Miami-Dade Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners Meeting

December 18, 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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BCC Meeting: December 18, 2018
Research Notes

Item No. 3B1
File No. 182758 **Researcher: LE Reviewer: TD**

RESOLUTION RATIFYING THE SUBMISSION OF APPLICATIONS FOR, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO RECEIVE AND EXPEND GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES, PUBLIC LIBRARY CONSTRUCTION GRANT PROGRAM FOR SIX LIBRARY RENOVATION AND CONSTRUCTION PROJECTS IN AMOUNTS OF UP TO $500,000.00 PER PROJECT FOR A TOTAL OF $3,000,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RESUBMIT, RECEIVE, AND EXPEND GRANT FUNDING FOR THESE PROJECTS IN FUTURE YEARS IF FUNDING IS NOT RECEIVED DURING THE 2019 STATE LEGISLATIVE SESSION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SUBMIT, RECEIVE, AND EXPEND FUNDING FOR NEW PROJECTS IN FUTURE YEARS IF REQUISITE MATCHING FUNDS ARE INCLUDED IN THE MIAMI-DADE PUBLIC LIBRARY SYSTEM ADOPTED BUDGET AND MULTI-YEAR PLAN; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH GRANT AGREEMENTS

ISSUE/REQUESTED ACTION

Whether the Board should ratify the submission of applications to receive and expend grant funds from the Florida Department of State Division of Library and Information Services Public Library Construction Grant Program for six library renovation and construction projects for a total of $3,000,000; authorize resubmitting, receiving, and expending grant funds in future years if funding is not received during the 2019 State legislative session; and authorize submitting, receiving, and expending funding for new projects in the future if requisite matching funds are included in the Miami-Dade Public Library System adopted budget and multi-year plan.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-88-17, adopted on February 7, 2017, ratifies the execution of an application to receive and expend grant funds from the Florida Department of State Division of Library and Information Services Public Library Construction Grant Program for construction of replacement libraries planned in the cities of Doral and Hialeah Gardens in the amount of up to $1,000,000.
http://intra/gia/matter.asp?matter=170116&file=true&yearFolder=Y2017

PROCEDURAL HISTORY

Prime Sponsor: None
Department/Requester: Library Department

This item does not have a procedural history.

ANALYSIS

This item is requesting Board ratification for the submission of applications to receive and expend grant funds from the Florida Department of State Division of Library and Information Services Public Library Construction Grant Program for six library renovation and construction projects for a total of $3,000,000; and authorization submitting, receiving, and expending grant funds in the future if the funding is not received in the 2019 State legislative session and for new projects in the future if requisite matching funds are included in the Miami-Dade Public library System adopted budget and multi-year plan. The proposed resolution also ratifies the resubmittal of prior year applications, approved through Resolution No. R-88-17.

Miami-Dade Public Library System (MDPLS) has six grants, each $500,000, totaling up to $3,000,000, all of which are eligible by the State Library for funding during the 2019 State Legislative Session. The State Library requires matching funds for each project that is funded via the grant. The Building Better Communities General Obligation Bond (BBC-GOB) and Library District

Funds will be serve as sources for the matching funds. The funds will be available for the State's FY 2019-2020 funding cycle once approved and appropriated. The County will then be able to expend the grant funds for the six projects.

The purpose of the grants are to fund construction and renovation of public libraries throughout the state. The State Legislature approves and appropriates the grant funding to government entities. Up to $500,000 of grant funding can be provided to each project. Projects are ranked by the State Library and are then considered for funding during the State Legislative Session. MDPLS has submitted four new grant applications and two rolled over applications from the previous year for the upcoming State Legislative Session. Using the Public Library Construction Grant program funds will assist in alleviating some costs associated with renovations and construction for the public library projects. Additionally, the projects have been submitted to the County's Office of Intergovernmental Affairs to be included in the County's 2019 Legislative Package to ensure funding priority.

The funding from the grants and matching funds will help service the following in the six recommended projects:

- Renovations of certain areas in the respective libraries
- Furniture
- Flooring
- Lighting and fixtures
- Expanded electrical and data infrastructure
- IT equipment and computers
- Renovation of public restrooms
- Multi-purpose room
- Moveable shelves

The chart below shows the districts, libraries, amount of money proposed for each, and project total.

District	**Library**	**Awarded Amount Proposed**	**Project Total**
5	Main Library	$500,000	$2,000,000
7	Coral Gables Branch Library	$500,000	$3,689,301
9	Chuck Pezoldt Branch Library	$500,000	$3,500,000
10	West Dade Regional Library	$500,000	$2,500,000
12	Hialeah Gardens Branch Library	$500,000	$10,085,679
12	Doral Branch Library	$500,000	$9,285,679
		Total: $3,000,000	Total: $31,060,659

BCC Meeting: December 18, 2018
Research Notes

Item No. 3B2
File No. 182734 **Researcher: LE Reviewer: TD**

RESOLUTION RATIFYING THE ACCEPTANCE AND EXECUTION OF A FLORIDA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT FOR FINANCIAL PROJECT NO. 442441-1-94-01 IN THE AMOUNT OF $1,000,000.00 FOR DESIGN WORK ASSOCIATED WITH THE BUILDING 702 CONVERSION AND HARDSTAND PROJECT AT MIAMI INTERNATIONAL AIRPORT, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING THE TERMINATION PROVISIONS

ISSUE/REQUESTED ACTION

Whether the Board should ratify the acceptance and execution of a Florida Department of Transportation (FDOT) Grant Agreement for financial project No. 442441-1-94-01 in the amount of $1,000,000 for design work associated with the Building 702 Conversion and Hardstand project at Miami International Airport.

APPLICABLE LEGISLATION/POLICY

Section 2-285 (6) of the Miami-Dade County Code delineates that subject to Board ratification, the County Manager may execute all standard form federal grant documents or state joint participation agreements.
https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH2AD_ARTXXXIIAVDE_S2-285COMAAUCOAVDE

PROCEDURAL HISTORY

Prime Sponsor: None
Department/Requester: Aviation Department

This item does not have a procedural history.

ANALYSIS

This item is requesting Board ratification for the acceptance and execution of a Florida Department of Transportation (FDOT) Grant Agreement to provide $1,000,000 for design work related to Building 702 Conversion and Hardstand project at Miami International Airport.

The project will be completed in two phases. The FDOT grant will provide $1,000,000 towards the first phase of the project, which is totaled at $3,463,400 for design costs. Miami-Dade Aviation Department (MDAD) will cover the remaining $2,463,400 from their Multi-Year Capital Plan budgeted funds.

The Building 702 Conversion and Hardstand project is part of MDAD's Cargo Optimization, Redevelopment and Expansion (CORE) Program. The entire project will convert Building 702 from a belly cargo facility to a freight cargo facility by adding 33,000 square feet to the current building in order to provide additional cargo loading and unloading capabilities and roof-top vehicle parking and lighting. An airside apron, taxi lanes, and service road will be constructed on the east side of the building and a new chiller plant will be constructed. The aircraft parking area will connect the existing taxiways and ramps via a new taxi lane. The existing facilities will be demolished to allow for the expansion. Phase 1 of the project includes design costs, improvements, and additions to Building 702 such as an airside apron, service road, and taxi lanes. Phase 2 will expand the apron and will be completed at a later time as certain facilities are awaiting to be demolished for the expansion.

The Grant Agreement between the State of Florida, the Department of Transportation, and Miami-Dade County Aviation Department was signed on October 3, 2018. The ending date of the Agreement is December 31, 2023.

BCC Meeting: December 18, 2018
Research Notes

Item No. 8O1
File No. 182742 **Researcher: IL Reviewer: PGE**

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE APPROVAL OF THE INTERCHANGING OF TWO PREVIOUSLY AWARDED AND RATIFIED NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENTS IN ORDER TO ADDRESS AN ORGANIZATIONAL CONFLICT OF INTEREST; SWAPPING THE SCOPE OF WORK FOR AGREEMENT NO. 16EAC001 THAT WAS AWARDED TO EAC CONSULTING INC. TO JACOBS ENGINEERING, INC. AND SWAPPING THE SCOPE OF WORK FOR AGREEMENT NO. 16JEGI001 THAT WAS AWARDED TO JACOB ENGINEERING, INC. TO EAC CONSULTING INC., EACH STILL IN THE AMOUNT OF $5,500,000.00 AND WITH A TOTAL CONTRACT TERM OF SIX YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should ratify interchanging the scope of work for Agreement No. 16JEGI01 for Engineering Design and Related Services for the Design of Large Diameter Wastewater Pipelines as well as Sanitary Sewer Force Mains and Sanitary Sewer Gravity Interceptors Group A (Ocean Outfall Legislation Projects) currently awarded to Jacobs Engineering, Inc. with the scope of work for Agreement No. 16EAC001 for the Engineering Design and Related Services for the Design of Large Diameter Water Pipelines Group B (Non-Ocean Outfall Legislation Projects) currently awarded to EAC Consulting, Inc. in order to prevent an organizational conflict of interest.

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=PTIIICOOR_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 amendment related to emergency actions impacting remediation, public safety, health requirements or recovery from natural disaster. The section of the County Code also authorizes the Mayor to advertise, award, amend and negotiate contracts for goods and services, construction and professional services for the Miami-Dade Water and Sewer Department, to extend contract duration, to execute change orders and to settle claims without need for prior Board approval; providing for ratification of all actions on a quarterly basis;
https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH2AD_ARTIINGE_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=PTIIICOOR_CH2AD_ARTIINGE_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=PTIIICOOR_CH2AD_ARTIINGE_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.) 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. 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

Implementing Order (I.O.) 3-34 (Formation and Performance of Selection Committees) Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, this Implementing Order establishes procedures for the formation and performance of selection committees in the competitive procurement process of Miami-Dade County, including competitive selection committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.
http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-34.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

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-1001-15, adopted on November 3, 2015, requires contracts with Small Business measures meet at least 85 percent of the Small Business goals applicable to the portions of the contract work performed to date before a change order or contract amendment be considered for Board approval.
http://www.miamidade.gov/govaction/matter.asp?matter=151746&file=true&fileAnalysis=false&yearFolder=Y2015

Resolution No. R-176-17, adopted on February 22, 2017, ratifying actions of the County Mayor or County Mayor's designee related to Miami-Dade Water and Sewer department's consent decree and capital improvement programs acceleration ordinance pursuant to section 2-8.2.12 of the Code of Miami-Dade County, Florida specifically the award and execution of a non-exclusive professional services agreement for engineering design and related services for design of large diameter water pipelines group b (non-ocean outfall legislation projects)
http://www.miamidade.gov/govaction/matter.asp?matter=170293&file=true&fileAnalysis=false&yearFolder=Y2017

Resolution No. R-335-17, adopted on April 4, 2017, ratified a Contract Award with Jacobs Engineering Group, Inc., in the amount of $5,500,000.00, for non-exclusive professional services agreement for engineering design and related services for the design of large diameter wastewater pipelines as well as sanitary sewer force mains and sanitary sewer gravity interceptors group a (ocean outfall legislation projects).
http://www.miamidade.gov/govaction/matter.asp?matter=170658&file=true&fileAnalysis=false&yearFolder=Y2017

PROCEDURAL HISTORY
Prime Sponsor: None
Department/Requester: Water and Sewer

There is no procedural history at this time.

ANALYSIS
This item is requesting Board ratification of the Administration's approval of interchanging the scope of work for Agreement No. 16JEGI01 for Engineering Design and Related Services for the Design of Large Diameter Wastewater Pipelines as well as Sanitary Sewer Force Mains and Sanitary Sewer Gravity Interceptors Group A (Ocean Outfall Legislation Projects) currently awarded to Jacobs Engineering, Inc. with the scope of work for Agreement No. 16EAC001 for the Engineering Design and Related Services for the Design of Large Diameter Water Pipelines Group B (Non-Ocean Outfall Legislation Projects) currently awarded to EAC Consulting, Inc. in order to prevent an organizational conflict of interest.
There is no Fiscal Impact to the County as a result of this interchange, the dollar amounts and terms of the agreements remain the same for both, i.e., $5,500,000, for a term of six years.
Agreement No. 16JEGI01
Agreement No. 16JEGI01 was originally awarded to Jacobs Engineering, Inc. pursuant to Resolution No. R- 335-17 on April 4, 2017 in an amount of $ 5,500,000.00 for a term of six years. The agreement's scope of work consists of engineering services for utility design, including planning and permitting assistance during construction for system upgrades to large sewer pipelines. The scope of services consists of complete design services, which includes, but is not limited to: performance of preliminary route

analysis; site investigations; surveying; maintenance of traffic plans; hydraulic analysis; coordination with other utilities; coordination with other municipalities and the public; preparation of design reports; preparation of drawings and contract specifications; preparation of design-build criteria packages; assistance during the permitting and procurement phases; and engineering support during construction. Engineering support during construction is anticipated to include, but is not limited to: periodic site inspections; attendance at meetings; review of shop drawings; responding to requests for information; reviewing claims and potential change orders; reviewing contract schedules and schedule of values; and reviewing as-built drawings. Project coordination services are anticipated to include, but are not limited to: establishing a plan to implement projects; establishing and tracking project schedules, budgets and deadlines; preparing status reports; and attending meetings as requested.

