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

Memorandum

Date:	December 12, 2023
To:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners
From:	Daniella Levine Cava Mayor
Subject:	Resolution Ratifying the Award of Construction Contract No. S-949A, Ocean Outfall Legislation Program, Construction Package CT-3C-A, Electrical Distribution Building 2 (EDB-2) related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance

Agenda Item No. 8(O)(6)

Resolution No. R-1117-23

Executive Summary

The attached resolution seeks ratification of the award of Construction Contract No. S-949A, Ocean Outfall Legislation Program, Construction Package CT-3C-A, Electrical Distribution Building 2 (EDB-2), (the Contract) with Poole & Kent Company of Florida (Poole & Kent) in an amount not to exceed $151,009,850.00. This project is part of the Ocean Outfall Legislation (OOL) required improvements at the Central District Wastewater Treatment Plant (CDWWTP) and includes the construction of a new Electrical Distribution Building (EDB-2). EDB-2 will provide power to most of the electrical substations in the northern part the CDWWTP by providing a new network of electrical duct banks. This project will offload the existing Electrical Distribution Building (EDB-1) by transferring some of the existing loads to the new EDB-2. The new facility will consist of a new electrical distribution building housing eight (8) tier-4 diesel engine generators, all auxiliary equipment, a workshop, a safe room, a breakroom, and bathrooms/locker rooms. It will also include a fuel oil and bulk storage facility and an FPL metering vault. The project includes significant earthwork and installation of a retaining wall to raise the finish floor elevation above the projected flood elevations.

Recommendation

It is recommended that the Board of County Commissioners (Board) ratify the action of the County Mayor or County Mayor's designee, as authorized under Section 2-8.2.12 of the Miami-Dade County Code related to Miami-Dade Water and Sewer Department's (WASD) Consent Decree and Capital Improvement Programs Acceleration Ordinance (WASD's Acceleration Ordinance) for the funded project identified below and on Exhibit A, as attached.

Capital Improvement Project

Miami-Dade Water and Sewer Department (MDWASD) must undertake improvements at its regional plants (South, Central, and North) in order to comply with the requirements of the Ocean Outfall Legislation (OOL).

Item 1 – Recommendation awarding Construction Contract Ocean Outfall Legislation Program, Construction Package CT-3C-A, Electrical Distribution Building 2 (EDB-2), Contract No. S-

949A. This item requests ratification of an award for a contract in an amount not to exceed $151,009,850.00, with a total contract period of 1,496 days to final completion, plus a 150-day time allowance to Poole and Kent Company of Florida. The award was filed on August 11, 2023 and the contract was fully executed and attested by the Clerk's Office on September 8, 2023.

Delegation of Authority
This contract was awarded pursuant to Section 2-8.2.12 of the Miami-Dade County Code related to WASD's Acceleration Ordinance, which delegates authority to the County Mayor or County Mayor's designee to award certain projects, and among other things, negotiate and settle claims, and execute change orders that do not exceed ten percent (10%) of the base contract amount, subject to ratification by the Board.

Scope
The scope of this Contract is furnishing all materials, labor, and equipment necessary to construct and provide fully functional systems consisting of EDB-2, and the electrical ductbank connecting the building with its corresponding substations at the Central District Wastewater Treatment Plant, 3989 Rickenbacker Causeway, Key Biscayne, Florida 33149. As shown on Exhibit A, this project is located in Commission District 7, which is represented by Commissioner Raquel A. Regalado.

Fiscal Impact/Funding Source
The funding sources for this project are as follows: WIFIA Loan (Federal Funding), Wastewater Connection Charges, Wastewater Renewal Fund, Wastewater Special Construction Fund, WASD Revenue Bonds Sold, WASD Subordinate Debt Sold, State Revolving Loan Wastewater, Future WASD Revenue Bonds, Future Subordinate Debt, and are detailed on Exhibit A and other accompanying attachments. The project is in the FY 2022 – 23 Adopted Budget and Multi-Year Capital Plan. The fiscal impact to the County will be $151,009,850.00 for this project.

Track Record/Monitoring
WASD's Deputy Director of Capital Improvements, Marisela Aranguiz-Cueto, will oversee the implementation of this project.

