



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

Infrastructure and Utilities Committee (IUC) Meeting

September 12, 2018
9:30 A.M.
Commission Chambers

Thomas B. Davis, Esq.
Director, Policy and Legislation
Office of the Commission Auditor (OCA)
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Miami, FL 33128
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**IUC Meeting: Sept. 12, 2018
Research Notes**

**Item No. 3A
File No. 182077**

Researcher: LE Reviewer: TD

RESOLUTION APPROVING INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY FOR INFORMATION TECHNOLOGY MAINTENANCE AND SUPPORT SERVICES FOR A FIVE YEAR TERM FOR PAYMENT TO THE COUNTY OF \$522,419.00; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY TERMINATION PROVISIONS AND ANY OTHER CONTRACTUAL RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve an interlocal agreement between Miami-Dade County Information Technology Services Department (ITD) and the Town of Cutler Bay for information technology maintenance and support services for a five year term and for payment to the County of \$522,419.

APPLICABLE LEGISLATION/POLICY

Resolution No. 283-18, adopted on March 20, 2018, ratified an interlocal agreement between Miami-Dade County ITD and the Town of Cutler Bay for information technology maintenance and support services for an initial one year period.

<http://intra/gia/legistarfiles/Matters/Y2018/180436.pdf>

Town of Cutler Bay Resolution No. 18-54, adopted on July 18, 2018, authorizes the renewal and extension of the Town of Cutler Bay's interlocal agreement with Miami-Dade County ITD for information technology maintenance and support services for a five year term effective October 1, 2018 until September 30, 2023.

Please reference File No. 182077 for Resolution No. 18-54.

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Information Technology Department

There is no procedural history for this item.

ANALYSIS

The proposed resolution approves an interlocal agreement between Miami-Dade County ITD and the Town of Cutler Bay to provide information technology maintenance and support services for a five year term and paying a total of \$522,419 to the County.

The implementation of this resolution will not have a negative fiscal impact to Miami-Dade County. Upon approval of the resolution, the term will provide the County \$522,419 in revenue.

Miami-Dade County has been the sole provider of information technology maintenance and support services for the City of South Miami since May 2014 and the Town of Cutler Bay since September 2017. The current interlocal agreement expires September 30, 2018. Miami-Dade County ITD and the Town of Cutler Bay have engaged in an interlocal agreement before as seen in Resolution No. 283-18, relating to the same services for an initial one year period. The Town of Cutler Bay has decided to approve through their Resolution No. 18-54 to authorize a new five year agreement with an effective date of October 1, 2018 and expiring on September 30, 2023.

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The table below showcases the amount of money the Town of Cutler Bay will be paying Miami-Dade County ITD by year.

| Description | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 | FY 22-23 | 5 Year Total |
|--|----------|-----------|-----------|-----------|-----------|--------------|
| Basic Maintenance and Support Services | \$98,400 | \$101,352 | \$104,393 | \$107,524 | \$110,750 | \$522,419 |

The prices are subject to change if the Town requests increased services. Since technology is consistently changing, prices may subject to change throughout the five year term.

The table below details the sites in the Town of Cutler Bay that will receive services through the agreement.

| Town of Cutler Bay Sites Covered by Agreement | |
|---|--|
| Site | Address |
| Cutler Bay Town Center | 10720 Caribbean Boulevard, Suite 210, Cutler Bay, FL 33189 |
| Bel-Aire Park | 18500 SW 97 Avenue, Cutler Bay, FL 33157 |
| Blue Heron Park | 21900 SW 97 Avenue, Cutler Bay, FL 33189 |
| Cutler Ridge Park and Pool | 10100 SW 200 Street, Cutler Bay, FL 33189 |
| Franjo Park | 20175 Franjo Road, Cutler Bay, FL 33189 |
| Lakes by the Bay | 8551 SW 216 Street, Cutler Bay, FL 33189 |
| Lincoln City Park | SW 212 Street & SW 99 Avenue, Cutler Bay, FL 33189 |
| Saga Bay Park | 8000 SW 205 Street, Cutler Bay, FL 33189 |
| Saga Lake Park | SW 198 Street & SW 83 Avenue, Cutler Bay, FL 33189 |
| Whispering Pines Park | 8800 Ridgeland Drive, Cutler Bay, FL 33157 |

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Item No. 3B

File No. 182001

Researcher: IL Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00640 FOR PURCHASE OF SODIUM HYPOCHLORITE AND STORAGE EQUIPMENT FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$55,440,000.00 OVER THE INITIAL TWO-YEAR TERM AND FIVE, ONE-YEAR OPTIONS TO RENEW; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize the award of a contract to Allied Universal Corp., for the purchase of Sodium Hypochlorite and storage equipment for an initial two-year term and five, one year options to renew in an amount of up to \$55,440,000 to be used for disinfection in the water and wastewater treatment process. The containment tanks will be utilized for storage of the chemical.

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=PTIIICOR_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-140-15, adopted by the Board on February 3, 2015, 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, to include information in recommendations to the board, and to consult with the Small Business Development division regarding solicitation and contract language.

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

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>

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PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

ANALYSIS

This item is requesting Board authorization for award of a contract to Allied Universal Corp., a local vendor located at 3901 NW 115 Avenue, Miami, FL 33178, for the purchase of Sodium Hypochlorite and storage equipment for an initial two-year term and five, one year options to renew in an amount of up to \$55,440,000 to be used for disinfection in the water and wastewater treatment process.

Per the Project Administration module of the County's e-Procurement System, the fiscal impact to WASD for the initial two-year term and five, one year options to renew is \$55,440,000. The funding source for this contract is Proprietary Funds. Pricing for the Sodium Hypochlorite and Storage Equipment is inclusive of all chemicals and storage equipment that will be used.

The previous contract (FB4132-0/17) was effective on November 1, 2012 and was scheduled to expire on January 31, 2018. The previous contract was valued at \$40,068,000 for a five year term. The per-gallon rate under the previous contract was \$0.667 while the per-gallon rate under the recommended contract is \$0.528.

The Market Research for this procurement indicates that the initial contract was awarded to Allied Universal Corp, Inc., on May 1, 2002, to provide the Sodium Hypochlorite. Over the years contract renewals have been exercised and supported by the following contracts: 4132 -1/02-1 option to renew, 4132 -1/06 option to renew, 4132 -1/06-1 option to renew, 4132 -4/12 option to renew, 4132 -4/12-1 option to renew, 4132 -4/12-2 option to renew, 4132 -4/12-3 option to renew and 4132 -4/12-4 option to renew.

Timeline

| Effective Date | Expiration Date | Value |
|----------------|-----------------|------------------------|
| 05/01/2002 | 12/31/2003 | \$ 311,916.00 |
| 12/01/2003 | 11/30/2005 | \$ 2,224,000.00 |
| 12/01/2005 | 12/31/2006 | \$ 1,112,000.00 |
| 01/03/2007 | 12/31/2007 | \$ 766,168.00 |
| 01/01/2008 | 12/31/2008 | \$ 803,173.00 |
| 01/01/2009 | 12/31/2009 | \$ 877,628.00 |
| 01/01/2010 | 12/31/2010 | \$ 877,628.00 |
| 01/01/2011 | 06/30/2012 | \$ 1,316,442.19 |
| 11/01/2012 | 01/31/2018 | \$40,068,000.00 |
| Total | | \$48,356,955.19 |

Under the contract, Allied Universal Corp., will provide the following: 10.5 percent Sodium Hypochlorite solution, in tanker loads; and Monthly rental of single wall tanks and containments of various sizes.