The applicable contract measures are:

- SBE-A/E Measure of 20.00%

Per information in this item, no work has been performed thus far under this agreement.

Agreement No. 16EAC001

Agreement No. 16EAC001 was originally awarded to EAC Consulting, Inc. pursuant to Resolution No. R-176-17 on February 22, 2017 in an amount of $5,500,000.00 for a term of six years. The agreement's scope of work consists of utility design, including planning and permitting assistance during construction for system upgrades to large sewer pipelines. The scope of services consists of complete design services which includes, but is not limited to, performing preliminary route analysis, site investigations, surveying, maintenance of traffic plans, hydraulic analysis, coordination with other utilities, coordination with other municipalities and the public, preparation of design reports, preparation of drawings and contract specifications, preparation of design-build criteria packages, assistance during the permitting and procurement phases, and engineering support during construction. Engineering support during construction is anticipated to include, but is not limited to periodic site inspections, attendance at meetings, review of shop drawings, responding to requests for information, reviewing claims and potential change orders, reviewing contract schedules and schedule of values, and reviewing as-built drawings. Project coordination services are anticipated to include, but are not limited to, establishing a plan to implement projects, establishing and tracking project schedules, budgets and deadlines, preparing status reports and attending meetings as requested.

The applicable contract measures are:

- SBE-A/E Measure of 20.00%

Per information in this item, no work has been performed thus far under this agreement.

Interchange of Scope of Work

A letter dated October 11, 2017 from Jacobs Engineering Group Inc. was received by WASD (see attached) advising that said firm was possibly going to acquire Jacobs Engineering, Inc. The acquisition took place on December 15, 2017. Due to this merger, a potential conflict of interest arose between Jacobs and CH2M Hill Companies Ltd. (CH2M) who currently performs as WASD's owner representative for professional engineering services for the Ocean Outfall Legislation (OOL) projects under agreement No. 14CH2M006. This would mean that CH2M would potentially be overseeing the work performed by Jacobs under the current agreement 16JEGI001 which involves OOL projects. In order to avoid a potential conflict of interest between Jacobs and CH2M and to maintain contract capacity under both OOL and Non-OOL WASD managed projects, Jacobs and EAC agreed to WASD's proposal to interchange their awarded contracts.

On September 26, 2018, Amendment Number One to the Non-Exclusive PSA between the County and Jacobs Engineering Group, Inc. for Agreement No. 16JEGI01 was executed. The amendment switches the scope of work under the agreement from Group A (Ocean OOL Projects) to the scope of work for Group B projects (Non-Ocean Outfall Legislation Projects). Essentially, EAC

Consulting, Inc., one of the consultants assigned to the Group B projects, takes over the scope of work originally assigned to Jacobs for Group A and Jacobs takes over EAC's Group B project scope.

Similarly, on September 26, 2018, Amendment Number One to the Non-Exclusive PSA between the County and EAC Consulting, Inc. for Agreement No. 16EAC001 was executed. The amendment switches the scope of work under the agreement from Group B Non-OOL Projects to the scope of work for Group A projects (Ocean Outfall Legislation Projects). Essentially, Jacobs Engineering Inc., one of the consultants assigned to the Group A projects, takes over the scope of work originally assigned to EAC Consulting Inc., for Group B and EAC takes over Jacobs Engineering Inc.'s Group A project scope.

On June 29, 2018 an Assignment, Assumption and Acceptance of Agreement Rights for Non-Exclusive Professional Services agreement owner's representative for professional engineer services relating to the State of Florida's Ocean Outfall Legislation and Miami-Dade County Wastewater System Agreement No. 14CH2M006; Project No. E13-WASD-11.

The assignment does the following:
CH2M will assign this agreement (14CH2M006) to Jacobs Engineering Inc. (Jacobs) and Jacobs accepts the assignment and agrees to serve as the owner's representative for professional engineering services relating to the State of Florida's Ocean Outfall Legislation and Miami-Dade County Wastewater in accordance with the terms and provisions of the original PSA. Assignee (Jacobs) assumes all obligations and responsibilities set forth in the PSA and warrants that it is in compliance with all current State and County laws and requirements. Lastly, the assignor is responsible and liable for all of its acts under the PSA prior to the execution of this Agreement, however, the assignee agrees to also be responsible and liable for all prior acts of assignor.

Performance Verification
Pursuant to Resolution No. R-421-16 a performance record verification was conducted by OCA's Division of Policy and Legislation in the Capital Improvements Information System (CIIS) on December 11 2018: there are 11 performance evaluations in the Capital Improvements Information Systems Database for EAC Consulting Inc. yielding an average evaluation rating of 3.5 out of 4.0 and 9 performance evaluations for Jacobs Engineering Group Inc. yielding an average evaluation rating of 3.4 out of 4.0.

DEPARTMENTAL INPUT:
OCA's Division of Policy and Legislaton asked the Department the following questions on December 13 2018, as of the publication date of these notes the questions were still pending a response:

- Why was EAC selected for this interchange? Why wasn't Jacobs' PSA re-solicited?
- Has any money been paid to either firm on their respective contracts?

BCC Meeting: December 18, 2018
Research Notes

Item No. 8O2
File No. 182547 **Researcher: IL Reviewer: PGE**

RESOLUTION AWARDING A DESIGN-BUILD CONTRACT TO PCL CONSTRUCTION, INC. WITH A CONTRACT AMOUNT NOT TO EXCEED $57,904,062.00 AND A TOTAL CONTRACT TERM OF ONE THOUSAND TWO-HUNDRED EIGHTY-TWO (1,282) DAYS FOR A PROJECT ENTITLED "DESIGN-BUILD SERVICES FOR THE CONSTRUCTION OF THE CENTRAL DISTRICT WASTEWATER TREATMENT PLANT OXYGEN PRODUCTION FACILITY-CONSENT DECREE PROJECT 2.27"; PROJECT NO. DB17-WASD-01; CONTRACT NO. 18PCLCI001; 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 PCL CONSTRUCTION, INC. with a contract amount not to exceed $57,904,062.00 and a total contract term of one thousand two-hundred eighty-two (1,282) days for a project entitled "design-build services for the construction of the central district wastewater treatment plant oxygen production facility-consent decree project 2.27" 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=PTIIICOOR_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

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=PTIIICOOR_CH2AD_ARTIINGE_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=PTIIICOOR_CH2AD_ARTIINGE_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=PTIIICOOR_CH2AD_ARTIINGE_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

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

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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

This item came before the Infrastructure and Utilities committee on November 14, 2018, the Committee forwarded this item to the BCC with a favorable recommendation. Prior to the passage of the item the following discussion transpired:

Commissioner Martinez inquired why the Committee was not informed that this item was set on the agenda.
Director Kevin Lynskey of Water and Sewer Department (WASD): replied that this item was removed from the agenda before it was considered.
Commissioner Martinez requested that the WASD Director oversee the advisement of the meeting body of forth coming items that were previously set on a meeting agenda or heard by the Committee of Board meeting regardless of whether the items were heard or pulled/removed from the agenda. Additionally, the commissioner raised concerns regarding the pre-bid estimates, the low target margin estimates and questioned whether the two companies PC Construction and PCL were related due to the fact that both companies had the same registered agent on Sunbiz.
Director Lynskey: referred to ISD for specific details on this matter:
Namita Uppal, Chief Procurement Officer: states that the companies were not related.
Commissioner Higgins inquired if the price will go up in the future and what factors would cause an increase.
Director Lynskey: explained there are five categories of engineering estimates from class five, planning phase (lease accurate - 50% off margin) to class four. This item was categorized a class four, design-build based upon anticipated market demands. Furthermore, Mr. Lynskey noted it was normal course of business for estimates to have marginal inaccuracies.
Commissioner Higgins: stated that the engineering estimate was off by a huge margin it would delay the project by approximately eighteen months to two years and inquired as to whether or not a formula existed to calculate a target estimate. Commissioner Higgins also questioned the future forecast of increases based on market conditions, what defined those conditions and inquired what elements would influence the market that would cause a 10% increase to the cost. She inquired if WASD was still monitoring subcontractors that perform engineering design estimates for their department.
Director Lynskey: Stated that WASD would revisit the company and conduct revalidation for estimate higher than 15% which provided more accurate estimates. The director also explained that two major market risks: 1. Lower bids would result in 10% higher estimates (1 year old due to market conditions, 2. Daily stipulated penalties for un-met Consent Decree deadlines.
Namita Uppal: addressed Commissioner Higgins concern on the 10% market increase and attributed said increase to labor, material, or a firms availability as potential factors that could impact the conditions for an increase.

Director Lynskey: added that the trending labor shortage and increased in cost of materials such as concrete and steel were driven factors that increased the cost. Director Lynskey also provided an example of a Design-Build estimate, a few years old and it also fell within the error code for a class four estimate and indicated 30%-40% off margin from the target estimate.

Commissioner Xavier Suarez: raised a concern pertaining to the initial bid process and whether it had always been a Design-Build project?

Director Lynskey: stated it had always been a Design-Build commencing in the Summer of 2017. The director elaborated that originally there were two bidders but one of the two withdrew in writing based upon a contractual risk involved, and possible penalties that could apply. **Penalties ranged from $1,500.00 to $5,000.00 per day if late after 180 days**

Commissioner Suarez: directed his questions to Mr. Mauricio Ramos representative of PCL Construction Inc. residing at 1805 East Ponce De Leon Blvd. Mr. Ramos explained the company has a Florida General Contractor's License; the business license for the location in Coral Gables; PCL Construction Inc. was incorporated in Denver Colorado; Mr. Ramos office is located in Tampa, the other construction company's name was PC and confirmed that there was no relationship between PCL Construction Inc. and PC Construction.

Commissioner Jean Monestime: acknowledged that this type of work was specialized but inquired as to what type of information could be used to grasp the correlation between the relationships of market conditions and the impact of projected cost from time the bid was opened to obtain an accurate or actual estimate.

Director Lynskey: stated it would take approximately nine months.

Commissioner Monestime: Inquire why there were few companies that responded to the solicitation when this is a multi-million dollar project. Additionally, he asked about the speculative construction cost to send out a re-bid.

Director Lynskey: stated that many companies were exposed to the bid but showed a pattern of not taking design and cost risks. The Director also stated that the County received less bids for Design-Build projects over $50 million and stated that there was a higher loss if there non-compliance with the Consent Decree.

Commissioner Jose "Pepe" Diaz: acknowledged that the constraints of this item and noted that this was a complex field where few companies are capable to perform the work and added that having to complete this project within the framework of the Consent Decree time frame making this project specialized. Commissioner Diaz inquired whether the contract would cost more if it was sent out again for rebid based upon the market conditions.

Director Lynskey: affirmed that the County was locked into the current price without any future increases.

Commissioner Diaz: stated that rebidding the project would result in delays and increase penalty costs. Commissioner Diaz voted in support of this item to move forward.

Commissioner Martinez: asked why wastewater fell under the Consent Decree and questioned how many wastewater plants the County maintained.

Director Lynskey: stated that there were two major programs. The programs are controlled by the federal government as opposed to state regulations due to the poor conditions of our waste water plants and transmission. This situation resulted from a Court case which mandated compliance contrary to the State (governing Ocean Outfalls) where compliance strategies could be negotiated and that there were three waste water plants and there was a brand new process to produce oxidation. The director added WASD can bring more information back to the Full Board of County Commissioners upon passing of this item regarding the engineer estimates because the WASD was recently privy to additional information about equipment purchase that would be used for construction and mark up.

Commissioner Martinez: stated he would not support this proposed resolution until additional information was submitted for his review.

ANALYSIS

This item requests Board approval of an award for a Design-Build contract to PCL CONSTRUCTION, INC. with a contract amount not to exceed $57,904,062.00 and a total contract term of one thousand two-hundred eighty-two (1,282) days for a project entitled "design-build services for the construction of the central district wastewater treatment plant oxygen production facility-consent decree project 2.27".

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The Fiscal Impact of this project is not to exceed an amount of $57,904,062.00 with a term of one thousand two-hundred eighty-two (1,282) calendar days. The base bid contract price is for a lump sum of $52,655,664.00. The timeline for this project is 1,166 calendar days from the issuance of the notice to proceed. There was a 36.6% increase in cost from the estimate by Design Criteria Professional (DCP) (Stantec Consulting, Inc.) and PCL Construction's base price. The DCP conducted an evaluation to identify possible factors for the discrepancy between the values. **Three factors influenced the variance**, the **first factor** was that the DCP's estimate was largely based on an Advancement of Cost Consulting (AACE) class 4 estimate (design-build portion was a class 4, the construction ready components ha a Class 2). These level estimates have expected accuracy range of: Low-15% to-30% to High +20% to+50%. The **second factor** is that only one bid was received. The DCPT based its estimate on a competitive bidding environment with a minimum of 3+ bidders. Having only two bidders can increase the cost from 20% to 30%. The number of bidders that will ultimately propose on a given project is typically affected by the project size, scope and complexity, by the availability of local contractors meeting the required project qualifications, and the availability of a local pool of qualified personnel and tradesmen. The **third factor** was generated before the new directive to include escalation (estimated at 3% per year) was implemented. The DCP estimate was generated using the 2017 Miami-Dade Responsible Wages rates, while the bid was generated using the 2018 Miami-Dade Responsible Wages based rates. The impact of this change is approximate 5% per year, however some trades far exceed this estimate for example, ironworkers, increased 40% from 2016 to 2017. The projected District impacted is Commission District 7, represented by Xavier L. Suarez.

