



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

Infrastructure and Utilities Committee (IUC) Meeting

December 11, 2018
9:30 A.M.
Commission Chambers

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**IUC Meeting: December 11, 2018
Research Notes**

**Item No. 3A
File No. 182783**

Researcher: IL Reviewer: TD

RESOLUTION RATIFYING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR SPACE AND COST SHARING AT THE NETWORK ACCESS POINT OF THE AMERICAS WITH PAYMENTS BY FDOT TO THE COUNTY UP TO \$94,500.00 AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE AGREEMENT INCLUDING ANY RENEWAL TERMS

ISSUE/REQUESTED ACTION

Whether the Board should ratify an agreement between Miami-Dade County (MDC) and the State of Florida Department of Transportation (FDOT) for payments by FDOT to the County in an amount up to \$94,500.00, for two (2) year term commencing on December 29, 2017 and expiring on December 2019 with one (1) three (3) year option to renew, for space and cost sharing at the network access point of the America.

APPLICABLE LEGISLATION/POLICY

Section 2-9 of the County Code (Contracts with municipalities or governmental units for services) The Mayor is hereby authorized to enter into contracts in behalf of this County with municipalities and other governmental units for joint performance with the County or performance by any municipality or other governmental unit in behalf of the County or any function or service which the County is authorized or directed to perform under Section 11, Article VIII of the Florida Constitution, the Home Rule Charter, or any ordinance adopted by the Board.

[https://library.municode.com/fl/miami -
dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-9COMUGOUNSEUTMA](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-9COMUGOUNSEUTMA)

Section 2-10 of the County Code (Ratification of Board) All contracts authorized by Section 2-9 shall be entered into subject to ratification by the County Commission and no such contract shall extend for a period longer than one (1) year without the express authorization of the Commission. All such contracts shall be filed with the Clerk of the Commission and the Clerk of the other governmental unit involved and shall be open to public inspection.

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dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI)

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Information Technology Department

There is no procedural history at this time.

ANALYSIS

This item is requesting Board ratification for an agreement between Miami-Dade County (MDC) and the State of Florida Department of Transportation (FDOT) for payments by FDOT to the County in an amount up to \$94,500.00, for two (2) year term commencing on December 29, 2017 and expiring on December 2019 with one (1) three (3) year option to renew, for space and cost sharing at the network access point (NAP) of the America provided by Equinix, Inc. (Equinix)

The fiscal impact is comprised of a payment from MDC to Equinix for services provided to FDOT at NAP during the initial two-year term. FDOT will reimburse the County \$37,800.00 and the County will incur the remaining \$78,360.00 expense, in exchange for access to 24 FDOT fiber optic cable plant located through various location in Miami-Dade County, valued at \$264,000 and will be used for governmental and transportation purposes. Should the option to renew be exercised FDOT will pay MDC an additional \$56,700.00.

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This arrangement is in effect because Equinix is interested in consolidating the billing of the two users (MDC and FDOT) requested by Equinix on December 2017. This agreement FDOT and MDC mutually agreed on having MDC as sole entity being billed (as the lessee) for the services provided by Equinix. Because MDC is now the only party being billed by Equinix MDC and FDOT are subject to sharing costs and exchanging services for the mutual benefit of each party. The County will pay Equinix \$58,080.00 annual and assume all rights, duties and obligations for the NAP of America Services. FDOT and MDC entered into an agreement where FDOT will reimburse the County \$18,900.00 annually and provide access to 24 fiber optic cables. The mayoral memo states that if the County were to lease these fiber optic cables from another vendor the cost could potentially be up to \$132,000.00 annually. Below are some of the obligations between MDC and FDOT:

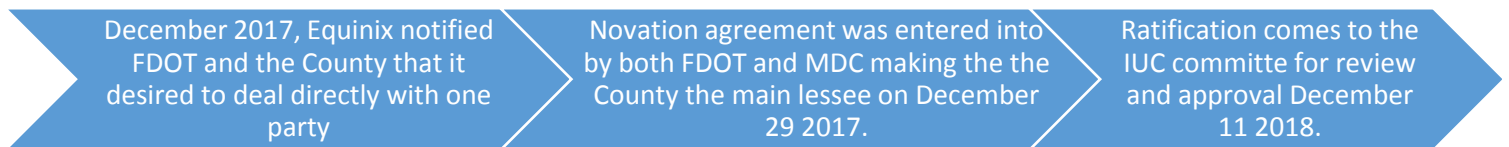
County's Obligations

- MDC will provide FDOT with One Communication Cross-Connection Service for FDOT.
- MDC will provide Two Power Up Services for FDOT.