The contract's Commodity Code is 19036 {Chemicals, Bulk (Not Otherwise Classified)} on the Business Management Workforce System. Three local SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned code.

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ADDITIONAL INFORMATION.

Per the Market Research, City of Fort Lauderdale, FL has been using Allied Universal Corporation to provide Sodium Hypochlorite at a rate of 0.78 cents per gallon with a 500 gallon minimum. The County's rate is lower by 0.25 cents, per gallon.

<https://www.fortlauderdale.gov/Home/ShowDocument?id=22174>

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Research Notes**

**Item No. 3C
File No. 182067**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$750,000.00 FOR PREQUALIFICATION POOL NO. 8913-3/14-3 FOR PURCHASE OF CLOSED CIRCUIT TELEVISION PIPELINE INSPECTION EQUIPMENT, REPLACEMENT PARTS, SUPPLIES, REPAIRS, AND REFURBISHMENT SERVICES FOR MIAMI-DADE WATER AND SEWER DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve the additional expenditure authority to Prequalification Pool No. 8913-3/14-3, for Closed Circuit Television (CCTV) pipeline inspection equipment, replacement parts, supplies, repairs, and refurbishment services in the amount of \$750,000, in order to continue the inspection of the interior of the gravity collection sewer system to identify possible leaks, assess the systems' integrity and provide recommendations for the necessary repairs.

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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution No. R-920-09, adopted by the Board on July 2, 2009, authorized the County Mayor to award competitive contracts, contract modifications, and competitively solicited contracts of other governmental entities.

<http://intra/gia/matter.asp?matter=091840&file=true&yearFolder=Y2009>

Resolution No. R-508-14, adopted by the Board on June 3, 2014, authorized time extensions for contracts and prequalification pools, and additional expenditure authority in a total amount up to \$4,755,000.00 for purchase of urine sample testing, enterprise content management solution, mobile materials handling equipment, SAS Data Analysis software maintenance, time equipment maintenance and repairs, and CCTV pipeline inspection equipment, repair services, supplies.

<http://intra/gia/matter.asp?matter=141120&file=true&yearFolder=Y2014>

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.

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

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. 3-38 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>

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PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

ANALYSIS

The proposed resolution is requesting Board approval to increase expenditure authority to Prequalification Pool No. 8913-3/14-3, Closed Circuit Television (CCTV) pipeline inspection equipment, replacement parts, supplies, repairs, and refurbishment services in the amount of \$750,000, in order to continue the inspection the interior of the gravity collection sewer system to identify possible leaks, assess the systems' integrity and provide recommendations for the necessary repairs.

The County established the current pool under delegated authority in the cumulative amount of \$3,574,250 on August 1, 2009 for a ten-year term, expiring July 31, 2019. The Department of Transportation and Public Works (DTPW) and Water and Sewer Department (WASD) were the only two user departments under the pool as established and remains the same way presently. The pool has been monetarily modified multiple times under delegated authority for a total amount of \$2,924,250,000, resulting in the current pool value of \$3,574,250,000. The mayoral memo requests that an additional expenditure authority is needed to support WASD's operational needs, and for two specific planned projects: 1) purchase of wireless scanning system to collected detailed three dimensional data on the geometry and condition of the manholes; and 2) retrofitting manhole grouting vehicle. Additionally, WASD is gradually replacing its camera equipment to stop the frequent failures caused by equipment exceeding its useful life.

If the request for additional expenditure authority in the amount of \$750,000 is approved, the modified cumulative allocation will be \$4,324,250,000. The specific allocation requests, including justification for the request, for each user department is summarized below:

- Department of Transportation and Public Works (DTPW): DTPW cumulative allocation is \$150,000, Funding Source: DTPW Operating.
- Miami-Dade Water and Sewer Department (MDWASD): MDWASD cumulative allocation is \$3,500,000, \$750,000 totaling \$4,250,000, Funding Source: Proprietary Funds.

The chart below shows the pre-qualified vendors address and respective status:

| Pre-Qualified Vendor | Principal Address | Sunbiz Status | DBPR Certificate Status | Local Vendor Status |
|-----------------------------|---|----------------------|--------------------------------|----------------------------|
| Aries Industries, Inc. | 550 Elizabeth Street, Waukesha, WI 53186 | Active | None | No |
| Cues, Inc. | 3600 Rio Vista Avenue, Orlando, FL 32805 | Active | Active | No |
| SPX Corporation | 13320-A Ballantyne Corporate Place, | Active | None | No |

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Charlotte, NC
28277

A total of \$2,274,250,000 has been allocated to the current pool's Blanket Purchase Order; of that amount \$2,090,409.75 has been released (as of September 7, 2018), leaving a balance of \$183,840.25. The chart below illustrates distribution by department.

| Department | Existing Cumulative Allocation | Released Amount | Balance |
|---------------------------------|--------------------------------|-----------------------|---------------------|
| Transportation and Public Works | \$74,250.00 | \$15,424.02 | \$58,825.98 |
| Water and Sewer | \$2,200,000 | \$2,074,985.73 | \$125,014.27 |
| Total : | \$2,274,250.00 | \$2,090,409.75 | \$183,840.25 |

Of the three vendors currently in the pool, none are local (0%), which is below the 75% threshold required by Resolution No. R-477-18. Additional qualified vendors may be added to the pool at any time.

OCA performed a search for commodity code 96115 (Cameras, Still, Specialized, Including Complete Systems for Medical and Dental Photograph, Photomicrography) on the Business Management Workforce System's Certified Vendor Directory on September 7, 2018. There are no local SBEs identified.

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Research Notes**

**Item No. 3D
File No. 182075**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING AWARD OF A LEGACY CONTRACT FOR INOVAH SOFTWARE MAINTENANCE AND SUPPORT FOR THE INFORMATION TECHNOLOGY DEPARTMENT, CONTRACT NO. L8523-1/28, TO N HARRIS COMPUTER CORPORATION FOR AN INITIAL FIVE-YEAR TERM PLUS FIVE-YEAR OPTION TO RENEW TERMS IN A TOTAL AMOUNT NOT TO EXCEED \$1,554,000.00 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 an award of a legacy contract to N Harris Computer Corporation, for an initial five-year term plus five, one year options to renew in an amount of up to \$1,554,000 to provide maintenance and support 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>

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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.

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

Resolution No. R-1318-07, adopted by the Board on December 4, 2007, requested that the Board waive formal bid procedures and ratify the bid waiver award of a contract to System Innovators, Inc. to provide the Clerk of the Courts (COC) and the Miami-Dade Water and Sewer Department (WASD) with the iNovah upgrade to the existing cashing system.

