

MEMORANDUM

Agenda Item No. 11(A)(10)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: December 1, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to negotiate and execute an agreement with Advanced Plumbing Technologies for a pilot project or product demonstration relating to sewer laterals in accordance with Implementing Order 3-38 and to provide a report

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney


GBK/jp



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

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County Attorney

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(10)
12-1-21

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH ADVANCED PLUMBING TECHNOLOGIES FOR A PILOT PROJECT OR PRODUCT DEMONSTRATION RELATING TO SEWER LATERALS IN ACCORDANCE WITH IMPLEMENTING ORDER 3-38 AND TO PROVIDE A REPORT

WHEREAS, Implementing Order 3-38 authorizes the County Mayor to enter into pilot projects and product demonstration agreements with prospective County vendors for the purpose of testing and evaluating technology, products, and services; and

WHEREAS, such agreements must: (1) be for a period not to exceed 12 months from the initiation of the pilot project or demonstration; (2) be provided at no cost to the County with the exception of any ordinary cost for County employees or consultants to review such technology; (3) not contain any exclusive dealing, in-kind or advertising commitments by the County; (4) provide for indemnification of the County; (5) provide for County ownership of any data generated during the testing and observation period; and (6) be terminable at will by the County; and

WHEREAS, Miami-Dade County is committed to understanding, evaluating and implementing innovative technology, emerging products, and efficient services to modernize the County's various systems and services to the public; and

WHEREAS, vendors frequently offer their innovative processes, products and services at no charge to the County on a trial basis; and

WHEREAS, Advanced Plumbing Technologies (“APT”) is a company that has developed a patented process, known as the APT Lateral Monolithic Repair Program or Lateral MRP, which involves lining and coating sewer laterals via use of Cured-in-Place pipes in order to repair deteriorating or leaking sewer laterals; and

WHEREAS, APT claims that its Lateral MRP technology can: (1) help the County to address sewer system Inflow and Infiltration resulting from deteriorating laterals on customers’ properties, and (2) assist the County with other environmental concerns, such as soil contamination and ground and surface water contamination resulting from deteriorated sewer laterals; and

WHEREAS, APT claims its technology, which uses ultraviolet (UV) lighting, has the potential to lower costs and reduce installation time for property owners whose laterals need to be repaired to prevent Inflow and Infiltration; and

WHEREAS, because APT’s technology is a trenchless process that does not require excavation of the property owner’s lateral, which excavation typically causes damage to landscaping and other types of improvements on the owner’s property that must be repaired or replaced at an additional cost and can take all day to complete, APT contends that use of its Lateral MRP technology will lower costs for Inflow and Infiltration rehabilitation; and

WHEREAS, because APT’s technology uses UV lighting as opposed to heated water to cure the lateral’s lining, APT claims that the time required to make the lateral repair using its technology is significantly shorter than lining using thermal waters and, therefore, would cause less inconvenience to property owners who have to be without water and sewer service during the lateral repair period; and

WHEREAS, APT claims that its Lateral MRP technology, which is performed predominantly through a machine that generates the UV lighting, is less susceptible to human error than curing through use of boiling water, thereby resulting in a better quality and more durable end product; and

WHEREAS, APT's Lateral MRP technology has been used effectively in other jurisdictions throughout the United States, including Milwaukee, Wisconsin; and

WHEREAS, this Board desires for the County administration to test and observe the products and services offered by APT on a short-term basis in accordance with Implementing Order 3-38 to determine whether its products and services would be beneficial to Miami-Dade County and its residents; and

WHEREAS, the Board desires that the County administration determine the best locations within the County for the Lateral MRP program to be tested but directs that, at least some of the pilot program testing, occur within Miami-Dade County Commission District 9,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board incorporates and adopts the foregoing recitals as if fully set forth herein.

Section 2. The County Mayor or County Mayor's designee is hereby directed to negotiate and, if successful, execute an agreement with APT for a pilot project or product demonstration relating to APT's Lateral MRP program, including a testing site within Miami-Dade County Commission District 9. The terms of the agreement shall be in accordance with the requirements for pilot projects and product demonstration agreements provided in Implementing Order 3-38 and, accordingly, such agreement may not serve as a basis for any non-competitive

purchase other than a bid waiver or sole source purchase and may not serve as the sole basis of the public interest justification of any bid waiver.

Section 3. The County Mayor is further directed to provide a report to the Board within 90 days after the term of any pilot project or product demonstration agreement has concluded describing the results of the pilot project or product demonstration and any relevant recommendations. However, if no agreement can be negotiated under terms agreeable to Miami-Dade County, then the County shall provide a report to the Board within 30 days after the conclusion of negotiations describing why an agreement could not be reached. The completed report shall be placed on an agenda of this Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Kionne L. McGhee. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of December, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis