of the flow contribution of the Project to the total flow of the new public sewage pumping station as determined by the Hydraulic modeling flow analysis.

IUC Meeting: January 17, 2018
Research Notes

General Obligation Bond (GOB) Funds Payments - The Department has allocated GOB funds for the cost sharing of the new infrastructure and new public sewage pumping station that will be utilized for Wastewater Commercial Corridors Economic Development: Project 1047 for Gravity and Force Mains and Project 1047 for Pump Stations. CP Logistics Westview, LLC acknowledges and agrees that, in accordance with the GOB requirements, only 17% of the GOB money allocation for this Project can be spent on soft costs, including design and administration of the Project.

Service Charges – CP Logistics Westview, LLC agrees to pay to the County the prevailing service charges for sewage collection and disposal within the property as may be applicable until the responsibility for payment of said charges is properly transferred in accordance with the County's regulations.

Facilities Easements – If the facilities are installed within private property outside of public right-of-way, the facilities shall be installed in the center of a fifteen (15) foot wide easement for sewer facilities, with a twenty-five (25) foot minimum vertical clearance above the finished grade.

The property is located in District 2 Unincorporated Miami-Dade.

ADDITIONAL INFORMATION

As of November 5, 2017, Sunbiz lists CP Logistics Westview LLC's principal address located in Sacramento, California. There is no local address recorded for this company.

**IUC Meeting: January 17, 2018
Research Notes**

Item No. 3I

File No. 172854

Researcher: SAP Reviewer: TD

RESOLUTION APPROVING RETROACTIVE CHANGE ORDER NO. 2 (FINAL) WITH POOLE AND KENT COMPANY OF FLORIDA WAIVING LIQUIDATED DAMAGES IN AN AMOUNT NOT TO EXCEED \$290,000.00 AND APPROVING A NON-COMPENSABLE TIME EXTENSION OF 58 DAYS FOR CONSTRUCTION OF MASTER PUMP STATION NO. 3, CONTRACT NO. S-852; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should:

- 1) Retroactively approve Change Order No. 2 (Final) with Poole and Kent Company of Florida (P&K) to waive liquidated damages in an amount not to exceed \$290,000.00; and
- 2) Approve a non-compensable time extension of 58 days for construction of Master Pump Station 3.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-173-14, adopted February 19, 2014, approving Construction Contract No. S-852 in the amount of \$21,976,500.00 to Poole & Kent Company of Florida to construct proposed master pump station No. 3 to provide sewer system capacity in the Brickell area.

<http://intra/gia/legistarfiles/MinMatters/Y2013/132588min.pdf>

Resolution No. R-127-16, adopted February 2, 2016, approving retroactive deductive change Order No. 1 with Poole and Kent Company of Florida for a reduction in the base contract of \$500,000.00 and a non-compensable time extension of 254 days for construction of mater pump station No. 3, Contract No. S-852;

<http://intra/gia/legistarfiles/Matters/Y2015/152991.pdf>

Ordinance No. 07-108, adopted July 24, 2007, creating Section 2-8.2.11 of the Miami-Dade Code, authorizing the County Mayor or his designee to advertise and recommend award contracts for design and construction of various improvements; authorizing the County Mayor or his designee to exercise all contract terms, to approve extensions of contract time, waive liquidated damages, negotiate and settle claims, and approve change orders to such contracts.

<http://intra/gia/legistarfiles/MinMatters/Y2007/072231min.pdf>

Resolution No. R-1001-15, adopted November 3, 2015 requiring Contracts with Small Business measures meet at least 85 percent of the Small Business goals applicable to the portion(s) of the Contract work performed to date before a change order or contract amendment be considered for board approval.

<http://intra/gia/legistarfiles/Matters/Y2015/151746.pdf>

Section 2-8.2.11 of the Miami-Dade Code. Water and Sewer Department (WASD) Contracting Authority.

<https://library.municode.com/FL/Miami> -

[Dade County/codes/Code of Ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.11WASEDECOAU](https://library.municode.com/FL/Miami-Dade-County/codes/Code%20of%20Ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.11WASEDECOAU)

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Water and Sewer Department

IUC Meeting: January 17, 2018
Research Notes

FISCAL IMPACT

The Engineer of Record, Montgomery Watson Americas, Inc. and WASD agree that the circumstances surrounding the project delays that caused P&K to reach substantial completion late were out of their control, and that the non-compensable time extension requested by P&K is warranted, which results in the waiver of liquidated damages in the amount of \$290,000.00

Upon approval of the Board, WASD will provide P&K the following from already approved contract funds.

