



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

**Infrastructure and Utilities Committee (IUC) Meeting**

February 13, 2018  
9:30 A.M.  
Commission Chambers

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**IUC Meeting: February 13, 2018  
Research Notes**

**Item No. 3A  
File No. 180183**

**Researcher: MF   Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00622 FOR PURCHASE OF LABORATORY TESTING AND SAMPLING SERVICES FOR THE WATER AND SEWER DEPARTMENT; AUTHORIZING EXPENDITURE AUTHORITY IN A TOTAL AMOUNT NOT TO EXCEED \$2,973,000.00 FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a competitive contract award, Contract No. FB-00622, Laboratory Testing and Sampling Services, for the Water and Sewer Department in an amount of \$2,973,000 for a five-year term.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.1 of the Miami-Dade County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Implementing Order No. 3-38 governs the County's processes 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. It contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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

Implementing Order 2-13 sets forth guidelines and procedures regarding legal opinions with respect to County competitive processes.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf>

Resolution R-1011-15 directs the County Mayor or County Mayor's designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution R-187-12 directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution R-140-15 directs the County Mayor to conduct a full review, prior to re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

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**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services Department**

This item has no procedural history.

**FISCAL IMPACT**

The fiscal impact for the five-year term is \$2,973,000. The current contract, 5869-0/18, is valued at \$4,335,000 for a five-year term and expires on May 31, 2018. The allocation in the recommended contract is lower than the current contract based on prior contract usage and future estimated quantities.

Per information found in the Bid Tracking System on February 7, 2018, \$4,335,000 has been allocated to the current contract's Blanket Purchase Order, of which \$1,359,858 has been released leaving a balance of \$2,975,142.

**ANALYSIS**

This resolution proffers approval of a competitive contract award for Laboratory Testing and Sampling Services for the Water and Sewer Department in the amount of \$2,973,000 for a five-year term. The current contract was established in order to provide laboratory and water sampling services. These services will be used to provide Environmental Protection Agency (EPA) certified testing of ground water, drinking water, and wastewater to ensure that they meet and maintain compliance with local, State and federal regulations.

The current contract expires on May 31, 2018 and there is no option to renew. The contract was split into seven different groups based on the type of testing that was needed, and award was made by group:

- (A) Generic Drinking Water;
- (B) Disinfection by Products;
- (C) Microbiology Specialized;
- (D) Radiological;
- (E) Generic Wastewater;
- (F) Whole Effluent Toxicity Testing; and
- (G) Specialized Test.

These services result in the reporting of precise data regarding metal, biological, microbiological, radiological, and chemical component levels. Water Sampling tests are important in order to ensure that the public is able to drink quality water free of biological or chemical contaminants without risk of contracting waterborne illnesses.

An invitation to Bid was issued under full and open competition. Six bids were received in response to the solicitation. No bids were received for Group C and that group has been resolicited under contract number FB-00701, which is under evaluation. The value for the subject contract is estimated at \$341k for five years. The award of this solicitation is anticipated to be completed prior to the expiration date of 5/31/18. The approval authority is under the Director's delegated authority. The vendors recommended for award are: Eurofins Easton Analytical, Inc., for Group G; Pace Analytical Services LLC for Groups B, D and E; Shealy Consulting, LLC for Group F; and Test America Laboratories Inc., for Group A. A review of the County's SBE list of certified vendors resulted in zero SBE's under the commodity code 96169 – Testing and Monitoring Services, Air, Gas and Water.

The following outreach efforts were conducted to encourage competition and local firms' participation: market research, future solicitation posting, electronic mail solicitation notification through the National Institute of

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Governmental Purchasing, contacting other municipalities and internet searches. The Beacon Council and Greater Miami Chamber of Commerce websites were researched to target potential local vendors.