The RDBS was advertised on July 25, 2017. Two proposals were received in the response to the solicitation. One of the two (PC Construction) withdrew from the competitive selection process for the following reasons: PC Construction felt that there was an inequitable allocation of risk imposed by the current contract provisions that they felt departed from industry standards. (Reference the withdrawal letter).

Miami-Dade County has entered into a Consent Decree (United States District Court for the Southern District of Florida, Case No. 1:12-cv-24400-FAM) with the United States, Environmental Protection Agency, the State of Florida, and Florida Department of Environmental Protection to remediate its aging wastewater infrastructure. The purpose of this award is intended to satisfy the requirements identified in the Consent Decree as CD Project 2.27.

PCL Construction, Inc. shall perform the following but not limited to:

- A new building to house the two new 90-ton per day (TPD) Vacuum Pressure Swing Adsorption (VPSA) oxygen production units (Oxygen Building 3). The building footprint shown in the Contract Documents is based on anticipated equipment space requirements and minimum clearances required by the County. PCL Construction, Inc. shall size the building as appropriate for the systems and equipment being supplied, providing the minimum clearances indicated in the Contract Documents and required by the County.

- The building walls shall be constructed of pre-cast concrete un-insulated panels with cast-in-place concrete beams and columns. The roof structure shall be pre-cast concrete twin 'T's'. The finished floor elevations of each area shall comply with requirements set forth in the Contract Documents to comply with WASD's "Design Guide for Hardening Wastewater Treatment Facilities against Flooding from Surge, Sea Level Rise and Extreme Rainfall." The facility shall contain an elevated electrical area, a process equipment area, an operator room, a restroom, a truck bay for loading and unloading of process equipment, an operator parking area, and access roads/paving.

- Two (2) 90 TPD VPSA oxygen production units, which shall fit within the footprint available, and be able to operate under two scenarios: (a) two VPSA units operating together, with cryogenic unit 3 (Cryo 3) acting as a standby, and (b) one VPSA unit and Cryo 3 operating together, with the second VPSA unit acting as a standby.

- Controls and instrumentation equipment, including programming, reliability demonstration, and performance testing. PCL Construction, Inc. shall provide Input/Output list, and a listing of field instruments including a listing of those that are loop powered for fabrication of Remote Terminal Units (RTUs) to be provided by County.

- A system to control the dissolved oxygen concentration in the Plant 1 and Plant 2 reactor tanks, which include dissolved oxygen sensors, gaseous oxygen flow control valves, Cryo 3 gaseous oxygen pressure booster blower, and control system automation.

- Dedicated electrical area to include transformers, feed conduits, and duct banks, to serve the proposed Oxygen Building 3. PCL Construction, Inc.is required to coordinate electrical duct bank routing and connections design with WASD's operation and maintenance staff, and adhere to CD design standards, including generation of duct bank plan and profile drawings.

- Site and Civil work including grading, pavements, drainage, yard piping, and building utilities for the project areas.

The major elements related to site preparation are described below:

- Construction-Ready Component No. 1 - PCL Construction, Inc. shall provide all resources and professional services to perform the permitting, construction, furnishing of all materials, fabrication/installation, labor, and equipment necessary for the relocation and demolition of electrical conduits, as provided in the Design Criteria Package.

- Construction-Ready Component No. 2 - PCL Construction, Inc. shall provide all resources and professional services to perform the permitting, construction, furnishing of all materials, fabrication/installation, labor, and equipment necessary for the relocation and demolition of utilities, as provided in the Design Criteria Package.

- Construction-Ready Component No. 3 - PCL Construction, Inc. shall provide all resources and professional services to perform the permitting, construction, furnishing of all materials, fabrication/installation, labor, and equipment necessary for the demolition of the existing odor control building (Air Scrubber Building no. 4) and associated foul air piping, as provided in the Design Criteria Package.

The following SBE measures were set for this project:
SBE-Architectural/Engineering 17.13 % I.O. 3-32
SBE – Goods and Services 1.10% I.O. 3-41
SBE- Construction 7.42% I.O. 3-22

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OCA performed a search of the technical certifications on the Business Management Workforce System on November 13, 2018, the SBE A&E firms found are listed in the table below:

Technical Certification	Description	SBE A/E Firms
6.03 (Prime)	Water and Sanitary Sewer Systems – Water and Sanitary Sewage Treatment Plants	22 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
11.00 (Prime)	General Structural Engineering	Non-identified
12.00 (Prime)	General Mechanical Engineering	Non-identified
13.00 (Prime)	General Electrical	Non-identified
16.00 (Prime)	General Civil Engineering	Non-identified
17.00 (Prime)	Engineering Construction Management	Non-identified
9.02 (Other)	Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	11 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	15 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
14.00 (Other)	Architecture	Non-identified
15.01 (Other)	Surveying and Mapping – Land Surveying	15 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification

WASD has provided copies of the Transparency Report, Contractor Due Diligence Affidavit and Market Analysis, related to this project.

*Pursuant to Resolution No. R-421-16 a PERFORMANCE RECORD verification was conducted by OCA in the Capital Improvements Information System (CIIS): There are 0 performance evaluations in the Capital Improvements Information Systems Database. This vendor has never been awarded a County contract, which is why the item requires Board approval pursuant to the County's Acceleration Ordinance.

DEPARTMENTAL INPUT

The following questions were asked by the Division of Policy and Legislation, the departments responses are in bold:

- What is the federally-mandated time completion date for this particular project and what is the fiscal consequences of not finishing by the deadline;

  The Compliance Date for the project is February 13, 2022. The project has a total duration of 1282 days. The fiscal consequences are the assessment of Stipulated Penalties by EPA and FDEP. As an example, a delay of 6

months represents a penalty of approximately $600,000. Below please find the parameters to calculate the Stipulated Penalties:

Stipulated Penalties for Appendix D Projects:

1. **1-14 days $1,000/day**
2. **15-30 days $2,000/day**
3. **31-60 days $3,000/day**
4. **61-180 days $4,000/day**
5. **> 180 days $5,000/day**

- Could you provide a chart illustrating all projects on the consent decree, how many have been completed, and how many are left to be completed and are we on schedule to meet the Consent Decree deadline;

Please refer to the Transparency Report that is submitted every month to the Commission. Attached please find the November 2018 Report.

- The contractor due diligence affidavit is attached to the item is one page are there any other pages for this affidavit, verify whether the affidavit has additional pages and if not whether the firm has been involved in litigation over the last 5 years relating to comparable public projects?

Attached please find Contractor Due Diligence Affidavit and its corresponding Attachment, which outlines the 3 disclosures referenced in the Affidavit.

- Since this firm has not participated in a County contract please provide a listing of comparable procurement projects the PCL Construction Inc., has participated in as a prime firm.

As indicated on their Step 1 Proposal in response to the RBDS I Section 2.1 Experience and Qualifications (See Attached DB-17-WASD-01 ISD Form 8DB), PCL Construction Inc. has participated as a Prime Contractor or Design Builder in the following projects:

1. **Project Description: Expansion of the Existing WWTP to 230 MGD**
   Location: Phoenix, AZ
   Completion Date: 2009
   Construction Cost: $200,000,000.00

2. **Project Description: Construction of New Preliminary Treatment Facility (Equipment and Structures including a new 72 MGD Headworks)**
   Location: Albuquerque, New Mexico
   Completion Date: 2015
   Construction Cost: $36,000,000.00

3. **Project Description: 14 MG Expansion to the 92-MGD Regional Water Reclamation Facility**
   Location: San Jacinto, CA
   Completion Date: 2015
   Construction Cost: $122,191,958.00

- Who is the PM/CM and what involvement will the PM/CM have in this project; and

The PM/CM is the Program Management/Construction Management Consultant for the Consent Decree Program. AECOM is the prime consultant but the PM/CM team includes 11 sub-consultants (6 are Small Business Firms) that provide 80% of the staff.

- The Mayoral memo explains that a market analysis was conducted and there was a lack of competition, can you provide a copy of the market analysis?

  Please find Market Analysis attached

INTERNAL SERVICES DEPARTMENT

MIAMI-DADE COUNTY

DATE: October 27, 2017

TO: Namita Uppal, C.P.M., Chief Procurement Officer
Internal Services

THROUGH: Curt Williams, Senior A/E Consultant Selection Coordinator
Internal Services

FROM: Amado Gonzalez, A/E Consultant Selection Coordinator
Chairperson, Competitive Selection Committee

SUBJECT: ANALYSIS OF MARKET AVAILABILITY
WASD - Design-Build Services for the Construction of the Central District Wastewater Treatment Plant Oxygen Production Facility Consent Decree Project 2.27
ISD Project No. DB17-WASD-01

Action Requested:

- ☐ Response to Mayor Assignment Log No: _____
- ☐ Information only for the Director
- ☐ Other: For CPO's Approval – Approved

Recommendation:

Edits/Comments	***Initials***	***Date***
ok for Namita's review	cw	10/27

Staff Assigned:

_____ Date: _____

For pick-up, please contact Amado Gonzalez X-3888

ANALYSIS OF MARKET AVAILABILITY

ISD Project No.:	DB17-WASD-01
ISD Project Name:	Design-Build Services for the Construction of the Central District Wastewater Treatment Plant Oxygen Production Facility Consent Decree Project 2.27
Department:	Miami-Dade Water and Sewer Department (WASD)
Submittal Date:	September 29, 2017
Submittals Received:	Two (2)
A&E Coordinator:	Amado Gonzalez
Estimated Value:	$42,626,720.00
Prepared on:	October 26, 2017

BACKGROUND:

ISD Project No. DB17-WASD-01, Design-Build Services for the Construction of the Central District Wastewater Treatment Plant Oxygen Production Facility Consent Decree Project 2.27 was advertised on behalf of the Miami-Dade County Water and Sewer Department on July 25, 2017. This solicitation was advertised to contract a Design-Builder to provide all resources and professional services to perform the planning, engineering design, permitting, construction, furnishing of all materials, fabrication/installation, labor, and equipment necessary for the construction of all civil/site, process mechanical, architectural, structural, electrical, instrumentation, plumbing, heating, ventilation and air conditioning (HVAC), fire protection, and all other necessary components to facilitate successful design, construction and commissioning of the new Oxygen Production Facility located at the Central District Wastewater Treatment Plant. The estimated budgeted amount for this project is $42,626,720.00.

The Request for Design-Build Services (RDBS) for this solicitation included the following Technical Certifications requirements:

6.03	**WATER AND SANITARY SEWER SYSTEMS – WATER AND SANITARY SEWAGE TREATMENT PLANTS (Lead A/E Consultant for Design Team)**
11.00	**GENERAL STRUCTURAL ENGINEERING (Lead A/E Consultant for Design Team)**
12.00	**GENERAL MECHANICAL ENGINEERING (Lead A/E Consultant for Design Team)**
13.00	**GENERAL ELECTRICAL ENGINEERING (Lead A/E Consultant for Design Team)**
16.00	**GENERAL CIVIL ENGINEERING (Lead A/E Consultant for Design Team)**
17.00	**ENGINEERING CONSTRUCTION MANAGEMENT (Lead A/E Consultant for Design Team)**
9.02	SOILS, FOUNDATIONS AND MATERIALS TESTING – GEOTECHNICAL AND MATERIALS ENGINEERING SERVICES
10.05	ENVIRONMENTAL ENGINEERING – CONTAMINIATION ASSESSMENT AND MONITORING
14.00	ARCHITECTURE

15.01 SURVEYING AND MAPPING – LAND SURVEYING

Additionally, the RDBS included the following preferred experience and qualifications:

The proposed Design-Builder shall demonstrate its Project team experience by presenting the qualifications and capabilities of each Design-Build Team member firm, for projects completed within the last ten (10) years from the date of this solicitation, including projects that may be at least fifty percent (50%) complete prior to the required submission date of this Request Design-Build Services Step 1 (1) solicitation, that demonstrate related minimum project experience as indicated below. The CSC may negatively evaluate proposals from firms they determine have not fully met the required experience and qualification(s):

1. Design-Builder, Lead Constructor, and Lead Designer:
    a. The Design-Builder shall demonstrate that it has performed and/or managed as a Prime contractor or Design-Builder for the construction of at least one (1) wastewater process project in wastewater treatment plants with rated capacity of not less than fifty (50) million gallons per day (MGD) of comparable complexity.
    b. The Lead Constructor must have constructed at least one (1) process facility of similar size and complexity in wastewater treatment plants.
    c. The Lead Designer must have designed at least one (1) wastewater process project with rated capacity of not less than fifty (50) MGD of comparable complexity.
    d. The Subconsultant(s) to the Designer-Builder or Lead Designer providing services must demonstrate to have project experience at least one (1) project that was completed involving the main project element for which the Subconsultant(s) is being proposed.
    e. Additional Preferred Project Experience and Past Performance: Design-Build Team shall receive higher qualification scores from the Competitive Selection Committee (CSC) if their submitted project experience and past performance can demonstrate the following:
        i. Listed projects are of similar or greater size and level of complexity.
        ii. At least one (1) of the listed projects of the proposed Design-Builder entity was designed and constructed through design-build project delivery.
        iii. Listed projects demonstrate experience in construction within active operational sites without interruption of services.