Amount	For
\$267,329.73	Payment for additional work requested from the Contract's contingency allowance account
\$75,825.12	Outstanding permit fees
\$370,272.39	Retainage

ANALYSIS

This item seeks retroactive approval of change order 2 (final) waiving liquidated damages in an amount not to exceed \$290,000.00 and a non-compensable time extension of 58 days. The Engineer of Record, Montgomery Watson Americas, Inc. and WASD reviewed the construction documents and confirmed that the project delays were beyond P&K's control and that the non-compensable time extension requested by P&K is justified as the setbacks were initiated by other parties impacting P&K's construction schedule. The project is located in Commission District 5.

A memorandum dated October 5, 2017 from the Director of Small Business Development to the Director of WASD stated that WASD reported the final payment to the prime contractor, P&K, will be \$18,856,774.30 requiring \$488,390.44 in Small Business Enterprise- Construction (SBE-Construction) participation to meet the 2.59% goal. Total SBE-Construction participation required inclusive of the make-up plan is \$1,080,549.44. The SBE-Construction firms meeting the goal have been paid \$3,740,626 in compliance with the goal, make-up requirement and Resolution R-1001-15 (*see preceding link*), which requires 85% of the SBE goal applicable to the portion of the contract work performed to date be met before the Board of County Commissioners (BCC) considers a change order/amendment.

Change Order No. 2

Monetary Justification – Not Applicable.

Time Justification – The Board awarded this contract to P&K in February 2014 to construct Master Pump Station No. 3 as the existing sewer facilities in the Brickell area were inadequate to serve increased usage in existing buildings, new buildings under construction, and future construction including sewer service to the Brickell City Center development.

Summary of Contract Amount/Time

Original Contract Amount	\$21,976,500.00
Cost of Changes Previously Ordered	(\$575,000.00)
Adjusted Contract Amount Prior to the Change	\$21,401,500.00
Cost of Changes with this document	\$0.00
Percent Increase with this Change	0%
Total Percent Increase to date	-3%
Time: Original Contract / Previous Changes / This Change	460 / 254 / 58
Contingency Time: Original Contract / Previous / Current	45/ 0/ 0
Adjusted Duration including this Change	807

ADDITIONAL INFORMATION

On July 24, 2007, the BCC, through Ordinance 07-108, authorized the acceleration to process and procure contracts and agreements related to the design and construction of the improvements for Alternative Water Supply Projects required for the County's 20-Year Water Consumptive Use Permit (20-CUP) and High Level Disinfection Projects

IUC Meeting: January 17, 2018
Research Notes

(HLD) required by the Florida Department of Environment Consent Decree for the South District Wastewater Treatment Plan (*see preceding link*).

Previous contracts with the County

BCC Action	Contract No.	Description
R-746-11 09/20/2011	DB09-WASD-05	Design-build services in the amount of \$20,474,368.57 for improvements to the existing co-generation facility at the South District Wastewater Treatment Plant. http://intra/gia/legistarfiles/Matters/Y2011/111785.pdf
R-1432-09 12./15/2009	W-857(A)	Award Construction Contract in the amount of \$16,287,364.16. This project is one in a series of projects under the 20-CUP. http://intra/gia/legistarfiles/Matters/Y2009/093222.pdf
R-1433-09 12/15/2009	S-829(A)	Award of Construction Contract in the amount of \$11,364,490 for the construction of the septage receiving and solids process building at the South District Wastewater Treatment Plant. http://intra/gia/legistarfiles/Matters/Y2009/093224.pdf
R-1310-09 11/17/2009	S-817(A)	Award of Construction Contract in the amount of \$21,008,660 for a series of projects under the HLD. http://intra/gia/legistarfiles/Matters/Y2009/092873.pdf
R-1222-08 11/20/2008	S-812(A)	Award of Construction Contract in the amount of \$18,096,498 for a series of projects under the HLD. http://intra/gia/legistarfiles/Matters/Y2008/082915.pdf
R-668-08 06/03/2008	S-805(A)	Award of Construction Contract in the amount of \$134,253,006 for the construction of a filter system for further treatment of effluent at the High Level Disinfection Facility at the South District Wastewater Treatment Plant. http://intra/gia/legistarfiles/Matters/Y2008/081570.pdf
R-1324-07 12/04/2007	W-655	Execution of a Settlement Agreement between Poole and Kent and Miami-Dade County in the amount of \$939,388.74 to settle claims in connection with County Contract No. W-655 http://intra/gia/legistarfiles/Matters/Y2007/073414.pdf