<http://intra/gia/legistarfiles/Matters/Y2007/073391.pdf>

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: Housing and Social Services Committee

Department/Requester: Internal Services Department

ANALYSIS

This item is requesting Board authorization for an award of a legacy contract in an amount of up to \$1,554,000.00 for an initial five year term plus five, one year options to renew to N Harris Computer Corporation, to provide maintenance and support for the Information Technology Department.

Time Line

| Effective Date | Expiration | Value |
|--|--------------|------------------------|
| 12/28/2007 (Original) 5 year with 5 one year option-to-renew | 12/31/2012 | \$1,118,812.00 |
| 01/01/2013 (OTR) | 12/31/2013 | \$ 103,453.14 |
| 01/01/2014 (OTR) | 12/31/2014 | \$ 168,625.65 |
| 01/01/2015 (OTR) | 12/31/2015 | \$ 210,000.00 |
| 01/01/2016 (OTR) | 12/31/2016 | \$ 224,658.00 |
| 01/01/2017 (OTR) | 06/30/2018 | \$ 229,769.40 |
| 07/01/2018 (Bridge) | 12/31/2018 | \$ 75,000.00 |
| | Total | \$ 2,130,318.19 |

Under the contract, N Harris Computer Corporation provides maintenance and support to the existing iNovah system which integrates to multiple mission critical applications, such as the Criminal Justice Information System (CJIS), the County's Financial System (FAMIS) and Water and Sewer's (WASD) Customer Care and Billing system (CC&B), all of which are developed on the legacy mainframe technology. Information Technology Department (ITD) is working with all departments it serves to modernize legacy technology and transition all mainframe dependent applications to legacy systems in the next few years. The award is characterized as a legacy purchase because the system is proprietary and owned solely by N Harris Computer Systems.

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Per the Project Administration module of the County's e-Procurement System, the fiscal impact to the Information Technology Department for the initial five-year term plus five, one year options to renew is \$1,554,000. Pricing for the maintenance and support is inclusive of all software and licensing provided as well as support request via Web Portal Ticketing and traditional phone support to the County. The services are broken down as follows:

| | |
|----------------------------|------------------|
| Office of the Clerk | \$452,000 |
| Port Miami | \$27,000 |
| Water and Sewer Department | \$241,000 |
| Total | \$720,200 |

The previous contract (BW8523-5/17) was effective on December 28, 2007 and was scheduled to expire on June 30, 2018. In order to sustain operations and ensure continuity a six-month term contract was approved while the long-term contract is submitted and approved by the Board. The six month contract is scheduled to expire on December 31, 2018 and it is valued at \$75,000. The yearly allocation under the current contract is \$213,100 while the yearly allocation under the recommended contract is \$155,400.00.

The Market Research for this procurement indicates that the initial system was purchased from System Innovators, Inc., on July 5, 2007, to provide the Clerk of Courts (COC) and WASD with the iNovah upgrade to the then existing cashiering system. Over the years contract renewals have been exercised and supported by the following contracts: BW8523-5/17-1 option to renew, BW8523-5/17-2 option to renew, BW8523-5/17-3 option to renew, BW8523-5/17-4 option to renew and BW8523-5/17-5 option to renew.

Under the contract, N Harris Computer Corporation will perform the following :

- Software maintenance: For any additional software products for which the Licensor shall grant a license to the County and which license shall be under this Agreement, then the Licensor shall deliver to the County a master copy of the Software licensed in object code form, suitable for reproduction, in electronic files only, upon the payment of the applicable license fees by the County and receipt of such fees by the Licensor.
- Documentation: For any additional software products for which a new license is granted, the Licensor shall deliver copies of the associated Software Documentation to the Licensee.
- Hardware: Hardware shall be deemed "Delivered" when receipt and final acceptance has been confirmed by the Licensee.
- Acceptance: The system and software shall be deemed "Accepted" when (a) the licensee acceptance testing is satisfactorily completed with no critical or major defects and the licensee delivers a signed statement to licensor accepting the System or (b) the System is placed in a production environment and used for processing payments.
- Client designated support contacts: COC, Port Miami and WASD will assign two named resources, a primary and a backup, to be designated support contacts responsible for: assisting with the support relationship between the Licensor and the County, Initiating and managing the priority case handling process and Distributing proactive notifications to the County's end users (as applicable).

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 92045 (Software Maintenance and Support

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Services). Nine local SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned code.

ADDITIONAL INFORMATION.

Broward County, Town of Jupiter, City of Orlando and Collier County use iNovah Software.

<http://systeminnovators.com/en/clients/>

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Research Notes**

Item No. 3E

File No. 182076

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING ADDITIONAL TIME OF FIVE YEARS AND ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$5,225,000.00 TO CONTRACT NO. BW8207-2/12 FOR THE PURCHASE OF ESRI GIS ENTERPRISE SOFTWARE LICENSE AND MAINTENANCE SUPPORT FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a designated purchase to extend Contract No. BW8207-2/12 with Environmental Systems Research Institute, Inc. for an additional five year term after the November 30, 2018 expiration date in an amount up to \$5,225,000 for the continued delivery of licensing, software, ongoing maintenance and support, professional services, and the continued adaptation and expansion of the Environmental Systems Research Institute, Inc. (ESRI) GIS technology which integrates the County's hardware software and data to capture, manage, analyze and display all forms of geographically referenced information mapping and spatial functionality. .

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/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 2-8.1(b)(3) of the County Code provides for designated purchase upon a majority vote of the Board members present. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

<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/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-684-07, adopted on June 5, 2007, waives formal bid procedures for the purchase of goods and services and authorizing the County Mayor to Award, same with authority to exercise options-to-renew established thereunder.

<http://intra/gia/matter.asp?matter=071468&file=true&yearFolder=Y2007>

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Resolution No. R.469-12, adopted June 5, 2012, waives formal bid procedures pursuant to section 5.03(D) of the Home Rule Charter and Section 2-8.1(B) of the Code of Miami-Dade County by a two-thirds (2/3) vote of the Board members present; authorizing modification of Agreement No. BW8207-2/12-2 for additional time and spending authority, in the amount of \$2,691,000, with Environmental Systems Research Institute Inc. for software maintenance support, purchase of additional software licenses, and professional services for the purchase of goods and services and authorizing the County Mayor to Award, same with authority to exercise options-to-renew established thereunder.

<http://intra/gia/matter.asp?matter=120827&file=true&yearFolder=Y2012>

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:

Department/Requester: Internal Services Department

ANALYSIS

This item is requesting Board approval for a designated purchase to extend Contract No. BW8207-2/12 with Environmental Systems Research Institute, Inc. for an additional five year term after the November 30, 2018 expiration date in an amount up to \$5,225,000. This item is being presented for Board approval as a designated purchase because the Administration has exhausted its authority to extend the contract. ESRI is the proprietary owner and developer of the ESRI GIS software that the County has been using for over 30 years. Since 2001, the County has invested in the implementation, customization, upgrades, maintenance and support of ESRI GIS technology.

