

Memorandum



Date: October 5, 2021

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

Agenda Item no. 8(M)(1)

From: Daniella Levine Cava
Mayor

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

Resolution No. R-915-21

Subject: Recommendation for Approval to Award Construction Services for the Department of Solid Waste Management's South Dade Landfill Gas System Expansion, Miscellaneous Construction Contract, Request for Price Quotation, Number 17032-21, to Tri Con Works, LLC in the amount of \$2,902,751.60

Recommendation

It is recommended that the Board of County Commissioners (the "Board") approve the recommendation to award Miscellaneous Construction Contract ("MCC"), Request for Price Quotation ("RPQ"), Number 17032-21, to Tri Con Works, LLC ("Tri Con") in the amount of \$2,902,751.60 for the Department of Solid Waste Management's ("DSWM") South Dade Landfill Gas System Expansion (the "Project").

The Project's scope consists of specialized construction services of a landfill gas extraction system. Major tasks include: (i) mobilization and demobilization of equipment, labor, and construction of temporary facilities; (ii) installation of Landfill Gas ("LFG") components, which include gas extraction wells, header pipes, lateral pipes, control valves, and condensate drains; (iii) installation of a blower/flare station and demolition of existing LFG control facilities; and (iv) surveying/record documentation. The work shall be performed in strict accordance with the applicable requirements of the federal, state, and local agencies that have jurisdiction and environmental observations.

DSWM advertised the Project's construction services through the County's MCC 7360 plan on April 15, 2021. Three (3) bids were received on May 19, 2021, ranging between \$2,577,956.00 and \$4,610,655.00 (excluding allowance accounts). County staff evaluated the bids received, which resulted in an award recommendation to Tri Con on June 23, 2021. All bidders were found in compliance with Small Business Development's ("SBD") established contract measures (see attached Exhibit "1" SBD Compliance Review). On June 28, 2021, a bid protest was filed by Stearns, Conrad and Schmidt, Consulting Engineers, Inc. d/b/a SCS Field Services ("SCS"), alleging that Tri Con failed to comply with the Small Business Enterprise Program for Construction requirements.

A Hearing Examiner heard the protest on July 29, 2021. On August 2, 2021, the findings and recommendations of the Hearing Examiner confirmed and upheld the County's recommendation to award to Tri Con (see attached Exhibit "2" Hearing Examiner's Report and Findings and Recommendation). Specifically, the Hearing Examiner recommended that SCS's bid protest be denied, and the contract on the Project be awarded to Tri Con.

Scope

The impact of this item affects the facility located in Commission District 8, which is represented by Danielle Cohen Higgins.

Fiscal Impact/Funding Source

MCC RPQ Number 17032-21 is for a total contract amount of \$2,902,751.60. This award amount includes the base bid amount of \$2,577,956.00, a contingency amount of \$257,795.60, and a dedicated allowance amount of \$67,000.00.

Department	Capital Budget Project #	Description	Funding Source	Contract Manager
DSWM	2000001354	Environmental Improvements – South Dade Landfill Gas Collection and Control System	Waste Disposal Operating Fund	Karina Careaga
Total		\$2,902,751.60		

Track Record/Monitor

Karina Careaga, of DSWM is the Procurement Contracting Manager, Ravi Kadambala, Division Director is the Project Manager.

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 contract, including any cancellation or extension provisions, pursuant to Section 2-8.1 of the Code of Miami-Dade County.

Awarded Contractor

A Miscellaneous Construction Contract, Request for Price Quotation was issued under full and open competition. Three (3) bids were received in response to the solicitation. The lowest priced, responsive and responsible bidder is recommended for award in accordance with the solicitation.