**ADDITIONAL INFORMATION**

Eurofins Eason Analytical is one of the largest potable water focused commercial laboratories in the United States. This company is a full-service environmental testing operation certified in 50 states and territories under the Safe Drinking Water Act and/or the National Environmental Laboratory Accreditation Program. This company has been in the commercial laboratory business for nearly 50 years.

<https://www.eurofinsus.com/environment-testing/laboratories/eurofins-eaton-analytical/about-us/>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Eurofins Eaton Analytical, Inc., has an active status as a foreign profit Corporation and first filed and registered on 7/20/2012. Its principal address is 750 Royal Oaks Dr., Suite 100, Monrovia, CA 91016. Its registered agent is COGENCY GLOBAL, Inc., 115 North Calhoun St., Suite 4, Tallahassee, FL 32301.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

Pace Analytical Services, LLC, provides analytical services including environmental testing and sampling. Its laboratories utilize Environmental Protection Agency and other accepted test procedures and methods in accordance with both federal and state regulations. Pace also provides specialty analytical support for air toxics, aquatic toxicity, low-level mercury, radiochemistry, environmental forensics, and industrial hygiene.

<https://www.pacelabs.com/about-us/company-profile.html>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Pace Analytical Services, Inc., has an active status as a foreign limited liability company and first filed and registered on 12/23/2016. Its principal address is 1800 Elm Street SE, Minneapolis, MN 55414. Its registered agent is CT Corporation System, 1200 South Pine Island Road, Plantation, FL 33324.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

Shealy Consulting, LLC, provides aquatic toxicology services. It generates toxicity test results which are legally defensible and which may be used by clients for regulatory compliance. It provides a full array of services including industrial pre-treatment, stream and river sampling, treatability studies, and OSHA compliance auditing for wastewater laboratories.

<http://www.shealyconsulting.net/>

A search on Sunbiz.org found that this company is not currently actively registered in Florida.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

TestAmerica Laboratories, Inc., is one of leading environmental testing firms in the United States. Its operations include a nationwide network of over 80 locations delivering technical expertise and comprehensive analytical services.

<http://www.testamericainc.com/about-us/>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), TestAmerica Laboratories, Inc., has an active status as a foreign profit Corporation and first filed and registered on 7/30/1998. Its principal address is 4101 Shuffel Street, North Canton, OH 44720. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

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**ISD INPUT**

See the Q&A between OCA and ISD below.

1. Why isn't RER on the replacement contract? What does RER intend to do, long-term, to satisfy its need for lab testing services? *RER only participates under Group (C) of which no bids were received.*
2. According to the Mayor's memorandum, no bids were received for Group C and that group will be resolicited. What will RER and WASD do to receive Group C services in the interim? *Group (C) has been resolicited under contract number FB-00701 of which is under evaluation. The value for the subject contract is estimated at \$341k for five years. The award of this solicitation is anticipated to be completed prior to the expiration date of 5/31/18. The approval authority is under the Director's delegated authority.*
3. The commodity code on the SBD Project Worksheet is 96148, and there are SBE vendors for that code. Why is there a different code in BTS (96169)? *Commodity code: 96148 it's for laboratory and field testing. In BTS Commodity code 96169 is for testing and monitoring services, air, gas and water. It is unknown why adpics only has available one commodity code which is 96148 and apparently it is what SBD utilizes.*

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**Item No. 3B  
File No. 180197**

**Researcher: MF    Reviewer: PGE**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$4,600,000.00 FOR CONTRACT NO. 060B2490021 FOR COMMERCIAL OFF-THE-SHELF SOFTWARE FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO COUNTY CODE SECTION 2-8.1 AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize additional expenditure authority in a total amount up to \$4,400,000.00 for commercial off-the-shelf software for the Information Technology Department (ITD).

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.1 of the Miami-Dade County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Implementing Order No. 3-38 governs the County's processes 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. It contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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

Resolution No. R-1137-16 authorizing additional expenditure authority in a total amount up to \$4,600,000.00 for Contract No. 060B2490021 for commercial off-the-shelf software for the Information Technology Department. This resolution was adopted by the Board on December 6, 2016.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-1137-16.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Requester/Department: Internal Services Department**

This item has no procedural history as of yet.

