

Memorandum



Date: May 7, 2024

Agenda Item No. 8(O)(4)

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Resolution Approving Amendment Number Two to Agreement No. 14ATSI001 with AECOM Technical Services, Inc.-Exercising the Second Three-Year Option to Renew

Executive Summary

This item seeks approval from the Board of County Commissioners (the “Board”) to amend a Non-Exclusive Professional Service Agreement between Miami-Dade County (the “County”) and AECOM Technical Services, Inc (“AECOM”), Agreement No. 14ATSI001 (the “Agreement”), to exercise the second three (3) year option-to-renew (“OTR”). Amendment Number Two (the “Amendment”) will extend the Contract term for an additional three (3) years, from May 21, 2024 to May 21, 2027, and includes no additional compensation.

The time extension will provide AECOM with the time needed to finalize the remaining 20 projects in various stages of development that are currently managed by AECOM and must be completed to meet the conditions stipulated in the Consent Decree.

Recommendation

It is recommended that the Board approve the Amendment, which extends the Agreement by three (3) years from May 21, 2024 to May 21, 2027, with no additional compensation added. A copy of the Amendment is attached hereto as Exhibit “A.”

Scope

AECOM provides program and construction management services related to the Consent Decree projects, which are of countywide significance.

Delegation of Authority

Upon approval of this item, the County Mayor or County Mayor’s designee shall have the authority to execute Amendment Number Two to Agreement No. 14ATSI001 and to exercise all provisions contained therein.

Fiscal Impact/Funding Source

The Amendment has no fiscal impact on the County because no additional compensation is being added to the Agreement.

Track Record/Monitor

Miami-Dade Water and Sewer Department (WASD) Deputy Director of Planning Regulatory Compliance & Capital Infrastructure Marisela Aranguiz-Cueto, P.E., will oversee the implementation of the Amendment.

Background

On May 20, 2014, the Board approved, via Resolution No. R-469-14, a Non-Exclusive Professional Services Agreement with AECOM for Program and Construction Management Services related to the Wastewater System Priority Projects, Project No. E13-WASD-01R, Agreement No. 14ATSI001, with a total compensation amount of up to \$91,149,497 and a total contract term of five years with two (2) five-year OTR.

On March 5, 2019, through Resolution No. R-270-19, the Board approved Amendment Number One to the Agreement in order to: (1) allow AECOM to continue to provide Program and Construction Management Services related to the Consent Decree Wastewater System Priority Projects; (2) increase total compensation by \$48,810,000, thereby increasing the total contract amount from \$91,149,497 to \$139,959,497; and (3) exercise the first five (5) year OTR. At the meeting, the Board limited the second OTR to three (3) years rather than five (5) years and directed the County Mayor or the County Mayor’s designee to seek Board approval prior to exercising the second OTR.

Twenty projects (presented in the table below) remain in various stages of development, which are currently managed by AECOM, that must be completed in order to meet the conditions set forth in the Consent Decree. The time extension through this Amendment will enable AECOM to continue to assist WASD in meeting the Consent Decree deadlines.

Project Name	Scope	Location	Status	Anticipated Completion Date
CD 1.03 Oxygenation Trains	Installation of aeration mixers and structural rehabilitation	South District Wastewater Treatment Plant	Construction	July 2025
CD 1.06 Gravity Sludge Thickeners	Replacement pumps and electrical systems. Structural and mechanical rehabilitation	South District Wastewater Treatment Plant	Construction	November 2024
CD 1.07 Digesters and Control Building	Replacement of digester roofs, sludge mixer improvements, and structural rehabilitation	South District Wastewater Treatment Plant	Construction	March 2027
CD 1.08 Dewatering Facility	New permanent dewatering facility, to include centrifuges, controls, polymer system, structural, mechanical and electrical systems.	South District Wastewater Treatment Plant	Construction	November 2024
CD 1.11 General Electrical	Rehabilitation and replacement of electrical equipment, controls and wiring as needed throughout the plant.	South District Wastewater Treatment Plant	Construction	April 2024
CD 2.07 Secondary Clarifiers Plant 1	Structural rehabilitation and replacement of sludge collection mechanisms	Central District Wastewater Treatment Plant	Procurement	June 2027