FDOT's Obligations

- FDOT agrees to pay the County \$18,900.00 per year for the services provided to FDOT and will provide MDC with 24 fiber optic cables.
- FDOT will provide 12 fibers (green buffer) along I-395, US-1, and Port Boulevard corridors – from I95/I-395 Interchange to Port of Miami;
- FDOT will provide 12 fibers (slate buffer) along I-395 and MacArthur Causeway corridors – from North Miami Avenue to Port of Miami Tunnel Entrance on MacArthur Causeway.

The time line below is intended to show the life of this contract with Miami-Dade County.



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Research Notes

Item No. 3B
File No. 182652

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$8,240,000.00 FOR THE ACCESSED, COMPETITIVELY PROCURED AND AWARDED WESTERN STATES COOPERATION ALLIANCE CONTRACT NO. 43211500-WSCA-15ACS1 FOR THE PURCHASE OF ADDITIONAL COMPUTER EQUIPMENT PERIPHERALS AND SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO COUNTY CODE SECTION 2-8.1 AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority for the accessed Western States Cooperative Alliance contract for the purchase of additional computer equipment peripherals and services for the Information Technology Department in a total amount up to \$8,240,000.00.

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](https://library.municode.com/fl/miami/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-843-17, adopted by the Board on October 3, 2017, approves accessing a competitively established contract by the Western States Cooperative Alliance for a 35-month term in the amount of \$5,517,000 to meet the County's needs to purchase Dell EMC storage and service products, Microsoft Surface Pro Tablets, and Hewlett Packard servers and storage equipment for maintenance and support of the County's existing infrastructure.

<http://intra/gia/matter.asp?matter=171602&file=true&yearFolder=Y2017>

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>

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Research Notes

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: None

Requester/Department: Internal Services Department

This item has no procedural history.

ANALYSIS

The proposed resolution is for Board authorization of additional expenditure authority to Contract No. 43211500-WSCA-15ACS1, *Computer Equipment Peripherals and Services*—an accessed contract competitively established by the Western States Cooperative Alliance—in the amount of \$8,240,000 for the Information Technology Department's continued purchase of Panasonic and Hewlett Packard products and services on behalf of multiple County departments.

The contract, approved by the Board on October 3, 2017 for a 35-month term in the amount of \$5,517,000, expires on March 31, 2020 and has a current cumulative allocation of \$6,007,000, which includes a \$490,000 approved modification. Of this amount, \$6,003,085.66 has been released, leaving a balance of \$3,914.34 (as of December 10, 2018).

The original contract addressed the County's needs to purchase Dell EMC storage and storage service products, Microsoft Surface Pro Tablets, and a one year allocation of Hewlett Packard servers and storage equipment for maintenance and support of the County's existing infrastructure in anticipation of a separate competitive solicitation for Hewlett Packard Enterprise (HPE) products being issued thereafter. The awarded HPE contract is not expected to be in place before March 2019, thus necessitating additional funds to meet the County's recapitalization schedule and continued support of countywide infrastructure in the interim. The reason for the delay in finalizing the HPE solicitation is unclear.

This access contract will also be used to consolidate the purchase of Panasonic products previously procured through an 18-month term, \$3,141,000 National IPA access contract in the interest of reducing duplication of efforts by vendors. Of the requested \$8,240,000 increase, \$3,400,000 will be used to purchase HP products and \$4,800,000 will be used to purchase Panasonic toughbooks for various County departments, specifically the Miami-Dade Police Department, Miami-Dade Fire Rescue, Miami-Dade Aviation Department, and Miami-Dade Water and Sewer Department. It is unclear where the remaining \$40,000 will be allocated.

Of the 11 prequalified vendors, three (27%) are local, not meeting the 75% local vendor threshold prescribed by Resolution No. R-477-18. However, given that this is a competitively accessed Western States Cooperative Alliance contract, the County does not have control of vendor participation.