**FISCAL IMPACT**

The contract term expires on September 30, 2027. It was initially approved under delegated authority for \$990,000 in May 2016. It was modified by the Board for \$4,600,000.00 on December 6, 2016. It was modified under delegated authority twice, totaling \$500,000. The contract has an existing cumulative allocation of \$6,090,000.00; and if the proposed modification for \$4,400,000.00 is approved, the contract will be valued at \$10,490,000.00.

Per information found in the Bid Tracking System on February 7, 2018, \$6,090,000 has been allocated to the contract's Blanket Purchase Order, of which \$5,761,962 has been released leaving a balance of \$328,038.

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**ANALYSIS**

The department is requesting \$4,600,000.00 in additional expenditure authority in order to purchase commercial off-the-shelf software, installation, training, and maintenance and support services required by various County departments to ensure that the County is able to capitalize on software standardization opportunities and to leverage the County's total software purchasing power to achieve optimal pricing.

Examples of products purchased under this pool include AutoDesk AutoCAD architecture and engineering software; VMWarevShpere server virtualization software; Citrix desktop virtualization software; Kofax image capturing software; Diskeeper defragmentation/performance maintenance software; MCM Technology radio communication tracking software, as well as numerous other software products.

The requested increase in spending authority will fund the acquisition of the remaining software products and services needed through Fiscal Year 17-18, allowing ITD to closely manage the use of this contract, mitigate software compliance issues, optimize software standardization opportunities, and leverage the County's total software spending to reduce one-time and recurring costs. Additional modifications to this contract will be requested on an annual basis for subsequent fiscal year.

OCA reviewed the County's Small Business Enterprise Goods and Services Certified Firms by Trade Code List on February 12, 2018 for commodity code 20554 – Microcomputers, Handheld, Laptop and Notebook, Environmentally Certified Products – and found five certified firms: (1) Laser Products, Inc.; (2) Network & Communication Services, Inc.; (3) RPR Empire Corp; (4) the Ashvins Group, Inc.; and (5) Visual Data Solutions, Inc.

**ADDITIONAL INFORMATION**

When the previous modification was discussed at the Strategic Planning and Government Operations Committee meeting of November 10, 2016, Commissioner Sosa expressed her concern that all the pre-qualified vendors for this contract were non local vendors. Mr. Angel Petisco, Director, ITD, explained that that the contract was with the State of Virginia; however, local vendors were welcome to register and participate. Commissioner Sosa inquired about the marketing campaign to reach local vendors, and Ms. Tara Smith, Director, Internal Services Department (ISD), noted ISD was working with the Communication Department to formalize a more standard campaign to reach local businesses.

According to the Florida Department of State Division of Corporations website (Sunbiz.org), SHI International Corp., has an active status as a foreign profit corporation and first filed and registered on 8/2/2001. Its principal address is 290 Somerset, NJ 08873. Its registered agent is CT Corporation System, 1200 South Pine Island Rd., Plantation, FL 33324.  
<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Insight Public Sector, Inc., has an active status as a foreign profit corporation and first filed and registered on 7/8/1997. Its principal address is 6820 S. Harl Ave., Tempe, AZ 85283. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.  
<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), CDW Government LLC., has an active status as a foreign limited liability company and first filed and registered on 1/5/2010. Its principal address is 200 N. Milwaukee Ave., Vernon Hills, IL 60061. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.  
<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

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According to the Florida Department of State Division of Corporations website (Sunbiz.org), CarahSoft Technology Corp., has an active status as a foreign profit corporation and first filed and registered on 1/5/2009. Its principal address is 1860 Michael Faraday Dr., Suite 100, Reston, VA 20190. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), DLT Solutions LLC., has an active status as a foreign limited liability company and first filed and registered on 12/2/2009. Its principal address is 2411 Dulles Corner Park, Suite 800, Herndon, VA 20171. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

**ISD INPUT**

OCA posed the following questions to ISD on February 9, 2018 and has yet to receive a response.