Due Diligence/Safety Information
Due diligence was conducted by WASD and the Internal Services Department (ISD) in accordance with ISD's Procurement Guidelines to determine responsibility, including verifying corporate status; performance; safety record, including Occupational Safety and Health Administration (OSHA) records; and compliance data. The lists that were reviewed include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings related to Poole & Kent's responsibility. This information is being provided pursuant to Resolution No. R-187-12.

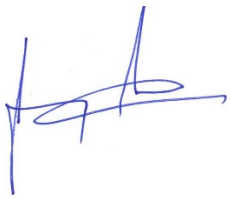
Background
On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor or County Mayor's designee to award contracts for funded capital projects and related goods and services, and to accelerate the approval of WASD's (1) Consent Decree projects and (2) projects identified in WASD Multi-Year Capital Plan's Capital Improvement Program without the need for prior Board approval but subject to ratification by the Board.

Exhibit A includes the details of the competitively bid award for which ratification is being requested. Exhibit A contains the information bulleted below for the contract award:

- Item Number
- Department Name
- Type of Solicitation
- Contract Type
- Contract No. / Project No.
- Project Name
- Firm Awarded
- Commission District
- Contract Amount
- Funding Source(s)
- Operations and Maintenance Costs
- Estimated Start Date/Estimated End Date
- Contract Measures: SBE Goods & Services; SBE-A/E; SBE-Construction; and CWP Program
- Brief Project Description

Attached as Exhibit B is the recommendation to award the contract referenced in Item No. 1 in this memorandum. A copy of the contract for this project is available from the Intergovernmental Affairs Division of WASD.

Attachments



Jimmy Morales
Chief Operations Officer

Exhibit A

Ratification of Contract Awards Authorized by the WASD Accelerate Ordinance

Item No.	Dept. Name	Type of Solici-tation	Contract Type	Contract No. / Project No.	Project Name	Firm Awarded	Commis-sion District	Contract Amount	Funding Source(s)	Operations and Mainte-nance Costs	Est. Start Date / Est. End Date	Contract Measures: SBE Goods & Services	Contract Measures: SBE A/E	Contract Measures: SBE Construc-tion	Contract Measures: CWP Pro-gram	Brief Project Description
1	WASD	County Bid Process	Construc-tion Contract	Contract No. S-949A	Ocean Outfall Legislation Program, Construction Package CT-3C-A, Electrical Distribution Building 2 (EDB-2)	Poole & Kent Company of Florida	District 7 (Raquel A. Regalado)	$151,009,850.00	WIFIA Loan (Federal Funding), Wastewater Connection Charges, Wastewater Renewal Fund, Wastewater Special Construction Fund, WASD Revenue Bonds Sold, WASD Subordinate Debt Sold, State Revolving Loan Wastewater, Future WASD Revenue Bonds, Future Subordinate Debt	Operations Cost: $2,500,000 per year; and Maintenance Cost: $1,800,000 per year	Estimated Notice to Proceed Date: October 10, 2023 Completion Date: November 14, 2027 (total contract period is 1,496 days)	4.02%	n/a	7.35%	n/a	This project is part of the Ocean Outfall Legislation (OOL) required improvements at the Central District Wastewater Treatment Plant (CDWWTP) and includes the construction of a new Electrical Distribution Building (EDB-2). EDB-2 will provide power to most of the electrical substations in the northern part the CDWWTP by providing a new network of electrical duct banks.

MDC004

Total Dollar Value of Award: $151,009,850.00

Exhibit B

Memorandum

MIAMI-DADE COUNTY

Date:

To: Roy Coley, Director
Water and Sewer Department

From: Marisela Aranguiz-Cueto, P.E., MyAC
Deputy Director of Planning, Regulatory Compliance, and Capital Infrastructure
Water and Sewer Department

Subject: Award Recommendation for Ocean Outfall Legislation Program, Construction Package CT-3C-A, Electrical Distribution Building 2 (EDB-2), Contract No. S-949A