CD 2.08 Secondary Clarifiers Plant 2	Structural rehabilitation and replacement of sludge collection mechanisms	Central District Wastewater Treatment Plant	Construction	December 2025
CD 2.09 Return Sludge PS Plant 1	Replacement of pumps, piping, and motor control centers. Structural rehabilitation	Central District Wastewater Treatment Plant	Design	October 2027
CD 2.12 Gravity Sludge Thickeners Plant 1	Replacement pumps, HVAC, and electrical systems. Structural and mechanical rehabilitation	Central District Wastewater Treatment Plant	Construction	June 2025
CD 2.13 Gravity Sludge Thickeners Plant 2	Replacement pumps, HVAC, and electrical systems. Structural and mechanical rehabilitation	Central District Wastewater Treatment Plant	Construction	June 2025
CD 2.14 Digesters Plant 1	Complete rehabilitation of sludge digester clusters	Central District Wastewater Treatment Plant	Design	May 2025
CD 2.15 Digesters Plant 2	Complete rehabilitation of sludge digester clusters	Central District Wastewater Treatment Plant	Construction	June 2028
CD 2.16 Dewatering Building	New dewatering facility and conveyance system	Central District Wastewater Treatment Plant	Construction	June 2025
CD 2.18 Odor Control Systems	Replacement of motor control centers, HVAC, electrical, odor control systems, pumps, piping, and valves	Central District Wastewater Treatment Plant	Construction	June 2025
CD 2.19 Co-Gen Improvements	Two new cogeneration engines, building improvements, replacement of pipeline and biogas conditioning system.	Central District Wastewater Treatment Plant	Construction	May 2024
CD 2.26 Rehabilitation of Walkways and Stairways	Replacement of walkways, stairways, railings, grating throughout the plant.	Central District Wastewater Treatment Plant	Design	October 2025
CD 3.03 Oxygenation Trains	Structural and electrical rehabilitation	North District Wastewater Treatment Plant	Design	May 2028
CD 3.04 Oxygen Production	Structural, mechanical, and electrical rehabilitation	North District Wastewater Treatment Plant	Design	May 2028
CD 3.05 Secondary Clarifiers	Structural, mechanical and electrical rehabilitation	North District Wastewater Treatment Plant	Construction	February 2025
CD 4.01 Collection System I/I Repairs	Rehabilitation of the Gravity Collection System	Countywide	Construction	September 2027

On May 21, 2013, the County approved a Consent Decree with the United States of America, the State of Florida Department of Environmental Protection, and the State of Florida, in the case styled *United States of America et. al. v. Miami-Dade County, Florida*, No. 1:12-cv-24400-FAM. The United States of America and the State of Florida Department of Environmental Protection filed this case asserting claims against the County under the Clean Water Act and the Florida Statutes for illegal discharges of pollutants into navigable waters. The Consent Decree includes \$1.6 billion of new infrastructure with the bulk of the capital projects intended to rebuild and rehabilitate the County's three wastewater treatment plants.

Over the past ten years, the Office of the Inspector General (OIG) has been providing continuous oversight on the Consent Decree Program, in general, and the AECOM Agreement, in particular. OIG staff regularly attend selected project meetings, including meetings regarding AECOM task assignments. OIG staff were recently apprised of WASD's desire to extend the Agreement for the remaining three-year OTR, and they concurred with the reasonableness of the proposed extension without additional compensation.

Due Diligence/Safety Information

Pursuant to Resolution No. R-187-12, and in accordance with the Strategic Procurement Department's guidelines, WASD conducted due diligence to determine AECOM's responsibility. There were no adverse findings related to AECOM's responsibility.