1. Under the commodity code (20554) found in BTS for this procurement, there are five certified SBEs; explain if these vendors were considered for delivery of the solicited products and services;
2. Explain why En Pointe Technologies is listed as a prequalified vendor in the mayoral memorandum but is not seen in BTS as an awarded company;
3. Forward a copy of the Market Research conducted for this modification request; and
4. What are the specific planned departmental purchases for FY 2018, necessitating this modification?



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**Item No. 3C  
File No. 180171**

**Researcher: BM   Reviewer: PGE**

RESOLUTION APPROVING A BILL OF SALE FROM MIAMI-DADE COUNTY TO FLORIDA FISH AND WILDLIFE COMMISSION TO TRANSFER OWNERSHIP OF THE GOVERNMENT CUT RANGE FRONT LIGHT STRUCTURE, LOCATED OFFSHORE OF MIAMI BEACH IN THE GOVERNMENT CUT INLET, FOR CONSIDERATION OF \$1.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE BILL OF SALE FOR AND ON BEHALF OF THE COUNTY; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE U.S. COAST GUARD PRIVATE AIDS TO NAVIGATION APPLICATION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ANY ACTIONS NECESSARY TO EFFECTUATE THE TRANSFER OF OWNERSHIP

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a Bill of Sale between Miami-Dade County and the Florida Fish and Wildlife Conservation Commission and authorize the Mayor or Mayor's designee to execute the Bill of Sale and execute the U.S. Coast Guard Private Aids to Navigation Application to transfer ownership from Miami-Dade County to the Florida Fish and Wildlife Conservation Commission of the Government Cut Range Front Light Structure (Bent Range Marker), located offshore of Miami Beach in Government Cut Inlet.

**APPLICABLE LEGISLATION/POLICY**

On December 2, 2014, the Board passed Resolution No. R-1027-14 authorizing the Mayor to negotiate and execute an agreement with the Coast Guard for the County to accept the donation of the Bent Range Marker from the Coast Guard. The resolution also authorized the Mayor to execute an agreement between the County and the Bob Lewis Billfish Challenge, Inc., which provided the funding mechanism for the operation and maintenance of this marker.

<http://intra/gia/matter.asp?matter=142636&file=true&yearFolder=Y2014>

14 USC 83 provides that no person, or public body, or instrumentality, excluding the armed services, shall establish, erect, or maintain any aid to maritime navigation in or adjacent to the waters subject to the jurisdiction of the United States, its territories or possessions ... without first obtaining authority to do so from the Coast Guard in accordance with applicable regulations.

<http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title14-section83&num=0&edition=prelim>

33 CFR 66.01-5 provides that to establish and maintain, discontinue, change, or transfer ownership of a private aid to navigation, you must apply to the Commander of the Coast Guard District in which the aid is or will be located.

<https://www.law.cornell.edu/cfr/text/33/66.01-5>

**PROCEDURAL HISTORY**

Prime Sponsor: Bruno A. Barreiro, District 5

Department/Requester: Regulatory and Economic Resources Department

This item has no procedural history.

**FISCAL IMPACT**

There will be no negative fiscal impact to the County. The transfer of ownership from Miami-Dade county to Florida Fish and Wildlife Commission will be done in consideration of the sum of \$1. With transfer of the Bent Range Marker, the Florida Fish and Wildlife Conservation Commission would assume all duties, responsibilities and obligations for the operation and maintenance of the structure and all costs that may be incurred as a result of ownership.

