



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

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

July 16, 2018  
9:30 A.M.  
Commission Chambers

Thomas B. Davis, Esq.  
Director, Policy and Legislation  
Office of the Commission Auditor (OCA)  
111 N.W. First Street, Suite 1030  
Miami, FL 33128  
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**IUC Meeting: July 16, 2018  
Research Notes**

**Item No. 3A  
File No. 181667**

**Researcher: PGE Reviewer: TD**

RESOLUTION AUTHORIZING AWARD OF A LEGACY CONTRACT FOR THE AUTOMATED FUELING SYSTEM FOR THE INFORMATION TECHNOLOGY DEPARTMENT, CONTRACT NO. L3796-1/25, TO E.J.WARD, INC. FOR AN INITIAL THREE-YEAR TERM PLUS FIVE, ONE-YEAR OPTION TO RENEW TERMS IN A TOTAL AMOUNT NOT TO EXCEED \$2,911,000.00 AND APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize award of a legacy contract to E.J. Ward, Inc. for an initial three-year term plus five, one-year options to renew in an amount of up to \$2,911,000 for delivery of an automated fueling system for the Information Technology Department.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

[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)

Section 2-8.1(b)(2) of the County Code provides for legacy purchases upon a majority vote of the Board members present. A legacy purchase is defined as a purchase of goods and services where competition is unavailable, impractical or constrained as a result of the need to continue to operate an existing County system which may not be replaced without substantial expenditure. In any legacy purchase award recommendation, the County Mayor shall include a statement as to the need for such purchase and the provisions taken to reduce or eliminate the future need for legacy purchases for the particular good or service.

[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)

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directs the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

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

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the 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**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services**

**FISCAL IMPACT**

Per the Project Administration module of the County's e-Procurement System, the fiscal impact to the Information Technology Department for the three-year term and five, one-year options to renew is \$2,909,223. Pricing for the fuel management system is inclusive of all software, hardware and services and is broken down as follows:

- \$1,899,445 for the Internal Services Department Fleet Management Division
- \$724,450 for the Fire Rescue Department; and
- \$285,328 for the Department of Transportation and Public Works

The previous contract (SS3796-4/07) was effective on May 1, 2004 and expired on December 31, 2008 for a term of four years and eight months for a cumulative value of \$3,500,000. The yearly allocation under the expired contract was \$750,000 while the yearly allocation under the recommended contract is \$363,652.92.

**ANALYSIS**

This item is requesting Board authorization for award of a legacy contract in an amount of up to \$2,909,223 for a term of three years plus five, one-year options to renew to E. J. Ward, Inc. for delivery of a fuel management system to support the County's fleet operations. Under the contract, E. J. Ward, Inc. will upgrade its existing software and related hardware at 29 fueling facilities overseen by the Internal Services Department as well as up to five fueling terminals overseen by the Department of Transportation and Public Works. Both departments have a need to update the current system to the new windows platform as the current UNIX operating system is obsolete and will no longer be supported by E. J. Ward. The award is characterized as a legacy purchase because the current system is E. J. Ward's proprietary product, and thus E. J. Ward is the only vendor that can perform a full upgrade from the current software and hardware platforms to the latest W4 solution.

The Market Research for this procurement indicates that the initial system was purchased from E. J. Ward, Inc. in 1982 and over the years has been supported by two contracts: #SS3796-1 (Automated Fueling System Maintenance), which was awarded to E. J. Ward, Inc. and expired on December 31, 2008; and #5380-6/14 (OEM Equipment Parts and Service Prequalification), which prequalified multiple vendors and expired on March 31, 2018. It is unclear from the agenda item what contract is currently being used by the County to support the current system.

Under the contract, E. J. Ward will perform the following:

- Software upgrade: The County presently operates a custom built version of the E. J. Ward fueling software, which runs on an antiquated IBM AIX server platform. This legacy system communicates to several E. J. Ward fuel control terminals located across the County's fuel islands and runs a custom operating system that

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allows for secure verification, disbursement, and accounting of fuel usage. The upgrade will be to the latest W4 version at time of installation of the E. J. Ward fuel view software.

