

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

Agenda Item No. 11(A)(9)

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

DATE: July 6, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to amend the report issued every six months pursuant to Resolution No. R-847-22 to include information relating to the status of companies that damage Miami-Dade Water and Sewer Department's sewer pipes during construction; and to continue to provide such report to the Board every six months

Resolution No. R-656-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.


Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001



MEMORANDUM

(Revised)

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

DATE: July 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(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. 11(A)(9)
7-6-23

RESOLUTION NO. R-656-23

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AMEND THE REPORT ISSUED EVERY SIX MONTHS PURSUANT TO RESOLUTION NO. R-847-22 TO INCLUDE INFORMATION RELATING TO THE STATUS OF COMPANIES THAT DAMAGE MIAMI-DADE WATER AND SEWER DEPARTMENT'S SEWER PIPES DURING CONSTRUCTION; AND TO CONTINUE TO PROVIDE SUCH REPORT TO THE BOARD EVERY SIX MONTHS

WHEREAS, Miami-Dade Water and Sewer Department ("WASD") maintains more than 8,500 miles of underground water lines, as well as approximately 4,100 miles of sewer lines, serving 2.3 million residents and thousands of visitors; and

WHEREAS, continuous, uninterrupted sewer service to Miami-Dade County residents is imperative to ensure that residents' lives are not unnecessarily interrupted, and that the beautiful South Florida environment is protected; and

WHEREAS, often contractors performing work in Miami-Dade County strike and damage WASD's infrastructure, including wastewater or water mains; and

WHEREAS, when a contractor damages a wastewater main, this can result in wastewater flowing into the County's waters, including the Biscayne Bay, which can consequently result in environmental damage as well as the inability to enjoy those waters until the water is tested and deemed safe; and

WHEREAS, on September 1, 2022, this Board adopted Resolution No. R-847-22, which directed the County Mayor or County Mayor's designee to prepare a report regarding companies that damage WASD's sewer pipes during construction, including, among other things: (a) the

location of any WASD equipment that has been damaged by a contractor or subcontractor working in Miami-Dade County; (b) the identity of the company or companies that caused or contributed to such damage; (c) the date the damage occurred; (d) the total estimated cost or actual cost necessary to repair the damaged equipment; (e) whether the contractor has agreed to pay for the repair; and (f) if the contractor has not agreed to pay for the repair, a description of the efforts that the County and to update such report every six months thereafter; and

WHEREAS, on October 25, 2022, the County Mayor presented the first report to this Board; and

WHEREAS, it was evident from the first report that several contractors continually damage WASD's underground facilities without compensating the County for such damage within a reasonable time; and

WHEREAS, section 10-38 of the Miami-Dade County Code, which concerns debarment of contractors from County work, lays out procedures for preventing individuals or entities from contracting or subcontracting with the County for a reasonable, specified period; and

WHEREAS, this Board believes that contractors that continually damage WASD infrastructure and fail to make the County whole from such damage demonstrate a lack of business integrity and honesty which seriously impacts said contractors' responsibility; and

WHEREAS, on March 7, 2023, this Board adopted Ordinance No. 23-14 and amended section 10-8 of the Miami-Dade County Code to include negligently causing damage to an underground facility, including a WASD facility, three or more times in a 12-month period and failing to fully compensate the County for such damage within 90 days of notice of the same as a cause for debarment; and

WHEREAS, on May 2, 2023, the County Mayor presented the second report pursuant to Resolution No. R-847-22 (the “Second Report”) to this Board; and

WHEREAS, the Second Report described the County’s efforts to recover costs from contractors damaging WASD facilities in three stages; and

WHEREAS, those stages are: (a) Stage 1: Damage Assessment (Cost); (b) Stage 2: Damage Investigation; and (c) Stage 3: Invoice and Collection; and

WHEREAS, during Stage 1, WASD is alerted to the damage, makes the repairs, and assesses costs associated with those repairs; and

WHEREAS, during Stage 2, WASD investigates the cause of the damage and determines in WASD’s opinion what company or companies are responsible for the damage; and

WHEREAS, during Stage 3, WASD invoices the responsible company or companies and attempts collection efforts; and

WHEREAS, although the Second Report acknowledged the adoption of Ordinance No. 23-14, it did not include any description of efforts to seek debarment of companies that now qualify for the same based on repeated damage to WASD facilities without fully compensating the County; and

WHEREAS, this Board desires that the ongoing report identify which company or companies have been referred by WASD to the County’s Small Business Development division as a proposed debarment pursuant to section 10-38 of the Miami-Dade County Code of Ordinances,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Incorporates the foregoing recitals as if they were fully set forth herein.

Section 2. Directs the County Mayor or County Mayor's designee to amend the report issued every six months pursuant to Resolution No. R-847-22 to include the following information relating to the status of companies that damage Miami-Dade Water and Sewer Department's sewer pipes during construction:

- (a) which company or companies have been referred by WASD to the County's Small Business Development division for a proposed debarment because of negligently causing damage to a WASD facility three or more times in a 12-month period and failing to fully compensate the County for such damage within 90 days of notice of the same; and
- (b) If a company or companies that have negligently caused damage to a WASD facility three or more times in a 12-month period and failed to fully compensate the County have not yet been referred for a proposed debarment, an explanation as to the reason for the lack of referral.

Section 3. Directs the County Mayor or County Mayor's designee to continue to provide and update the report every six months to reflect then-current information required by section 2 above and by Resolution No. R-847-22, adopted by this Board on September 1, 2022.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Juan Carlos Bermudez** 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	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	absent
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of July, 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: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "AB" followed by a flourish, written over a horizontal line.

Angela F. Benjamin