SUMMARY

This memorandum seeks approval to award construction Contract No. S-949A, Ocean Outfall Legislation Program, Construction Package CT-3C-A, Electrical Distribution Building 2 (EDB-2), (the Contract) to the lowest responsive and responsible bidder, Poole & Kent Company of Florida (Poole & Kent). This project is part of the Ocean Outfall Legislation (OOL) required improvements at the Central District Wastewater Treatment Plant (CDWWTP) and includes the construction of a new Electrical Distribution Building (EDB-2). EDB-2 will provide power to most of the electrical substations in the northern part the CDWWTP by providing a new network of electrical duct banks. This project will offload the existing Electrical Distribution Building (EDB-1) by transferring some of the existing loads to the new EDB-2. The new facility will consist of a new electrical distribution building housing eight (8) tier-4 diesel engine-generators, all auxiliary equipment, a workshop, a safe room, a breakroom, and bathrooms/locker rooms. It will also include a fuel oil and bulk storage facility and an FPL metering vault. The project includes significant earthwork and installation of a retaining wall to raise the finish floor elevation above the projected flood elevations. The total bid of $151,009,850.00 is 5.73% below the Engineer of Record's (EOR) estimate of $160,199,203.00. The EOR reviewed the bid submission package and found that the bid was responsive, responsible and acceptable.

RECOMMENDATION

It is recommended to award Contract S-949A to Poole & Kent for a total compensation amount of $151,009,850.00 with a total contract period of 1,496 consecutive calendar days to final completion, plus a 150-day time allowance.

SCOPE

The work of this Contract will be performed at the Central District Wastewater Treatment Plant, 3989 Rickenbacker Causeway, Key Biscayne, Florida 33149 in District 7, which is represented by Commissioner Raquel A. Regalado.

The scope of this Contract is furnishing all materials, labor, and equipment necessary to construct and provide fully functional systems consisting of EDB-2, and the electrical ductbank connecting the building with its corresponding substations at the CDWWTP.

DELEGATED AUTHORITY

This project is a Capital Improvement contract being processed under Section 2-8.2.12 of the Miami-Dade County Code, a/k/a the Water and Sewer Department's (WASD's) Consent Decree and Capital Improvement Program Acceleration Ordinance (Acceleration Ordinance). Pursuant to the Acceleration Ordinance, the County Mayor or County Mayor's designee is authorized to amend and execute the Contract, subject to ratification by the Board of County Commissioners (Board). Pursuant to Sections 2-8.2.12 (4)(d) and (e) of the Code, the County Mayor or County Mayor's designee has the authority to, among other

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things, amend and/or extend the contract to complete any unfinished work, waive liquidated damages, negotiate and settle claims, and execute change orders that do not exceed ten percent (10%) of the base contract amount.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact to the County is $151,009,850.00, which WASD has determined is a fair and reasonable amount for the project's defined scope of work.

The project is in the Adopted Budget and Multi-Year Capital Plan.

- Funding will be provided from Program Project # 962670 Wastewater – Outfall Legislation, Book: Volume 3, Page: 85, FY 2022-23 Adopted Budget and Multi-Year Capital Plan.
- The funding sources are WIFIA Loan (Federal Funding), Wastewater Connection Charges, Wastewater Renewal Fund, Wastewater Special Construction Fund, WASD Revenue Bonds Sold, WASD Subordinate Debt Sold, State Revolving Loan Wastewater, Future WASD Revenue Bonds, Future Subordinate Debt.
- The life expectancy of the work is 50 years.
- Operations Cost Impact / Funding: $2,500,000 per year. The funding source for the operating impact is WASD Operating Revenues.
- Maintenance Cost Impact / Funding: $1,800,000 per year. The funding source for the maintenance impact is WASD Operating Revenues.
- The project does not include GOB funding.
- The IG Fee is included.

VENDOR SELECTION & TRACK RECORD

On June 13, 2023, WASD received and opened the following three (3) bids in response to the February 2, 2023 advertisement for an open competitive solicitation for the Contract.

Company Name	Base Bid	Total Bid*
Poole & Kent of Florida	$129,345,000.00	$151,009,850.00
PCL Civil Infrastructure	$160,390,000.00	$186,090,700.00
Daniel O'Connell's Sons	$163,400,000.00	$189,492,000.00

*Total bid includes contingency & dedicated allowances

The following due diligence was performed to identify Poole & Kent as the lowest responsive and responsible bidder:

- Because contract measures were assigned, the three (3) lowest bids were forwarded to the Internal Services Department's (ISD) Division of Small Business Development (SBD) on June 13, 2023 for a Compliance Review. On July 20, 2023, ISD SBD concluded that Poole & Kent was compliant with Implementing Orders 3-22 and 3-41 governing the SSE-Con and SBE-G&S programs respectively. The Project Worksheet and the SBD Compliance Review letter are attached to this memo as Exhibit A and B, respectively.
- The EOR, Brown & Caldwell, reviewed the bid submission and, on June 26, 2023, determined that the low bid was acceptable as submitted and that Poole & Kent satisfied the requirements of the solicitation. The EOR letter is attached as Exhibit C.