2. Industry Experience of Design-Build Team Key Personnel:

    The qualifications and industry experience referenced in this section must be met by qualified individual(s) of the Design-Build Team and its Subconsultants. The experience must be demonstrated by direct or substantial involvement of the individual(s) in a capacity that is equivalent to or exceeds the stated minimum requirement. The determination of the individual(s) qualifications and compliance with the experience and qualifications shall be at the sole discretion of the County and the CSC.
        a. Minimum fifteen (15) years total industry experience of which five (5) years are in a similarly responsible position for each of the following Key/Support Personnel listed below:
        Key Personnel:
            - Design-Build Project Manager
            - Lead Designer- Design Manager

        Support Personnel (may be replaced to the satisfaction of the Client Department at the time of negotiation)
            - Lead Mechanical Engineer

- Lead Electrical Engineer
- Lead Constructor- Construction Manager
- Construction Superintendent
- Lead Structural Engineer
- Lead Geotechnical Engineer
- Permitting/Compliance Manager
- Design-Builder Quality Assurance/Quality Control (QA/QC) Manager
- Design-Builder Safety Manager
- Project Lead Estimator

b. Minimum five (5) years total industry experience all in the last ten (10) years in a similarly responsible position for each of the following Special Key Personnel (may be replaced to the satisfaction of the Client Department at the time of negotiation):
   - Acoustical Engineer

c. Key Personnel must demonstrate experience with the type work to be performed.
   1) Proposers shall identify, in their Statement of Qualifications those State of Florida registered Professional Engineers who will sign and seal construction plans and specifications.
   2) Key Personnel resumes shall indicate the individuals' current firm association, their professional qualifications, a minimum of one client reference with contact information, and their role and duration on each project for which they are being credited the related experience.

3. Additional Preferred Experience and Past Performance:
   a) Experience in significant role on a design-build project, especially in a similar role as proposed for this Project.
   b) References demonstrating abilities in meeting cost, schedule, and quality objectives on previous projects, and maintaining a positive client relationship.

4. Design-Builder Safety Record - Past Performance:
   Minimum past performance as reflected by a three (3) year average for the last three (3) previous full years of the Experience Modification Rate (EMR) for the Design-Builder shall not exceed 1.10 for each firm.

   The Design-Builder shall provide EMR data for the previous three (3) full calendar years (2014, 2015, and 2016) on a firm-wide basis and shall be documented by a signed letter with contact information from the firm's insurance carrier, or the insurance carrier's agency representative. Higher qualifications score shall be provided by the Competitive Selection Committee (CSC) for a Design-Builder demonstrating an average EMR lower than other competing Design-Builder firms. Design-Builder shall also provide their OSHA forms 300 and 300A for the last three (3) full calendar years indicating OSHA submitted accident data for evaluation by the CSC as to their frequency and severity.

5. Ability of Design-Builder and Team to interface with the County:
   Design-Builder Proposer will provide a narrative of not more than three (3) single side 8-½" X 11" pages, in not less than Arial 11-pt font and 3/4-inch margins, that explains how the Design-Builder and Team members can efficiently interface with the County and the Water and Sewer Department in a timely and effective manner with respect to items such as regular and emergency communications, submittals, meeting attendance, commercial issues and other project related activities.

The expertise must be met by a qualified individual(s) of the Design-Builder Team. The

experience must be demonstrated by direct or substantial involvement of the individual(s) in a supervisory capacity at the Project Manager level or above. The determination of the individual's qualifications and compliance with the experience and qualifications shall be at the sole discretion of the County. The CSC may negatively evaluate proposals from firms they determine have not fully met the above experience and qualification(s).

Due to the nature of this project and the regulatory requirements mandated by a Consent Decree which has establishes construction schedule milestones the RDBS contains Liquidated Damages. The Liquidated Damages include a "Consent Decree Liquidated Damages" and "Contract Liquidated Damages", both which impose monetary damages. Additionally, the RDBS also contains a Payment and Performance Bond requirement.

The RDBD precludes participation of Design Criteria Professionals and/or their subconsultants contracted by WASD and the A/E Prime Consultant and/or subconsultants contracted under Project No. E13-WASD-01R. The Miami-Dade County Small Business Enterprise (SBE) assigned a 17.13% SBE - A/E goal (Design portion only), a 7.42% SBE - Construction goal (Construction portion only), and a 1.10% SBE/Goods and Service Goal. During the Questions and Answer period there were thirteen questions received by the County and five addenda were issued. On September 9th and 10th, Hurricane Irma impacted South Florida during the advertisement period. County Offices were closed through September 18th, as a result of Hurricane Irma. The Deadline for Receipt of Proposals was extended two weeks (September 29, 2017).

Two proposals were received through the BidSync system on September 29th. Section 2.7 of the RDBS states the following: "In the event that the County receives fewer than three proposals, or fewer than three proposals are determined to be responsive and responsible to perform the required services, the County may proceed with the number of proposal(s) received which are determined to be responsive and responsible, provided that the County has conducted an analysis of market availability for subject services and determined at its sole discretion that there is no further market availability or immediate interest to provide subject services."

ANALYSIS OF MARKET AVAILABILITY CONDUCTED:

ISD conducted an analysis of market availability on October 19, 2017. An email was sent to the forty (40) firms or individuals that viewed or downloaded the solicitation via BidSync system, with responses due back on or before October 25, 2017. Firms were requested to indicate which factors contributed to their decision to not submit a proposal. Nine firms responded to the e-mail questionnaire. A summary of the responses received are noted below:

- Two firms were precluded in accordance with the RDBS.
- Five firms were not able to fill the role as a sub-consultant firm as they were not able to find a Lead A/E Consultant firm willing to team up.
- One firm did not have the Experience and Qualifications required for this project.
- Two firms made a business decision not to propose for this project.

Synopsis of email responses as follows:

- Two firms responded that the preclusion language in the RDBS prevents them from participating.
- Five of the nine responses mention that they were not able to find a Lead A/E Consultant firm to team up with.

Additionally, the Capital Improvements Information System identifies 30 A/E firms that have the Technical Certification categories required in the RDBS for the Lead A/E Consultant firm.

RECOMMENDATION:

This project was Future Solicited on June 30, 2017, for a period of two weeks and no questions or comments were received by this Department regarding the professional requirements stipulated in the RDBS. Furthermore, during the advertisement period for this project, the proposal submittal deadline was extended on two occasions for a total of three additional weeks. Based upon the above facts, it is recommended that the sole proposal received electronically via BidSync on September 29, 2017, be considered and evaluated through the A&E process.

Amado Gonzalez
A&E Consultant Selection Coordinator
Internal Services Department

10/26/2017
Date

Attachment

Miami-Dade County
Contractor Due Diligence Affidavit

(1) *Provide a list of all lawsuits in the five (5) years that have been filed against the firm, its directors, partners, principals and/or board members based on a breach of contract by the firm; include the case name, number and disposition*

May 4, 2016
Case Name: Cleaver-Brooks, Inc. v. PCL Construction, Inc.
Project name and location: Riverside Regional Water Quality Control Plant Phase I Plant Expansion, Riverside, CA
Disposition: PCL withheld funds from a supplier for non-conforming equipment on the project. The supplier claimed that the issues were due to design errors. The claim was initially filed in court, but it was eventually settled out of court.
No case number available.

May 6, 2014
Case Name: Jenasis Structures, Inc. v. PCL Construction, Inc.
Project name and location: Lake Hancock Outfall Wetland, Bartow, FL
Disposition: Jenasis Structures, as a subcontractor, performed work which was ultimately rejected by the project owner as deficient. Jenasis initiated an arbitration proceeding against PCL for payment for this work. The final arbitration award was issued in favor of PCL.
No case number available.

(2) *Provide a list of any instances in the (5) years prior to bid or proposal submittal where the firm has defaulted; include a brief description of the circumstances.*

PCL Construction Inc. has not defaulted on any contracts.

(3) *Provide a list of any instances in the (5) years prior to bid or proposal submitted where the firm has been debarred or received a formal notice of non-compliance or non-performance, such as a notice to cure or a suspension from participating or bidding for contracts, whether related to Miami-Dade County or not.*

PCL Construction, Inc. has never been debarred or received a formal notice of non-compliance or non-conformance or a suspension from participating.

WASD TRANSPARENCY REPORT - EXHIBIT C

Status of Consent Decree Projects for November 2018

Overall Regulatory Project Completion Date - 9/27/2027

Sewer Facility	Consent Decree Project No.	Capital Project Name	Consent Decree Project Cost Estimate, App. D	Actual Costs	Project Estimated Start Date	Actual Start Date	Actual Completion Date	Regulatory Completion Date	Remarks
South District WWTP	1.1	Headworks	728,343		4/4/2015	2/2/2015		2/23/2020	
	1.2	Oxygen Production	7,549,529		1/1/2015	4/9/2015		2/25/2022	
	1.3	Oxygenation Trains	18,121,319		11/1/2016	2/2/2015		11/16/2025	
	1.4	Chlorine Building	2,520,707		12/1/2018	7/17/2018		8/7/2023	
	1.5	Effluent Pump Station	27,010,183		9/1/2016	11/19/2013		4/7/2022	
	1.6	Gravity Sludge Thickeners	5,246,274		7/3/2014	7/3/2014		1/6/2023	
	1.7	Digesters and Control Buildings	48,532,291		11/1/2013	7/3/2014		11/21/2023	
	1.8	Dewatering Facility	16,608,534		10/22/2014	4/13/2015		1/6/2023	
	1.9	FOG Removal Facility	928,077		11/1/2013	7/8/2014		5/24/2019	
	1.10	Odor Control	8,130,067		12/1/2018	9/15/2018		4/25/2023	
	1.11	General Electrical	12,165,144		11/1/2016	4/9/2015		3/26/2021	
	1.12	Chlorine Contact Chamber Structural	6,935,601		8/1/2016	10/1/2015		6/18/2021	
		Subtotal:	**154,476,068**	-					
Central District WWTP	2.1	Electrical Improvements	28,392,361		1/1/2017	6/11/2014		6/14/2021	
	2.2	Building improvements	5,673,576		3/26/2014	3/26/2014		9/26/2019	
	2.3	Headworks Plant 1	20,637,859		9/1/2014	10/6/2014		3/16/2019	
	2.4	Headworks Plant 2	20,891,336		9/1/2014	10/6/2014		8/23/2019	
	2.5	Oxygenation Trains Plant 1	6,882,836	4,547,528	3/1/2011	3/1/2011	6/15/2018	4/12/2019	Completed
	2.6	Oxygenation Trains Plant 2	15,957,546		3/1/2011	3/1/2011		4/14/2022	
	2.7	Secondary Clarifiers Plant 1	4,919,245		4/1/2021	4/12/2018		8/15/2026	
	2.8	Secondary Clarifiers Plant 2	7,242,220		6/1/2016	3/10/2016		12/1/2024	
	2.9	RS Pump Stations Plant 1	9,441,453		4/1/2021	7/31/2018		8/15/2026	
	2.10	RS Pump Stations Plant 2	14,310,201		6/1/2016	3/11/2016		12/1/2024	
	2.11	Effluent Pump Station	9,926,072		1/1/2017	8/24/2016		6/21/2021	
	2.12	Sludge Thickeners Plant 1	11,156,240		10/3/2016	4/30/2015		1/13/2023	
	2.13	Sludge Thickeners Plant 2	9,552,318		6/11/2014	6/11/2014		1/13/2023	
	2.14	Digesters Plant 1	60,684,546		5/1/2020			1/19/2026	
	2.15	Digesters Plant 2	122,761,868		6/11/2014	6/11/2014		6/18/2023	
	2.16	Dewatering Building	99,952,854		6/1/2016	5/1/2015		1/13/2023	
	2.17	Chlorination Facilities	16,713,956	19,802,226	10/1/2013	10/1/2013	7/27/2018	10/15/2018	Completed
	2.18	Odor Control Systems	20,208,323		10/1/2016	10/6/2014		1/13/2023	
	2.19	Co-Gen Facility	30,311,204		11/22/2012	11/22/2012		5/21/2020	
	2.20	Septage Unloading	29,061,616		11/1/2018			6/3/2022	Project is cancelled.
	2.21	Pump Station 1	11,575,513		10/1/2016	8/13/2015		2/26/2021	
	2.22	Pump Station 2	5,371,361		10/1/2014	4/15/2015		5/25/2019	
	2.23	O2 Plant Process Controls Phase 2	482,909	661,861	10/1/2013	10/1/2013	10/14/2016	3/9/2017	Completed
	2.24	Gas Monitoring	334,913	1,013,808	3/7/2015	4/13/2015	9/29/2017	9/29/2017	Completed.
	2.25	Ventilation Improvements	2,766,973		1/1/2021	6/11/2014		2/27/2025	
	2.26	Rehabilitation of Walkways and Stairways	2,685,405		10/1/2013	10/1/2013		9/27/2027	
	2.27	Oxygen Production	26,503,191		1/1/2015	4/16/2015		2/13/2022	
	2.28	SCADA RTU Upgrades	396,000	341,545	10/1/2013	10/1/2013	2/10/2014	3/29/2014	Completed
	2.29	High Strength Influent Impact Study	1,544,400	1,042,081	2/12/2013	2/12/2013	6/5/2014	6/24/2014	Completed
		Subtotal:	**596,338,296**	**27,409,049**					