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**ANALYSIS**

Miami-Dade County enjoys a strong commercial and recreational fishing industry that contributes millions of dollars annually to the local economy. The Bent Range Marker served as a navigational aid for ships entering the Port of Miami and is used by recreational and commercial fishermen. In 2014, the U.S. Coast Guard scheduled the removal of the old navigational marker and several others that guide large ships into the Port of Miami and replace them with tall, thin poles. Unlike the old structures, the new ones do not provide as much habitat for bait fish. Recreational anglers and charter boat operators complained that the removal of the “bent range” would create a potential safety hazard during the sailfish season. Consequently, they contacted Miami-Dade County to urge it to assume jurisdiction over the structure.

On December 2, 2014, the Board passed Resolution No. R-1027-14 authorizing the Mayor to negotiate and execute an agreement with the Coast Guard for the County to accept the donation of the Bent Range Marker from the Coast Guard. The Florida Fish and Wildlife Conservation Commission has requested to assume ownership of the Bent Range Marker from the County in order to maintain the light and signs associated with the marker for the public benefit of recreational fishermen.

The Florida Fish and Wildlife Conservation Commission will assume all duties, responsibilities and obligations for the operation, maintenance and upkeep of the Bent Range Marker and for compliance with all conditions of the USCG Private Aid to Navigation permit, including:

- Conducting all maintenance necessary for the Bent Range Marker to remain in proper operating condition at all times;
- Obtain all required legal and regulatory authorizations;
- Reporting promptly any discrepancy, if the Bent Range Marker does not display the characteristics as per the approved USCG permit application;
- Holding the USCG harmless with respect to any claim or claims that may result from the alleged negligence in maintenance or operation of the Bent Range Marker;
- Obtaining prior approval from the USCG of any change in ownership of the Bent Range Marker;
- Recovering promptly any expended or dislodged batteries from the Bent Range Marker then properly recycling of disposing of those batteries;
- Properly demolishing and removing the Bent Range Marker structure in coordination with the USCG beforehand; and
- Being responsible for all costs that may be incurred as a result of ownership of the Bent Range Marker.

**ADDITIONAL INFORMATION**

The Florida Fish and Wildlife Conservation Commission is a Florida Government agency founded in 1999 and headquartered in Tallahassee. It manages and regulates the state’s fish and wildlife resources, and enforces related laws. Officers are managers, researchers, support personnel, and perform law enforcement in the course of their duties.  
<http://myfwc.com/>

[https://en.wikipedia.org/wiki/Florida\\_Fish\\_and\\_Wildlife\\_Conservation\\_Commission](https://en.wikipedia.org/wiki/Florida_Fish_and_Wildlife_Conservation_Commission)

A September 14, 2014 Miami Herald article on the efforts to save the Bent Range Marker entitled “State supports keeping ‘bent range’ marker, popular Miami bait spot”.

<http://www.miamiherald.com/sports/outdoors/article2103552.html>

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**Item No. 3D  
File No. 180134**

**Researcher: BM   Reviewer: PGE**

RESOLUTION APPROVING THE CERTIFICATION OF FINANCIAL RESPONSIBILITY PURSUANT TO RULE 62-528.435(9) OF THE FLORIDA ADMINISTRATIVE CODE FOR THE OPERATION OF TWO CLASS I UNDERGROUND INJECTION WELLS AND ONE RELATED MONITORING WELL AND FOR THE CONSTRUCTION OF SEVEN ADDITIONAL CLASS I UNDERGROUND INJECTION WELLS AND FOUR RELATED MONITORING WELLS AT MIAMI-DADE COUNTY'S CENTRAL DISTRICT WASTEWATER TREATMENT PLANT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE THE PROVISIONS CONTAINED

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Certification of Financial Responsibility as required by Rule 62-528.435(9) of the Florida Administrative Code for Underground Injection Wells and Related monitoring wells at the County's Central District Wastewater Treatment Plant.