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Research Notes**

**Item No. 3C
File No. 182670**

Researcher: PGE Reviewer: TD

RESOLUTION WAIVING FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B)(1) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT AND AWARDING CONTRACT NO. BW9983-0/22 TO PLANTE AND MORAN, PLLC IN A TOTAL AMOUNT UP TO \$2,056,000.00 FOR 27 MONTH TERM TO PURCHASE ENTERPRISE RESOURCE PLANNING SOLUTION THIRD PARTY ASSURANCE SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND 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 waiving competitive bidding by a two-thirds vote of the members present and approve a bid waiver contract to Plante and Moran, PLLC for a 27-month term for delivery of enterprise resource planning solution third party assurance services for the Information Technology Department in an amount of \$2,056,000.

APPLICABLE LEGISLATION/POLICY

Section 5.03(D) of the County's Home Rule Charter provides that contracts for public improvements and purchases of supplies, materials and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the County.

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

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)

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>

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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-642-18, adopted by the Board on June 19, 2018, approved Contract No. RFP-00200, *Enterprise Resource Planning Solution Implementation, Integration and Related Services*, to Accenture, LLP for a value of up to \$48,283,000 for a term of four years and three months for the Information Technology Department.

<http://intra/gia/matter.asp?matter=181546&file=false&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

The fiscal impact for the 27-month term is \$2,056,000. The funding source is financing proceeds. The payment schedule is based on deliverables/milestones, with the first Rollout totaling \$1,317,100, the second totaling \$478,600 and the third rollout totaling \$260,200. The total payment amount is \$2,055,900.

Market analysis conducted by the Administration indicates that the pricing contained in the awardee's proposal is consistent with industry norms for ERP third party assurance services.

ANALYSIS

This item is requesting approval to award a bid waiver contract by a two-thirds vote of the Board members present to Plante & Moran, PLLC, a limited liability corporation organized and existing under the laws of the State of Michigan, for delivery of enterprise resource planning solution third party assurance services for a 27-month term or through Rollout 3 of the ERP implementation contract for up to \$2,056,000. Per the mayoral memorandum, the awardee does not currently have a local address.

The County is in the midst of an ERP initiative that is intended to replace disparate legacy systems with a single integrated solution. The ERP solution will result in one countywide system that manages administrative processes for Human Resources, Payroll, Procurement, Finance and Budget functions. As part of that process, the County requires the services of an experienced third party assurance (3PA) provider to deliver a variety of services to mitigate risks associated with the ERP implementation. The services to be delivered are summarized as follows:

- On-Going Project Assurance – Plante & Moran will participate in and evaluate key implementation tasks and provide written feedback in recurring monthly status reports on implementation tasks which are not being satisfactorily completed.
- Independent Monitoring and Reporting on Project Progress – Plante & Moran will monitor compliance of the ERP contractor (Accenture) relating to the contractor's duties documented in the Statement of Work. Plante & Moran will provide the results of compliance monitoring through monthly status reports to project management and sponsors. To ensure timely communication of project activities, Plante & Moran shall prepare (1) a third party assurance plan; (2) monthly status reports; and (3) a close-out memo.

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- Third Party Assurance Services – the approach to these services includes a combination of real-time review and involvement as well as an ongoing audit function. Plante & Moran staff will be involved in discussions relative to key decisions centered on how the project will be organized and managed versus performing an after-the-fact audit. Additionally, the firm shall focus activities on prevention versus detection.

Per the mayoral memorandum, a bid waiver contract to Plante & Moran is in the County's best interest as (1) the firm understands the complexity of the County's requirements as it worked with the County during the solicitation and negotiation processes for the ERP implementation project; and (2) considering the ERP schedule, which commenced on July 30, 2018, there was no window of time for a competitive solicitation for 3PA services in order to meet critical timelines.

The commodity code for this procurement is 91832 (consulting services). A search for local certified small business firms under the code on the Business Management Workforce System on December 10, 2018 yielded the following:

- America Business & Management Services LLC
- Automated Port Solutions Inc.
- C. L. Johnson Consulting, P.A.
- Cason Strategies LLC
- Design2Form, LLC
- Flowers Consulting LLC
- J & R Precision Drilling Inc.
- J&J Logistics Solution Consulting
- Jador International Corporation
- Lanier Consulting LLC
- Life Protection Service Co.
- Pabon Engineering Inc.
- Rogar Management & Consulting of Florida LLC

ADDITIONAL INFORMATION

Plante & Moran, PLLC provides accounting and auditing services. The firm offers employee benefit tax audit, international financial reporting, single and surprise audit, financial statement audit, business tax, state and local tax, international tax, personal tax and mergers and acquisition services. Additionally, it offers employee benefit consulting, security assurance, wealth management, insurance and business advisory services. The firm caters to businesses, governmental, not-for-profit and healthcare organizations and individuals. Plante & Moran was founded in 1924 and is based in Southfield, Michigan.