WASD TRANSPARENCY REPORT - EXHIBIT C

Status of Consent Decree Projects for November 2018

Overall Regulatory Project Completion Date - 9/27/2027

Sewer Facility	Consent Decree Project No.	Capital Project Name	Consent Decree Project Cost Estimate, App. D	Actual Costs	Project Estimated Start Date	Actual Start Date	Actual Completion Date	Regulatory Completion Date	Remarks
North District WWTP	3.1	Headworks and Sludge Degritting Transfer	31,777,875	29,591,626	3/20/2013	3/20/2013	12/6/2017	4/7/2018	Completed
	3.2	Primary Clarifiers and Odor Control	47,630,971		5/5/2015	9/3/2014		4/6/2023	
	3.3	Oxygenation Trains	26,824,143		1/1/2019	6/4/2018		3/6/2026	
	3.4	Oxygen Production	7,139,589		4/1/2020	6/4/2018		3/6/2026	
	3.5	Secondary Clarifiers	81,645,502		12/1/2018	8/28/2014		8/24/2027	
	3.6	Disinfection	18,721,749		4/21/2014	4/21/2014		9/9/2020	
	3.7	Effluent Disposal	27,500,829	6,160,114	8/5/2014	2/21/2014	6/29/2018	12/28/2021	Completed
	3.8	Plant Wide Electrical	18,859,689		5/21/2014	5/1/2014		8/20/2022	
	3.9	Flood Mitigation	4,327,589	726,074	4/21/2014	5/1/2014	6/24/2016	8/13/2017	Completed
	3.10	Yard Piping Replacement	4,901,560	214,249	11/1/2015	4/5/2015	5/24/2016	12/4/2021	Completed
	3.11	SCADA RTU Upgrades	1,200,320	971,666	10/1/2013	9/30/2013	11/26/2014	3/24/2015	Completed
		Subtotal:	**270,529,817**	**37,663,729**					
Wastewater Collection and Transmission Lines	4.1	Collection System I/I Repairs	138,538,762		10/1/2013	10/1/2013		9/27/2027	
	4.2	Government Cut FM - Phase 1& 2	35,187,000	101,808,037	10/1/2012	10/1/2011	9/30/2013	9/30/2013	This project started on 03/23/2009, at the time, this project was not a Consent Decree project. This project became a Consent Decree project on October 1, 2012 while the negotiations were taking place with the State and the Federal Government regarding the Consent Decree. Approximately $59 million was spent between 03/23/2009 and 10/1/2012 for work related to the installation of the 60-inch sewer force main and the 20-inch water main. In addition, other expenses included extending the 60-inch sewer force main from the water shaft to South Pointe Park and to the Alton Road tie-in. After this project was added as a Consent Decree project in October 2012 , only $35 million was required to complete the project.
	4.3	Government Cut FM - Phase 3	117,376,121	88,132,717	10/1/2012	1/30/2013	11/23/16	4/8/2017	Completed
	4.4	North Dade 72 inch PCCP FM Rehabilitation	23,764,116	20,498,852	10/1/2013	2/1/2013	5/5/2016	3/5/2018	Completed
	4.5	South Dade 54 inch PCCP FM Rehabilitation	18,570,705	37,844,401	8/5/2014	8/5/2014	9/14/2018	12/23/2018	Completed
	4.6	Replacement of Tamiami Canal Aerial Crossing FM's at NW 37th Ave	727,443	659,199	10/1/2013	12/11/2012	8/11/2014	10/29/2016	Completed
	4.7	Replacement of 18 inch DIP FM in Miami Lakes	2,323,333	1,009,622	11/1/2013	3/11/2012	12/7/2015	4/9/2017	Completed
	4.8	Rehabilitation of 54 inch PCCP FM in the City of Miami	10,842,213	16,912,537	10/6/2014	3/12/2015	6/16/2017	5/28/2017	Completed. On January 11, 2018, the EPA decided not to assess penalties for this project due to Force Majeure events. On September 14, 2017, the EPA approved a final completion date for CD 4.8 of May 28, 2017.
	4.9	Replace Approximately 30 miles of AC FM Transmission System	52,708,893		11/1/2013	8/28/2012		10/17/2020	
	4.10	Opa-Locka Airport 48" PCCP force main replacement	23,668,622	16,436,537	10/6/2014	12/17/2014	5/11/2018	10/25/2018	Completed
		Subtotal:	**423,707,208**	**283,301,901**					

WASD TRANSPARENCY REPORT - EXHIBIT C

Status of Consent Decree Projects for November 2018

Overall Regulatory Project Completion Date - 9/27/2027

Sewer Facility	Consent Decree Project No.	Capital Project Name	Consent Decree Project Cost Estimate, App. D	Actual Costs	Project Estimated Start Date	Actual Start Date	Actual Completion Date	Regulatory Completion Date	Remarks
Sewer Pump Station Systems	5.1	Upgrade of PS#0418	23,877,869		11/1/2013	11/1/2013		10/22/2019	
	5.2	Upgrade of PS#0691	6,007,492		10/7/2014	11/26/2014		1/27/2019	On April 14, 2016, the EPA and FDEP approved Miami-Dade's request to modify the scope of this project to read, "Connect the City of Homestead's PS1, once completed, to the South District Wastewater Treatment Plant (SDWWTP) Transmission System and decommission PS 0691". WASD will monitor the Homestead project to comply with the EPA schedule.
	5.3	Upgrade of PS#0692	6,007,492		10/7/2014	11/26/2014		6/17/2020	
	5.4	Replacement of Switchgear PS#0414	1,481,438		10/7/2014	2/9/2015		6/15/2019	
	5.5	Replacement of Switchgear and Rehabilitation of Wet well PS#0415	4,805,995		10/7/2014	2/9/2015		9/2/2019	
	5.6	Replacement of Switchgear PS#0416	1,481,438		10/7/2014	2/6/2015		6/13/2019	
	5.7	Replacement of Switchgear and Rehabilitation of Wet well PS#0417	3,203,999		10/7/2014	2/6/2015		7/25/2020	
	5.8	Replacement of Electrical and Mechanical Equipment in PS#0107	4,004,992	2,091,278	10/7/2014	6/9/2015	2/3/2018	1/27/2019	Completed.
	5.9	Replacement of Plumbing and Electrical Equipment at PS#0301	4,543,072		10/7/2014	11/24/2014		1/24/2022	Scope of the project has changed. A change request was submitted to EPA for approval.
	5.10	Upgrade of PS#0488	2,962,877	868,240	10/7/2014	4/3/2015	12/8/2016	5/9/2018	Completed
	5.11	Installation of 48-inch FM from Kendall Dr. to the suction side of PS 0536.	5,925,746		10/7/2014	12/17/2014		5/18/2019	
	5.12	Replacement of Switchgear at PS#0187	3,555,449		10/7/2014	2/25/2015		3/26/2019	
	5.13	Refurbish Emergency Generators and Controls at Regional Pump stations	3,054,141	543,066	9/2/2014	9/12/2014	2/4/2016	7/20/2016	Completed
	5.14	Upgrade of PS #0086, 0492	2,127,389	1,216,965	10/8/2012	3/19/2012	12/31/2013	12/31/2013	Completed
	5.15	Upgrade of PS #0065, 0201, 0334, 0374, 0607	5,835,671	5,945,642	1/1/2014	12/12/2010	12/30/2015	12/31/2015	Completed
	5.16	Upgrade of PS #00198, 0437, 0466, 0680	3,806,369	3,310,533	1/2/2015	5/1/2015	1/24/2018	12/31/2018	Completed.
	5.17	Upgrade of PS #0037, 0351, 0370, 0403	5,371,342	4,273,566	1/2/2016	12/22/2015	4/30/2018	11/20/2018	Completed.
	5.18	Upgrade of PS #0441, 0491, 0710, 0827, 0852, 1236	7,526,751		3/15/2017	3/9/2017		12/13/2019	
	5.19	SCADA RTU Upgrades	10,003,462	5,148,595	10/1/2013	10/1/2013	11/23/2015	3/18/2016	Completed
		Subtotal:	**105,582,981**	**23,397,886**					
		Total Project Expenses:	**1,550,634,370**	**371,772,566**				**9/27/2027**	

1) On 4/11/2018, the EPA approved our request to modify specific project regulatory completion dates. These new dates are being reflected in this Transparency report.
2) Schedule and Cost information based on FINAL Consent Decree October data.

Stipulated Penalties Notices from FDEP for Sanitary Sewer Overflow (SSO) Events.

Type	Agency	Demand Letter Date	Penalty	Description of the event	Remarks
N/A - No Stipulated Penalty Notices or Payments this reporting period.					
		Total Stipulated Penalties:	**$ -**		

***EPA/FDEP will be notified of paid stipulated penalties. Stipulated penalties payments to be distributed 50% payable to the EPA, and 50% payable to FDEP.**

BCC Meeting: December 18, 2018
Research Notes

Item No. 8O3
File No. 182548 **Researcher: IL Reviewer: PGE**

RESOLUTION APPROVING AWARD AND AUTHORIZING EXECUTION OF AN ADVANCED METERING INFRASTRUCTURE MAINTENANCE AND SUPPORT AGREEMENT BETWEEN THE COUNTY AND SENSUS USA, INC. WITH A TERM OF THREE YEARS AND TWO ONE-YEAR RENEWAL OPTIONS IN A NOT TO EXCEED AMOUNT OF $339,613.53; WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE, SECTION 5.03D OF THE HOME RULE CHARTER AND IMPLEMENTING ORDER 3-38 BY A TWO-THIRDS (2/3) VOTE OF THE BOARD MEMBERS PRESENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should waiving competitive bidding by a two-thirds (2/3) vote of the Board members present to approve an award of an advanced metering infrastructure maintenance and support agreement between the County and Sensus USA, Inc. for a term of three years and two, one-year renewal options in an amount not to exceed $339,613.53 for the Miami-Dade Water and Sewer Department.

APPLICABLE LEGISLATION/POLICY

Section 5.03(D) of the Home Rule Charter states 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 Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.
http://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 except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds (2/3) vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.
https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution No. R-143-17, adopted on February 7, 2017, approved the purchase of software storage services and authorizing the execution of an advanced metering infrastructure maintenance and support agreement between the County and Sensus USA, Inc. with a term of fifteen (15) months with no renewal options in a not to exceed amount of $66,065.00.00; waiving competitive bidding pursuant to section 2-8.1 of the Miami-Dade County Code and Section 5.03(D) of the Home Rule Charter; and authorizing the County Mayor or County Mayor's designee to execute same and to exercise the provisions contained therein.
http://www.miamidade.gov/govaction/matter.asp?matter=162921&file=true&fileAnalysis=false&yearFolder=Y2016

Resolution No. 841-06, adopted on July 6, 2006, Directs the Mayor to seek approval for award of successor contracts or extensions 30 days prior to contract expiration.
http://www.miamidade.gov/govaction/matter.asp?matter=061720&file=true&yearFolder=Y2006

BCC Meeting: December 18, 2018
Research Notes

Resolution No. 63-14, adopted on January 22, 2014, Directs the Mayor to require certain affidavits as part of the due diligence conducted on recommended vendor prior to contract award.
http://www.miamidade.gov/govaction/matter.asp?matter=131840&file=true&fileAnalysis=false&yearFolder=Y2013

Resolution No. 140-15, adopted on February 3, 2015, Directs the Mayor to conduct a full review of the scope, prior to the re-procurement of replacement contracts for goods or services 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 contract language.
http://www.miamidade.gov/govaction/matter.asp?matter=150090&file=true&yearFolder=Y2015

Resolution No. 477-18, adopted on May 1, 2018, Directing The County Mayor or County Mayor's Designee To Disclose To Board Reasons Goods and Services are not being procured through local businesses when recommendation is to award contract to non-local vendor or establish a prequalification pool of vendors where less than 75% of the pool members are local businesses.
http://www.miamidade.gov/govaction/matter.asp?matter=180822&file=true&fileAnalysis=true&yearFolder=Y2018

Resolution No. 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. 63-14, adopted on January 22, 2014, Directs the Mayor to require certain affidavits as part of the due diligence conducted on recommended vendor prior to contract award.
http://www.miamidade.gov/govaction/matter.asp?matter=131840&file=true&fileAnalysis=false&yearFolder=Y2013

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
Department/Requester: Water & Sewer Department

This item came before the Infrastructure and Utilities committee on November 14, 2018, the Committee forwarded this item to the BCC with a favorable recommendation. Prior to the passage of the item the following discussion transpired:
Commissioner Jean Monestime inquired if this was a pilot program? What was the reason to have a cap of 10,000 accounts on a non-pilot project for this item and lastly would removing the cap interfere with future RFP's.
Water and Sewer Department's Director Kevin Lynskey: stated that this program was no longer a pilot. It was now a service agreement. Many companies are interested in seeing an RFP for the entire County which may be possible within the next two years. At this time 4,000 meters are in service as oppose to 400,000. The cap on this agreement is functional since this limitation is not explicitly stated. This contract is small in size set at the monetary amount of $68,000.00 five years.
Commissioner Joe A. Martinez stated that the contract did not have a previous cap and questioned should a cap exist and how this cap was originally placed in the contract?
Mr. Eric Zichella Director of P3 Management represented Sensus USA, explained that there are networks already in place that would save the County money because the network read smart meters saving the County money by enhancing monthly billing, automated water flow switch control, non-water revenue loss prevention, and planning for the Capital Program. Mr. Zichella mentioned that the County previously approved a pool of vendors to sell water meters to the County. Mr. Zichella, also mentioned that the removal of the cap will not obligate the County to make purchases from Sensus USA.