Vendor	Principal Address	Principal
Tri Con Works, LLC	1211 Hollywood St Houston, TX 77015	Sarah Humphries

Due Diligence

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

Applicable Ordinances and Contract Measures

- User Access Program Provision (2%)
- Small Business Enterprise Construction (5%)
- Small Business Enterprise Services (1.73%)
- Community Workforce Program (10%)
- Employ Miami-Dade Program
- Residents First Training and Employment Program
- Living Wages are not applicable to the project
- Responsible Wages (Heavy Construction)

DEPARTMENT OF
SOLID WASTE MANAGEMENT
FINANCIAL CONCURRENCE:



ASSISTANT DIRECTOR OF
ADMINISTRATION, DSWM

2021/08/30
DATE

CHARTFIELD(S)
(INDEX CODE):

SWCP010208
(SWED0SDLGAS0)

APPROVED AS TO
LEGAL
SUFFICIENCY:



COUNTY ATTORNEY

09/02/21
DATE

DEPARTMENT OF
SOLID WASTE MANAGEMENT
CONCURRENCE:



DIRECTOR, DSWM

9/10/21
DATE

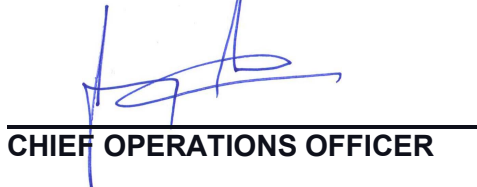
BUDGET
APPROVAL
FUNDS AVAILABLE:



BUDGET DIRECTOR

9/9/2021
DATE

APPROVED PURSUANT
TO SECTION 2-8.1 OF
THE CODE:



CHIEF OPERATIONS OFFICER

9/13/2021
DATE

CLERK:

DATE

EXHIBIT "1"

Memorandum



DATE: June 14, 2021

TO: Ivonne Andres, Manager
Contracts and Procurement
Department of Solid Waste Management

FROM: Gary Hartfield, Division Director
Internal Services Department
Small Business Development

A handwritten signature in blue ink, appearing to be "G. Hartfield", written over the "FROM" field.

SUBJECT: Compliance Review
Project RPQ No. 17032-21
Department of Solid Waste Management's South Dade Landfill Gas System Expansion

Small Business Development (SBD), a division of the Internal Services Department has completed its review of the subject project for compliance with the Small Business Enterprise Program for Construction (SBE-Con) and Small Business Enterprise Program for Services. The contract measures established for this project are a 5.00% SBE-Con subcontractor goal and a 1.73% SBE-Service subcontractor goal.

Miami-Dade County's Department of Solid Waste Management submitted Certificate of Assurance forms for the firms listed below. A Utilization Plan (UP) was requested from each firm via SBD'S Business Management Workforce System (BMWS). All three firms submitted a UP identifying the certified SBE subcontractors the bidder will to utilize to meet the required SBE measures. The following is the pre-award compliance status and summary:

STATUS:

- | | |
|--|-----------|
| 1. Carlson Environmental Consultants, PC | Compliant |
| 2. Stearns Conrad and Schmidt Consulting Engineers | Compliant |
| 3. Tri Con Works, LLC | Compliant |

SUMMARY:

Carlson Environmental Consultants, PC (#1), a non-certified SBE firm committed to utilize the following certified SBE-Con firms to satisfy the 5.00% SBE-Con subcontractor goal: Concrete By M&J Inc. to perform concrete pad work at 0.237% and W & N Electrical Contractor, Inc. to perform electrical contractor work at 5.157%. Carlson Environmental Consultants, PC also committed to utilize the following certified SBE-Service firm to satisfy the 1.73% SBE-Service subcontractor goal: Cam Fleet Service Corp to perform fuel supplying services at 1.751%. Each subcontractor confirmed their participation via BMWS. The Utilization Plan submitted by Carlson Environmental Consultants, PC was approved pursuant to the firm's commitment to achieve an overall 5.394% SBE-Con subcontractor goal and 1.751% SBE-Service subcontractor goal.

Carlson Environmental Consultants, PC is in compliance with the 5.00% SBE-Cons subcontractor goal and 1.73% SBE-Service subcontractor goal established for this contract and is compliant with Implementing Order 3-22, which governs the SBE-Con program and Implementing Order 3-41, which governs the SBE-Service program.