**APPLICABLE LEGISLATION/POLICY**

Rule 62-528.435(9) of the Florida Administrative Code provides that upon determination by the Florida Department of Environmental Protection (FDEP) that a well poses a threat to waters of the State or within one year of determining that a well has been abandoned, the department shall order the well plugged, unless otherwise provided for in a consent order... Any applicant for an underground injection control permit shall be required to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation... The permit shall require the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance.

<https://www.flrules.org/gateway/RuleNo.asp?ID=62-528.435>

Rule 62-528.435(9) of the Florida Administrative Code provides that upon determination by the Florida Department of Environmental Protection (FDEP) that a well poses a threat to waters of the State or within one year of determining that a well has been abandoned, the department shall order the well plugged, unless otherwise provided for in a consent order... Any applicant for an underground injection control permit shall be required to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation... The permit shall require the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance.

<https://www.flrules.org/gateway/RuleNo.asp?ID=62-528.435>

Legislative File No. 172474 regarding a presentation by Miami-Dade County's Water and Sewer Department on the Capital Improvement Program, Consent Decree, and Ocean Outfall.

<http://intra/gia/matter.asp?matter=172474&file=false&yearFolder=Y2017>

Florida Statutes, Section 403.086 relates to sewage disposal facilities as well as advanced and secondary waste treatment.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0403/Sections/0403.086.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0403/Sections/0403.086.html)

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**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Water and Sewer Department**

This item has no procedural history.

**FISCAL IMPACT**

There is no fiscal impact related to Board approval of this Certification of Financial Responsibility. There will only be a fiscal impact if a well is plugged and abandoned. In the event the wells need to be plugged and abandoned, the estimated cost for all of the 14 wells would be \$3,697,645. The funding source for plugging and abandoning a well is sewer operations and maintenance revenue.

Below is a table summarizing the Injection and Monitoring Wells for the Central District Wastewater Treatment Plant:

Well Type	Current Plugging and Abandonment Cost Estimate
Injection Well IW-1	\$359,027
Injection Well IW-2	\$353,786
Injection Well IW-3	\$336,219
Injection Well IW-4	\$336,219
Injection Well IW-5	\$336,219
Injection Well IW-6	\$336,219
Injection Well IW-7	\$336,219
Injection Well IW-8	\$336,219
Injection Well IW-9	\$336,219
Monitoring Well DZMW-1	\$128,095
Monitoring Well DZMW-2	\$125,801
Monitoring Well DZMW-3	\$125,801
Monitoring Well DZMW-4	\$125,801
Monitoring Well DZMW-5	\$125,801
Total Current Plugging and Abandonment Cost Estimate:	<b>\$3,697,645</b>

**ANALYSIS**

The Central District Wastewater Treatment Plant is located in Virginia Key. The injection wells and monitoring wells are located in District 7, represented by Commissioner Xavier L. Suarez. The treated effluent is discharged via an ocean outfall located three miles off the coast. To comply with the State's Ocean Outfall Legislation, which mandates that all ocean outfalls statewide cease operations on December 31, 2025, the County has constructed two Class I injection wells and one monitoring well at the Central District Wastewater Treatment Plant. Much of the waste water has to be highly cleansed and re-purposed, and the Water and Sewer Department officials say that the only way to fully comply with the new law is to dispose of up to hundreds of millions of gallons of treated waste by shooting it into a cavernous, confined saltwater zone down below South Florida's drinking supply.

The Water and Sewer Department submitted to the Florida Department of Environmental Protection a Class I underground injection well construction permit application on November 18, 2017 to construct an additional seven injection wells and four monitoring wells as part of the Ocean Outfall Legislation Compliance Plan.