BCC Meeting: December 18, 2018
Research Notes

Commissioner Martinez: would the product provide a good service, would it save the County money, and was the price of the new meters more expensive than the purchase of old ones?
Directory Lynskey: the product was good but unclear whether or not the product would save the County money because without the system WASD would have to send employees to service the 4,200 accounts.
Commissioner Martinez: Could WASD test the meters with the attached transponders?
Director Lynskey: that would make the dumb meters (not smart meters) smart. Furthermore, there are two ways to approach the purchase cost in comparison with the old system. Approach number one is purchase of a full integrated smart reader, with commitment to that particular company. Approach number 2, purchase a dumb meter and make it smart with the purchase of a device with the capacity to read and transmit information. Mr. Lynskey went on to say that WASD was working in coordination with ITD to research a strategy for the purchase of generic meters that would be more feasible to allow more companies to bid in the future (open source).
Commissioner Martinez: stated that he was curious about the device/feature that transformed a dumb meter into a smart meter and stated he would support the item.
Commissioner Jose "Pepe" Diaz (Diaz): Stated that he would like to support open competition and wanted the system compatible for future integration. Commissioner Diaz questioned the benefits and coast of the proposed system and asked the Director of WASD why the cap was included in the contract and if sufficient time for the contractor to perform the work existed to ensure fairness in the price and set number of years in order to ensure both were properly calculated.
Director Lynskey responded to Commissioner Diaz stating that the contract was a 3 year initial term with a two year optional add-on to extend it for five years.
Commissioner Diaz: is there an existing clause that would prevent the provider or the County from rescinding the contract?
Mr. Zichella: yes a termination clause was included and were common, these provisions are common in any contract stating the contract terms could not be termined from their company's side it is a one way provision. The cap associated with this contract may prohibit progress of providing adequate service.
Commissioner Diaz: stated that if there no additional outlays he would approve the contract as it was being represented today.
Mr. Zichella stated the cost of the contract would include network services; pay an installation fee per meter and support services to keep meters functional. This would be separately from the cost of installing water meters. He expounded on the systems technical enhanced features that would save the County expenditure costs adding dumb meters would have to be replaced within two to three years and the use of sending people to manually reader water meters would soon be obsolete.
Commissioner Jean Monestime (Monestime): Is the pilot program confined to the geographical area of Miami Springs?
Director Lynskey: yes to Miami Springs, wholesale customers, and Parks Recreation and Open Spaces.
Mr. Zichella: stated that the cap would limit the amount of meters that could be purchased.
Commissioner Monestime: suggested that the contract terms should be revisited. The commissioner sought counsel of the County Attorney as to whether or not a disclaimer could be added to indicate a request can be made to seek approval from the full Board of County Commissioners for an extension of the current cap once the cap was reached by the vendor.
Assistant County Attorney Abbie Schwaderer-Raurell – stated that the request was not amendment but the committee could add the specific language in the contract term.

ANALYSIS

This item is requesting Board approval of a bid waiver contract awarding an advanced metering infrastructure maintenance and support agreement to Sensus USA, Inc. for a term of three (3) years and two (2), one (1) year renewal options for a value of up to $339,613.53. WASD is requesting waiver of the competitive bidding process because it will provide a significant cost savings to the County.

In 2012, WASD selected the City of Miami Springs (City) to initiate the AMI pilot program. The department installed 4,200 Sensus smart meters on both residential and commercial properties within the City and started monthly billing for these City customers. As a result, monthly billing has been implemented in the City as opposed to quarterly billing which is generally used throughout the County. Additionally, WASD deployed 67 smart meters for its wholesale water customers in 2007, and approximately 30 meters in parks managed by the Miami Dade Parks, Recreation and Open Spaces department (PROS) in 2014. These smart meters

allowed WASD and PROS to view consumption patterns and characteristics, system peak flows and to generate reports with meter readings on an hourly basis.

In February 2017, the Board approved an Advanced Metering Infrastructure Maintenance and Support Agreement (2017 Agreement) with Sensus for a term of 15 months with no renewal options. The value of that agreement was $66,065.00. That agreement expired in May 2018, however Sensus and WASD have been honoring the terms and conditions of the 2017 agreement on a month to month basis in anticipation of the proposed AMI agreement's approval by the Board.

The Fiscal Impact of this project is not to exceed an amount of $339,613.53 with a term of three (3) years and two (2) one (1) year renewal options. The expenditure will be broken-up into five (5) years as follows: $195,255.00 for the initial three (3) year term and $71,116.21 for the first renewal and $73,242.32 for the second renewal option. WASD operating revenues is the designated funding source for this project. The projected District to be impacted is Commission District 12, represented by Jose "Pepe" Diaz.

Fixed Pricing – Three (3) Year Term			
Quantity	Description	Unit Price	Extended Price
4339	Annual Flexnet Regional Network Interface Software as a Service Fee (up to 10k meters)	$6.00	$26,034.00
4339	Annual Network as a Service (up to 10k meters)	$9.00	$39,051.00
		Annual total	$ 65,085.00
		Total 3yr Term	$195,255.00

Fixed Pricing – Year Four (4) Option to renew			
Quantity	Description	Unit Price	Extended Price
4339	Annual Flexnet Regional Network Interface Software as a Service Fee (up to 10k meters)	$6.65	$28,854.35
4339	Annual Network as a Service (up to 10k meters)	$9.74	$42,261.86
		Annual Total	$71,116.21

Fixed Pricing – Year Five (5) Option to renew			
Quantity	Description	Unit Price	Extended Price
4339	Annual Flexnet Regional Network Interface Software as a Service Fee (up to 10k meters)	$6.93	$30,069.27.00
4339	Annual Network as a Service (up to 10k meters)	$9.95	$43,173.05

		Annual Total	$73,242.32

		5 year grand total	$339,613.53

WASD has provided copies of the Market Analysis, related to this project.

The purpose of this agreement to maintain the continuation of "Software as a Service" which consists of software and hardware maintenance, data storage capacity and performance management, database management, incident and problem management, security management, and backup and disaster recovery management. According to the mayoral memo, the proposed AMI agreement will provide the County with additional time to consider different strategies for the County-wide implementation of the AMI system. WASD is working with the Information Technology Department (ITD), weighing the advantages and disadvantages of having a single vendor provide a total solutions package or having multiple vendors provide the key products and services. WASD is exploring options for a long-term countywide solutions that would minimize Sensus from becoming a legacy.

The timeline below is intended to show the historical track of this agreement:

Time Line

Effective Date	Term	Annual Allocation	Total Value of the Contract
The expired February 07 2017 agreement	15 Months with no option to renew	$52,851.96	$ 66,065.00
The proposed AMI agreement (two one year options-to-renew)	5 Year term including options-to-renew	$67,922.71	$339,613.53
Total	6 year and 3months	A difference of **$ 15,070.75** on the annual allocation value	**$405,678.53**

Under the contract, Sensus is required to provide:

- Sell WASD automated meter reading equipment;
- Provide technical and project management support;
- Provide Software as a service; and
- Provide Network as a service.

MDWASD is required to provide:

- Coordinate and schedule any changes submitted by Sensus to the system in accordance with standard configuration and change management procedures;
- Log incidents related to the managed application with Sensus personnel via email, web portal ticket entry, or phone call;
- Responsible for customer billing system for billing or other analysis;
- Responsible for local area network configuration, management, and support;
- Identify and research problems with meter reads and meter read performance;
- Investigate application operation issues (e.g. meter reads, reports, alarms, etc.);and
- Perform firmware upgrades over-the-air or delegate and monitor field personnel for on-site upgrades.

Sensus USA Inc., was checked and verified in sunbiz, Florida's Division of Corporations website.
OCA performed a search for commodity code 73012 (Computer automated measurement and control (CAMAC) systems and devices) on the Business Management Workforce System's Certified Vendor Directory on November 13, 2018. Listed below are the local SBEs identified :

• Electropower Utility Sales Company	Miami, FL	SBE-G&S
• Mosscorp Corporation,DBA PCHELP365	Miami Gardens, FL	SBE-G&S

DEPARTMENTAL INPUT

The following questions were asked by the Division of Policy and Legislation, the departments responses are in bold:

- Could WASD provide the results of the benefit analysis as to whether a single provider is better than multiple providers conducted between WASD and ITD;

  There is no benefit analysis yet.

- Was a pilot program conducted in the past where ITRON was also used as a possible vendor, why did we not choose to go with them;

  Yes – in 2009, a Pilot test was performed with Itron and Sensus to compare the two different technologies as a requirement of the WUP - WASD opted for Sensus based on better performance and functionality, for example: Sensus technology allowed for a bigger area of coverage with towers we had in place.

- Could WASD provide a copy of the market research that demonstrates that if the County retains a new supplier the costs would increase;

  See attached

- What is the fiscal cost of making a "dumb" "meter" smart and why haven't we gone with this approach? Do we have any "dumb meters" actively operational and if so how many do we have and where are they located; and

  Although, WASD is considering the option of finding equipment that could work in conjunction with non-smart meters to make meters smart, the department is in the initial stages of exploring whether this option is feasible and does not have a fiscal breakdown of this approach yet.

  As of November 2018, there are approximately 471, 200 non-smart meters.

  However, it is important to note that approach is merely but one of the options the department will consider; the department is working closely with ITD and weighing the advantages/disadvantages of a single vendor, or multiple vendors provide different products and services. The goal is to implement a system that will prevent the establishment of legacy contracts.

- What are the jobs the meter readers are going to be doing once the smart meter program is implemented? How many meter readers are employed by WASD?

  Although this item does not contemplate a county wide implementation, should the County pursue the implementation of AMI technology in a countywide fashion, some of the meter reader technician would be trained to service he smart meters, while other would be absorbed under other job duties or tasks that are necessary within the department.

  No employees are being displaced or relocated due to the approval of this contract.

  There are currently 38 meter readers employed by Miami Dade County.

MARKET RESEARCH

Date: 08/01/2018	Department: Water & Sewer
Project Title: AMI Miami Springs	Contact Person: Juan Pelay
Estimated Amount: $68,000 per year	Funding Source: Proprietary Revenues

Research Findings:

In the process of developing an RFP for a County-wide Advanced Metering Infrastructure (AMI) system, WASD engaged in extensive market research of AMI technologies, and identified 3 viable providers for a County-wide AMI system (Sensus, Itron & Aclara).

Originally, WASD engaged Sensus USA in an AMI pilot project to test/validate the customer billing process using meter readings and gain operational knowledge of an AMI system.

This new procurement extends the existing contract until a County-wide AMI system can be competitively procured and implemented. A cost comparison to maintain the existing (pilot) system vs. replacement by a competitive solicitation, shows significant differences. Keeping Sensus in place averages $68,000 annually, while replacing it with a competitive system has a large upfront price over one million dollars (including annual maintenance costs).

Cost Analysis:

Item	Unit Cost	Total Qty	Sensus Cost	New Supplier Cost
Meters	$84	4339	$ -	$365,000
End Points	$76	4339	$ -	$330,000
ERT Mount/Inflow Lid	$6	4339	$ -	$26,000
Thru Lid Antenna	$46	4339	$ -	$200,000
Data Collectors	$4	4339	$ -	$17,000
Communication Towers			$ -	$ -
Install Labor Rate	$20	4339	$ -	$87,000
Data Center Config			$-	$ -
Annual Maintenance			$68,000	$68,000
MDM			$ -	$ -
MDM Configuration			$ -	$10,000
Interface to Billing System			$ -	$10,000
		Grand Total	**$68,000**	**$1,113,000**

BCC Meeting: December 18, 2018
Research Notes

Item No. 8O4
File No. 182537 **Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT BETWEEN THE CITY OF WEST MIAMI AND MIAMI-DADE COUNTY FOR THE PROVISION OF WHOLESALE SEWAGE DISPOSAL SERVICE FOR A 20 YEAR TERM AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize execution of an Interlocal Contract between the City of West Miami and Miami-Dade County for the continued provision of wholesale sewage disposal service by the Miami-Dade Water and Sewer Department to the City of West Miami (District 6) for a 20-year term.