- Pursuant to Resolution R-187-12, WASD performed a review of the vendor information in the Business Management Workforce System (BMWS). WASD discovered no adverse information.
- According to the contract history downloaded from the BMWS on June 29, 2023, within the last three (3) years, Poole & Kent has been awarded two (2) contracts, with a total value of $183,999,473.00 from the County.
- Poole & Kent has 80 evaluations in the ISD Capital Improvement Information System (CIIS), with a rating of 3.5 out of a possible 4.0 maximum.

Considering the results of its own due diligence, supplemented with the input of ISD SBD and the EOR, WASD has concluded that the apparent lowest bidder, Poole & Kent, is both responsive and responsible. The total bid of $151,009,850.00 is 5.73% below the EOR's estimate of $160,199,203.00, the bidder has a 3.5 rating in CIIS, and there are no protests, thereby qualifying for an award under the Acceleration Ordinance, subject to ratification by the Board. Therefore, it is recommended that Contract S-949A be awarded to Poole & Kent for a total compensation amount of $151,009,850.00, with a total contract period of 1,496 days. The proposed contract, signed by Poole & Kent is attached to this memo as Exhibit D.

WASD CONTRACT MONITOR

WASD Deputy Director, Planning Regulatory Compliance and Capital Infrastructure, Marisela Aranguiz-Cueto, P.E., will oversee the implementation of the Contract.

BACKGROUND

Miami-Dade Water and Sewer Department (MDWASD) must undertake improvements at its regional plants (South, Central, and North) in order to comply with the requirements of the Ocean Outfall Legislation (OOL).

This project is part of several projects that have been developed by WASD to comply with the Ocean Outfall Legislation (OOL). Specifically, this project is located in the CDWWTP and its objective is to increase the capacity of the existing electrical facilities by providing a new Electrical Distribution Building including eight tier-4 diesel stand-by power generators. The additional electrical capacity will support new effluent disposal facilities that will allow WASD to reduce the use of the Ocean Outfall and offload the existing electrical distribution building which is about to reach its capacity. The new Electrical Distribution Building will be located at the Northern portion of the CDWWTP and will provide power to most of the electrical substations in the northern part the CDWWTP. In addition to the electrical distribution building, the project includes:

- New network of electrical duct banks.
- Auxiliary equipment.
- Diesel workshop, a safe room, a breakroom, and bathrooms/locker rooms.
- Fuel oil and bulk storage facility.
- Florida Power & Light (FPL) facilities.
- Earthwork for the installation of a retaining wall to raise the finish floor elevation of the building above projected flood elevations.

The project will result in a more robust and resilient facility designed to meet WASD's facility hardening criteria. This criterion will allow for the continuous operation of the wastewater treatment system during severe climatological events, which are frequent in the South Florida area.

CONTRACT MANAGER NAME/PHONE/EMAIL

Paul Adams / 786-863-9425 / paul.adams@miamidade.gov

PROJECT MANAGER NAME/PHONE/EMAIL
Daniel Lizarazo / 786-552-8399 / Daniel.Lizarazo@miamidade.gov

APPLICABLE ORDINANCES AND MEASURES
Table below depicts the applicable legislative policies.

Title	Legislation	Notations
Local Preference	Code Section 2-8.5	
Local Certified Veteran Business Enterprise Preference	Code Section 2-8.5.1	
Small Business Enterprise - Construction	Code Section 10-33.02 & Implementing Order 3-22	7.35%
Small Business Enterprise - Services	Code Section 2-8.1.1.1.1 & Implementing Order 3-41	No Measure
Small Business Enterprise - Goods	Code Section 2-8.1.1.1.2 & Implementing Order 3-41	4.02%
Responsible Wages and Benefits	Code Section 2-11.16 & Implementing Order 3-24	Building
Sea Level Rise	Ordinance 14-79	
Sustainable Buildings Program	Implementing Order 8-8	
Buy American Iron & Steel Procurement Program	Code Section 2-8.2.6.1	
Residents First Training and Employment	Code Section 2-11.17 & Implementing Order 3-61	
Employ Miami-Dade Program	Administrative Order 3-63	
Office of Inspector General Fee	Code Section 2-1076	

