

Memorandum



Date: December 12, 2023

Agenda Item No. 8(1)(3)

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Danielle Levine Cava
Mayor 

Subject: Recommendation to Ratify Various Emergency Purchases Associated with the Surfside Building Collapse

Summary

This item is requesting the ratification of \$3,807,689 for various emergency purchases associated with the Surfside Building Collapse. The Miami-Dade Police Department (MDPD) has purchased emergency response products and services related to the building collapse. These purchases were vital to the County's response efforts aimed at life safety and recovery efforts for the Surfside condo collapse.

As of September 22, 2023, \$54,854,614.84 in funding has been approved by the Federal Emergency Management Agency (FEMA) for the Surfside Building Collapse and reimbursement of \$52,952,928.41 has been requested from the Florida Division of Emergency Management (FDEM) for the projects that have been completed.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve this request for ratification of the below emergency purchases, as well as necessary contract modifications to established County contracts, which were made to expeditiously provide life safety and recovery efforts related to the Surfside Building Collapse by MDPD. Purchases of these goods and services by MDPD were necessary to ensure the health and safety of County employees and members of the public, as well as to provide critical recovery and operations.

The Board, on April 5, 2022, through Resolution No. R-314-22, approved Surfside Building Collapse purchases from the beginning of the emergency through December 2021. This subsequent ratification is for Surfside Building Collapse emergency purchases since December 2021. Effective February 8, 2023, the County began ramping down its Surfside Building Collapse work. All expenses incurred and associated documentation for purchases made by the County for emergency protective measures completed have been submitted for validation and payment by FDEM. A restoration project for the 87th Park Condominium has not begun pending approval by the Condominium's Board, and the final disposal of the evidentiary debris being examined by MDPD, and the National Institute of Standards and Technology (NIST) will not occur until 2025. These two remaining projects, however, will be competitively bid through the County's normal procurement procedures. A future subsequent ratification item is not anticipated at this time.

Miami-Dade County mobilized numerous staff and resources from various departments to respond to the Surfside Building Collapse. Multiple County departments have purchased a myriad of emergency response products and services related to the Surfside Building Collapse, including but not limited to:

- Forensic engineering services;
- Decontamination of personal property; and
- Mobile forts

It is in the County's best interest to approve the ratification of these purchases, as they were vital to the County's response efforts aimed at life safety and recovery efforts for the Surfside condo collapse.

Background

On June 24, 2021, at approximately 1:25 a.m. EDT, the Champlain Towers South, a 12-story beachfront condominium in Surfside, Florida, partially collapsed. On June 24, 2021, Miami-Dade County Mayor Daniella Levine Cava declared a Local State of Emergency to enable active management of incident search and rescue operations for the Surfside Building Collapse. On June 24, 2021, Governor Ron DeSantis also issued Executive Order 21-148 declaring an emergency in Miami-Dade County and assigning the Director of the FDEM as the State's Coordinating Officer for response, recovery and mitigation activities related to the tragedy. The Department of Homeland Security, FEMA, authorized appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in Surfside and surrounding areas on June 25, 2021. FEMA authorized support through the Individuals and Households Program under Section 408 of the Stafford Act and assistance for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program. On July 2, 2021, President Joseph R. Biden, Jr. made additional federal emergency aid available for the state of Florida to assist with ongoing response and recovery efforts. The President authorized an increase in the level of federal funding for debris removal and emergency protective actions, including direct federal assistance, undertaken as a result of the Surfside Building Collapse. Federal resources and funding were originally available at a 75% federal cost share. Under the President's order, the federal share for debris removal and emergency protective measures, including direct federal assistance, was increased to 100% of the total eligible costs for a continuous period of 30 days beginning June 24, 2021 and ending on July 23, 2021.

Scope

The Champlain Towers South building was located in Commission District 4, which is represented by Commissioner Micky Steinberg.

Fiscal Impact/Funding Source

The fiscal impact for these emergency purchases is \$3,807,689. A detailed breakdown of the purchases by MDPD is included as Attachment No. 1. The County intends to pursue reimbursement for a portion of these emergency purchases through FEMA and any other applicable avenues, where feasible and permissible. The \$2,157,000 for forensic engineering and consulting services is not reimbursable by FEMA or NIST.

Track Record/Monitor

Jessica Tyrrell of the Strategic Procurement Department (SPD) is the Division Director.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise all provisions of the contracts, including any cancellation or extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Awarded Vendors

See Attachment No. 1 for the list of awarded vendors. Since the County will be actively pursuing reimbursement of all such eligible expenses through FEMA and any other applicable avenues, to be eligible for reimbursement, the procurements must comply with Uniform Administrative Requirements as set forth in 2 CFR 200.326 which, among several requirements, prohibits the use of local geographical preferences, except as expressly allowed by Federal statutes. Hence, to maximize the County's reimbursement from available federal sources, the selection of vendors for these procurements cannot take into account local and small business factors. Additionally, Section 2-8.1.1.1(3)(a) of the Code of Miami-Dade County limits application of preferences on Federal procurements. As such, staff is not tracking these emergency procurements by vendor status (local/small business).


Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with SPD's Procurement Guidelines to determine vendor responsibility, including verifying corporate status and that there are no performance and compliance issues through various vendor responsibility lists and a keyword internet search. 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.

Applicable Ordinances and Contract Measures

- The two percent User Access Program does not apply.
- The Small Business Enterprise measures and Local Preference do not apply.
- The Living Wage does not apply to these specific purchases.

Attachment



JD Patterson
Interim Chief of Public Safety

Attachment 1
 Recommendation to Ratify Various Emergency Purchases Associated with the Surfside Building Collapse

Description	Contract Number	Vendor Name	Vendor Address	Amount	Department
Forensic Engineering and Consulting Services	E-10173	LB PIE LLC dba Pie Consulting & Engineering	6275 Joyce Drive Suite 200 Arvada, CO	\$2,157,000.00	MDPD
Decontamination Services to Personal Property	E-10183	Bioresponse Corp. dba Bioresponse Restoration	7209 NW 46 Street Miami, FL	\$468,743.22	MDPD
Mobile Forts	E-10197	Forts Services, LLC	4650 Lyons Technology Parkway Coconut Creek, FL	\$1,181,945.00	MDPD



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(I)(3)

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(I)(3)
12-12-23

RESOLUTION NO. _____

RESOLUTION RATIFYING EMERGENCY PURCHASES AND CONTRACT MODIFICATIONS BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE ASSOCIATED WITH THE SURFSIDE BUILDING COLLAPSE IN AN AMOUNT NOT TO EXCEED \$3,807,689.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE IDENTIFIED CONTRACTS, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE 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:

Section 1. This Board finds it is in the best interest of Miami-Dade County to ratify emergency purchases and contract modifications by the County Mayor or County Mayor's designee associated with the surfside building collapse in an amount not to exceed \$3,807,689.00, as set forth in the accompanying memorandum and Attachment No. 1 to the accompanying memorandum.

Section 2. This Board authorizes the County Mayor or County Mayor's designee to exercise all provisions of the contracts, including any cancellation or extension provisions, pursuant to section 2-8.1 of the County Code and Implementing Order 3-38. Copies of the contracts are on file with and available upon request from the Miami-Dade Police Department.

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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

DMM

David M. Murray