APPLICABLE LEGISLATION/POLICY

Section 180.191 of the Florida Statutes sets forth limits on rates charged for water and sewer services to consumers outside of city limits.
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0180/Sections/0180.191.html

Section 163.01 of the Florida Statutes (Florida Interlocal Cooperation Act) permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.01.html

Section 32-83 of the County Code (Peak Flows) requires every publicly owned or operated sanitary sewer collection system shall submit its peak flow data to the County for use in the County-wide rainfall dependent peak flow management study no later than February 8, 2007. Peak flow data is defined as the hourly flow rates that the system is expected to discharge into the County system during and resulting from a two year storm event.
https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH32WASERE_ARTVWASASECO_S32-83PEFL

PROCEDURAL HISTORY

Prime Sponsor: None
Department/Requester: Water & Sewer Department

This item was forwarded to the BCC with a favorable recommendation by the Infrastructure and Utilities Committee at its November 14, 2018 meeting.

ANALYSIS

The proposed resolution is for Board authorization of an Interlocal Contract to continue the wholesale sewage disposal arrangement between the City of West Miami (City) and the County, which was originally memorialized for a 30-year term ended on February 18, 2016. Since expiration, the City and County have agreed to honor the terms and conditions of the original contract on a month-to-month basis pending the Board's approval of the new Interlocal Contract. The new Interlocal Contract was approved by the City of West Miami Commission on August 15, 2018. The delay in establishing a new contract and reason why the original contract was permitted to expire is unclear.

BCC Meeting: December 18, 2018
Research Notes

The new Interlocal Contract before the Board is for a 20-year term. Pursuant to the Interlocal Contract, the County provides sewage disposal service, to the extent capacity is available, to the City by allowing the connection of the City's sewage collection systems to the County's sewage transmission facilities at the following points of connection:

- Pump Station 120 SW 8 Street/65 Avenue
- Pump Station 121 SW 20 Street/67 Avenue

Both points of connection are located in District 6, represented by Commissioner Rebeca Sosa. Additional points of connection may be established upon mutual agreement of the WASD Director and the City. The City bears the entire cost and expense of establishing each additional point of connection. The operation and maintenance of all facilities on the City's side of the master meter connections is the sole responsibility of the City. The County reserves the right to inspect the City's collection and transmission system and take samples of the sewage composition at no cost to the City to determine that the system is being properly maintained.

WASD provides similar services to the Cities of Coral Gables, Hialeah, Hialeah Gardens, Homestead, Medley, Miami, Beach, North Miami, North Miami Beach, and Opa Locka, as well as Florida City, North Bay Village, and the Homestead Air Reserve Base.

BCC Meeting: December 18, 2018
Research Notes

Item No. 8O5
File No. 182722 **Researcher: IL Reviewer: PGE**

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE AWARD AND EXECUTION OF NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT WITH BLACK & VEATCH CORPORATION FOR ENGINEERING DESIGN AND RELATED SERVICES FOR THE IMPROVEMENT, RENEWAL AND REPLACEMENT OF THE HIALEAH AND JOHN E. PRESTON WATER TREATMENT PLANTS AND ASSOCIATED WATER DISTRIBUTION SYSTEM, PIPELINES, WELLFIELDS, RE-PUMPING FACILITIES, REMOTE STORAGE AND ITS APPURTENANT WATER FACILITIES, IN THE AMOUNT OF $11,000,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should ratify the award and execution of a Non-Exclusive Professional Services Agreement (PSA) with Black & Veatch Corporation for the Engineering and Design Related Services for Improvement, Renewal and Replacement of the Hialeah and John E. Preston Water Treatment Plants and Associated Water Distribution System, Pipelines, Wellfields, Re-Pumping Facilities, Remote Storage, and its Appurtenant Water Facilities in the amount of $11,000,000 for a total contract term of six years for the Miami-Dade Water and Sewer Department (WASD).

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=PTIIICOOR_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 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=PTIIICOOR_CH2AD_ARTIINGE_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=PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Ordinance 00-65 (involving the expenditures of more than $500,000.00) any contract for the construction of public improvements and any professional service agreement involving the expenditure of more than $500,000, an item shall be added to the advertisement recommendation memorandum presented by the County Manager to the Board of County Commissioners identifying (1) each proposed 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 proposed dedicated allowance, contingency allowance and additional services allowance in relation to the estimated contract price.
http://intra/gia/matter.asp?matter=001521&file=false&yearFolder=Y2000

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.) 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.) 2-13, (Guidelines and Procedures to pertaining to legal opinions in County competitive process), any contract in an amount which exceeds the threshold pursuant to Section 2-8.1 of the Code of Miami-Dade County will require the County Attorney's Opinion shall be in writing and submitted to the Board of County Commissioners along with the award recommendation.
http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf

Implementing Order (I.O.) 3-34 (Formation and Performance of Selection Committees) Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, this Implementing Order establishes procedures for the formation and performance of selection committees in the competitive procurement process of Miami-Dade County, including competitive selection committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.
http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-34.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

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 by on May 17, 2016, requires the County Mayor or Mayor's designee to attach a list of all County Contracts awarded in the previous 3 years to the recommended contractor and summary of evaluations for Design and/or Construction Contract Awards of $1,000,000.00 or greater.
http://intra/gia/matter.asp?matter=160124&file=true&yearFolder=Y2016

PROCEDURAL HISTORY
Prime Sponsor: None
Department/Requester: Water and Sewer

There is no procedural history.

ANALYSIS
This item is requesting that the Board ratify the County Mayor's approval of the award and execution of a Non-Exclusive Professional Services agreement with Black and Veatch Corporation for the Engineering and Design Related Services for Improvement, Renewal and Replacement of the Hialeah and John E. Preston Water Treatment Plants and Associated Water Distribution System, Pipelines, Wellfields, Re-Pumping Facilities, Remote Storage, and its Appurtenant Water Facilities in the amount of $11,000,000 for a total contract term of six years for WASD. This agreement was approved by the County Mayor's designee on July 5, 2018 pursuant to the WASD Consent Decree and Capital Improvement Programs Acceleration Ordinance.

The Fiscal Impact to the County is an amount of $11,000,000. The project will take place in Commission District 6, represented by Commissioner Rebecca Sosa. The funding source is No. 9650041 Water Treatment Plant- Hialeah/Preston Improvements Book Page: 72 Adopted Capital Book for Fiscal Year 2017-2022. This project is a Capital Improvement Project intended to have one PSA agreement.

WASD requires engineering services to evaluate, rehabilitate and upgrade the infrastructure and operations at the Hialeah and John E. Preston Water Treatment Plants and appurtenant facilities. Moreover, the services will also help improve the treatment process, operations, and efficiencies including but not limited to, safety, energy conservation, security, bio-solids management corrosion control, and assets management as well as compliance with regulatory requirements.

A Notice to Professional Consultants was issued on April 1, 2016 under full and open competition. On May 20, 2016, the Clerk of the Board received two proposals in response to the solicitation, one from AECOM Technical Services, Inc., (foreign corporation with a principal address of 300 South Grand Avenue 9th Floor, Los Angeles, CA 90071). and the other from Black & Veatch Corporation (principal address is 11401 Lamar, Overland Park, KS 66211; note this firm has a local address per the Tax Collector's office at 2121 Ponce De Leon Blvd #305, Coral Gables, FL 33134). Because fewer than three proposals were received the submittal period was extended via Addendum No. 6 on May 20, 2016. The updated submittal deadline was June 3, 2016; no additional proposals were received. These projects are highly specialized which may I explain the low interest and turnout in response to the solicitation.

BCC Meeting: December 18, 2018
Research Notes

The first tier meeting was held on September 12, 2016; both firms were evaluated; however, the Competitive Selection Committee (CSC) proceeded with only four of the five members due to illness of the fifth CSC member. In order for this issue to be rectified under the direction of the County Attorney, a second, first tier meeting was held on October 10, 2017 and a fifth CSC member was appointed. Note that an opinion from the County Attorney's Office was rendered but was absent from the agenda package. The CSC reviewed and ranked the two proposals and recommended both firms to the second tier "oral presentations" meeting. The second tier oral presentation meeting was held on November 6, 2017 wherein the CSC ranked Black & Veatch Corporation the highest ranking firm and recommended it for negotiations.

The Small Business Development Division recommended a 3.00 percent SBE-Goods and Services (G&S) goal and 24.00 percent SBE-A&E goal. Communications, public relations consulting and writing services will make satisfy the G&S goal. The A/E goal will be satisfied by the following technical categories: 10.09, 15.01, 12.00, 13.00, 17.00, 6.01, 6.02 and 9.02. (See table below with technical certification descriptions.

Pursuant to Section 2-8.2.119(c) and Section 2-8.2.12(7) of the Code of Miami-Dade County, this section allows WASD as the Mayor's designee to approve an award of a contract, contingent on said award being approved at the next available Board meeting where the Contract Award would be seeking Board ratification.

OCA conducted a review of the technical certifications associated with the project on the Business Management Workforce System (BMWS): (See the table below)

Prime/Other	**Code**	**Description**	**Amount of SBE A/E firms identified in BMWS**
Prime	6.03	Water and Sanitary Sewer Systems – Water and Sanitary Sewage Treatment Plants	22 SBE A/E firms were identified.
Prime	11.00	General Structural Engineering	None
Prime	12.00	General Mechanical Engineering	None
Prime	13.00	General Electrical Engineering	None
Prime	17.00	Engineering Construction Management	None
Other	6.01	Water and Sanitary Sewer Systems –Major Water an Sanitary Sewage Collection and Transmission	62 SBE A/E firms were identified.
Other	6.02	Water and Sanitary Sewer Systems – Major Water and Sanitary Sewage Pumping Facilities	50 SBE A/E firms were identified.
Other	9.02	Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	11 SBE A/E firms were identified.
Other	10.09	Environmental Engineering – Wellfield, Groundwater and	9 SBE A/E firms were identified.

		Surface Water Protection and Management	
Other	15.01	Surveying and Mapping – Land Surveying	15 SBE A/E firms were identified.

The table below illustrates the total contract measure to be satisfied, the percentage of that measure each Sub-consultant satisfies and if the Sub Consultant is an SBE:

Sub-consultant	**SBE Goal**	**Certified SBE Firm (verified in BMWS)**
Carollo Engineers, Inc.	N/A	
E Sciences, Incorporated	3%	Yes
F.R. Aleman and Associates, Inc.	2%	No according to BMWS however, Letter of Agreement states this firm is an SBE)
Fraga Engineers, LLC	4%	No according to BMWS however, Letter of Agreement states this firm is an SBE)
Magbe Consulting Services, Inc.	3%	Yes
Milian, Swain & Associates, Inc.	14%	Yes
Nutting Engineers of Florida, Inc.	1%	Yes
Total	27%	

The OCA conducted a review on December 11, 2018 of Black and Veatch Corporation, and found that it has an active status on Sunbiz, (the official website of the Division of Corporations of the State of Florida) and no account with the Tax Collector's office. There are no licenses registered with the Department of Business & Professional Regulation.

Pursuant to Resolution No. R-421-16, a PERFORMANCE RECORD verification was conducted by OCA's Division of Policy and Legislation in the Capital Improvements Information System (CIIS) on December 11 2018: There are 34 performance evaluations in the Capital Improvements Information Systems Database for Black & Veatch Corporation, yielding an average evaluation rating of 3.9 out of 4.0.

ADDITIONAL INFORMATION:

Black & Veatch, a leading global engineering, consulting and construction company, won the prestigious Water Project of the Year award at the 2006 Global Water Awards for the Columbia Heights Membrane Ultrafiltration Plant, located near Minneapolis, Minn. With a current capacity of 70 million-gallons-per-day(mgd)(264,979 cubic-meters-per-day) and an ultimate capacity of 78 mgd (295,262 m^3/day), the Columbia Heights membrane filtration plant is the largest facility of its kind in the Western Hemisphere and represents the leading edge in membrane filtration technology for potable water.
https://www.wateronline.com/doc/black-veatch-designed-minneapolis-water-treat-0001

BCC Meeting: December 18, 2018
Research Notes

Item No. 8O6
File No. 182723 **Researcher: IL Reviewer: PGE**

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE AWARD AND EXECUTION OF NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR ENGINEERING DESIGN AND RELATED SERVICES FOR THE IMPROVEMENT, RENEWAL AND REPLACEMENT OF THE ALEXANDER ORR WATER TREATMENT PLANT AND THE SOUTH MIAMI-DADE WATER SUPPLY SYSTEMS, WHICH INCLUDE THE FOLLOWING PLANTS: LEISURE CITY, NARANJA, ELEVATED WATER TANK, EVERGLADES LABOR CAMP, NEWTON WATER TREATMENT PLANTS AND ANCILLARY FACILITIES TO THOSE PLANTS, AS WELL AS WELL FIELDS, RE-PUMPING FACILITIES, REMOTE STORAGE AND ITS APPURTENANT FACILITIES, IN THE AMOUNT OF $11,000,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should ratify the award and execution of a Non-Exclusive Professional Services Agreement with HDR Engineering, Inc. for Engineering and Design Related Services for Improvement, Renewal and Replacement of the Alexander Orr Water Treatment Plant and the South Miami-Dade Water Supply System, which include the Leisure City, Naranja, Elevated Water Tank, Everglades Labor Camp, and Newton Water Treatment Plants and Ancillary Facilities to those Plants, as well as Well Fields, Re-Pumping Facilities, Remote Storage, and its Appurtenant Facilities, in the amount of $11,000,000 for a total contract term of six years for the Miami-Dade Water and Sewer Department (WASD).