Per the Project Administration module of the County's e-Procurement System, the fiscal impact to the Information Technology Department for the additional five-year term is \$5,225,000. The initial amount was \$9,991,000 bringing the total sum of the contract to \$15,216,000.

The previous contract (BW8207-2/12) was effective on July 1, 2007 and was scheduled to expire on November 30, 2018. The yearly allocation under the current contract is \$213,100 while the yearly allocation under the recommended contract is \$908,272.00.

Timeline

| Effective Date | Expiration Date | Value |
|----------------|-----------------|-----------------------|
| 07/01/2007 | 06/30/2010 | \$2,500,000.00 |
| 07/01/2010 | 06/30/2011 | \$ 950,000.00 |
| 07/01/2011 | 10/31/2015 | \$3,641,000.00 |
| 11/01/2015 | 11/30/2018 | \$2,900,000.00 |
| | Total | \$9,991,000.00 |

The Market Research for this procurement indicates that the initial system was purchased from Environmental Systems Research Institute Inc., on July 1, 2007, to provide the GIS services County wide. Over the years contract renewals have been exercised and supported by the following contracts: BW8207-2/12, BW8207-2/12-1, BW8207 2/12-2 and BW8207-2/12-3.

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Under the contract, ESRI will perform the following but not limited to: Increase of 15 users licenses for community analyst; New software products (Drone to Map, Insights for ArcGis online, GeoAnalytics Server, ArcGis Monitor, ArcGis Utility Network Management Extension); 25 user licenses for insights for ArcGis Online; Unlimited increase of GeoEvent Server; Additional Credits for ArcGis Online; and Premium Support.

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 92045 (Software Maintenance and Support Services). Nine local firms that are SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned code.

ADDITIONAL INFORMATION.

Per the Market Research, Brevard County, Hillsborough are using the ESRI GIS.

<http://www.esri.com/news/arcuser/0100/brevard.html>

<http://www.govtech.com/health/Hillsborough-County-Fla-Uses-Real-Time-GIS-to-Target-Zika-Virus.html>

<http://gis.myflorida.com/>

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Research Notes**

**Item No. 3F
File No. 181983**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 28 - "CHARLES DEERING ESTATE" AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04, AFTER A PUBLIC HEARING

ISSUE/REQUESTED ACTION

Whether the Board should approve a significant modification to the project description of Building Better Communities-General Obligation Bond Program Project No. 28, "Charles Deering Estate", to authorize the use of Bond Program funding for land and building acquisition, relocation of existing administrative offices, building restoration and parking improvements.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-913-04, adopted by the Board on July 20, 2004, provided for holding of General Obligation Bond Special Election in Miami-Dade County, on November 2, 2004, with respect to authorization of not to exceed \$680,258,000 General Obligation Bonds of the County to construct and improve park and recreational facilities.

<http://intra/gia/matter.asp?matter=042285&file=false&yearFolder=Y2004>

Resolution No. R-953-12, adopted by the Board on November 8, 2012, directs the County Mayor to consider and analyze whether a vacant parcel of land that is for sale and is adjacent to a park should be purchased by the County to expand such park and, if so, to attempt to acquire the parcel.

<http://intra/gia/matter.asp?matter=122011&file=true&yearFolder=Y2012>

PROCEDURAL HISTORY

Prime Sponsor: Daniella Levine Cava, District 8

Department/Requester: Parks, Recreation and Open Spaces

The proposed resolution has no procedural history.

ANALYSIS

Resolution N. R-913-04, adopted by the Board on July 20, 2018, approved the holding of a special election to authorize the issuance of General Obligation Bonds of the County in an amount not to exceed \$680,258,000. Proceeds from the Bonds were to be used for various, unfunded capital projects, including Project No. 28, "Charles Deering Estate". On November 2, 2002, voters approved the referendum to fund more than 300 capital improvement projects over the next 15 to 20 years throughout the County.

The Charles Deering Estate is a 454-acre metropolitan and heritage park located within Commission District 8. The original project comprised area-wide improvements including rehydration; south addition improvements, fencing, vehicular and pedestrian circulation; and landscaping. The proposed resolution seeks the Board's approval of a significant modification to the project authorizing the use of Bond Program funding for land and building acquisition, relocation of existing administrative offices, building restoration and parking improvements.

This significant modification of the project is an opportunity for the Charles Deering Estate to expand within the project description, and would enable the County to use a portion of the funds to purchase an adjacent property. This is allowed by Resolution No. R-953-12, which directs the County Mayor to consider and analyze whether a vacant parcel of land adjacent to a park should be purchased by the County to expand the Deering Estate.

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The value of the property, including land and building, is \$1,315,000. There would be no fiscal impact on the existing Bond Program Project No. 28 allocation of \$5,000,000 due to this modification. The use of Project No. 28 funds is vital for the successful park expansion. The park's general plan will be amended to incorporate newly acquired parcels. The annual operating cost to the Charles Deering Estate is expected to be minimal because the grounds maintenance crews already service the existing park.

ADDITIONAL INFORMATION

The Deering Estate preserves the 1920s era Miami estate of Charles Deering a Chicago industrialist, early preservationist, environmentalist, art collector and philanthropist. It is a cultural asset and historic site listed on the National Register of Historic Places. The estate is a 21st Century museum destination for tourists and local residents, signature events, programs and preservation of the county's history. It is part of the Miami-Dade County Parks, Recreation and Open Spaces Department, which manages the property on behalf of the State of Florida.

<http://www.deeringestate.org/>

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Parks, Recreation and Open Spaces Department, and is awaiting its answers:

- How many visitors does the Deering Estate receive every year?
- What is the estate's existing acreage and what will be the new acreage if the parcels are acquired?
- How will this expansion of the park improve the existing estate?

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Research Notes**

**Item No. 3G
File No. 182056**

Researcher: MF Reviewer: TD

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 16.7 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 ASESORIA Y DESARROLLADO COSTARRICENSE, S.A., AS SELLERS, FOR A PURCHASE PRICE OF \$125,000.00 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 TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SUCH TRANSACTIONS; 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

ISSUE/REQUESTED ACTION

Whether the Board should accept an "Assignment of Option to Purchase" for approximately 16.7 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 Asesoría y Desarrollo Costarricense, S.A., as sellers, for a purchase price of \$125,000.00 using Building Better Communities General Obligation Bond Program funds. If GOB Program are unavailable, whether the Board should authorize the use of the Environmentally Endangered Lands Acquisition Trust Fund instead.

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=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

Miami-Dade County Code, Chapter 24, Division 3, defines nuisance, sanitary nuisances; and provides enforcement, remedies and penalties.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV3EN](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV3EN)

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 shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

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

PROCEDURAL HISTORY

Prime Sponsor: Dennis C. Moss, District 9

Department/Requester: Regulatory and Economic Resources

The proposed resolution has no procedural history.

ANALYSIS

Concerned about continuing loss of pinelands and other natural areas, Miami-Dade County voters approved a property tax that was collected between 1990 and 1992 to fund the acquisition, protection and maintenance of environmentally endangered

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lands. The Miami-Dade County's Environmentally Endangered Lands (EEL) Program identifies and secures these lands for preservation. The EEL Program and its partners purchased approximately 22,211 acres of environmentally endangered lands into public ownership since 1990.