- **Hardware upgrade:** The currently installed fuel control terminals will be upgraded to the E. J. Ward FCT-W4 version of fuel control terminals. The W4 software and FCT-W4 terminal upgrade allows the County to continue the use of its existing OBDII W3 CANceiver (vehicle diagnostic reporting technology) and RFID transponders as well as use of the latest W4 CANceiver.
- **Maintenance and Support:** Provide the County service call support on a 24 hour/seven days per week basis. Service requests will be categorized as phone support or site support.
- **Training:** Deliver training for County staff to make users functional and proficient with the software so they can carry out their daily tasks.

The total timeframe of the project has not been fully defined by the County due to infrastructure changes underway at the fuel islands before E. J. Ward approved certified technicians can begin upgrading the existing hardware and software. Current projections: the software upgrade will be completed by the second quarter of 2018 with the fuel island terminal upgrades starting simultaneously with full project completion by summer 2018.

Both the Market Research and the agenda item indicates that it would be cost prohibitive for the County to compete this project despite the availability of competition. The contract's Commodity Code is 20554 (Microcomputers, Handheld, Laptop and Notebook, Environmentally Certified Products). The following SBE-G&S certified firms were found on the Business Management Workforce System under that code:

- Laser Products, Inc.
- Network & Communication Services, Inc.
- Visual Data Solutions, Inc.

**ADDITIONAL INFORMATION**

Per the Market Research, Palm Beach County has been using the Ward fuel management system since 1984. Also, the City of San Antonio awarded an automated fuel management contract to E. J. Ward, Inc.

The Ohio Court of Claims approved a \$1.25 million settlement between the Ohio Department of Transportation and E. J. Ward, Inc. for the company's failure to fulfill its \$6 million contract to install a system to track and improve fuel use by the department's vehicle fleet. The settlement agreement is attached.

<http://www.courtnewsOhio.gov/cases/2015/COC/1104/2014-00405.asp#.W0ekVdGWwdU>

2015 WL 7069377 (Ohio Ct.Cl.) (Trial Order)  
Court of Claims of Ohio.  
Franklin County

OHIO DEPARTMENT OF TRANSPORTATION,

v.

E.J. WARD, Inc.

No. 2014-00405.  
October 30, 2015.

**Journal Entry Approving Settlement**

Patrick M. McGrath, Judge.

\*1 The court, being fully advised of the premises, approves and confirms the settlement agreement entered into by and between the parties and ORDERS the cause be DISMISSED with prejudice to all parties. Court costs are assessed against defendant E.J. Ward, Inc. No interest shall be paid on the amount of the settlement.

It is further ORDERED that the settlement warrant of \$1,250,000.00 be drawn on the account of E.J. Ward, Inc., made payable to plaintiff Ohio Department of Transportation and be sent to plaintiff, c/o plaintiffs counsel, William C. Becker and Richard J Silk, Jr., assistant attorneys general, in accordance with the following terms:

1. \$500,000.00 within 30 days of this entry being filed;
2. \$250,000.00 within 60 days after the 1st payment;
3. \$250,000.00 within 60 days of the 2nd payment; and
4. \$250,000.00 within 60 days of the 3rd payment.

The clerk is directed to return the original papers to the Franklin County Court of Common Pleas.

<<signature>>

PATRICK M. MCGRATH

Judge

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**Item No. 3B  
File No. 181649**

**Researcher: JFP Reviewer: TD**

RESOLUTION RESCINDING RESOLUTION NO. R-698-17; ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" AND AUTHORIZING PURCHASE OF APPROXIMATELY 7.00 ACRES OF CUTLER WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND MHONE CORP. AS SELLER FOR A PURCHASE PRICE OF \$55,000.00 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, TO EXERCISE THE PROVISIONS CONTAINED THEREIN, AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SUCH TRANSACTION; 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**

The proposed resolution accepts the "Assignment of Option to Purchase" and authorizes purchase of approximately 7 acres of Cutler Wetlands Project within the Environmentally Endangered Lands Program acquisition site for a purchase price of \$55,000 using Building Better Communities General Obligation Bond Program (BBC-GOB) funds, and authorizing use of Environmentally Endangered Lands Acquisition Trust Fund for this purchase in the event BBC-GOB funds are not available. Nature Conservancy is the assignor, Miami-Dade County is the assignee, and MHONE Corp. is the seller in this County acquisition.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 2-8.6.5, governs the purchase, sale and lease of real property.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

Resolution No. R-974-09, adopted by the Board on July 21, 2009, directs that any resolution authorizing the execution of instruments creating a county interest in real property are to be recorded in the Miami-Dade County Public Records and attached by the Clerk of the Board to the authorizing resolution.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

Resolution No. 698-17, adopted by the Board on July 6, 2017, approved an Assignment of Option to Purchase for the proposed property at a parcel size of 7.59 acres.

