

Memorandum



Date: October 6, 2022

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

Agenda Item No. 8(F)(11)

From: Daniella Levine Cava
Mayor 

Resolution No. R-926-22

Subject: Recommendation for Approval of Additional Time and Expenditure Authority under Designated Purchase Contract No. SS-10099, Genetics Analyses in Waters

Summary

This item is additional time and expenditure authority under a designated purchase contract for genetic analyses services for the Department of Regulatory and Economic Resources (RER). These services will allow RER to continue their investigation to determine the cause of widespread seagrass decline in the Biscayne Bay, as well as the impacts to other habitats and water quality due to sewage and nutrient loading into waterways. LuminUltra, the awardee, provides the only microbial source tracking laboratory located in South Florida which is qualified and accredited to provide the source identifier, detection method and analytical approach required to evaluate samples in a saltwater environment, and in an environmental context to identify potential sources of bacterial contamination to meet the County's monitoring needs.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve this request for additional time and expenditure authority under designated purchase *Contract No. SS-10099, Genetic Analyses in Waters* for RER. Approval of a designated purchase is requested, pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code, by a two-thirds vote of the members present, to authorize additional expenditure authority in the amount of \$1,000,000 and extension of the contract for an additional four-year period with existing terms and conditions. The Small Business Development Division performed a Verification of Availability with certified Small Business Enterprise firms. It should be noted that no firm responded confirming their ability to meet the contract requirements which resulted in the No Measure recommendation.

The additional time and expenditure authority will ensure continuity of services required to fulfill mandates of Resolution No. R-612-19, requiring staff to carry out the directive to update the County's Water Quality Monitoring Network as "expeditiously as possible." Further, the Resolution directs the County Mayor or County Mayor's designee to inform the Board as to any additional resources that the administration may need to prioritize and expedite the work.

Background

This sole source contract was awarded under delegated authority to LuminUltra Technologies, Inc. (LuminUltra) on March 30, 2021 for a one-year term with an allocation of \$250,000.

Market research was conducted to determine if services provided by other laboratories were capable to meet the County's monitoring needs to ultimately identify and understand sources of bacteria and other contaminants. Specifically, Avomeen, BioRad and EMSL laboratories were evaluated because of their reported ability to detect sources of bacteria. However, most of these and other laboratories are oriented toward food safety, workplace safety, safety in manufacturing goods for consumption or use, medical research, or medical/clinical hygiene, which are not the same as the services needed by the County. Some of these services, using protocols similar to the ones used by RER, were found in some Florida university laboratories, but had limited ability to provide the scale or frequency of services for which the

County has a demonstrated need. Furthermore, laboratories that could provide this service were not based in Florida and did not meet the strict holding time for the samples as established by U.S. Environmental Protection Agency (EPA)'s Standard Operating Procedure (SOP). Lastly, the County's lab cannot perform bacteria source tracking or any related testing.

Therefore, it was determined by County staff that these other laboratory resources were unsuitable to implement the microbial source tracking studies in terms of location, methods, purposes and technology used to suit the unique requirements demanded by the type of study and standards suggested by the U.S. Geological Surveys published report "Selection and Application of Microbial Source Tracking Tools for Water-Quality Investigations."

A non-competitive approach was used to establish an agreement with LuminUltra, as this is the only firm that meets the County's monitoring needs, which employs the protocols recommended by the U.S. Geological Survey regarding the Water-Quality investigations; and provides a marine-environment oriented laboratory, which meets the EPA's SOP holding time for laboratory processing requirements (eight hours maximum). LuminUltra is uniquely suited to process samples from the marine environment, with measurements against flora and fauna present in subtropical marine environments. Additionally, LuminUltra is the only commercial microbial source tracking laboratory accredited in accordance with the recognized international standard (ISO/IEC 17025:2005) in South Florida; and is able to provide real-time testing to identify the sources of fecal indicator bacteria and other related bacterial issues in Biscayne Bay and its watershed.