Small Business Enterprise Measures

On December 28, 2023, the Small Business Development Department (SBD) reviewed the Amendment for contract compliance and determined that because Amendment Number Two is a non-compensatory time extension, pursuant to Resolution No. R-525-17, small business measures do not apply. See SBD memorandum, attached hereto as Exhibit "B."

A copy of the original Agreement and Amendment Number One are available upon request from the Department's Intergovernmental Affairs Division.



Jimmy Morales
Chief Operations Officer

EXHIBIT A

**AMENDMENT NUMBER TWO
TO
NON-EXCLUSIVE PROFESSIONAL SERVICE AGREEMENT FOR
PROGRAM AND CONSTRUCTION MANAGEMENT SERVICES
RELATED TO THE WASTEWATER SYSTEM PRIORITY PROJECTS
BETWEEN MIAMI-DADE COUNTY
AND
AECOM TECHNICAL SERVICES, INC.
PROJECT NO. E13-WASD-01R; AGREEMENT NO: 14ATSI001**

This AMENDMENT NUMBER TWO made and entered into this _____ day of _____, 20__ (“Effective Date”), by and between MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as the “COUNTY”), and AECOM Technical Services, Inc., a California corporation authorized to do business in the State of Florida with offices in Miami-Dade County (hereinafter, “AECOM,” and collectively with the COUNTY, the “Parties”).

W I T N E S S E T H

WHEREAS, the Miami-Dade Water and Sewer Department (“WASD”) operates and maintains the COUNTY’S water and sewer utility systems; and

WHEREAS, the County must comply with the regulatory deadlines and milestones to remediate its aging wastewater infrastructure as specified in the Consent Decree lodged on June 6, 2013 in Case No. 1:12-cv-24400-FAM in the United States District Court for the Southern District of Florida; and

WHEREAS, WASD recognized the need to retain a consultant to implement and manage the wastewater priority projects stipulated under the Consent Decree; and

WHEREAS, on May 20, 2014, the Board approved, via Resolution No. R-469-14, a Non-Exclusive Professional Services Agreement with AECOM for Program and Construction Management Services related to the Wastewater System Priority Projects, Project No. E13-WASD-01R, Agreement No. 14ATSI001(the “Agreement.”), with a total compensation amount of up to \$91,149,497 and a total contract term of five years with two (2) five-year options-to-renew (“OTR”); and

WHEREAS, on March 5, 2019, through Resolution No. R-270-19, the Board approved Amendment Number One to the Agreement in order to: 1) allow AECOM to continue to provide Program and Construction Management Services related to the Consent Decree Wastewater System Priority Projects, (2) increase total compensation by \$48,810,000, thereby increasing the total contract amount from \$91,149,497 to \$139,959,497, and (3) exercising the first five (5) year OTR; and

WHEREAS, with the passage of Resolution No. R-270-19, the Board limited the second OTR to three (3) years and directed the County Mayor or County Mayor’s designee to seek Board approval prior to exercising the second OTR; and

WHEREAS, through Amendment Number Two, the County hereby exercises the three (3) year OTR, thereby extending the Contract period from May 21, 2024 to May 21, 2027; and

WHEREAS, Amendment Number Two does not add any additional monies to the Agreement; and

WHEREAS, there are 20 remaining projects in various stages of development that are currently managed by AECOM, which must be completed in order to meet the conditions set forth in the Consent Decree; and

WHEREAS, the County requested that AECOM continue to provide services to manage the procurement, construction and commission of the capital projects set forth in Appendix D under the Consent Decree; and

WHEREAS, Amendment Number Two provides AECOM with the additional time needed to successfully work on the completion of the Consent Decree projects,

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the COUNTY and the ENGINEER hereby agree to the following:

1. Section 23 of the Agreement is modified to state as follows:

23. DURATION OF AGREEMENT: This Agreement shall remain in full force and effect until May 21, 2027. Actual completion of the services authorized prior to the expiration date may extend beyond such term and shall be subject to the same terms and conditions set forth in this Agreement, including but not limited to, indemnification and insurance. This Agreement may be terminated by mutual consent of the parties hereto, or as otherwise provided herein. The performance of specifically and properly authorized services that may extend beyond this Agreement's effective term shall be compensated in accordance with Section 11 herein.