<http://intra/gia/matter.asp?matter=171383&file=true&yearFolder=Y2017>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Daniela Levine Cava, District 8**

**Requester/Department: Regulatory and Economic Resources**

This proposed resolution has no procedural history.

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**FISCAL IMPACT**

The negotiated purchase price of the subject property is \$55,000, with the re-appraised value of the 7-acre parcel also being \$55,000\*.

Building Better Communities General Obligation Bond (BBC-GOB) Program funding under Project No. 2, Site #70230 will be used for this purchase. As of April 30, 2018, the remaining balance under the BBC-GOB Program for allocations towards EEL acquisitions is \$11,028,999.23.

In the unlikely event that BBC-GOB Program funds are not available, the EEL Acquisition Trust Fund may be used towards the acquisition of the property. As of April 30, 2018, the balance of the EEL Trust Fund (GF 080) is \$33,443,475.53, of which \$21,354,536.96 is reserved for acquisition and \$12,088,938.57 is reserved for management.

**ANALYSIS**

The proposed resolution authorizes the County's acquisition of approximately 7 acres within the Cutler Wetlands Environmentally Endangered Lands Project, a critical wetland system situated in District 8, making corrections to a July 2017 Board approved resolution much to the same effect. This resolution reflects adjustments made in the parcel size, legal description, appraised value, and purchase price as a result of findings of a certified survey obtained after title work revealed discrepancies in property boundary. With the parcel size adjusted to approximately 7 acres from 7.59 acres, the re-appraised value (appraised on February 2, 2018) is \$55,000. The new purchase price of \$55,000 adjusted from \$60,000 reflects the changes in appraised value. However, the 2018 assessment of this approximately 7-acre parcel as shown on the County Property Appraiser's website is \$70,020, showing no variance from its 2017 assessed value.

In furtherance of the Environmentally Endangered Lands (EEL) Program, the Board first approved the Cutler Wetlands Acquisition Project Area, of which the subject property is a part, in 1996. Miami-Dade County's EEL Program's focus is the protection and conservation of endangered lands, funded by a voter-approved property tax that was collected between 1990 and 1992 to fund the acquisition, protection and maintenance of environmentally endangered lands. As of February 28, 2018, approximately 22,211 acres have been acquired through the EEL Program since its inception. This particular parcel is characterized by high-quality mangrove wetlands that are important to the endangered and threatened species in the region, the acquisition of which is consistent with the Sea Level Rise Task Force Recommendations.

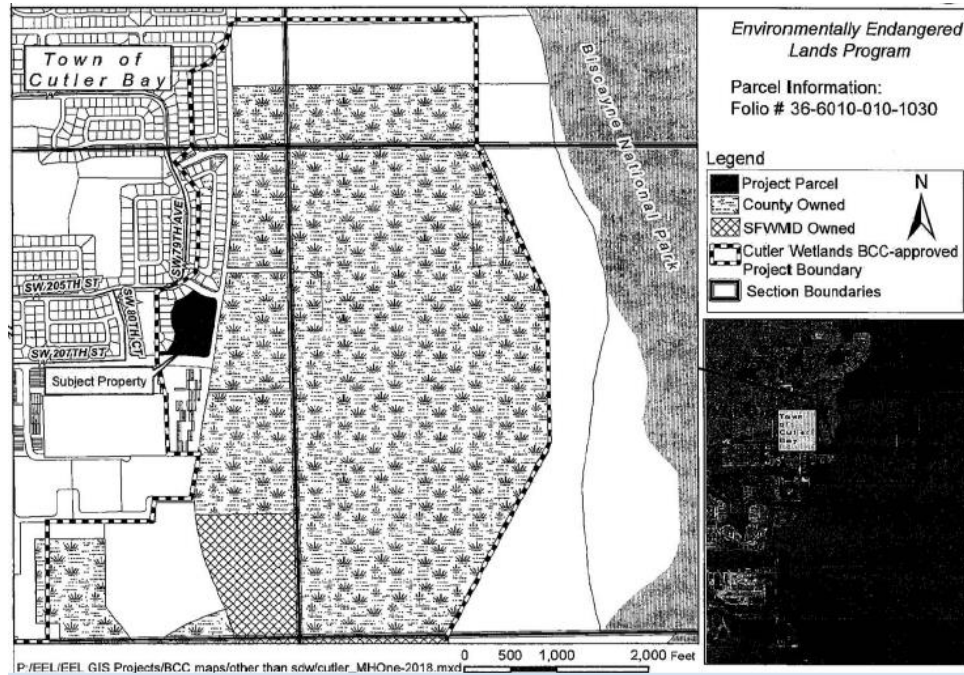
Below are the details of the subject property:

