

# Memorandum



**Date:** September 1, 2022

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

**From:** Daniella Levine Cava  
Mayor *Daniella Levine Cava*

**Subject:** Recommendation for Approval to Award Fluorosilicic Acid

Agenda Item No. 8(F)(9)

## Summary

This item is for the award of a contract for the purchase of Fluorosilicic Acid for the Miami-Dade Water and Sewer Department (WASD) to meet daily operational needs. This contract provides for the purchase and delivery of Fluorosilicic Acid, a fluoride compound chemical used in the treatment of potable water to help reduce the incidence of tooth decay. The department has been using this chemical for water treatment for over 30 years. According to research studies, fluoridated water reduces the incidence of cavities (tooth decay) by about 25 percent in children and adults and strengthens teeth. The Fluorosilicic Acid, which will be purchased under this contract, meets the requirements contained in the American National Standards Institute (ANSI)/National Science Foundation (NSF) Standard 60 Certificate, which establishes minimum health effects requirements for the chemicals, the chemical contaminants, and the impurities that are directly added to drinking water. The County as well as other municipalities have been experiencing higher pricing for this chemical due to various supply chain issues.

## Recommendation

It is recommended that the Board of County Commissioners (Board) approve a competitive contract award, *Contract No. FB-02107, Fluorosilicic Acid*, for WASD in the amount of \$4,909,422 for a five-year term. This contract will replace Contract No. FB-00449, Fluorosilicic Acid, which was established by the Board on June 6, 2017 through Resolution No. R-592-17 for a five-year term. It should be noted, three vendors responded to the solicitation, none of which are local or certified Small Business Enterprise (SBE) firms. Award is recommended to the sole responsive and responsible bidder who submitted an offer. The SBE Bid Preference and Local Preference were applicable to the solicitation, but did not affect the outcome of the award, as the recommended bidder is not local or a certified SBE firm.

## Background

WASD utilizes the Fluorosilicic Acid to fluoridate drinking water which helps keep teeth strong and reduce the incidence of cavities (tooth decay) by about 25% in children and adults according to research studies. The Fluorosilicic Acid concentration is required to be 23 percent by weight, ranging in color from water-white to straw yellow and will contain no mineral or organic substances in quantities capable of producing harmful effects or injuries to individuals consuming the treated water. The Fluorosilicic Acid will also contain no more than one percent of hydrofluoric acid and will meet the standard methods for the examination of water and wastewater, as mandated by the American Public Health Association, American Water Works Association, and Water Environmental Federation. Additionally, the Fluorosilicic Acid must meet the requirements contained in the ANSI/NSF Standard 60 Certificate, as well as the American Water Works Association (AWWA) B703-19. ANSI/NSF establishes minimum health effects requirements for the chemicals, the chemical contaminants, and the impurities that are directly added to drinking water from drinking water treatment chemicals. AWWA describes Fluorosilicic Acid for use in the treatment of potable water. This standard can be referenced in documents for purchasing and receiving Fluorosilicic Acid and can be used as a guide for testing the physical and chemical properties of Fluorosilicic Acid samples.

The current annual demand is approximately 1,640 tons of the chemical compound. As of April 2022, actual annual demand is 1,227.5 Tons. This annual volume used by Miami-Dade County can be compared to the demand under the cooperative contract awarded by the City of Fort Lauderdale (lead

agency), servicing 13 agencies including Broward County, w an annual total demand of approximately 1,257 Tons. Delivery of the fluoride compound is by tank truck, on an as needed basis.

**Scope**

The scope of this item is countywide in nature.

**Fiscal Impact/Funding Source**

The fiscal impact for the five-year term is \$4,909,422. The current contract, FB-00449, is valued at \$2,660,000 for a five-year and three-month term and expires on October 31, 2022. The allocation under the new contract is higher than the current contract due to a significant price increase as a result of the current market conditions. The County obtained a bid price of \$598.71 per ton. Staff attempted to negotiate a better bid price but were unsuccessful. The recommended and incumbent vendor cited current fuel prices and prospective price increases in the ensuing months as reasons for the increase. Other municipalities have been experiencing higher pricing for this chemical due to various supply chain issues.

<b>Department</b>	<b>Allocation</b>	<b>Funding Source</b>	<b>Contract Manager</b>
Water and Sewer	\$4,909,422	Proprietary Funds	Susan Pascul
<b>Total:</b>	<b>\$4,909,422</b>		

**Track Record/Monitor**

Manuel Jimenez of the Internal Services Department is the Procurement Contracting Manager.