The proposed resolution seeks the Board's approval of the Assignment of Option to Purchase as negotiated by the Nature Conservancy for the Environmentally Endangered Lands (EEL) Program. According to the Fiscal Impact Statement, the appraised value of the three parcels comprising approximately 16.7 acres is \$140,000 and the negotiated purchase price is \$125,000. Building Better Communities General Obligation Bond Program funding under Project No. 2, Site No. 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.

In the event that BBC-GOB Program funds are unavailable, the EEL Acquisition Trust Fund may be used for this acquisition. As of April 30, 2018, the balance of the EEL Trust Fund is \$33,443,475.53, of which \$21,354,536.96 is reserved for acquisition and \$12,088,938.57 is reserved for management.

The parcels proposed for acquisition are located within the South Dade Wetlands EEL Project. The Project acquires land in this area because of its strategic location between the Everglades National Park and Biscayne National Park, and within the watersheds of Florida Bay, Biscayne Bay, and Card and Barnes Sounds. The parcels are located on the southeast corner of the intersection of SW 376 Street and US1 and are outside the Urban Development Boundary.

Below are aerial views of the properties. Folio No. 30-8906-001-0330:



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Folio No. 30-8906-001-0350:



Folio No. 30-8906-001-0360:



ADDITIONAL INFORMATION

Founded in 1951, the Nature Conservancy is one of the world's leading conservation organizations. Its mission is to conserve the lands and waters on which all life depends.

<https://www.nature.org/about-us/vision-mission/history/index.htm?intc=nature.tnav.about>

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>

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Research Notes**

**Item No. 3H
File No. 182058**

Researcher: MF 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 FRANK B. HALPERN AS SELLER FOR A PURCHASE PRICE OF \$50,000.00 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 TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SUCH TRANSACTIONS; 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

ISSUE/REQUESTED ACTION

Whether the Board should accept the "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 Frank B. Halpern as seller, for a purchase price of \$50,000.00 using Building Better Communities General Obligation Bond Program funds.

Whether the Board should authorize the use of the Environmentally Endangered Lands Acquisition Trust Fund for this purchase in the event that Building Better Communities General Obligation Bond Program funds are not available.

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=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

Miami-Dade County Code, Chapter 24, Division 3, defines nuisance, sanitary nuisances; and provides enforcement, remedies and penalties.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOBIBAENENTRFUENENLAPR_ARTIINGE_DIV3EN](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOBIBAENENTRFUENENLAPR_ARTIINGE_DIV3EN)

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 shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

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

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

Department/Requester: Regulatory and Economic Resources

The proposed resolution has no procedural history.

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ANALYSIS

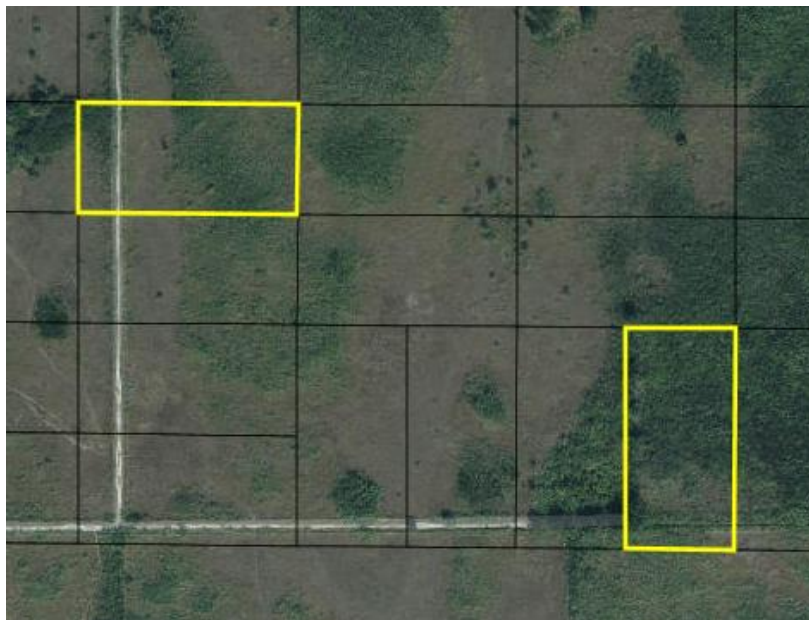
Concerned about continuing loss of pinelands and other natural areas, Miami-Dade County voters approved a property tax that was collected between 1990 and 1992 to fund the acquisition, protection and maintenance of environmentally endangered lands. The Miami-Dade County's Environmentally Endangered Lands (EEL) Program identifies and secures these lands for preservation. The EEL Program and its partners have bought approximately 22,211 acres of environmentally endangered lands into public ownership since 1990.

The proposed resolution seeks the Board's approval of the Assignment of Option to Purchase as negotiated by the Nature Conservancy for the Environmentally Endangered Lands (EEL) Program. According to the Fiscal Impact Statement, the appraised value of two non-contiguous five-acre parcels comprising approximately 10 acres is \$65,000 and the negotiated purchase price is \$50,000. Building Better Communities General Obligation Bond (BBC-GOB) Program funding under Project No. 2, Site No. 70230, will be used for this purchase. As of May 31, 2018, the remaining balance under the BBC-GOB Program for allocations towards EEL acquisitions is \$10,980,014.

In the event that BBC-GOB Program funds are not available, the EEL Acquisition Trust Fund may be used for this acquisition. As of May 31, 2018, the balance of the EEL Trust Fund is \$33,275,104.31, of which \$21,375,014.80 is reserved for acquisition and \$11,900,089.51 is reserved for management.

The parcels proposed for acquisition are located within the South Dade Wetlands EEL Project. It is critical to acquire land in this area because of its strategic location between the Everglades National Park and Biscayne National Park, and within the watersheds of Florida Bay, Biscayne Bay, and Card and Barnes Sounds. The purchase is for a single folio number that consists of two non-contiguous five-acre parcels within Section 9 of Township 58 south, Range 39 East in Miami-Dade County.

Below are aerial views of the properties. Folio No: 30-8909-000-0050



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ADDITIONAL INFORMATION

Founded in 1951, the Nature Conservancy is one of the world's leading conservation organizations. Its mission is to conserve the lands and waters on which all life depends.

<https://www.nature.org/about-us/vision-mission/history/index.htm?intc=nature.tnav.about>

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>

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**Item No. 3I
File No. 182057**

Researcher: MF Reviewer: TD

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 4.47 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 A. PURA OAKLEY AS SELLER FOR A PURCHASE PRICE OF \$18,500.00 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 TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SUCH TRANSACTIONS; 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

ISSUE/REQUESTED ACTION

Whether the Board should accept the "Assignment of Option to Purchase" approximately 4.47 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 A. Pura Oakley as seller, for a purchase price of \$18,500.00 using Building Better Communities General Obligation Bond Program funds and whether the Board should authorize the use of the Environmentally Endangered Lands Acquisition Trust Fund for this purchase in the event that Building Better Communities General Obligation Bond Program funds are unavailable.