<b>Folio</b>	<b>Size</b>	<b>Value</b>	<b>Purchase Price</b>	<b>Sellers</b>
36-6010-010-1030	Approximately 7 acres	\$55,000*	\$55,000	MHONE Corp.

*\*The 2018 assessment of this approximately 7-acre parcel as shown on the County Property Appraiser's website is \$70,020, showing no variance from its 2017 assessed value; the Mayoral Memorandum lists the re-appraised value of the 7-acre parcel as \$55,000.*

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The parcel is located at the southeast corner of theoretical SW 205 Terrace and theoretical SW 78 Avenue, Cutler Bay, Miami-Dade County. The parcel is inside the Urban Development Boundary.



### **ADDITIONAL INFORMATION**

#### ***Environmentally Endangered Lands (EEL) Program***

The EEL Program and its partners have brought more than 22,211 acres of environmentally endangered lands into public ownership since 1990 (through February 28, 2018). 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.

<https://www.miamidade.gov/environment/endangered-lands.asp>

#### ***The Building Better Communities General Obligation Bond (BBC-GOB) Program***

On November 2, 2004 the voters of Miami-Dade County approved the \$2.9 billion Building Better Communities Bond Program which allows the County to issue long-term bonds to fund more than 300 neighborhood and regional capital projects to be completed over the next 15 years.

<https://www.miamidade.gov/bondprogram/building-better-communities.asp>

#### ***Mayor's Response to County Commission's Resolutions on Sea Level Rise – September 2016 Executive Summary***

Miami-Dade County's natural environments, like coastal barrier islands, mangrove forests, shallow bays, estuaries, and wetlands, are an important first line of defense against climate change. In addition to their intrinsic value as conservation lands, these rich natural resources are also the best insurance to protect our drinking water and coasts from the impacts of gradual sea level rise and extreme weather. These areas provide protection for our coastlines from erosion and storm surge. The wider and the thicker the natural buffer, the more the mangrove forest can protect the communities behind it by dampening wave energy and potentially delaying or reducing the height of storm surges.

<https://www.miamidade.gov/green/library/sea-level-rise-executive-summary.pdf>

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**Item No. 3C  
File No. 181643**

**Researcher: LE Reviewer: TD**

RESOLUTION AUTHORIZING REFUND OF PAYMENT OF WATER AND SEWER CONNECTION CHARGES IN THE AMOUNT OF \$8,579.11 PURSUANT TO SECTION 2-348 OF THE CODE OF MIAMI-DADE COUNTY TO LIBERTY ACADEMY DAYCARE AND PRESCHOOL, INC. LOCATED IN THE COUNTY'S CENTRAL ENTERPRISE ZONE

**ISSUE/REQUESTED ACTION**

Whether the Board should (i) authorize a refund payment in the amount of \$8,579.11 for water and sewer connection charges to Liberty Academy Daycare and Preschool, Inc. located in the County's central enterprise zone.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code Section 2-348 provides that commercial or industrial real property development within enterprise zones are exempt from payment of water and sewer connection charges imposed by the Miami-Dade Water and Sewer Authority Department upon approval of the Board subject to the following requirements:

- (1) The development is consistent with the Miami-Dade County Comprehensive Development Master Plan.
- (2) The development is located within an existing designated enterprise zone established pursuant to Florida Law.
- (3) The development has been deemed to have been granted an ad valorem tax exemption by Miami-Dade County.
- (4) The development meets the requirement that 25 percent of the employees reside in the enterprise zone.

[https://library.municode.com/fl/miami -  
dade county/codes/code of ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTXXXVIIMIDEWASEDEADBO\\_S2-348.1DEEX](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTXXXVIIMIDEWASEDEADBO_S2-348.1DEEX)

Florida Statutes Section 290.004 defines property relating to the Florida Enterprise Zone Act. According to such definitions, Liberty Academy is entitled to a refund because it is a renovated property located within a designated enterprise zone.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0290/Sections/0290.004.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0290/Sections/0290.004.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Audrey Edmonson, District 3**

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

There is no procedural history for this item.