<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=2399005>

Assurance services are a type of professional service usually provided by CPAs. Assurance services can include a review of any financial document or transaction, such as a loan, contract or financial website. This review certifies the correctness and validity of the item being reviewed by the CPA. Assurance services can come in a variety of forms and are meant to provide the firm contracting the CPA with pertinent information to ease decision-making. Businesses use assurance services to increase the transparency, relevance and value of information disclosed to the market.

<https://www.investopedia.com/terms/a/assurance-services.asp>

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Research Notes**

**Item No. 3D
File No. 182769**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING BY TWO-THIRDS VOTE OF THE MEMBERS PRESENT A CONTRACT IN THE AMOUNT OF \$5,150,000.00 FOR SALE AND PURCHASE BETWEEN VECELLIO & GROGAN, INC. AS SELLER AND MIAMI-DADE COUNTY AS BUYER OF APPROXIMATELY 87.96 ACRES OF SURFACE AREA LOCATED APPROXIMATELY 1,040 FEET WEST OF THE FLORIDA TURNPIKE AND SOUTH OF NW 74 STREET IN UNINCORPORATED MIAMI-DADE COUNTY TO BE UTILIZED AS A STORAGE LAGOON IN CONNECTION WITH THE DISPOSAL OF CALCIUM CARBONATE RESIDUALS FROM THE JOHN E. PRESTON AND HIALEAH WATER TREATMENT PLANTS; AUTHORIZING THE EXPENDITURE OF UP TO \$35,000.00 FOR CLOSING COSTS; WAIVING SECTION 2-10.4.2 OF THE COUNTY CODE WHICH REQUIRES TWO MEMBER OF THE APPRAISAL INSTITUTE APPRAISALS FOR PURCHASES OVER \$5,000,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT, EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, TO TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE SAID PURCHASE AND TO ACCEPT CONVEYANCE OF PROPERTY BY WARRANTY DEED

ISSUE/REQUESTED ACTION

Whether the Board should approve by a two-thirds vote of the members present (1) a contract for sale and purchase between the County, as buyer, and Vecellio & Grogan, Inc., as seller, in the amount of \$5,150,000 plus \$35,000 for closing costs for approximately 87.96 acres of lake property adjacent to the Northwest Wellfield; and (2) waiver of County Code requirements relating to obtaining appraisals by two real estate appraisers holding an MAI designation where the property involved has an estimated fair market value exceeding \$5,000,000.

APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-8.6.5PUSALEREPR

Section 2-10.4.2 of the County Code provides that whenever the County purchases, sells or is involved in a lease of real estate, whether as lessor or lessee, and the fee simple value of the property being bought or sold or the annual value of the property being leased is in excess of five million dollars, the County shall prior to consummating the purchase, sale or lease have the property appraised by two real estate appraisers holding the M.A.I. designation. Upon the written recommendation of the County Mayor, the Board may waive the provisions of this section if it finds it to be in the best interest of the County to do so.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-10.4.2APREPUSALE

Section 33-303 of the County Code sets forth the exclusive procedure for zoning in the unincorporated areas or where the County retains zoning jurisdiction in incorporated areas, providing an exception for approval of governmental facilities.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-303EXPRZOUNARWHCOREZOJUINAREXAPGOFA

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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: Jose “Pepe” Diaz, District 12

Department/Requester: Water and Sewer

ANALYSIS

This item is requesting Board approval by a two-thirds vote of the members present to authorize: (1) a contract for sale and purchase between the County, as buyer, and Vecellio & Grogan, Inc., as seller, for \$5,150,000 plus \$35,000 in closing costs for 87.96 acres of lake property adjacent to the Northwest Wellfield; and (2) waiver of County Code requirement that provides whenever the County purchases real estate and the fee simple value of the property being bought is in excess of five million dollars, the County shall prior to consummating the purchase, have the property appraised by two real estate appraisers holding the M.A.I. designation.