In 2008, the Florida Legislature approved and the Governor signed a law requiring all wastewater utilities in southeast Florida utilizing ocean outfalls for disposal of treated wastewater to reduce nutrient discharges by 2018, cease using

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the outfalls by 2025, and reuse 60% of the wastewater flows by 2025. Below are the documents available at the department's website regarding the preliminary compliance plan:

- Ocean Outfall Legislation Program Compliance Plan 2017
- Ocean Outfall Legislation Plan 2013
- Ocean Outfall Legislation Program Compliance Plan 2016
- Appendices
- Department presentation from the June 5 public meeting
- Ocean Outfall Legislation Compliance Plan Project

<http://www.miamidade.gov/water/ocean-outfall-legislation.asp>

Rule 62-528.435(9) of the Florida Administrative Code requires any applicant for an underground injection control permit to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation. The permit process also requires the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance.

**ADDITIONAL INFORMATION**

The Miami-Dade Water and Sewer Department owns and operates the Central District Wastewater Treatment Plant, which is engaged in wastewater treatment activities and is publicly owned. The first treatment facilities at the Virginia Key site became operational in 1956. Since that time numerous additions and modifications have been made to the plant, which utilizes a pure-oxygen activated treatment system for primary and secondary treatment of wastewater prior to disposal through an ocean outfall pipeline.

<https://productforums.google.com/forum/#!topic/gec-earth-browsing/e2GDC18ymXA>

The East Central Regional Water Reclamation Facility is licensed to function under specific guidelines by the State of Florida and the U.S. Environmental Protection Agency. Wastewater generated by residential users, businesses and industry is transported to the Water Reclamation Facility. The facility is designed to remove as much of the waste as possible so that the treated water will have minimal impact on the environment when it is returned.

<http://wpb.org/Departments/Public-Utilities/Our-Divisions/Wastewater-Treatment-Plant>

Miami Herald posted an article entitled "10,000-foot injection well could change how Miami flushes" on April 8, 2016. It states the fact that Miami-Dade County, pursuant to state law, has nine years to stop pumping treated waste into the ocean.

<http://www.miamiherald.com/news/local/community/miami-dade/article70629122.html>

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Research Notes**

**Item No. 3E**

**File No. 180135**

**Researcher: BM Reviewer: PGE**

RESOLUTION APPROVING THE CERTIFICATION OF FINANCIAL RESPONSIBILITY PURSUANT TO RULE 62-528.435(9) OF THE FLORIDA ADMINISTRATIVE CODE FOR THE OPERATION OF SEVENTEEN CLASS I UNDERGROUND INJECTION WELLS AND FOUR RELATED MONITORING WELLS AND FOR THE CONSTRUCTION OF THREE ADDITIONAL CLASS I UNDERGROUND INJECTION WELLS AND THREE RELATED MONITORING WELLS AT MIAMI-DADE COUNTY'S SOUTH DISTRICT WASTEWATER TREATMENT PLANT; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Certification of Financial Responsibility as Required by Rule 62-528.435(9) of the Florida Administrative Code for Underground Injection Wells and Related monitoring wells at the County's South District Wastewater Treatment Plant.

**APPLICABLE LEGISLATION/POLICY**

Rule 62-528.435(9) of the Florida Administrative Code provides that upon determination by the Florida Department of Environmental Protection (FDEP) that a well poses a threat to waters of the State or within one year of determining that a well has been abandoned, the department shall order the well plugged, unless otherwise provided for in a consent order... Any applicant for an underground injection control permit shall be required to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation... The permit shall require the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance.

<https://www.flrules.org/gateway/RuleNo.asp?ID=62-528.435>

Legislative File No. 172474 regarding a presentation by Miami-Dade County's Water and Sewer Department on the Capital Improvement Program, Consent Decree, and Ocean Outfall.

<http://intra/gia/matter.asp?matter=172474&file=false&yearFolder=Y2017>

Florida Statutes, Section 403.086 relates to sewage disposal facilities as well as advanced and secondary waste treatment.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0403/Sections/0403.086.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0403/Sections/0403.086.html)

**PROCEDURAL HISTORY**

**Prime Sponsor:**

**Department/Requester: Water and Sewer Department**

This item has no procedural history.