**FISCAL IMPACT**

The proposed resolution would have a fiscal impact on the County in the amount of \$8,579.11, which the refund amount due to Liberty Academy for water and sewer connection charges. The refund funding source will be Water and Sewer Department (WASD) Plant Expansion Funds.

**ANALYSIS**

A refund is due to Liberty Academy Daycare and Preschool, Inc. because they received water and sewer connection charges resulting from enhancements made to an existing facility in an enterprise zone. According to Miami-Dade County Code Section 2-348, the improvements made to Liberty Academy meets the criteria to receive an exemption. The property owner of Liberty Academy, Sarah Davis Brazier, applied for a property tax abatement exemption after the renovations were completed.

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**DEPARTMENTAL INPUT**

On July 11, 2018, OCA posed the following question/request to the Water and Sewer Department received the following responses:

- (1) Clarify Liberty Academy Daycare and Preschool, Inc.'s address as the mayoral memorandum and resolution indicate Liberty Academy is located in the County's Central Enterprise Zone at 7730-7734 N.W. 12 Avenue, Miami, Florida 33150 while the Exhibit A indicates 7750 N.W. 12 Avenue, Miami, Florida 33150.**

On page 11, 7730-7734 and 7760 are indicated that they were included in buildings that received water and sewer connection charges. The owner only listed one building address for the refund, while these three buildings are also included.

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**Item No. 3D  
File No. 181610**

**Researcher: PGE Reviewer: TD**

RESOLUTION APPROVING A CONTRACT BETWEEN DANIEL O'CONNELL'S SONS, INC. AND MIAMI-DADE COUNTY FOR CONSENT DECREE PROJECT 3.06, CONTRACT NO. S-912, FOR A PROJECT ENTITLED: NORTH DISTRICT WASTEWATER TREATMENT PLANT DISINFECTION FACILITY IMPROVEMENTS, WITH A TOTAL COMPENSATION AMOUNT OF \$12,430,010.00 AND A TOTAL CONTRACT TERM OF 605 DAYS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS OF SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONTRACT NO. S-912 AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a contract award to Daniel O'Connell's Sons, Inc. in the amount of \$12,430,010 for a term of 605 days for delivery of disinfection facility improvements to the North District Wastewater Treatment Plant for the Water and Sewer Department.

**APPLICABLE LEGISLATION/POLICY**

Chapter 489 of the Florida Statutes sets forth regulations for the construction industry, including qualifications for practice, registration and disciplinary proceedings.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0489/0489.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0489/0489.html)

Chapter 10 of the County Code sets forth the County's regulations for construction contractors.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH10CO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH10CO)

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 2-8.1(h) of the County Code provides for contingency allowances and requires that an item shall be added to the recommendation for award memorandum presented by the County Mayor to the Board of County Commissioners identifying (1) each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each, and (2) the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 2-8.2.12 of the County Code sets forth the Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance. Under the ordinance, the County Mayor or County Mayor's designee shall, subject to the funding limitations set forth in the Multi-Year Capital Plan approved by the Board of County Commissioners, be authorized to accelerate the processing, procurement, and award of any contract and agreement of the County for Consent Decree Work and other required Capital Improvements contracts to maintain the operational

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effectiveness and capacity of the water and sewer systems, including any contracts related to the purchase of goods and services, construction and professional services. The authority to award or reject is granted where (1) the base value of a recommended award does not exceed the base estimate by more than 10 percent; and (2) the contractor or consulting firm receiving the award has a rating of 2.5 or higher in the Capital Improvement Information System database and has no outstanding debts, no goal deficits and has submitted required insurance, bonds, affidavits and documentation provided for by the time of award.