Stearns Conrad and Schmidt Consulting Engineers (#2), a non-certified SBE firm committed to utilize the following certified SBE-Con firm to satisfy the 5.00% SBE-Con subcontractor goal: Elexcel Electrical Contractor, LLC to perform electrical work at 5.00%. Stearns Conrad and Schmidt Consulting Engineers also committed to utilize the following certified SBE-Service firms to satisfy the 1.73% SBE-Service subcontractor goal: Epperson Cranes, Inc. to perform crane and buckets rental services at 0.184% and

Longitude Surveyors, LLC to perform land surveying services at 1.547%. Each subcontractor confirmed their participation via BMWS. The Utilization Plan submitted by Stearns Conrad and Schmidt Consulting Engineers was approved pursuant to the firm's commitment to achieve an overall 5.00% SBE-Con subcontractor goal and 1.731% SBE-Service subcontractor goal.

Stearns Conrad and Schmidt Consulting Engineers is in compliance with the 5.00% SBE-Cons subcontractor goal and 1.73% SBE-Service subcontractor goal established for this contract and is compliant with Implementing Order 3-22, which governs the SBE-Con program and Implementing Order 3-41, which governs the SBE-Service program.

Tri Con Works, LLC (#3), a non-certified SBE firm committed to utilize the following certified SBE-Con firms to satisfy the 5.00% SBE-Con subcontractor goal: Global Electrical Contractor Corp to perform electrical work at 5.67% and Homestead Concrete & Drainage, Inc. to perform concrete work at 0.652%. Tri Con Works, LLC also committed to utilize the following certified SBE-Service firm to satisfy the 1.73% SBE-Service subcontractor goal: Bello and Bello Land Surveying Corporation to perform land surveying services at 1.732%. Each subcontractor confirmed their participation via BMWS. The Utilization Plan submitted by Tri Con Works, LLC was approved pursuant to the firm's commitment to achieve an overall 6.322% SBE-Con subcontractor goal and 1.732% SBE-Service subcontractor goal.

Tri Con Works, LLC is in compliance with the 5.00% SBE-Cons subcontractor goal and 1.73% SBE-Service subcontractor goal established for this contract and is compliant with Implementing Order 3-22, which governs the SBE-Con program and Implementing Order 3-41, which governs the SBE-Service program.

Please note that SBD's staff reviewed the specifics for compliance with the SBE-Con & SBE-S programs. The Contracts and Procurement Section of the Department of Solid Waste Management is responsible for any other issues that may exist. Should you have any questions or need any additional information, please do not hesitate to call Tyrone White, SBD Capital Improvement Project Specialist at (305) 375-2824.

c: Laurie Johnson, SBD, ISD
Karina Careaga, DSWM
File

EXHIBIT "2"

Harvey Ruvin

CLERK OF THE CIRCUIT AND COUNTY COURTS
Miami-Dade County, Florida



CLERK OF THE BOARD OF COUNTY COMMISSIONERS

STEPHEN P. CLARK CENTER

SUITE 17-202

111 N.W. 1st Street

Miami, FL 33128-1983

Telephone: (305) 375-5126

August 3, 2021

Mr. Thomas Barham
SCS Field Services
11260 Roger Bacon Drive, Suite 300
Reston, VA 20190

Re: RPQ NO. 17032-21 Department of Solid Waste Management's South Dade Landfill Gas
System Expansion

Dear Mr. Barham:

Forwarded for your information is a copy of the Findings and Recommendation filed by Judge Steven Robinson, Hearing Examiner, in connection with the bid protest hearings, held on Thursday, July 29, 2021.

Should you have any questions regarding this matter, please do not hesitate to contact Daysha McBride at 305-375-1293.