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SIGNATURE PAGE

Ocean Outfall Legislation Program, Construction Package CT-3C-A, Electrical Distribution Building 2 (EDB-2), Contract No. S-949A

David Clodfelter
OMB DIRECTOR

8/3/2023
DATE

Approved as to legal sufficiency

Angela F. Benjamin
Assistant County Attorney

Aug. 3, 2023
DATE

Roy Coley, WASD Director
on behalf of Mayor Daniella Levine Cava

8-1-23
DATE

Exhibit A

Small Business Development Division

Project Worksheet

Project/Contract Title: Ocean Outfall Legislation Program, Construction Package CT-3C-A, Electrical Distribution Building 2 (EDB-2).

Received Date: 12/21/2022

Project/Contract No: S-949A

Funding Source: Other

Department: Water & Sewer

Estimated Cost of Project/Bid: $140,282,528.10

Description of Project/Bid: The work under this contract includes the construction of a new Electrical Distribution Building (EDB-2) located at the Northern portion of the CDWWTP.

Contract Measures

Measure	Program	Goal Percent
Goal	SBE - Con	7.35%
Goal	SBE - Goods & Services	4.02%

Reasons for Recommendation

SMALL BUSINESS ENTERPRISE - CONSTRUCTION (SBE-Con).
SBD reviewed this project pursuant to Implementing Order(s) 3-22 and 3-41 for SBE-Con and SBE-Goods measures. An attempt was made to make this project a Set-Aside however, Although three (3) firms responded to the Verification of Availability to Bid process no firms were able to meet the contract's prime requirements. Project information analyzed included the project's scope of services, minimum requirements/qualifications and funding source. An analysis of the factors contained in Implementing Order 3-22 indicates a 7.35% Small Business Enterprise – Construction (SBE-Con) subcontractor goal is appropriate for the trades of: Other Heavy and Civil Engineering Construction (2.36%-Site Civil Work related to Construction of EDB-2), Mechanical Contractors (3.15%-EDB-2 Mechanical/HVAC system installation), Structural Steel and Precast Concrete Contractors (1.06%-Structural work) and Electrical Contractors and Other Wiring Installation Contractors (0.784%; project wide electrical-0.370% and Duct Bank work 0.414%).
CWP Not Applicable: Not in DTA.
SMALL BUSINESS ENTERPRISE - GOODS & SERVICES (SBE-G&S).
An analysis of the factors contained in section VIII. B. of Implementing Order 3-41 & Ordinance 14-41 indicates a 4.02% SBE - Goods & Services Subcontractor goal is appropriate in the commodity areas of Pipe, Tubing, and Accessories, Not Fittings (0.214%) (65800), Utility Services-Electrical (1.47%) (96183), Construction Materials (2.28%) (15010) and Hauling Services (0.053%).

The SBE - Con and SBE - G&S Subcontractor Goals can be met by First Tier (Prime Contractors and Vendors) and Second Tier (Subcontractors and Vendors) certified SBE-Con & SBE-G&S firms. Please be advised that these areas are just a recommendation and firms are not tied to meeting the SBE-Con & SBE-Goods & Services goals in these specific trades/commodities.

NAICS 237990 Other Heavy and Civil Engineering Construction, NAICS 237110 Water and Sewer Line and Related Structures Construction, NAICS 238210 Electrical Contractors and Other Wiring Installation Contractors, NAICS 238220 Plumbing, Heating, and Air-Conditioning Contractors, NAICS 238220 Mechanical Contractors, NAICS 238910 Site Preparation Contractors, NAICS 238910 Demolition Contractors, NAICS 238120 Structural Steel and Precast Concrete Contractors, NAICS 236220 Commercial and Institutional Building Construction, NIGP 65800 Pipe, Tubing, and Accessories, Not Fittings, NIGP 96183 Utility Services-Electrical, NIGP 15010 Construction Materials, and NIGP 96200 Hauling Services.