Additionally, under the Acceleration Ordinance, the County Mayor or the County Mayor's designee is authorized to amend contracts and negotiate and settle claims.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

Section 2-8.5 of the County Code sets forth the procedure to apply preference to local businesses in County contracts and provides that if the Low Bidder is a Local Business which is not a Locally Headquartered Business, then any and all responsive and responsible Locally Headquartered Businesses submitting a price within five percent of the Low Bid, and the Low Bidder shall have an opportunity to submit a best and final bid equal to or lower than the Low Bid.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.5PRPRPRLOBUCOCO](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO)

Section 10-34 of the County Code requires a listing of subcontractors for those contracts involving an expenditure of \$100,000 or more in which a bidder may use a subcontractor. Such contracts require the entity contracting with the County to list all first tier subcontractors who will perform any part of the contract and all suppliers who will supply materials for the contract work.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH10CO\\_ARTIIBIPUPR\\_S10-34LISURE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE)

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

Implementing Order No. 3-24 sets forth the County's responsible wages and benefits policy for County construction contracts.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-24.pdf>

Implementing Order No. 3-57 sets forth the County's policy for adoption of a standard construction contract.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-57.pdf>

Administrative Order No. 3-39 sets forth the County's standard process for construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-39.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Water and Sewer**

**IUC Meeting: July 16, 2018  
Research Notes**

**FISCAL IMPACT**

Per the mayoral memorandum, the fiscal impact for the 605-day term is \$12,430,010. The funding sources include Future WASD Revenue Bonds, WASD Revenue Bonds Sold, and Wastewater Renewal Fund. The elements constituting the total contract amount are: (1) the base contract amount of \$10,677,000; (2) the contingency allowance of \$1,067,700; (3) the permit fees of \$320,310; and (4) \$100,000 for the replacement of the existing roof at the on-site Chlorine Building and Main Switchgear Building. The elements total \$12,165,010 which is inconsistent with the total contract amount of \$12,430,010. WASD confirmed that the \$100,000 cost for the roof replacement project as seen in the mayoral memorandum is a scrivener's error; the true value for that project is \$365,000.

**ANALYSIS**

This item is requesting approval of an award to Daniel O'Connell's Sons, Inc. for a consent decree construction project entitled "North District Wastewater Treatment Plant Disinfection Facility Improvements" for a total contract amount of \$12,430,010 for a term of 605 days. As Daniel O'Connell's Sons, Inc. has never been awarded a County contract, it has no ratings in the Capital Improvement Information System database which precluded the County Mayor from approving this award under the WASD Consent Decree and Capital Improvement Programs Acceleration Ordinance.

Only three bids were received in response to this procurement, with Daniel O'Connell's Sons, Inc. being the awardee following a Best and Final Offer process pursuant to the County's Local Preference Ordinance. Per sunbiz.org, the official website for the State of Florida Division of Corporations, the awardee is an active foreign for-profit corporation with a principal address at 800 Kelly Way, Holyoke, Massachusetts. Per the Florida DBPR, Daniel O'Connell's Sons, Inc. has the following license types: Certified General Contractor and Construction Business Information. The General Contractor license is a technical certification requirement for this contract award.

The project location is 2575 NE 156 Street, North Miami, Florida, within District 4 which is represented by Commissioner Heyman. The project is one in a series at the North District Wastewater Treatment Plant required to comply with the Consent Decree and includes the replacement of the chlorine gas storage, liquid chlorination and dosing system with bulk sodium hypochlorite storage and a sodium hypochlorite dosing system. Failure of the existing chlorine gas storage system could lead to an unregulated discharge of chlorine gas exposing the gas to Plant personnel and the surrounding community. The improvements must be completed before September 9, 2020. Note that the contract included in the agenda is a standard form contract with no specific work to be performed delineated. The work to be performed under the contract is delineated in the Bid Tabulation by Item No. and is included in the agenda package.

The project was assigned a SBE-CON goal of 13.29 percent (valued at \$1,560,871) and a SBE-G&S goal of 1.57 percent (valued at \$184,392). The awardee's subcontractors are: Loveland Electric II, LLC; Sunshine State A/C, Inc.; Interstate Construction, LLC; SCR Mechanical, LLC; Revere Control Systems, Inc.; and Amherst Maintenance, Inc. The awardee's suppliers are: Corcel Corp. and Trenwa.

**ADDITIONAL INFORMATION**

See the link below to Leahy v. Daniel O'Connell's Sons, Inc., a July 2015 case where the Commonwealth of Massachusetts Appeals Court affirmed an entry of summary judgment finding Daniel O'Connell's Sons, Inc. liable in a tort action relating to remodeling the J. Michael Ruane Judicial Center in Salem.