The Parties agree that the County has exercised the three (3) year OTR and that all work performed under the Agreement for this renewal term shall be performed under the same terms and conditions provided in the Agreement.

2. All terms, covenants and conditions of the Agreement not expressly modified or revised herein shall remain in full force and effect.

(SIGNATURES APPEAR ON NEXT PAGE)

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment Number Two by having the same signed by their duly authorized representatives, the day and year first written above.

ATTEST:

JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT AND COMPTROLLER

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

By: _____
Deputy Clerk Signature

By: _____
County Mayor

Print Name _____

Date: _____

ATTEST:

TECOM TECHNICAL SERVICES, INC
(CORPORATE SEAL)

By: 
Signature
Armond Tatevossian



By: 
Signature

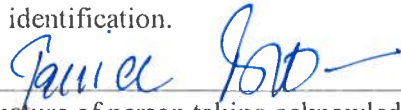
Armond Tatevossian, Secretary
Print Name

Pedro G. Hernandez, President Authorized Signatory
Print Name

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

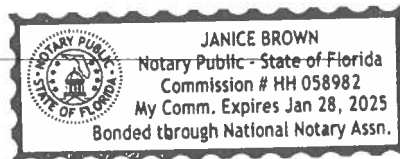
The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 13 day of FEBRUARY, 2024 by Pedro G. Hernandez, as President, and _____, as Secretary, _____, a _____, on behalf of the company, who is personally known to me or has produced (type of identification) as identification.

[Notary Seal]


(Signature of person taking acknowledgment)

JANICE BROWN
(Name typed, printed or stamped)

Approved for Legal Sufficiency:




Assistant County Attorney

Memorandum



Date: December 28, 2023

To: Roy Coley, Director
Miami-Dade Water and Sewer Department

From: Gary T. Hartfield, Director
Office of Small Business Development 

Subject: Project No. E13-WASD-01R, Program Construction Management Services Related to the Wastewater System Priority Projects (14ATSI001) - Amendment Two

Amendment Number Two to Project No. E13-WASD-01R was submitted to the Office of Small Business Development to review for application of Small Business Enterprise (SBE) measures. Amendment number two is for time extension only. The contract was awarded with a 28% SBE – Architectural and Engineering (SBE-A/E) goal which will remain the same.

Resolution No. R-1001-15 requires County contracts with small business measures meet at least 85% percent of the small business goals applicable to the portion(s) of the contract work performed to date before change order of contract amendment is considered for Board approval. Resolution R-525-17 exempted change orders or amendments for non-compensatory time extensions from this requirement. Amendment Two is for a time extension only, as such R-1001-15 does not apply.

The prime AECOM Technical Services, Inc. has been paid \$133,387,159.70. The SBE-A/E firms have been paid \$43,550,949.88 equal to 32.65% of the amount paid to date. Please contact Alice Hidalgo-Gato, SBD Section Chief, at (305) 375-3153 if additional information is needed.

c: Marisela Aranguiz, Deputy Director, WASD
 Juan Curiel, Chief, Assistant Director of Utility Construction, WASD
 James Ferguson, Assistant Director, Planning and Regulation, WASD
 Laura Verdager, Legislative and Municipal Affairs Special Assistant, WASD
 Nelson Perez, Assistant Director, Utility Engineering, WASD
 Margaret Moss, Chief, Small Business Initiatives, WASD
 Edith Brown, Chief, Contract Compliance Division, WASD
 Patty Palomo, Chief, Intergovernmental Affairs, WASD
 Alissa Penaloza, Assistant Director, Intergovernmental and Internal Operations, WASD
 Mike Ramos, Manager A&E Professional Services, WASD
 Donna Palmar, SPA1, WASD
 Alice Hidalgo-Gato, SBD Section Chief