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=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

Miami-Dade County Code, Chapter 24, Division 3, defines nuisance, sanitary nuisances; and provides enforcement, remedies and penalties.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOBIBAENENTRFUENENLAPR_ARTIINGE_DIV3EN](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOBIBAENENTRFUENENLAPR_ARTIINGE_DIV3EN)

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 shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

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

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

Department/Requester: Regulatory and Economic Resources

The proposed resolution has no procedural history.

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ANALYSIS

Concerned about continuing loss of pinelands and other natural areas, Miami-Dade County voters approved a property tax that was collected between 1990 and 1992 to fund the acquisition, protection and maintenance of environmentally endangered lands. The Miami-Dade County's Environmentally Endangered Lands (EEL) Program identifies and secures these lands for preservation. The EEL Program and its partners have bought approximately 22,211 acres of environmentally endangered lands into public ownership since 1990.

The proposed resolution seeks the Board's approval of the Assignment of Option to Purchase as negotiated by the Nature Conservancy for the Environmentally Endangered Lands (EEL) Program. According to the Fiscal Impact Statement, the appraised value of the approximately 4.47-acre parcel is \$21,100 and the negotiated purchase price is \$18,500. Building Better Communities General Obligation Bond (BBC-GOB) Program funding under Project No. 2, Site No. 70230, will be used for this purchase. As of May 31, 2018, the remaining balance under the BBC-GOB Program for allocations towards EEL acquisitions is \$10,980,014.

In the event that BBC-GOB Program funds are not available, the EEL Acquisition Trust Fund may be used for this acquisition. As of May 31, 2018, the balance of the EEL Trust Fund is \$33,275,104.31, of which \$21,375,014.80 is reserved for acquisition and \$11,900,089.51 is reserved for management.

The parcel proposed for acquisition is located within the South Dade Wetlands EEL Project. It is critical to acquire land in this area because of its strategic location between the Everglades National Park and Biscayne National Park, and within the watersheds of Florida Bay, Biscayne Bay, and Card and Barnes Sounds. The parcel is located south of SW 408 Street, north of SW 424 Street, west of SW 117 Avenue, and east of SW 127 Avenue; and is outside of the Urban Development Boundary.

Below is an aerial views of the property. Folio No. 30-8913-000-0300:



ADDITIONAL INFORMATION

Founded in 1951, the Nature Conservancy is one of the world's leading conservation organizations. Its mission is to conserve the lands and waters on which all life depends.

<https://www.nature.org/about-us/vision-mission/history/index.htm?intc=nature.tnav.about>

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>

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Item No. 3J

File No. 182038

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF SUNNY ISLES BEACH FOR \$10.00 PER YEAR WITH AN INITIAL 20-YEAR TERM AND TWO 10-YEAR RENEWAL OPTIONS FOR COUNTY-OWNED LAND LOCATED AT 350 SUNNY ISLES BOULEVARD, SUNNY ISLES BEACH, TO BE USED AS A PASSIVE PARK OPEN TO THE PUBLIC FROM SUNRISE TO SUNSET; AUTHORIZING EXECUTION OF THE LEASE BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE; DECLARING SUCH PROPERTY SURPLUS; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD AND WAIVING RESOLUTION 333-15; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ALL ACTS NECESSARY TO EFFECTUATE THE SAME; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE LEASE TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF THE EXECUTION OF THE AGREEMENT

ISSUE/REQUESTED ACTION

The proposed resolution approves a lease agreement between the County and the City of Sunny Isles Beach for \$10.00 per year with an initial 20-year term and two 10-year renewal options for County-owned land located in District 4 at 350 Sunny Isles Boulevard, Sunny Isles Beach, to be used as a passive park open to the public from sunrise to sunset.

APPLICABLE LEGISLATION/POLICY

Section 125.38 Florida Statutes governs the sale of county property to United States, or state.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.38&URL=0100-0199/0125/Sections/0125.38.html

Resolution No. R-137-11, adopted by the Board on March 1, 2011, authorized execution of a lease agreement for ten dollars per year for County-owned land located at 350 Sunny Isles Boulevard, Sunny Isles Beach, with the City of Sunny Isles Beach, for premises to be utilized as a passive park open to the public seven days a week from sunrise to sunset.

<http://intra/gia/matter.asp?matter=110073&file=true&yearFolder=Y2011>

Resolution No. R-333-15, adopted April 21, 2015, established County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

Resolution No. R-898-15, adopted October 6, 2015, directed the Miami-Dade Water and Sewer Department to install aesthetic improvements, including sustainable vegetation, xeriscaping and other Florida-friendly landscaping in an effort to make department structures including administration buildings, pump stations and treatment facilities consistent with and complementary of their environs.

<http://intra/gia/matter.asp?matter=152933&file=false&yearFolder=Y2015>

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Research Notes

Resolution No. R-380-17, adopted April 4, 2017, established Board policy regarding County-owned real property requiring the County Mayor or his designee to provide written notification to District Commissioner in which County-owned property lies no less than four weeks prior to 1) any issuance of a request for proposal or expression of interest regarding the sale, lease, or development of such county-owned property or 2) placing any item on the agenda of this Board or any committee of this Board requesting the approval of the sale, lease, or surplus of county-owned property.

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

Administrative Order 8-4, ordered May 5, 1981, specified that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners.

<https://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Sally A. Heyman

Requester/Department: Water & Sewer Department

The proposed resolution has no procedural history.

ANALYSIS

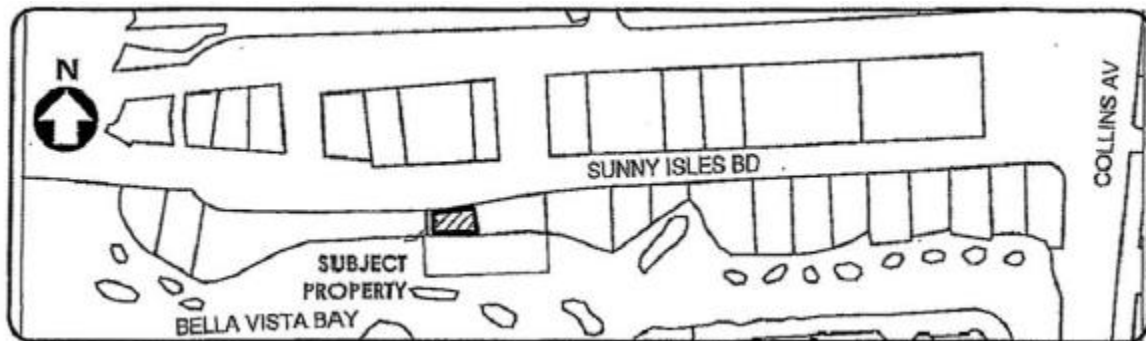
The proposed resolution approves a lease agreement between the County and the City of Sunny Isles Beach (City) for County-owned land located in District 4 at 350 Sunny Isles Boulevard, Sunny Isles Beach, to be used as a passive park open to the public from sunrise to sunset. The lease term is 20 years, with two 10-year renewal options, at a rental rate of \$10.00 per year to be paid by the City. The lease rate was determined in accordance with Section 125.38, Florida Statutes, which authorizes the Board to lease the subject property at a nominal value regardless of the actual value if: 1) the Board determines the property is not needed for County purposes and 2) the property is used for community interest and welfare. As such, the property was circulated to County departments to determine whether the parcel is needed for County purposes, and no use was identified. Also, the subject property will be used by the City as a passive park for the public good.