<https://casetext.com/case/leahy-v-daniel-oconnells-sons-inc>

**IUC Meeting: July 16, 2018  
Research Notes**

**Item No. 3E  
File No. 181636**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING THE EXECUTION OF JOINT FUNDING AGREEMENT NO. 19ESFL000000103 FOR WATER RESOURCES INVESTIGATIONS WITH THE UNITED STATES GEOLOGICAL SURVEY FOR A TEN-YEAR TERM WITH FUNDING BY MIAMI-DADE COUNTY IN AN AMOUNT NOT TO EXCEED \$15,167,389.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AMENDMENTS TO THE AGREEMENT, ANY TIME EXTENSION AND TO ACCEPT ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE UNDER THE AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

The proposed resolution authorizes the execution of Joint Funding Agreement No. 19ESFL000000103 in an amount not to exceed \$15,167,389 between the County, through the Water and Sewer Department (WASD), and the U.S. Geological Survey for water resources investigations, for a ten-year term commencing October 1, 2018, through September 30, 2028.

**APPLICABLE LEGISLATION/POLICY**

43 USC 36c provides legal authority for the U.S. Geological Survey; relates to acceptance of contributions from public and private sources; cooperation with other agencies in prosecution of projects

<https://www.gpo.gov/fdsys/pkg/USCODE-2010-title43/pdf/USCODE-2010-title43-chap2-sec36c.pdf>

43 USC 50b provides legal authority for the U.S. Geological Survey; relates to recording of obligations against accounts receivable and crediting of amounts received; work involving cooperation with State, Territory, etc.

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title43/pdf/USCODE-2011-title43-chap2-sec50b.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Requester/Department: Water & Sewer Department**

This proposed resolution has no procedural history.

**FISCAL IMPACT**

The fiscal impact to the County throughout the term of the Joint Funding Agreement totals \$15,167,389, with the total amount of the Joint Funding Agreement being \$16,063,439 when taking into account the U.S. Geological Survey contribution. The breakdown is as follows:

<b>Funding Source</b>	<b>Amount</b>
Water & Sewer Department's Operating Revenues	\$11,617,534
Department of Regulatory and Economic Resources Proprietary Revenues Fund	\$3,549,855
<b>SUBTOTAL (County funding)</b>	<b>\$15,167,389</b>
U.S. Geological Survey	\$896,050
<b>TOTAL:</b>	<b>\$16,063,439</b>

**IUC Meeting: July 16, 2018  
Research Notes**

**ANALYSIS**

The proposed resolution authorizes the execution of Joint Funding Agreement No. 19ESFL000000103 between Miami-Dade County (through WASD) and the U.S. Geological Survey for water resources investigations in an amount not to exceed \$15,167,389 for a ten-year term commencing October 1, 2018, through September 30, 2028.

For more than 30 years, the County has had water resources investigation agreements with the U.S. Geological Survey, the sole science agency for the Department of the Interior. The existing Joint Funding Agreement was for a term of five years and expires on September 30, 2018. Both WASD and RER utilize the information provided by USGS to ensure water quality, with WASD also utilizing the data to ensure an adequate water supply.

The services funded by WASD, in the amount of \$11,617,534, include, but are not limited to:

- the operation and maintenance of 93 water level monitoring wells;
- the operation and maintenance of 61 salt water interface monitoring stations;
- the operation and maintenance of two rain gauge instruments;
- the collection of additional data during droughts; and
- the operation of a website that interacts with the most recent data collected.

The services funded by RER, in the amount of \$3,549,855, include, but are not limited to, the operation and maintenance of:

- 51 water level recording stations;
- one canal stage meter flow instrumentation; and
- 25 saltwater interface monitoring stations.

The water resources investigations authorized by this Joint Funding Agreement are required to comply with the County's 20-Year Water Use Permit.

**ADDITIONAL INFORMATION**

***U.S. Geological Survey***

Created by an act of Congress in 1879, USGS is the nation's largest water, earth, and biological science and civilian mapping agency. USGS collects, monitors, analyzes, and provides science about natural resource conditions, issues, and problems. The USGS serves the nation by providing reliable scientific information to: describe and understand the Earth; minimize loss of life and property from natural disasters; manage water, biological, energy, and mineral resources; and enhance and protect our quality of life.

<https://www.usgs.gov/>

***County's 20-Year Water Use Permit***

The Water Use Permit, extended in 2015 to February 2035, is a plan for meeting the present and future water needs of the County while protecting natural resources such as the Everglades.

<https://www.miamidade.gov/water/water-use-permit.asp>