Small Business Contract Measure Recommendation

Subtrade	Category
Other Heavy and Civil Engineering Construction	SBE-Con
Mechanical Contractors	SBE-Con
Structural Steel and Precast Concrete Contractors	SBE-Con
Pipe, Tubing, and Accessories, Not Fittings	SBE-G&S
Utility Services-Electrical	SBE-G&S
Construction Materials	SBE-G&S
Hauling Services	SBE-G&S

Living Wages: YES [ ] NO [X] Highway: YES [ ] NO [X] Heavy Construction: YES [ ] NO [ ]

Responsible Wages: YES [X] NO [ ] Building: YES [X] NO [ ]

SBD Director

1-10-23
Date

Exhibit B

Memorandum

MIAMI-DADE COUNTY

DATE: July 20, 2023

TO: Paul Adams, Chief, Construction Contracts
Water and Sewer Department

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

SUBJECT: Compliance Review
Project No. S-949A
Ocean Outfall Legislation Program, Construction Package CT-3C-A, Electrical Distribution Building 2 (EDB-2)

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 Construction Services (SBE-Con) and Goods & Services (SBE-G&S) programs. The contract measures established for this project is a 7.35% SBE-Con and 4.02% SBE-Goods subcontractor goal measures.

WASD has submitted contract documents that included the Certificate of Assurance for the firms listed below acknowledging the project's SBE measures. The referenced firms also submitted Utilization Plans (UPs) identifying the SBE subcontractors to fulfill the goals via the Business Management Workforce System (BMWS) and the following is the pre-award compliance status and summary.

	FIRM	STATUS
1.	Poole & Kent Company of Florida	Compliant
2.	Daniel O'Connell's Sons, Inc	Compliant
3.	PCL Construction, Inc.	Compliant

SUMMARY:

Poole & Kent Company of Florida (#1), a non-certified, SBE-Con firm, committed to utilize Transamerica Construction Company, a certified SBE-Con firm, to perform structural concrete work at 7.35% in satisfaction of the 7.35% SBE-Con subcontractor goal. The Utilization Plan submitted by Poole & Kent Company of Florida was approved pursuant to the firm's commitment to achieve an overall SBE-Con goal of 7.65%. 0.30% of the 7.65% SBE-Con goal was noted to fulfill one Goal Deficit Make-Up requirement as listed on the July 19, 2023 Compliance Report of Open and Closed Small Business, Wage and/or Workforce Violations in the last three (3) years.

Poole & Kent Company of Florida also committed to utilize the following certified, SBE-G&S firms: Corcel Corp. to provide electrical equipment at 3.44% and A & B Pipe and Supply, Inc., to provide pipe, fittings, valves and related supplies at 0.58% in satisfaction of the 4.02% SBE-Goods goal. The Utilization Plan submitted by Poole & Kent Company of Florida and confirmed by the subcontractors was approved pursuant to the firm's commitment to achieve the 4.02%% SBE-Goods Goal.

Poole & Kent Company of Florida is in compliance with the 7.35% SBE-Con and 4.02% SBE-G subcontractor goals established for this contract. Poole and Kent Company of Florida is deemed compliant with Implementing Orders 3-22 and 3-41 governing the SBE-Con and SBE-G&S programs respectively.

Daniel O'Connell's Sons, Inc. (#2), a non-certified, SBE-Con firm, committed to utilize the following certified, SBE-Con firms: Nationwide Fire Sprinklers, Inc., to perform fire sprinklers work at 0.57%, Smith Building, Inc. to perform building shell work at 4.37% and Sunshine State Air Conditioning, Inc., to perform mechanical work at 2.42% in satisfaction of the 7.35% SBE-Con subcontractor goal. The Utilization Plan submitted by Daniel O'Connell's Sons, Inc. was approved pursuant to the firm's commitment to achieve an overall SBE-Con goal of 7.35%.

Daniel O'Connell's Sons, Inc. also committed to utilize Corcel Corp., a certified, SBE-G&S firm, to provide electrical equipment and supplies at 4.02% in satisfaction of the 4.02% SBE-Goods goal. The Utilization Plan submitted by

Daniel O'Connell's Sons, Inc. and confirmed by the subcontractor was approved pursuant to the firm's commitment to achieve the 4.02% SBE-Goods Goal.

Daniel O'Connell's Sons, Inc. is in compliance with the 7.35% SBE-Con and 4.02% SBE-G subcontractor goals established for this contract. Daniel O'Connell's Sons, Inc. is deemed compliant with Implementing Orders 3-22 and 3-41 governing the SBE-Con and SBE-G&S programs respectively.