**Delegated Authority**

If this item is approved, the County Mayor or County Mayor’s designee will have the authority to give notice of this award, issue the appropriate purchase orders, and exercise all provisions of the contract, including any cancellation, or extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

**Vendor Recommended for Award**

An Invitation to Bid was issued under full and open competition. Three vendors responded to the solicitation, including two “No Bids.” None of the responding vendors were local or certified Small Business Enterprise firms. The solicitation was advertised on BidSync with 1,106 notifications, from which 22 vendors viewed the notification. Additionally, the incumbent vendor and vendors currently serving other agencies in Florida were notified via email when the solicitation was advertised. A survey was sent out to the vendors who viewed the solicitation and did not submit a bid, to inquire about their lack of participation.

The two vendors, who submitted “No Bids” indicated they are not able to supply to the County at this time. Another vendor, who previously submitted a bid in response to the solicitation in 2016, indicated they stopped producing the chemical in 2019. Therefore, only the recommended and incumbent vendor, DuBois Chemicals (formerly BHS Marketing Specialty Chemicals prior to the merger/acquisition in 2018) submitted a bid indicating it can provide Fluorosilicic Acid to the County. Three recent solicitations issued by other municipalities (City of Fort Lauderdale, Florida; City of Long Beach, California; and City of Trenton, New Jersey) were reviewed, and it was verified that those solicitations also received a single bid offer. DuBois Chemicals was the sole bidder in Ft Lauderdale’s and Long Beach’s solicitations, while Univar USA was the sole bidder in City of Trenton’s solicitation.

Pursuant to Resolution No. R-477-18, the lowest bidder is recommended in accordance with the method of award per the solicitation and is non-local. None of the bidders that responded to the solicitation were local.

Vendor	Principal Address	Local Address*	Number of Employee Residents	Principal
			1) Miami-Dade 2) Percentage*	
DuBois Chemicals, Inc.	3630 East Kemper Road Cincinnati, OH	None	0	Jeffrey Welsh
			0%	

\*Provided pursuant to Resolution No. R-1011-15. Percentage of employee residents is the percentage of vendor’s employees who reside in Miami-Dade County as compared to the vendor’s total workforce.

**Vendors Not Recommended for Award or Did Not Bid**

Vendor	Local Address	Reason for Not Recommending
Pencco, Inc.	No	No Bid*
Univar USA, Inc.	No	

\*A “No Bid” means the vendor responded indicating that it will not be providing an offer.

**Due Diligence**

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department’s Procurement Guidelines to determine vendor responsibility, including verifying corporate status and that there are no performance and compliance issues. The lists that were referenced included convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to vendor responsibility.

Pursuant to Resolution No. R-140-15, prior to re-procurement, a full review of the scope of services was conducted to ensure the replacement contract reflects the County’s current needs. The review included conducting market research, posting a draft solicitation for industry comment, and holding meetings and drafting sessions with the user department. The scope of services was updated to include the updated requirements from the American Water Works Association Standard (AWWA B703-19); and the American National Standards Institute/National Science Foundation Standard 60 for Drinking Water Treatment Chemicals.

**Applicable Ordinances and Contract Measures**

- The two percent User Access Program provision will be applied.
- The Small Business Enterprise Bid Preference and Local Preference were applicable to the solicitation but did not affect the outcome of the award.
- The Living Wage does not apply as the product/services to be procured are not covered services under the Ordinance.




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Jimmy Morales  
 Chief Operations Officer



**MEMORANDUM**  
(Revised)

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

**DATE:** September 1, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 8(F)(9)

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. 8(F)(9)  
9-1-22

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-02107 TO DUBOIS CHEMICALS, INC. FOR THE PURCHASE OF FLUOROSILICIC ACID FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT WITH AN AMOUNT NOT TO EXCEED \$4,909,422.00 FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD TO DUBOIS CHEMICALS, INC., ISSUE THE APPROPRIATE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves award of Contract No. FB-02107 to DuBois Chemicals, Inc. for the purchase of fluorosilicic acid for the Miami-Dade Water and Sewer Department with an amount not to exceed \$4,909,422.00 for a five-year term; and authorizes the County Mayor or County Mayor's designee to give notice of this award to DuBois Chemicals, Inc., issue the appropriate orders to give effect to same and exercise all provisions of the contract, including cancellation or extension provisions, pursuant to section 2-8.1 of the Code of Miami-Dade County, Florida and Implementing Order 3-38. A copy of the contract document is on file with and available upon request from the Internal Services Department, Strategic Procurement Division.

The foregoing resolution 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 1<sup>st</sup> day of September, 2022. 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.

Eduardo W. Gonzalez