The subject property is an 87.96 acre rock mining lake located along the southeast corner of NW 74th Street and hypothetical NW 122nd Avenue in unincorporated Miami-Dade County. Currently, calcium carbonate residuals are pumped through a 16-inch sludge pipeline to the Northwest Wellfield area and are disposed of at an existing 15-foot deep sludge lagoon just north of the rock mining lake. Due to the proximity of the lake to the existing 16-inch sludge pipeline, WASD recommends the lake for purchase. The existing sludge lagoon will reach maximum capacity in two years, and the subject lake is estimated to provide the County with 100 years of disposal capacity.

Two appraisals were conducted for the subject lake. Stuart J. Lieberman, who has the MAI designation, appraised the premises on September 17, 2018 and concluded that it is worth \$5,000,000. The second appraisal was conducted on September 18, 2018 by Jeffrey Kern, who does not hold the MAI designation, and valued the property at \$3,096,000. The mayoral memorandum indicates that both individuals have quarry appraisal experience and attributes the difference between the appraisals to the method used to count the mineable reserves of limestone and sand as of the date of value.

The Folio Nos. associated with the subject property are 30-3913-000-0030 and 30-3913-000-0040. Per data found on the Property Appraiser’s website, Folio No. 30-3913-000-0030 has a market value of \$72,310, and Folio No. 30-3913-000-0040 has a market value of \$948,095. Both Folio Nos. show an existing land use of Inland Water Bodies.

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Research Notes**

**Item No. 3E
File No. 182720**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING THE "LUCKY START AT SUNRISE ESTATES ID #19460A" AGREEMENT FOR WATER AND SANITARY SEWER FACILITIES BETWEEN MIAMI-DADE COUNTY AND D.R. HORTON, INC., FOR A TERM OF 365 DAYS; REQUIRING D.R. HORTON, INC. TO CONTRIBUTE \$76,893.85 FOR ITS PRO-RATA SHARE OF THE COSTS OF UPGRADING COUNTY-OWNED PUMP STATION 1018; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the "Lucky Start at Sunrise Estates ID#19860a" development project agreement for Water and Sanitary Sewer Facilities between Miami-Dade County and D.R. Horton, Inc. for a term of 365 days, requiring the developer, D.R. Horton, Inc., to contribute \$76,893.85 toward the costs of the upgrades needed for County-owned Pump Station No. 1018, as the pump station will service the developer's new 72 single family home development.

APPLICABLE LEGISLATION/POLICY

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

Requester/Department: Internal Services Department

This item has no procedural history.

ANALYSIS

The proposed resolution is for Board approval of the "Lucky Start at Sunrise Estates ID#19860a" development project agreement for Water and Sanitary Sewer Facilities between Miami-Dade County and D.R. Horton, Inc. for a term of 365 days. The agreement requires the developer, D.R. Horton, Inc., to contribute \$76,893.85 toward the costs of the upgrades needed for County-owned Pump Station No. 1018, as the pump station will service the developer's new 72 single-family home development in District 9 (the area bounded by SW 132 Avenue to the east, SW 272 Street to the south, and the Florida Turnpike Extension to the northwest). Pursuant to the agreement, the County will provide an adequate water supply and will receive and dispose of sanitary sewage from the developer's property.

WASD agreed to allow Pump Station No. 1018 to accept the flows from D.R. Horton's development project with the condition that it contribute toward the costs of the upgrade based on the projected flow that the 72 single-family residential project would add to the pump station, as determined by hydraulic modeling performed by WASD. The total project cost to upgrade Pump Station No. 1018 is estimated to be \$1,537,877, of which D.R. Horton will pay 5 percent. The County's funding source is the Wastewater Renewal Fund.

Permitting Pump Station No. 1018 to service this development eliminates the need to construct a new public regional pump station in order to connect the project to the County's sewer system and the County's operation and maintenance associated costs. WASD determined that, if upgraded, Pump Station No. 1018 could accept the flows generated by D.R. Horton Inc.'s project as well as future development projects within the current Pump Station No. 1018 basin area.

In addition to its pro-rata share of the pump station upgrade, the developer is to pay the County water and sewer connection charges for all constructed on the developer's property.

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Research Notes**

**Item 3F
File No. 182719**

Researcher: IL Reviewer: TD

RESOLUTION AWARDING A DESIGN-BUILD CONTRACT TO FLORIDA LEMARK CORPORATION WITH A CONTRACT AMOUNT NOT TO EXCEED \$7,192,304.00 AND A TOTAL CONTRACT TERM OF 1056 DAYS FOR A PROJECT ENTITLED "DESIGN-BUILD SERVICES FOR THE CONSTRUCTION OF A NEW DRINKING WATER LABORATORY BUILDING AT THE ALEXANDER ORR, JR. WATER TREATMENT PLANT"- PROJECT NO. DB16-WASD-02; CONTRACT NO. 17FLC001; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS OF SECTION 2-8.2.12(4)(D) AND (E) RELATED TO ACCELERATION OF CERTAIN WATER AND SEWER DEPARTMENT CONTRACTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE DESIGN-BUILD CONTRACT AND TO EXERCISE THE TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve an award for a Design-Build contract to Florida Lemark Corporation, with a contract amount not to exceed \$7,192,304.00 and a total contract term of one thousand fifty-six (1,056) days for a project entitled "design-build services for a new drinking water laboratory building at the Alexander Orr, Jr. water treatment plant"- project no. db16-wasd-02; contract no. 17flc001" for the Miami-Dade Water and Sewer Department.

APPLICABLE LEGISLATION/POLICY

Chapter 287 of the Florida Statutes, Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties, will govern how each agency shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in s. 287.017 for CATEGORY FIVE or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, except in cases of valid public emergencies certified by the agency head. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html

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 2-8.2.12 (4)(d) and (e) of the County Code (WASD Consent Decree) provides for the acceleration of Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Program projects, establishes policies and procedures for the approval of contracts related to those projects, specifically the right to amend contracts and extend the time for completion of any contract for construction, materials or professional services, including waivers of liquidated damages and other compensable and/or non-compensable time extensions as well as to negotiate and settle claims, and issue settlement agreement(s) or change orders for additional work under contracts and amendments where: the change order or claim does not exceed ten percent (10%) of the base contract amount; and the contingency allowance shall be utilized to ensure minimal disruption in work flow and shall be documented on the appropriate contingency authorization draw. Change orders shall be submitted to replenish the contingency account in a timely manner; and the limitations provided in (4)(e)(i) above shall not apply to any change order or

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amendment related to emergency actions impacting remediation, public safety, health requirements or recovery from natural disaster.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR

Section 2-10.4 of the County Code provides, the rules and regulations associated with the procurement of professional, architectural, engineering, landscape architectural or land surveying and mapping services. Requires a public announcement, submission of qualifications, certification committee, competitive selection committee, and competitive negotiations.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-10.4ACPRARENLAARLASUMASE

Section 2-10.4(7) of the County Code provides, Each contract for professional services shall contain a prohibition against contingent fees, as required by Chapter 287, Florida Statutes. For the breach or violation of this provision the County Commission may terminate the agreement without liability or, at its discretion, deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-10.4ACPRARENLAARLASUMASE

Ordinance 14-79 (Sea Level Rise), adopted on September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require that in all agenda items related to planning, design and construction of County infrastructure a statement be included that the impact of sea level rise has been considered; providing severability, inclusion in the code, and an effective date.

<http://www.miamidade.gov/govaction/matter.asp?matter=141211&file=true&fileAnalysis=false&yearFolder=Y2014>

Implementation Order (I.O.) 8-8 (Sustainable Buildings Program), adopted on December 4, 2007, authorizing approval of Implementing Order 8-8: establishing guidelines to further the County's sustainable buildings program initiative; and authorizing the County Mayor or his designee to exercise any and all other rights conferred therein.