Sincerely,

HARVEY RUVIN, Clerk
Circuit and County Courts

By 
Melissa Adames, Director
Clerk of the Board Division

Ma/dmcb

CC: Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners
(via email)
Honorable Daniella Levine Cava, Mayor, Miami-Dade County (via email)
Jimmy Morales, Chief Operations Office, Mayor's Office (via email)
Edward Marquez, Director, Finance Department (via email)

Mr. Barham
Page 2
August 3, 2021

Geri Bonzon-Keenan, County Attorney (via email)
Gerald Sanchez, First Assistant County Attorney (via email)
Eduardo Gonzalez, Assistant County Attorney (via email)
David Hope, Assistant County Attorney (via email)
Jenelle Snyder, County Attorney's Office (via email)
Elizabeth Alfonso Ruiz, County Attorney's Office (via email)
Lourdes Suarez, County Attorney's Office (via email)
Adeyinka Majekodunmi, Commission Auditor (via email)
Namita Uppal, Chief Procurement Officer, Internal Services (via email)
Jeanise Cummings-Labossiere, SBD Section Chief, Internal Services (via email)
Laurie Johnson, SBD Section Chief, Internal Services (via email)
Michael W. Ruiz, Assistant Director, Administration (via email)
Achaya Kelapanda, Assistant Director, Technical Services, DSWM (via email)
Cesar Ruiz Jr., Transit Purchasing & Stores Supervisor, Materials Management, DSWM
(via email)
Ivonne Andres, Contract Manager, DSWM (via email)
AKovalcik@moopd.com Moye O' Brien, Pickert, Dillon & Masterson (via email)
kwalker@triconworks.com, Tri Con Works, LLC (via email)
tbarham@scsengineers.com, Stearns, Conrad And Schmidt, Consulting Engineers, Inc.
Dba Scs Field Services (via email)
snunes@cecenv.com, Carlson Environmental Consultants, PC (via email)

**CLERK OF THE BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

In re: Bid Protest of

RPQ NO. 17032-21 Department of Solid Waste Management's South Dade Landfill Gas System Expansion

Hearing Examiner's Report and Findings and Recommendation

A hearing was held on Thursday, July 29, 2020, beginning at 2:00 p.m. remotely via Zoom on the bid protest filed by Petitioner, Stearns, Conrad and Schmidt, Consulting Engineers, Inc. d/b/a SCS Field Services ("SCS") of Respondent, Miami-Dade County's (the "County") decision to recommend the award of the Contract for Request for Price Quotation ("RPQ") No. 17032-21, Department of Solid Waste Management's South Dade Landfill Gas System Expansion (the "Project") to Intervenor, Tri Con Works, LLC ("Tri Con").

Present at the hearing for SCS was Guy Lewis, Vice President, Regional Construction Manager; Steve Smith, Senior Project Negotiator; Thomas W.A. Barham, Senior Vice President; and Kathryn T. Harris, Corporate Counsel. Present at the hearing for the County was Laurie Johnson, Small Business Development Section Chief, Internal Services Department; and David Stephen Hope, Assistant County Attorney. Present at the hearing for Tri Con was Roger Gossett, President & CEO of Tri Con Holdings; and Anthony R. Kovalcik, with the law firm of Moye O'Brien, Pickert, Dillon & Masterson, LLP.

All documents listed on SCS's "List of Exhibits" dated July 23, 2021 (Exhibit Numbers P1 through P10), and all documents listed on the County and Tri Con's "Joint Exhibit List" dated July 26, 2021 (Exhibits Letters A through I) were admitted into evidence.

On July 28, 2021, SCS filed a "List of Rebuttal Exhibits" (Exhibit Numbers P11 through P17) to which the County and Tri Con filed, on July 29, 2021, their "Joint Objections and Motion

to Strike SCS' Unauthorized and Improper 'List of Rebuttal Exhibits'". At the hearing, SCS did not seek to move any of the Rebuttal Exhibits into evidence and no such exhibits were admitted into evidence.

Testimony at the hearing was heard from the following witnesses: Mr. Lewis and Ms. Johnson who were subject to direct, cross-examination and re-direct examination. SCS, the County and Tri Con gave opening statements. SCS and the County gave closing statements. The hearing concluded at 4:51 p.m.