The entire parcel owned by the County (approximately 53,176 square feet) comprises a pump station owned and operated by the Miami-Dade Water and Sewer Department, Pump Station No. 301. However, the 17,651 square feet of this County property to be leased to the City does not interfere with the pump station nor the plans to replace it. The Consent Decree Project to replace Pump Station No. 301, as it is beyond its useful life due to the saltwater environment and additional capacity is needed to meet projected future flows as well as sea level rise demands. The new lease agreement's terms allow WASD the "Right of Entry" during reasonable working hours to make alterations and at any time in the event of an emergency without prior notice to the City. The City shall coordinate construction plans as well as plans for improvements with WASD's Director and, at its sole cost and expense, be responsible for the completion of all improvements, the operation of the passive park, and for all costs for utilities, waste removal services, maintenance repairs or replacements of the grounds, landscaping, and landscaping services.

A previous Board Resolution, No. R-137-11, authorized the execution of a prior lease agreement between the County and the City providing for the construction of a passive park on a 7,372 square foot parcel of the County-owned that is the subject of the proposed resolution. Given that the 2011 lease agreement expired before the City began any improvements, the present lease agreement and proposed resolution is being offered before the Board to replace the 2011 lease agreement and allow the City to expand the square footage area of the proposed passive park from 7,372 square feet to 17,651 square feet with additional improvements.

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Research Notes

Below is a map of the subject property.



**IUC Meeting: Sept. 12, 2018
Research Notes**

**Item No. 3K
File No. 181980**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING A STORMWATER BILLING AGREEMENT WITH THE TOWN OF CUTLER BAY FOR THE BILLING OF STORMWATER UTILITY CHARGES BY THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED HEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve an agreement between Miami-Dade County and the Town of Cutler Bay providing for the billing of the Town's stormwater charges by the Miami-Dade Water and Sewer Department (WASD).

APPLICABLE LEGISLATION/POLICY

Resolution R-630-08, adopted June 3, 2008, authorized the exemption of the Town of Cutler Bay from the provisions of the Miami-Dade County Stormwater Utility Ordinance; and approved a 10-year agreement providing for the billing of stormwater charges by WASD and for the deduction of payments from the monthly stormwater charges for the Town's pro-rata share of Miami-Dade County's Stormwater Utility Bond Debt Service.

<http://intra/gia/matter.asp?matter=081613&file=true&yearFolder=Y2008>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Water and Sewer Department

This item has no procedural history.

ANALYSIS

The proposed resolution authorizes the execution of a new agreement between Miami-Dade County and the Town of Cutler Bay providing for the billing of the Town's stormwater charges by WASD. The last agreement, approved by the Board on June 20, 2008 for a 10-year period, is currently expired. The Town of Cutler Bay and the County have agreed to honor the terms and conditions of the agreement on a month-to-month basis until the new agreement is approved by the Board. Thus, WASD has been billing a stormwater utility service charge simultaneously with the issuance of WASD's bills for water and sewer service and deducting the pro-rata share of the Town's debt service in accordance with the 2008 agreement. Pursuant to the new agreement, the County will continue to retain the Town's pro-rata share of its debt service on the 1999 and 2004 Stormwater Utility Revenue Bonds until they are paid in full.

Passage of this Resolution has a positive fiscal impact to the County, as WASD would continue to receive \$0.97 per bill from the Town of Cutler Bay for the billing service.

Revenue Received by Miami-Dade County for Billing Service (FY 2016-17)

| Source | Amount |
|--|---------------|
| Town of Cutler Bay | \$54,339 |
| All Participating Municipalities (Including the Town of Cutler Bay) | \$686,647 |

WASD currently performs such billing services for the cities of Aventura, Doral, Miami, Miami Gardens, Miami Springs, South Miami, and Sweetwater, and the villages of El Portal, Key Biscayne, Palmetto Bay and the Town of Miami Lakes.

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Research Notes

The following are the primary responsibilities of the Town per the terms of the agreement:

- Deliver to the County its schedule of rates and any revisions of such schedule rates, a minimum of 30 calendar days in advance of the effective date.
- All telephone calls and correspondence from customers regarding the stormwater utility are to be directed to the Town, with the County providing the Town's telephone number on the bill.
- Legal actions for non-payment of stormwater utility charges are the sole responsibility of the Town.
- Pay the County \$0.97 per bill.
- Provide compensation for all costs and expenses incurred and paid by the County in defending legal actions brought against the County involving billing or collection of stormwater utility service charges on behalf of the Town.
- Pay the County the Town's pro-rata share of debt service on the Stormwater Bonds until they are paid in full or provision is made for their payment, and any obligations associated with cost sharing Stormwater Management Projects (e.g., canal dredging, canal maintenance and drainage projects) that may be agreed to subsequent to the date of the agreement for which payment will be based on a mutually agreed amount.

The following are the primary responsibilities of the County per the terms of the agreement:

- Bill, collect and remit the Town's stormwater utility charges in a timely manner. The Town may terminate the agreement on 30 days written notice if the County fails to timely bill the Town's customers in accordance with the agreed upon billing cycles or fails to remit payment to the Town in the timeframes specified in the agreement.
- Present stormwater utility service charge on the bill as a separate item.
- Keep correct and proper books of accounts showing monthly gross billings of stormwater utility service charges.
- Provide to the Town a monthly statement in writing, showing the net amount owed the Town by the County for the month covered by such statement, within 60 days of the end of each monthly period.

**IUC Meeting: Sept. 12, 2018
Research Notes**

**Item No. 3L
File No. 182040**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION BETWEEN LEE CONSTRUCTION GROUP, INC. AND MIAMI-DADE COUNTY, CONTRACT NO. W-944, FOR A CONSTRUCTION PROJECT ENTITLED: ALEXANDER ORR JR. WATER TREATMENT PLANT LIME KILN ELECTRICAL SWITCHGEAR BUILDING, WITH A TOTAL COMPENSATION AMOUNT OF \$6,270,105.91 AND A TOTAL CONTRACT TERM OF 330 DAYS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONTRACT NO. W-944 AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

The proposed resolution approves a contract award recommendation between the County and Lee Construction Group, Inc. for a construction project in District 7 entitled Alexander Orr Jr. Water Treatment Plant Lime Kiln Electrical Switchgear Building for a total contract term of 330 days in the total compensation amount of \$6,270,105.91.

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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution No. R-716-12, adopted by the Board on September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

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>

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>

**IUC Meeting: Sept. 12, 2018
Research Notes**

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Water & Sewer Department

The proposed resolution has no procedural history.