Memorandum



Date: March 22, 2024
To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
From: Roy Coley, Director
Water and Sewer Department
Subject: Request to Process Agenda Item

I am requesting that the following item be placed on the April Committee Cycle:

RESOLUTION APPROVING AMENDMENT NUMBER TWO TO NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT NO. 14ATSI001, PROJECT NO. E13-WASD-01R, BETWEEN MIAMI-DADE COUNTY AND AECOM TECHNICAL SERVICES, INC., WHICH EXERCISES THE AGREEMENT'S SECOND THREE (3)-YEAR OPTION TO RENEW, THEREBY EXTENDING THE TERM OF AGREEMENT FROM MAY 21, 2024 TO MAY 21, 2027 IN ORDER TO ALLOW AECOM TECHNICAL SERVICES, INC. TO CONTINUE TO PROVIDE PROGRAM AND CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE CONSENT DECREE WASTEWATER SYSTEM PRIORITY PROJECTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

Although this item has not met the agenda deadline and has been provided to the Agenda Coordination Office late, it is important the item moves forward with the requested timeline as the current Agreement Term will expire on May 21, 2024.

This item seeks to exercise the Second Three-Year Option to Renew, allowing AECOM to continue to provide Program and Construction Management Services related to the Consent Decree Wastewater System Priority Projects, and includes no additional compensation.

I am aware that this item is subject to approval for placement on the agenda by the appropriate committee chairperson as well as the BCC Chairperson, and review by the Office of the County Attorney. Therefore, please process the item notwithstanding that the 3-day rule may be applicable to this item.

**Approved by County Mayor or County
Mayor's Designee Signature**

**Jimmy Morales
Print Name**

**Approved by Policy Director or Designee
Signature**

**Nicole Tallman
Print Name**

**March 22, 2024
Date**

c: Geri Bonzon-Keenan, County Attorney
CAOagenda@miamidade.gov
Eugene Love, Agenda Coordinator



MEMORANDUM
(Revised)

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

DATE: May 7, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(4)

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)(4)
5-7-24

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENT NUMBER TWO TO NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT NO. 14ATSI001, PROJECT NO. E13-WASD-01R, BETWEEN MIAMI-DADE COUNTY AND AECOM TECHNICAL SERVICES, INC., WHICH EXERCISES THE AGREEMENT’S SECOND THREE YEAR OPTION TO RENEW, THEREBY EXTENDING THE TERM OF AGREEMENT FROM MAY 21, 2024 TO MAY 21, 2027 IN ORDER TO ALLOW AECOM TECHNICAL SERVICES, INC. TO CONTINUE TO PROVIDE PROGRAM AND CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE CONSENT DECREE WASTEWATER SYSTEM PRIORITY PROJECTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE THE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying County Mayor’s 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 hereby approves the execution of Amendment Number Two to the Non-Exclusive Professional Services Agreement No. 14ATSI001, Project No. E13-WASD-01R, between Miami-Dade County and AECOM Technical Services, Inc. (hereinafter, “Amendment Number Two”), in substantially the form attached to the accompanying County Mayor’s memorandum as Exhibit A and made a part hereof. Amendment Number Two exercises the Agreement’s second three year Option to Renew, thereby extending the term of the Agreement from May 21, 2024 to May 21, 2027, in order to allow AECOM Technical Services, Inc. to continue to provide program and construction management services related to the Consent Decree Wastewater System Priority Projects. The Board also hereby authorizes the County Mayor or County Mayor’s designee to execute the same and exercise the provisions contained therein for and on behalf of Miami-Dade County, Florida.

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 the resolution duly passed and adopted this 7th day of May, 2024. 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