<http://www.miamidade.gov/govaction/matter.asp?matter=080263&file=true&fileAnalysis=false&yearFolder=Y2008>

Implementation Order (I.O.) 3-41, (SBE Program), establishes procedures related to the Miami-Dade County Small Business Enterprise Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-41.pdf>

Implementing Order (I.O.) 3-32, (Small Business Enterprise Architecture And Engineering

Program): It is the policy of Miami-Dade County that not less than 10% of the County's total annual expenditures of all project specific contracts for professional architectural, landscape architectural, engineering, and surveying and mapping services, shall be expended with CBE-A/E's certified under the CBE-A/E ordinance.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-32.pdf>

Implementing Order (I.O.) 3-22, (Small Business Enterprise Construction Services Program): Except where Federal or State laws or regulations mandate to the contrary, this Implementing Order governs construction services (including design build, alteration, installation, painting, maintaining or repairing a public improvement), funded in whole or in part by County funds for all Miami-Dade County departments and agencies.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO03-22.pdf>

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Implementing Order (I.O.) 3-32 (Small Business Enterprise Architecture and Engineering Program) Except where federal or state laws or regulations mandate to the contrary, this Implementing Order applies to all project specific awards, and multiple project contracts as mandated in the CBE-A/E ordinance.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-32.pdf>

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-281-14, adopted on March 18, 2014, approving Mayor's recommendations relating to proposed Consent Decree with federal and state environmental enforcement agencies and authorizing the Mayor and County Attorney to modify proposed Consent Decree and advise the Court accordingly.

<http://www.miamidade.gov/govaction/matter.asp?matter=140568&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-421-16, adopted on May 17, 2016, direction the Mayor or Mayor's designee to attach to all items recommending Design and/or Construction Contract Awards of \$1,000,000/00 or greater a list of all County Contracts awarded in the previous three years to the recommended contractor and a summary of County Evaluations of the recommended contractors work.

<http://intra/gia/matter.asp?matter=160124&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Water & Sewer Department

There is no procedural history at this time.

ANALYSIS

This item is requesting Board approval of an award for a Design-Build contract to Florida Lemark Corporation for a contract amount not to exceed \$7,192,304.00 and a total contract term of one thousand fifty-six (1,056) days for a project entitled "design-build services for the construction of the new drinking water laboratory building at the Alexander Orr, Jr. Water Treatment Plant.

The Fiscal Impact of this project is not to exceed an amount of \$7,192,304.00 with a term with a term of one thousand fifty-six (1,056) calendar days. The base bid contract price is a lump sum of \$5,843,770.00 not inclusive of the contingency allowance (\$335,939.00) and dedicated allowance (\$1,012,595.00). The timeline for this project is 1,056 calendar days from the issuance of the notice to proceed. The Design-Build project was estimated to cost no more than \$7,192,306.00. The district impacted is Commission District 7, represented by Xavier L. Suarez.

The Request for Design-Build Services (RDBS) was advertised on July 5, 2016. Two proposals were received in response to the solicitation from the firms Florida Lemark Corporation and Lemartec Corporation. Because only two responses were received, the submittal deadline was extended twice, from August 10, 2016 to August 24, 2016, and again from August 24, 2016 to September 7, 2016. Due to the two extensions that were given an analysis of market availability was not performed. Please note that pursuant to the Miami-Dade County ISD internal procedures acquisition of A/E and Design-Build services Section 2 (Advertising) subsection 7 (Receipt of less than 3 proposals, page 19/20) when ISD receives less than three bid proposals a market analysis should be conducted or the extension of the submittal date should be execute. In this immediate case the extension of the submittal date was executed.

The purpose of this project is to provide adequate working capacity and meet current laboratory design standards. This new water laboratory aims to mitigate the vulnerability of cross-contamination from generators, treatment chemicals and solvents which all

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interfere with instrument operations in the present laboratory. Today's state-of-the-art lab instruments require an ample, stand-alone laboratory located away from potential chemical contamination sources which will be accomplished by this project.

The Step 1 "Evaluation of Qualifications" meeting took place on January 31, 2017, the Competitive Selection Committee (CSC) evaluated and ranked the firms and voted to shortlist-both firms.

On June 14, 2017, Lemartec Corporation, one (1) of the two (2) short-listed firms, officially withdrew from participation on this solicitation. The reason stated in the letter was because Lemartec could not responsibly respond to the solicitation schedule due to their need to temporarily re-deploy their resources for the next 60-90 days.

The Step 2 "Technical and Price Proposal" meeting was held on October 5, 2017. The CSC evaluated Florida Lemark Corporation and recommended that the County Mayor approve negotiations with said firm.

