

Memorandum



Date: December 12, 2023

Agenda Item No. 8(O)(2)

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

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Recommendation for Approval of a Non-Competitive Designated Purchase for Ratification of an Emergency Contract for Hauling and Disposal of Class "B" Biosolids

Summary

This item is to ratify an emergency contract award for hauling and disposal of Class "B" biosolids for the Water and Sewer Department (WASD). The contract provides for the transportation and disposal of anaerobically digested Class "B" biosolids and/or mixed grit/screening biosolid material. The biosolids are for beneficial uses as authorized by federal, state, and local laws, and according to regulations as mandated by the Florida Administrative Code (F.A.C.) Chapter 62-640, and amendments. Class "B" biosolids are transported in the form of sludge cake from the Central District Wastewater Treatment Plant (WWTP) and repurposed via land application; and/or upon request by the County, further processed off-site for beneficial uses, such as conversion into a biofuel and/or Class A biosolids for land (Compost), or other method permitted under federal, state, and local laws. In addition, Class "B" biosolids in the form of partially dried sewage sludge (PDSS) are transported from the South District WWTP for beneficial uses such as land application, compost, landscaping application, or other method permitted under federal, state, and local laws. The sludge cake from the Central District WWTP and the PDSS from the South District WWTP cannot be landfilled in accordance with Chapter 62-640, F.A.C.

Although there is a competitively established contract in place, 7122-1/23-1, *Hauling and Disposal of Class "B" Biosolids*, the active awarded vendors thereunder do not have sufficient capacity to meet WASD's requirements of continuing with the land application method of disposal due to changes in the regulations as mandated by Chapter 62-640, F.A.C., which establishes new limits per land acres for disposal of Class "B" biosolids. New permits obtained for disposal sites are enforced under the new regulations and restrict vendors from using the same disposal sites for additional disposal of biosolid material due to capacity limits already being reached. This lack of hauling and processing capacity of Class "B" biosolids created major backlogs, whereby there was over 2,000 tons of material at South District WWTP at Black Point, and over 650 tons of material at the Central District WWTP located on Virginia Key. The South District WWTP has a production rate of about 1,500 tons of material per week, while the Central District WWTP has a production rate of about 500 tons per week.

This emergency contract allowed for an additional hauler with the capacity to receive the biosolid material for disposal via land and compost applications and other uses permitted by Chapter 62-640, F.A.C. WASD, along with the Strategic Procurement Department (SPD), are preparing a new solicitation for hauling and disposal of Class B biosolids to broaden disposal options for vendors to include land application, composting, disposing at landfills, and processing the biosolids to Class AA. This will expand the available vendor pool to facilitate meeting WASD's demand.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve this non-competitive designated purchase, pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code, by a two-thirds vote of the Board members present, and ratify an emergency contract award, *Contract No. E-10359, Hauling and Disposal of Class "B" Biosolids*, to Synagro South, LLC for WASD in the amount of \$2,500,000 for a three-month term.

This contract was established on August 11, 2023 by the WASD Director via a declaration of emergency to remove the backlog of biosolid materials on site and the weekly produced sludge cake from the Central District WWTP and the partially dried sewage sludge from the South District WWTP.

Background

On August 4, 2023, WASD announced a declaration of emergency for the immediate removal of Class “B” biosolids material from the Central and South District WWTPs and delivery to a legally permitted facility. Failure to remove the biosolids impacts the wastewater treatment process for the County that may result in the County exceeding its permits and being non-compliant with Chapter 62-640, F.A.C.

WASD conducted an industry day to discuss the vendors’ capabilities and compliance with Chapter 62-640, F.A.C. Offers and solutions were sought from existing contract vendors and external vendors to properly and legally dispose of the biosolids to permitted facilities. An offer from Synagro South, LLC (Synagro) was received on August 8, 2023, for biosolids hauling via land application and compost, both accepted methods in accordance with Chapter 62-640, F.A.C. After multiple negotiation meetings with Synagro, it was determined that entering into an emergency contract with Synagro was the only feasible solution for the County.

Accordingly, it is in the County’s best interest to approve this designated purchase pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code to ratify the emergency contract award for the provision of Hauling and Disposal of Class “B” biosolids for WASD.

It should be noted that a settlement agreement between Synagro South, LLC and the County to resolve Case No. 22-7289-CA-01, Miami-Dade County v. Synagro South, LLC, was adopted by the Board via Resolution No. R-769-23 at the September 6, 2023 Board meeting. Upon Synagro’s compliance with the terms of the settlement agreement, Synagro may be reinstated as an active awarded vendor to Contract No. 7122-1/23; therefore, the need for this emergency contract or any other contract will be eliminated. This emergency contract did not alter or in any way affect the status of the Miami-Dade County v. Synagro South, LLC case, Case No. 22-7289-CA-01, in the Circuit Court for the 11th Judicial Circuit in and for Miami-Dade County or the settlement agreement reached in that matter.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the ratification of this emergency contract is \$2,500,000 for the three-month term, which expires on November 30, 2023; however, per the terms of the contract, it can be terminated for convenience by the County at any time.

Department	Allocation	Funding Source	Contract Manager
WASD	\$2,500,000	Proprietary Funds	Susan Pascul
Total:	\$2,500,000		

Track Record

Manuel Jimenez of SPD is the Procurement Contracting Manager.

Delegated Authority

The County Mayor or the County Mayor’s designee will have the authority to exercise all provisions of the contract, including any cancellation or extensions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Vendor Recommended for Ratification

Vendor	Principal Address	Local Address	Number of Employee Residents	Principal
			1) Miami-Dade 2) Percentage*	
Synagro South, LLC	435 Williams Court Baltimore, MD	None	0	Robert Preston
			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.

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. Other than the circumstances which gave rise to the aforementioned settlement agreement, there were no adverse findings relating to vendor responsibility.

Applicability of Ordinances and Contract Measures

- The two percent User Access Program provision applies.
- The Small Business Enterprise measures and Local Preference do not apply as this was an emergency purchase.
- The Living Wage Ordinance does not apply.



Jimmy Morales
 Chief Operations Officer



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(O)(2)

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(O)(2)
12-12-23

RESOLUTION NO. _____

RESOLUTION AUTHORIZING A NON-COMPETITIVE DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY PURCHASE FOR THE WATER AND SEWER DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$2,500,000.00 TO SYNAGRO SOUTH, LLC FOR HAULING AND DISPOSAL OF CLASS “B” BIOSOLIDS UNDER CONTRACT NO. E-10359; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSIONS, 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 approve a non-competitive designated purchase in an amount not to exceed \$2,500,000.00, pursuant to section 2-8.1(b)(3) of the Code of Miami-Dade County, by a two-thirds vote of the Board members present.

Section 2. This Board ratifies an emergency purchase of \$2,500,000.00 to Synagro South, LLC for hauling and disposal of Class “B” biosolids under Contract No. E-10359 for the Water and Sewer Department as set forth in the incorporated memorandum.

Section 3. This Board authorizes the County Mayor or County Mayor’s designee to exercise all provisions of the contract, including any cancellation or extensions, pursuant to section 2-8.1 of the County Code and Implementing Order 3-38. A copy of the contract document is on file with and available upon request from the Strategic Procurement 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.

SED

Sarah E. Davis