**FISCAL IMPACT**

There is no fiscal impact related to Board approval of this Certification of Financial Responsibility. There will only be a fiscal impact if a well is plugged and abandoned. In the event the wells need to be plugged and abandoned, the estimated total cost for all the wells would be \$7,174,195. The funding source for plugging and abandoning a well is sewer operations and maintenance revenue.

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Below is a table summarizing the Injection and Monitoring Wells for the South District Wastewater Treatment Plant:

Well Type	Current Plugging and Abandonment Cost Estimate
Injection Well IW-1	\$331,629
Injection Well IW-2	\$319,050
Injection Well IW-3	\$332,229
Injection Well IW-4	\$333,674
Injection Well IW-5	\$269,147
Injection Well IW-6	\$334,934
Injection Well IW-7	\$332,024
Injection Well IW-8	\$325,742
Injection Well IW-9	\$325,640
Injection Well IW-10	\$322,191
Injection Well IW-11	\$321,705
Injection Well IW-12	\$322,650
Injection Well IW-13	\$322,880
Injection Well IW-14	\$322,966
Injection Well IW-15	\$323,167
Injection Well IW-16	\$239,191
Injection Well IW-17	\$323,871
Injection Well IW-18	\$329,037
Injection Well IW-19	\$329,037
Injection Well IW-20	\$329,037
Monitoring Well CHI Upper and Lower	\$122,349
Monitoring Well FA-1 Upper Zone	\$100,976
Monitoring Well FA-3 Upper Zone	\$100,248
Monitoring Well FA-14 Upper Zone	\$120,615



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Monitoring Well FA-17 Upper Zone	\$113,402
Monitoring Well FA-18 Upper Zone	\$113,402
Monitoring Well FA-19 Upper Zone	\$115,402
Total Current Plugging and Abandonment Cost Estimate:	\$7,174,195

**ANALYSIS**

The South District Wastewater Treatment Plant is located at 8950 SW 232<sup>nd</sup> Street in Miami-Dade County, in District 8, represented by Commissioner Daniella Levine Cava. The treated effluent is discharged through 17 existing injection wells into an underground formation known as the Boulder Zone. The four existing monitoring wells are used to monitor the groundwater quality above the injection zone. Much of the waste water has to be highly cleansed and re-purposed, and the Water and Sewer Department officials say that the only way to fully comply with the new law is to dispose of up to hundreds of millions of gallons of treated waste by shooting it into a cavernous, confined saltwater zone down below South Florida's drinking supply. To comply with the State's Ocean Outfall Legislation, which mandates that all ocean outfalls statewide cease operations on December 31, 2025, the County will construct an additional three injection wells and three monitoring wells at the South District Wastewater Treatment Plant.

In 2008, the Florida Legislature approved and the Governor signed a law requiring all wastewater utilities in southeast Florida utilizing ocean outfalls for disposal of treated wastewater to reduce nutrient discharges by 2018, cease using the outfalls by 2025, and reuse 60% of the wastewater flows by 2025. Below are the documents available at the department's website regarding the preliminary compliance plan:

- Ocean Outfall Legislation Program Compliance Plan 2017
- Ocean Outfall Legislation Plan 2013
- Ocean Outfall Legislation Program Compliance Plan 2016
- Appendices
- Department presentation from the June 5 public meeting
- Ocean Outfall Legislation Compliance Plan Project

<http://www.miamidade.gov/water/ocean-outfall-legislation.asp>

The Water and Sewer Department submitted to the Florida Department of Environmental Protection a Class I underground injection well construction permit application on October 3, 2017 to construct the additional three injection wells and three monitoring wells as part of the Ocean Outfall Legislation Compliance Plan.

Rule 62-528.435 (9) of the Florida Administrative Code requires any applicant for an underground injection control permit to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation. The permit process also requires the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance.



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**Research Notes**

**ADDITIONAL INFORMATION**

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