

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

Memorandum



Date: February 7, 2023

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

From: Daniella Levine Cava
Mayor 

Agenda Item No. 8(P)(9)

Subject: Request for Additional Expenditure Authority to Contract No. FB-00035-1, Cryogenic Oxygen Plant Maintenance and Technical Support Services Resolution No. R-81-23

Summary

This item is requesting approval of additional expenditure authority to allow the Miami-Dade Water and Sewer Department (WASD) to continue purchasing necessary retrofitting, repair, upgrade, maintenance and technical support services for the remaining seven cryogenic oxygen plants that produce pure oxygen for the treatment of wastewater at the three wastewater treatment facilities operated by the Department.

Most of these cryogenic oxygen plants were built in the late 1970s and early 1980s, and like most aging infrastructure nearing the end of its useful life, require increasingly more maintenance to remain operable and provide the necessary level of service to meet regulatory requirements. The historic lack of funding for infrastructure and the subsequent limited resources to provide optimal maintenance has manifested in systems and equipment experiencing a steep decline in condition and requiring retrofitting, as well as frequent repair. Because of the extensive repairs to the plants at all three wastewater treatment facilities, as well as additional and unforeseen project control integration to comply with the Consent Decree, the current contract funding has been depleted.

This additional expenditure will benefit the County, if funding for proper repair and maintenance is not available and a cryogenic oxygen plant fails, then liquid oxygen will need to be purchased at more than \$450,000 per month for each plant that is not in service. Additionally, these systems perform a critical step in the process to treat organic contaminants and reduce biological oxygen demand. Without the funding to support optimal operations and maintenance, the wastewater treatment facilities' ability to meet its operating permits will be in jeopardy. This request is part of a long-term strategy to move into a proactive era of investing in our infrastructure and workforce to maintain a sustainable and resilient system to better serve the community in Miami-Dade County.

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize additional expenditure authority to *Contract No. FB-00035-1, Cryogenic Oxygen Plant Maintenance and Technical Support Services*, for WASD. They are requesting \$720,000 in additional expenditure authority to continue to purchase retrofitting, repairs, upgrades, maintenance and required technical support services for seven cryogenic oxygen plants at its wastewater treatment facilities throughout the remainder of the contract term. The Small Business Enterprise (SBE) Bid Preference was included in the solicitation but did not impact the award, as the awarded vendor is not an SBE firm. There were no adverse findings relating to contractor responsibility.

Background

This contract was established by the Board through Resolution No. R-805-14, for a five-year term with one, five-year option to renew term, and a cumulative allocation of \$5,270,000 for Water and Sewer. The contract was subsequently modified under delegated authority to provide \$1,054,000 in additional expenditure authority. The contract is currently in the option to renew period.

Water and Sewer uses this contract to purchase cryogenic oxygen plant maintenance and technical support services to meet their operational needs. Additional expenditure authority is needed to continue to pay for the maintenance and rehabilitation of the cryogenic oxygen plants to produce pure oxygen for the treatment of wastewater. The current contract funding was depleted earlier than anticipated due to unplanned additional work involving extensive repairs to the cryogenic plants at the North Dade and South Dade District Wastewater Treatment Plants due to age, fatigue and moisture collecting inside the cryogenic cold boxes used to minimize heat leakage to the environment. Funding was also required to meet Consent Decree project control integration needs at the two plants, which were not originally anticipated at the inception of the contract. The additional funding will ensure continuity of services for the remainder of the contract term.

It is not feasible to purchase and transport liquid oxygen in the amounts needed for an extended period to meet treatment process requirements. Therefore, it is in the County's best interest to approve this modification.

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 cancellation or extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Fiscal Impact/Funding Source

The contract has a current cumulative allocation of \$6,324,000. If this request is approved, the contract will have a modified cumulative allocation of \$7,044,000 and will expire on September 30, 2024. The requested increase in expenditure authority is based on WASD's current and anticipated usage for maintenance and rehabilitation of the cryogenic oxygen plants for the remainder term of the contract.

Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Cumulative Allocation	Funding Source	Contract Manager
Water and Sewer	\$6,324,000	\$720,000	\$7,044,000	Proprietary Funds	Fredrick Taylor
Total:	\$6,324,000	\$720,000	\$7,044,000		

Track Record/Monitor

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

Awarded Vendor

Vendor	Principal Address	Local Address	Principal
Mohawk Cryo, LLC	1337 101 Street Niagara Falls, NY	None	David Martin

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 keyword 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.
- The Small Business Enterprise Bid Preference and Local Preference included in the solicitation but did not impact the award.
- 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 Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(P)(9)

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(P)(9)
2-7-23

RESOLUTION NO. _____ R-81-23

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$720,000.00 FOR A TOTAL MODIFIED CONTRACT AMOUNT OF \$7,044,000.00 FOR CONTRACT NO. FB-00035-1 FOR THE PURCHASE OF CRYOGENIC OXYGEN PLANT MAINTENANCE AND TECHNICAL SUPPORT SERVICES FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, 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:

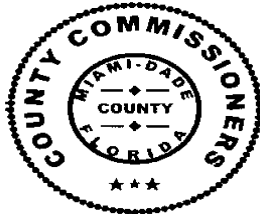
Section 1. This Board authorizes additional expenditure authority under Contract No. FB-00035-1 for the purchase of Cryogenic Oxygen Plant Maintenance and Technical Support Services for the Miami-Dade Water and Sewer Department in an amount up to \$720,000.00, for a total modified contract amount of \$7,044,000.00, as set forth in the incorporated memorandum.

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

The foregoing resolution was offered by Commissioner **Anthony Rodriguez**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of February, 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in cursive script, appearing to read "OR", is written over a horizontal line.

Oren Rosenthal