RER uses this contract in support of the County's investigations, at the direction of the State of Florida, to address issues of non-compliance in meeting standards required by the National Pollution Discharge Elimination System (NPDES) permit administered by the Florida Department of Environmental Protection. Additional investigations are necessary to determine potential sources of fecal indicator bacteria in various waterbodies within the Biscayne Bay watershed. Additionally, in 2020, the Board passed Resolution No. R-145-20 that directs staff, in part, to summarize "ongoing efforts to use DNA analysis [i.e., bacteria source tracking] to determine the source of fecal indicator bacteria in County waters...." The use of microbial source tracking tools and technology for these and other water quality investigations are part of the County's efforts to identify and eliminate or reduce pollution impacting water quality and the ecological health of Biscayne Bay, including seagrass impacts, algal blooms, and fish kills.

Given the requirements provided under Resolution No. R-612-19 and the benefits obtained from the current contract, it is in the best interest of the County to authorize this designated purchase pursuant to Section 2-8.1(b)(3) of the County Code to allow RER to continue investigations to determine the cause of widespread seagrass decline in the Biscayne Bay. RER will continue to conduct market research on an ongoing basis to ensure the County is using the most cost-effective solution to conduct the investigation before the expiration of the contract term requested in this item.

Scope

The impact of this item is countywide in nature.

Delegated Authority

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

Fiscal Impact/Funding Source

The contract term expires on October 31, 2022 and has a current cumulative allocation of \$250,000. If this request is approved, the contract will have a modified cumulative allocation of \$1,250,000 and will

expire on October 31, 2026. The requested increase in expenditure authority is based on current usage of the contract. The additional expenditure for this year was approved by the Board as part of the fiscal year 2021-2022 County budget.

Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Cumulative Allocation	Funding Source	Contract Manager
Regulatory and Economic Resources	\$250,000	\$1,000,000	\$1,250,000	Proprietary Revenue	Manuel Blanco
Total:	\$250,000	\$1,000,000	\$1,250,000		

Track Record/Monitor

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

Awarded Vendor

Vendor	Principal Address	Local Address	Principal
LuminUltra Technologies, Inc.	1448 S Rolling Road Suite 212 Baltimore, MD	15280 NW 79 Court Suite 107 Miami Lakes, FL	Pat Whalen

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 contractor responsibility, including verifying corporate status and review of performance and compliance issues through various vendor responsibility lists and a key word internet search. The lists 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

- The two percent User Access Program provision applies where permitted by the funding source.
- The SBE measures and Local Preference did not apply to this sole source contract.
- The Living Wage does not apply as the services to be procured are not covered services under the Ordinance.


Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: October 6, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(11)

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)(11)
10-6-22

RESOLUTION NO. _____ R-926-22

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING FOUR YEAR EXTENSION OF THE CONTRACT WITH THE EXISTING TERMS AND CONDITIONS AND ADDITIONAL EXPENDITURE AUTHORITY FOR LUMINULTRA TECHNOLOGIES, INC. IN AN AMOUNT UP TO \$1,000,000.00, FOR A MODIFIED TOTAL CONTRACT AWARD OF \$1,250,000.00 FOR CONTRACT NO. SS-10099 FOR THE PURCHASE OF GENETIC ANALYSES IN WATERS FOR THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY RENEWAL, EXTENSION OR CANCELLATIONS 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:

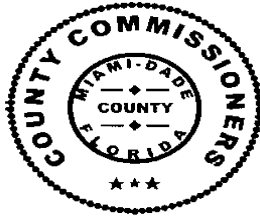
Section 1. This Board finds it is in the best interest of Miami-Dade County to approve a designated purchase to authorize a four-year extension of the contract with the existing terms and conditions and additional expenditure authority for LuminUltra Technologies, Inc. in an amount up to \$1,000,000.00, for a modified total contract award of \$1,250,000.00 for Contract No. SS-10099 for the purchase of genetic analyses in waters for the Department of Regulatory and Economic Resources, pursuant to section 2-8.1(b)(3) of the County Code, by a two-thirds vote of the Board Members present.

Section 2. This Board authorizes the County Mayor or County Mayor’s designee to exercise all provisions of the contract, including any renewal, extension or cancellation provisions, pursuant to section 2-8.1 of the County Code and Implementing Order 3-38. A copy of the original contract is available upon request from the Internal Services Department, Strategic Procurement Division.

The foregoing resolution was offered by Commissioner **Sally A. Heyman** , who moved its adoption. The motion was seconded by Commissioner **Keon Hardemon** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	absent	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	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 6th day of October, 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "Eduardo W. Gonzalez", is written over a horizontal line.

Eduardo W. Gonzalez