Agreed Upon Stipulations of Fact

On July 28, 2021, SCS, the County and Tri Con filed the following stipulations of fact:

1. On April 15, 2021, the County's Department of Solid Waste Management ("DSWM"), issued a request for price quotation ("RPQ"), RPQ No. 17032-21 for DSWM's South Dade Landfill Gas System Expansion, Contract No. CICC 7360 Plan (the "Project").
2. Special Provision 2.0 of the RPQ provides that the bidders shall comply with Section 10.33.02 of the Code of Miami-Dade County, Fla. (the "Code"), and Implementing Order ("IO") No. 3-22, Small Business Enterprise Construction Services Program.
3. Special Provision 3.0 of the RPQ provides the following:

3.0 CERTIFICATE OF ASSURANCE (COA) AND UTILIZATION PLAN (UP):

For all projects with approved SBE-CONS, SBE-A/E, SBE-G, and SBE-S "Set-Aside" or "Goal" measures, all bidders are required to submit a Small Business Development (SBD) Certificate of Assurance (COA) at the time of bid submission. The COA must be completely filled out, signed, notarized, and submitted with each bid in order for the bidder to be deemed compliant by SBD. **Failure to submit the required COA at the time of bid submittal will result in the bidder being deemed non-compliant and not eligible for award of the contract.**

Successful first, second, and third ranked bidders will subsequently be notified to complete a Utilization Plan (UP), within a specified time frame, for SBD's review and approval via Miami-Dade County's online Business Management Workforce System (BMWS). The UP shall list all certified Miami-Dade County Small

Business Enterprise (SBE) subcontractor(s), subconsultant(s), and/or sub-vendor(s) that will satisfy the project's established SBE measure(s). Each SBE subcontractor, subconsultant, and/or sub-vendor will also be required to confirm its contractual relationship via BMWS, within the specified time frame, for final approval by SBD. The COA and UP requirements do not apply to "No Measure" open market projects; however, all prime and subcontractor(s), subconsultant(s), and/or sub-vendor(s) will be required to report and confirm all payments made on Miami-Dade County projects.

4. The RPQ set a 5% Small Business Enterprise-Construction ("SBE-Con") subcontractor participation goal for concrete and electrical work, and a 1.73% Small Business Enterprise-Services ("SBE-S") subcontractor participation goal.

5. Per the RPQ, the bidders submitted a COA with their bids.

6. On May 19, 2021, the County received bids from Tri Con, SCS and Carlson Environmental Consultants, PC ("Carlson"). Tri Con's bid was lowest at \$2,902,751.60 and SCS's bid was next lowest at \$3,063,708.00.

7. On its COA, instead of filling in 5% for the SBE-Con goal and 1.73% for the SBE-S goal, Tri Con hand wrote listing in 2.6% for the SBE-Con goal and 1.45% for the SBE-S goal.

8. Following submission of their bids, Tri Con and SCS submitted their respective Utilization Plans, the subcontractors to be used and the amount of the subcontracted work.

9. The COA provides in part:

The bidder/proposer is committed to meeting the established measure(s) assigned to this project: ___%SBE-A/E, ___%SBE-Cons, ___Trade Set-aside SBE-Cons, ___%SBE-G, and/or ___%SBE-S.
(For Goals, write in the percentage. For Set-aside, put a check mark or x.)

Print Prime Bidder's Name & Title

Prime Bidder's Signature

Date

To satisfy the requirements for Step 1 – Bid Submittal and Compliance with Small Business Enterprise Program(s), the following are required:

1. Acknowledgement of the SBE-A/E, SBE-Cons, SBE-G and/or SBE-S measure(s) established for this project via this Certificate of Assurance.

2. Agree to engage in the solicitation of approved Miami-Dade County Small Business Enterprise firm(s) to achieve the established measure(s) as indicated in the Project Documents (specifications).
3. Agree to submit a list of certified SBEs to satisfy the measures via Miami-Dade County's Business Management Workforce System ("BMWS") within the specified timeframe, upon email notification from the Small Business Development ("SBD") Division or BMWS.