Florida Lemark Corporation, Inc. shall perform the following but not limited to:

- Construction of a parking lot for thirty-two (32) vehicles, six (6) county cars and three (3) golf carts with canopy-covered and battery charging stations, landscaping and amenities. Constructing laboratory spaces with laboratory cabinets and laboratory sinks;
- Installing WASD supplied laboratory refrigerators and laboratory equipment;
- Relocating equipment from the existing laboratory;
- Coordinating miscellaneous utilities for laboratory use;
- Providing utility systems including power, lighting, telephone, voice, and data;
- Negotiating and coordinating with Florida Power and Light;
- Providing ventilation special heating, general air conditioning needs and separate air conditioning systems;
- Constructing offices, storage areas, men's and women's lavatories, dress/undressing area, locker room area, lunch room and a standard preparation storage area;
- Providing mechanical air conditioning capacity;
- Providing two (2) mass-spectrometer gas-chromatograph laboratories;
- Providing a standard preparation storage area;
- Providing three (3) wet chemistry general laboratories;
- Providing asphaltic pavement, concrete sidewalks, concrete curbs and gutters, trees, landscaping, sod, pavement markings, traffic and directional signs;
- Designing and constructing a sewage pump station;
- Designing and constructing connections to water and sewer for the building; and
- Providing all other appurtenant and miscellaneous items and work for a complete and fully functional installation of a Drinking Water Laboratory located at the Alexander Orr, Jr. Water Treatment Plant.

The design and construction services rendered by Florida Lemark Corporation shall result in a complete, functional and operable Drinking Water Laboratory to house a total staff of twenty (20) people and twelve (12) visitors.

The following SBE measures were set for this project:

SBE-Architectural/Engineering 14.98 % I.O. 3-32

SBE – Goods and Services 2.58% I.O. 3-41

SBE- Construction 15.02% I.O. 3-22

The Division of Policy and Legislation performed a search of the technical certifications on the Business Management Workforce System on December 6, 2018. The SBE A&E firms found are listed in the table below:

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Technical Certification	Description	SBE A/E Firms
6.03 (Prime)	Water and Sanitary Sewer Systems – Water and Sanitary Sewage Treatment Plants	The Division of Policy and Legislation found 22 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
14.00 (Other)	Architecture	None
9.01 (Other)	General Structural Engineering	None
9.02 (Other)	Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	The Division of Policy and Legislation found 1 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
9.03	Soils, Foundations and Materials Testing - Concrete and Asphalt Testing Services	The Division of Policy and Legislation found 4 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
9.04 (Other)	Soils, Foundations and Materials Testing – Non-Destructive Testing and Inspections	The Division of Policy and Legislation found 3 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.02 (Other)	Environmental Engineering – Environmental Geology Services	The Division of Policy and Legislation found 4 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.05 (Other)	Contamination Assessment and Monitoring	The Division of Policy and Legislation found 15 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.06 (Other)	Environmental Engineering – Remedial Action Plan Design	The Division of Policy and Legislation found 7 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.07 (Other)	Environmental Engineering – Remedial Action Plan Implementation/Operation/Maintenance	The Division of Policy and Legislation found 6 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
11.00 (Other)	General Structural Engineering	None
12.00 (Prime)	General Mechanical Engineering	None
13.00 (Prime)	General Electrical	None
15.01 (Other)	Surveying and Mapping-Land Surveying	The Division of Policy and Legislation found 15 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification

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15.03 (Other)	Surveying and Mapping - Underground Utility Location	The Division of Policy and Legislation found 8 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
16.00 (Prime)	General Civil Engineering	None
17.00 (Prime)	Engineering Construction Management	None
18.00	Architectural Construction Management	None
19.09	Value Analysis and Life – Cycling Costing- Soils, Foundations and Materials Testing	The Division of Policy and Legislation found 2 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
20.00	Landscape Architecture	None
22.00	Americans Disability Act Title II Consultant	None

The Division of Policy and Legislation found approximately 97 local SBE's that are eligible for sub-contracting under their respective technical certifications.

*Pursuant to Resolution No. R-421-16 a PERFORMANCE RECORD verification was conducted by the Division of Policy and Legislation in the Capital Improvements Information System (CIIS) on December 6 2018: There are 0 performance evaluations in the Capital Improvements Information Systems Database. The two Projects listed on the Firm History Report were contracted by Non-Departmental entities for Dolphin Stadium. Therefore, no evaluations are listed in the Internal Services Department's CIIS database for Florida Lemark Corporation. This vendor has never been awarded a County contract, which is why the item requires Board approval pursuant to the County's Acceleration Ordinance.