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=PTIIICOOR_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 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=PTIIICOOR_CH2AD_ARTIINGE_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=PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Ordinance 00-65 (involving the expenditures of more than $500,000.00) any contract for the construction of public improvements and any professional service agreement involving the expenditure of more than $500,000, an item shall be added to the advertisement recommendation memorandum presented by the County Manager to the Board of County Commissioners identifying (1) each proposed 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 proposed dedicated allowance, contingency allowance and additional services allowance in relation to the estimated contract price.
http://intra/gia/matter.asp?matter=001521&file=false&yearFolder=Y2000

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.) 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.) 2-13, (Guidelines and Procedures to pertaining to legal opinions in County competitive process), any contract in an amount which exceeds the threshold pursuant to Section 2-8.1 of the Code of Miami-Dade County will require the County Attorney's Opinion shall be in writing and submitted to the Board of County Commissioners along with the award recommendation.
http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.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.) 3-34 (Formation and Performance of Selection Committees) Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, this Implementing Order establishes procedures for the formation and performance of selection committees in the competitive procurement process of Miami-Dade County, including competitive

selection committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.
http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-34.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 by on May 17, 2016, requires the County Mayor or Mayor's designee to attach a list of all County Contracts awarded in the previous 3 years to the recommended contractor and summary of evaluations for Design and/or Construction Contract Awards of $1,000,000.00 or greater.
http://intra/gia/matter.asp?matter=160124&file=true&yearFolder=Y2016

PROCEDURAL HISTORY
Prime Sponsor: None
Department/Requester: Water and Sewer

There is no procedural history.

ANALYSIS
This item is requesting Board ratification of the award and execution of a Non-Exclusive Professional Services Agreement with HDR Engineering, Inc. for Engineering and Design Related Services for Improvement, Renewal and Replacement of the Alexander Orr Water Treatment Plant and the South Miami-Dade Water Supply System, which include the Leisure City, Naranja, Elevated Water Tank, Everglades Labor Camp, and Newton Water Treatment Plants and Ancillary Facilities to those Plants, as well as Well Fields, Re-Pumping Facilities, Remote Storage, and its Appurtenant Facilities, in the amount of $11,000,000 for a total contract term of six years for the Miami-Dade Water and Sewer Department (WASD). This PSA was approved pursuant to the WASD Consent Decree and Capital Improvement Programs Acceleration Ordinance by the County Mayor's designee on July 5, 2018.

The Fiscal Impact to the County is an amount of $11,000,000. The funding source is No. 9650031 Water Treatment Plant-Alexander Orr, Jr. Expansion Improvements Book Page: 72 Adopted Capital Book for Fiscal Year 2017-2022. The project will take place in Commission District 7, represented by Commissioner Xavier L. Suarez. This project is a Capital Improvement Project intended to have one PSA agreement.

WASD requires engineering services to evaluate, rehabilitate and upgrade the infrastructure and operations at the Hialeah and John E. Preston Water Treatment Plants and appurtenant facilities. Moreover, the services will also help improve the treatment process, operations, and efficiencies including but not limited to, safety, energy conservation, security, bio-solids management corrosion control, and assets management as well as compliance with regulatory requirements.

A Notice to Professional Consultants was issued on April 1, 2016 under full and open competition. On May 9, 2016, the Clerk of the Board received two proposals in response to the solicitation, one from HDR Engineering, Inc. (Principal address is 8404 Indian Hills Drive, Omaha, NE 68114, note this firm has a local address per the Tax Collector's office "Care of HDR Engineering Inc." located at 15450 New Barn Road 304, Miami Lakes, FL 33014) and the other from Black & Veatch Corporation (principal address is 11401 Lamar, Overland Park, KS 66211; note this firm has a local address per the Tax Collector's office at 2121 Ponce De Leon

Blvd #305, Coral Gables, FL 33134). . Because fewer than three proposals were received, the submittal period was extended via Addendum No. 3 on May 9, 2016. The updated submittal deadline was May 23, 2016; no additional proposals were received. These projects are highly specialized which may I explain the low interest and turnout in response to the solicitation.

The first tier meeting was held on September 12, 2016; both firms were evaluated; however, the Competitive Selection Committee (CSC) proceeded with only four of the five members due to illness of the fifth CSC member. In order for this issue to be rectified, under the direction of the County Attorney, a second, first tier meeting was held on October 10, 2017 and a fifth CSC member was appointed. Note that an opinion from the County Attorney's Office was rendered but was absent from the agenda package The CSC reviewed and ranked the two proposals and recommended both firms to the second tier "oral presentations" meeting. The second tier meeting was held on November 6, 2017 wherein HDR Engineering, Inc. was ranked the highest scoring firm and recommended for negotiations.

The Small Business Development Division recommended a 3.00 percent SBE-Goods and Services (G&S) goal and 24.00 percent SBE-A&E goal. Communications, public relations consulting and writing services will make satisfy the G&S goal. The A/E goal will be satisfied by the following technical categories: 10.09, 15.01, 12.00, 13.00, 17.00, 6.01, 6.02 and 9.02. (See table below with technical certification descriptions.

Pursuant to Section 2-8.2.119(c) and Section 2-8.2.12(7) of the Code of Miami-Dade County, this section allows WASD as the Mayor's designee to approve an award of a contract, contingent on said award being approved at the next available Board meeting where the Contract Award would be seeking Board ratification.

OCA conducted a review of the technical certifications associated with the project on the Business Management Workforce System (BMWS) and found the following: (See the table below)

Prime/Other	**Code**	**Description**	**Amount of SBE A/E firms identified in BMWS**
Prime	6.03	Water and Sanitary Sewer Systems – Water and Sanitary Sewage Treatment Plants	22 SBE A/E firms were identified.
Prime	11.00	General Structural Engineering	None
Prime	12.00	General Mechanical Engineering	None
Prime	13.00	General Electrical Engineering	None
Prime	17.00	Engineering Construction Management	None
Other	6.01	Water and Sanitary Sewer Systems –Major Water an Sanitary Sewage Collection and Transmission	62 SBE A/E firms were identified.
Other	6.02	Water and Sanitary Sewer Systems – Major Water and Sanitary Sewage Pumping Facilities	50 SBE A/E firms were identified.
Other	9.02	Soils, Foundations and Materials Testing –	11 SBE A/E firms were identified.

		Geotechnical and Materials Engineering Services	
Other	10.09	Environmental Engineering – Wellfield, Groundwater and Surface Water Protection and Management	9 SBE A/E firms were identified.
Other	15.01	Surveying and Mapping – Land Surveying	15 SBE A/E firms were identified.

The table below illustrates the total contract measure to be satisfied, the percentage of that measure each Sub-consultant satisfies and if the Sub Consultant is an SBE:

Sub-consultant	**SBE Goal**	**Certified SBE Firm (verified in BMWS)**
A.D.A. Engineering, Inc.	5%	Yes
Ambro, Inc.	3%	Yes
Architects International, Inc.	2%	No according to BMWS, however, Letter of Agreement states this firm is an SBE)
CDM Smith Inc.	N/A	N/A
HP Consultants, Inc.	1%	Yes
Longitude Surveyors, LLC.	2%	Yes
Metco Services Southeast, LLC.	4%	No according to BMWS, however, Letter of Agreement states this firm is an SBE)
Nova Consulting, Inc.	10%	Yes
Total	27%	

OCA conducted a review on December 11, 2018 of HDR Engineering, Inc., and found that it has an active status on Sunbiz, (the official website of the Division of Corporations of the State of Florida) and has multiple accounts in "care/of" with the Tax Collector's office reflecting a local address of 15450 New Barn Road 304, Miami Lakes, FL 33014. HDR Engineering Inc., has multiple licenses (i.e. Geology License #GB425GB, Architect License #AA26003566) current and in good standing registered with the Department of Business & Professional Regulation.

Pursuant to Resolution No. R-421-16, a PERFORMANCE RECORD verification was conducted by OCA in the Capital Improvements Information System (CIIS) on December 11 2018: There are 48 performance evaluations in the Capital Improvements Information Systems Database for HDR Engineering Inc., yielding an average evaluation rating of 3.7 out of 4.0.

ADDITIONAL INFORMATION:

The Basin Creek Water Treatment Plant uses a cutting-edge ceramic membrane filtration system, the first of its kind to be installed in the United States. HDR worked on this Treatment plant on the installation of ceramic membrane filters in Butte, Montana.
https://www.hdrinc.com/portfolio/basin-creek-water-treatment-plant

BCC Meeting: December 18, 2018
Research Notes

Item No. 11A6
File No. 182839 **Researcher: LE Reviewer: TD**

RESOLUTION APPROVING, PURSUANT TO FLORIDA STATUTES SECTION 125.38, A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE THELMA GIBSON HEALTH INITIATIVE, INC. FOR THE USE OF APPROXIMATELY 1,171 SQUARE FEET OF OFFICE SPACE WITHIN THE FRANKIE SHANNON ROLLE CENTER, LOCATED AT 3750 S. DIXIE HIGHWAY, MIAMI, FLORIDA FOR A TERM OF ONE YEAR AT THE RATE OF $1.00 PER YEAR, WAIVING THE PROVISIONS OF ADMINISTRATIVE ORDER 8-4, WAIVING BOARD POLICY SET FORTH IN RESOLUTION NO. R-256-13 AS IT RELATES TO PAYMENT OF RENT IN LIEU OF TAXES; WAIVING POLICY IN RESOLUTION NO. R-333-15; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE LEASE IN SUBSTANTIALLY THE FORM ATTACHED HERETO, TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should approve a lease agreement between Miami-Dade County and the Thelma Gibson Health Initiative, Inc. (TGHI) for the use of approximately 1,171 square feet of office space within the Frankie Shannon Rolle Center for a one year term at the rate of $1.00 per year; waive Administrative Order 8-4; waive Resolution No. R-256-13; and waive Resolution No. R-333-15.

APPLICABLE LEGISLATION/POLICY

Section 125.38 of the Florida Statutes states that any department, agency, state, political subdivision, agency, municipality, corporation, not for profit, or any other organization that desires any real or personal property that may be owned by any county in the state, for public or community interest and welfare, may apply to the board of county commissioners for a conveyance or lease of such property.
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

Administrative Order 8-4 provides that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded in the policy, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.
http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf

Resolution No. R-256-13, adopted on April 2, 2013, establishes that when conveying property to not-for-profit corporations for the public benefit to lease, rather than convey property, and to include lease terms requiring a rental payment in lieu of paying taxes in the event that tax exempt status is achieved by the not-for-profit corporation.
http://intra/gia/matter.asp?matter=130443&file=true&yearFolder=Y2013

Resolution No. R-333-15, adopted on April 21, 2015, requires 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

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Xavier L. Suarez, District 7
Department/Requester:

This item does not have a procedural history.

BCC Meeting: December 18, 2018
Research Notes

ANALYSIS

This item is requesting Board approval for a lease agreement between Miami-Dade County and the Thelma Gibson Health Initiative, Inc. (TGHI) for the use of approximately 1,171 square feet of office space within the Frankie Shannon Rolle Center, located at 3750 S. Dixie Highway, Miami, Florida for a one year term at the rate of $1.00 per year; waive Administrative Order 8-4, waive Resolution No. R-256-13, and waive Resolution No. R-333-15.

The fiscal impact to the County will be $1 for the one year term of the lease. Because of the nature of the services TGHI will be providing to the community and the economic hardship they might face, TGHI does not have to pay market rent. The funds from the exceptions could be used to provide support and resources to assist them serving and promoting community interest and welfare.

The Thelma Gibson Health Initiative, Inc. (TGHI) is interested in a lease agreement with the County for 1,171 square feet of office space located within the Franke Shannon Rolle Center, located at 3750 S. Dixie Highway, Miami, Florida, so that they are able to serve low-income residents and provide medical services for the community.

Administrative Order 8-4 is being waived because the Property is not needed for County purposes. Resolution No. R-256-13 and Resolution No. R-333-15 are being waived because of TGHI experiencing economic difficulties in paying market rent.

According to the Miami-Dade County Property Appraiser's site, the current assessed market value for the Property is $7,444,290, all of which has an exemption value.

The term of the lease is for one year with no option to renew.

ADDITIONAL INFORMATION

The Thelma Gibson Health Initiative, Inc. since 2000 has been dedicated to improving lives in low-income neighborhoods with programs for critical needs, better health, new skills, jobs, housing, and economic stability.
https://tghi-cg.org/