To satisfy the requirements for Step 2 – Bid Evaluation and Recommendation for Award, please attest that:

I understand that my company will be deemed non-compliant and not eligible for award if I fail to (1) submit this form with my bid documents and/or (2) submit my company's Utilization Plan which shall list all certified Miami-Dade County Small Business Enterprise firms whom will be subcontracted with to satisfy the project's established SBE measure(s) via BMWS, within the specified timeframe, upon email notification from SBD or BMWS. Each SBE subcontractor, subconsultant, and/or sub-vendor will also be required to confirm its contractual relationship via BMWS, within the specified timeframe, for final approval by SBD.

10. On June 14, 2021, SBD issued its Compliance Review Memorandum of the bidders and found all three bidders compliant.

11. The SBD's Compliance Review Memorandum, signed by Gary Hartfield, SBD's Division Director, states that Tri Con committed to use the following certified SBE subcontractors:

- Global Electrical Contractor Corp. to perform electrical work at 5.67%
- Homestead Concrete & Drainage, Inc. to perform concrete work at 0.652%
- Bello and Bello Land Surveying Corporation to perform land surveying services at 1.73%

12. SBD's Compliance Review Memorandum further states that "[e]ach subcontractor confirmed their participation", and that "[t]he Utilization Plan submitted by Tri Con Works, LLC was approved pursuant to the firm's commitment to achieve an overall 6.322% SBE-Con subcontractor goal and 1.732% SBE-Service subcontractor goal."

13. In its Compliance Review Memorandum, SBD states:

Tri Con Works, LLC is in compliance with the 5.00% SBE-Cons subcontractor goal and 1.73% SBE-Service subcontractor goal

established for this contract and is compliant with Implementing Order 3-22, which governs the SBE-Con program and Implementing Order 3-41, which governs the SBE-Service program.

14. On June 23, 2021, DSWM filed its Recommendation for Award of the Contract to Tri Con in the amount of \$2,902,751.60, and also emailed the award recommendation to Tri Con, SCS, and Carlson.

15. On June 23, 2021, Guy Lewis, Vice President, Regional Construction Manager for SCS, emailed Ivonne Andres, DSWM's Contracts & Procurement Manager, and stated: "I assume its safe to say the Tricon [sic] Works has successfully meet the SBE participation goals of (SBE-Con 5% and SBE-S 1.73%). Is it possible to get a copy of their proposal for verification? I assume the window for any type of award protest would be short."

16. On June 24, 2021, in response to Mr. Lewis's email, Mr. Lewis received an email from Katherine Hassun, Purchasing Specialist for Miami-Dade Department of Solid Waste Management Procurement Unit.

17. Ms. Hassun's email referred Mr. Lewis to the County's highlighted responses to his email to Ms. Andres, which stated: "I assume its safe to say the Tricon [sic] Works has successfully meet the SBE participation goals of (SBE-Con 5% and SBE-S 1.73%). Yes, Tri-Con Works, LLC cured this issue; Is it possible to get a copy of their proposal for verification? Please refer to the attached I assume the window for any type of award protest would be short. Please refer to RPQ No.: 17032-21, Bid Documents that contain Bid Protest Procedures."

18. On June 28, 2021, SCS filed its Notice of Intent to Protest and Protest.

19. SCS did not make a public records request within three (3) days of filing its Notice of Protest and Protest.

Findings and Recommendations

Having considered SCS's written Protest, the County's and Tri Con's July 22, 2021 written "Joint Response in Opposition to SCS Field Services' Protest", the exhibits admitted into evidence, the parties' Agreed Upon Stipulations of Fact, the testimony of the witnesses, and the opening and closing arguments of counsel, the Hearing Examiner, pursuant to the Code of Miami-Dade County (the "Code"), Section 2-8.4(c), makes the following Findings and Recommendations:

I. Tri Con submitted a responsive, compliant bid in response to the County's RPQ for the Project.

II. The County did not act fraudulently, arbitrarily, capriciously, illegally, or dishonestly in determining that Tri Con met the required SBE goals on the Project and in recommending award of the Contract on the Project to Tri Con, the lowest responsive and responsible bidder.