ANALYSIS

The proposed resolution approves a contract award recommendation between the County and Lee Construction Group, Inc. for a construction project in District 7 represented by Commissioner Xavier Suarez and entitled Alexander Orr Jr. Water Treatment Plant Lime Kiln Electrical Switchgear Building for the construction of a new lime kiln electrical switchgear building with provisions to accommodate a new Florida Power and Light utility feed at the Alexander Orr Jr. Water Treatment Plant (project location: 6825 SW 87th Avenue, Miami-Dade County, Florida 33173). This construction project will improve plant efficiency and the electrical feed requirements for a new laboratory at the Treatment Plant. The total compensation amount is \$6,270,105.91 with a total contract term of 330 days. The newly constructed building is projected to have a life expectancy of 50 years, and generate an operating cost of \$200,000 per year and maintenance cost of \$100,000 per year, both of which are to be funded with WASD Operating Revenues.

Seven bids were received in response to the solicitation for Contract No. W-944 advertised on February 9, 2018. Lee Construction was the lowest bidder, although its base bid of \$5,504,518.50 was 13% higher than the Engineer of Record's base estimate of \$4,869,122 for the project. The Engineer of Record, HDR, Inc., explained that the largest discrepancies in the bid items were site work and mobilization, and the Engineer's base estimate, developed in October 2017, did not account for 2018 labor rates and current market conditions. Thus, as the lowest responsive, responsible bidder, the award recommendation is to local prime contractor, Lee Construction Group, Inc.

Lee Construction Group, Inc. has been in business since 2006 and has been awarded 20 contracts with Miami-Dade County in the last three years with a total value of \$10,998,949.01, and change orders approved by the Board at a total value of \$325,842.40.

ADDITIONAL INFORMATION

Lee Construction Group, Inc.

LEE Construction Group, Inc. is a licensed general contractor and construction management firm with a corporate office in Miami, Florida and satellite offices in Georgia, New York and Colorado. It has been established since 2006 and specialize in commercial and industrial construction. LEE Construction Group Inc. is certified as a CSBE Level 3 in Miami-Dade County, certified as MWBE and DBE with MDCPS and are an 8(a) certified firm with the federal government through 2019. Its bonding capacity is \$30 million Aggregate and \$8 million Single Project.

<http://www.leecgi.com/>

**IUC Meeting: Sept. 12, 2018
Research Notes**

Item No. 3N

File No. 182041

Researcher: PGE Reviewer: TD

RESOLUTION AWARDING CONTRACT NO. S-896 BETWEEN DANIEL O'CONNELL'S SONS, INC. AND MIAMI-DADE COUNTY FOR CONSENT DECREE PROJECT 3.05(2), CONTRACT NO. S-896, FOR A PROJECT ENTITLED: NORTH DISTRICT WASTEWATER TREATMENT PLANT SECONDARY CLARIFIERS UPGRADES, WITH A TOTAL COMPENSATION AMOUNT OF \$22,841,250.00 AND A TOTAL CONTRACT TERM OF 1570 DAYS; 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-896 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. (DOCS) in the amount of \$22,841,250 for a term of 1570 days for a project entitled "North District Wastewater Treatment Plant Secondary Clarifiers Upgrades (Remaining Scope of Work)" 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

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=PTIICOOR_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=PTIICOOR_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=PTIICOOR_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 effectiveness and capacity of the water and sewer systems, including any contracts related to the purchase of goods and services, construction and professional services.

**IUC Meeting: Sept. 12, 2018
Research Notes**

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=PTIIICOR_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=PTIIICOR_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=PTIIICOR_CH10CO_ARTIIBIPUPR_S10-34LISURE

Ordinance No. 14-79, adopted by the Board on September 3, 2014, requires that in all agenda items relating to planning, design and construction of County infrastructure a statement be included that the impact of sea level rise has been considered.
<http://intra/gia/matter.asp?matter=141211&file=true&yearFolder=Y2014>

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

The item has no procedural history.

**IUC Meeting: Sept. 12, 2018
Research Notes**

ANALYSIS

This item is requesting approval of an award to Daniel O’Connell’s Sons, Inc. (DOCS) for a consent decree construction project entitled “North District Wastewater Treatment Plant Secondary Clarifiers Upgrades (Remaining Scope of Work)” for a total contract amount of \$22,841,250 for a term of 1570 days. As DOCS 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.

Per the mayoral memorandum, the funding sources for the project include Future WASD Revenue Bonds, WASD Revenue Bonds Sold, and Wastewater Renewal Fund. The elements constituting the total contract amount of \$22,841,250 are: (1) the base contract amount of \$20,125,000; (2) the contingency allowance of \$2,012,500; (3) the permit fees of \$603,750; and (4) \$100,000 for additional concrete repairs and pressure injection epoxy grout of cracks in primary clarifiers and oxygenation tank influent control chambers.

The project location is 2575 NE 156 Street, North Miami, Florida, which is in District 2, represented by Commissioner Monestime, based on a review of the County Commission Districts online map found on the County’s website. However, the mayoral memorandum indicates that the project is in 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 consists of the awardee furnishing all materials, labor and equipment necessary for the rehabilitation of the secondary clarifiers, mixed liquor flow splitting structures, return sludge pump stations and associated piping. The USEPA compliance date is August 24, 2027. 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. Such works includes upgrades to the ventilation systems servicing the upper, lower and sub-basement floors, replacing slide gates with new motorized gates, and diameter RCP rehabilitation.

Only three bids were received in response to this procurement, with DOCS being the recommended awardee following a Best and Final Offer (BAFO) process pursuant to the County’s Local Preference Ordinance. Per sunbiz.org, the official website for the State of Florida Division of Corporations, the recommended awardee is an active foreign for-profit corporation with a principal address at 800 Kelly Way, Holyoke, Massachusetts. Per the Florida DBPR, DOCS, Inc. has the following license types: Certified General Contractor, Construction Business Information and Construction Financial Officer. A State General Contractor license satisfies the project’s technical certification requirements.

Note that CDM Smith, the project’s Engineer of Record, authored an Opinion of Probable Construction Cost (OPCC) in October 2017 of \$17.3 million. The lowest bid price was 16.3 percent higher than the opinion, including allowances. The OPCC was updated in 2018 to reflect labor rates, current market conditions and include clarification issued via addenda during the bid process. The updated OPCC, not including allowances is \$18,928,515, which makes the low bid 6.3 percent higher than the revised OPCC.

The project was assigned a SBE-CON goal of 12.61 percent, valued at \$2,791,538.75 per the mayoral memo. That value differs from the \$2,400,967.58 seen in the SBD Project Worksheet for this contract. The recommended awardee’s subcontractors are: Dade Electric Services, Inc. for electrical work and Sunshine State Air Conditioning, Inc. for HVAC work.

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>

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Research Notes

On September 5, 2018, the Board approved, as amended, a contract award to Daniel O’Connell’s Sons, Inc. for a project titled “North District Wastewater Treatment Plant Disinfection Facility Improvements” for a total value of \$12,430,010 for a term of 605 days. See the link below to Legislative Information System File No. 181610.

<http://intra/gia/matter.asp?matter=181610&file=true&yearFolder=Y2018>