III. There was no wrongdoing by the County during the procurement process and recommendation of award for the RPQ. There was also no wrongdoing by Tri Con during or after its bid submittal.

IV. Mere speculation as to the possibility that Tri Con had an unfair advantage and that there was prejudice to SCS resulting from the Certificate of Assurance submitted by Tri Con with its bid, is insufficient to sustain SCS's bid protest.

V. The Utilization Plan was the most important factor considered by the County in determining whether Tri Con's bid met the Small Business Enterprise goals established in the RPQ for the Project.

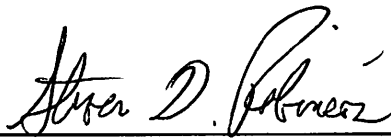
VI. The County is entitled to deference as to its interpretation of the Code, Implementing Orders and Procurement Manual, and as to its procedures in determining whether a bidder has complied with Small Business Enterprise goals established on procurements.

VII. The County's interpretation of the Code, Implementing Orders and Procurement Manual, and its procedures in determining that Tri Con complied with the Small Business Enterprise goals on the RPQ for the Project at issue was reasonable.

VIII. The Hearing Officer concurs with the County's recommendation that award of the Contract on the Project be made to Tri Con.

IX. Therefore, the Hearing Examiner recommends to the County Mayor that SCS's bid protest be **denied** and that the Contract on the Project be awarded to Tri Con.

Dated: August 3, 2021
Miami, Dade County, Florida


Judge Steven Robinson, Hearing Examiner

cc:

Katherine T. Harris, SCS Corporate Counsel
Thomas W.A. Barham, SCS Vice President
David Stephen Hope, Assistant County Attorney
Eduardo Gonzalez, Assistant County Attorney
Anthony R. Kovalcik, Counsel for Tri Con



MEMORANDUM

(Revised)

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

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(M)(1)

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(M)(1)
10-5-21

RESOLUTION NO. R-915-21

RESOLUTION APPROVING THE AWARD OF CONTRACT FOR CONSTRUCTION SERVICES FOR THE DEPARTMENT OF SOLID WASTE MANAGEMENT'S SOUTH DADE LANDFILL GAS SYSTEM EXPANSION, MISCELLANEOUS CONSTRUCTION CONTRACT, REQUEST FOR PRICE QUOTATION NUMBER 17032-21, BETWEEN MIAMI-DADE COUNTY AND TRI CON WORKS, LLC IN THE AMOUNT OF \$2,902,751.60, INCLUSIVE OF A BASE BID AMOUNT OF \$2,577,956.00, A CONTINGENCY ALLOWANCE ACCOUNT OF \$257,795.60 AND DEDICATED ALLOWANCE ACCOUNT AMOUNT OF \$67,000.00 FOR A TERM OF 240 DAYS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND EXERCISE ALL PROVISIONS INCLUDING TERMINATION AND RENEWAL PROVISIONS

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:

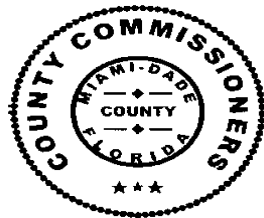
Section 1. Approves the award for construction services for the Department of Solid Waste Management's South Dade Landfill Gas System Expansion, Miscellaneous Construction Contract, Request for Price Quote No. 17032-21 between Miami-Dade County and Tri Con Works, LLC in the amount of \$2,902,751.60, inclusive of a base bid amount of \$2,577,956.00, a Contingency Allowance Account of \$257,795.60 and Dedicated Allowance Account of \$67,000.00, for a term of 240 days.

Section 2. Authorizes the County Mayor or Designee to execute the contract and to exercise all rights contained therein, including any termination and renewal provisions.

The foregoing resolution was offered by Commissioner **Raquel A. Regalado**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of October, 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

dsh

David Stephen Hope