PCL Construction, Inc. (#3), a non-certified, SBE-Con firm, committed to utilize Smith Building, Inc., to perform CIP concrete work at 10.77% in satisfaction of the 7.35% SBE-Con subcontractor goal. The Utilization Plan submitted by PCL Construction, Inc. was approved pursuant to the firm's commitment to achieve an overall SBE-Con goal of 10.35%.

PCL Construction, Inc. also committed to utilize the following certified, SBE-G&S firms: A&B Pipe and Supply, Inc. to supply pipe, fittings and underground utilities supplies at 2.72% and Paramount Electric and Lighting, Inc. to supply electrical material supplies at 1.30% in satisfaction of the 4.02% SBE-Goods goal. The Utilization Plan submitted by PCL Construction, Inc. and confirmed by the subcontractors was approved pursuant to the firm's commitment to achieve the 4.02% SBE-Goods Goal. According to the July 20, 2023 Compliance Report of Open and Closed Small Business, Wage and/or Workforce Violations in the last three (3) years, PCL Construction, Inc. has two (2) open violations one (1) for deviating from the Schedule of Intent Affidavit without prior approval from SBD and one (1) for wages due to its employees. Prior to any future award, PCL Construction, Inc. must pay employees the wages due and provide proof of payment to the Small Business Development Division of the Internal Services Department.

PCL Construction, Inc. is in compliance with the 7.35% SBE-Con and 4.02% SBE-G subcontractor goals established for this contract. PCL Construction, Inc. is deemed compliant with Implementing Orders 3-22 and 3-41 governing the SBE-Con and SBE-G&S programs respectively.

Please be reminded that SBD staff reviewed and addressed compliance with the SBE-Con & SBE-G&S measures. The Contracts and Specifications Section of WASD 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 Caesar E. Suarez, SBD Capital Improvement Project Specialist at (305) 375-3141.

c: Laurie Johnson, SBD, ISD

2333 Ponce De Leon Boulevard
Suite R-205
Coral Gables, FL 3334
305.704.4428
www.brownandcaldwell.com

Brown AND Caldwell

Exhibit C

June 26, 2023

Mr. Paul Adams
Chief, Construction Contracts Division
Miami-Dade Water and Sewer Department
3071 SW 38th Avenue
Miami, Florida 33146

MD-WASD Contract S-949A
Ocean Outfall Legislation Program Construction Package CT-3C-A
Electrical Distribution Building 2 (EDB-2).
Bid Evaluation and Recommendation Letter

Dear Mr. Adams:

The bid opening for the CDWWTP Electrical Distribution Building 2 (EDB-2), Contract S-949A, took place on June 13, 2023, at 1:30 pm. Three bids were received from the following firms: Daniel O'Connell's Sons, PCL Civil Infrastructure, and Poole & Kent Company of Florida. Table 1 below presents the Base Bid Total and the Total Contract Cost including Contingency and Allowances.

Table 1 – S-949A Bidding Results

Contractor	Subtotal Bid	Grand Total with Contingencies and Allowances
Poole & Kent Company of Florida	$129,345,000.00	$151,009,850.00
PCL Construction Inc.	$160,390,000.00	$186,090,700.00
Daniel O'Connell's Sons	$163,400,000.00	$189,492,000.00

WASD requested that Brown and Caldwell, as the project's Engineer of Record (EOR), review the bid package to evaluate if Poole & Kent Company of Florida; a) meet the minimum construction experience criteria defined in the Contract Documents, b) are compliant and responsive with the bid requirements and c) if that the bid prices generally align with the EOR's Opinion of Probable Construction Cost (OPCC). Brown and Caldwell has reviewed the bid documents provided by WASD and concludes the following:

2333 Ponce De Leon Boulevard
Suite R-205
Coral Gables, FL 3334
305.704.4428
www.brownandcaldwell.com

a) Poole & Kent Company of Florida meets the minimum construction experience defined in the Contract Documents (Refer to Table 3 – Poole & Kent Bid Review Summary).
b) The bid from Poole & Kent Company of Florida is compliant and responsive with the bid requirements.
c) The following are general areas that were identified as variations form the OPCC.
    1) The mobilization and demobilization bid item from Poole and Kent is lower than the OPCC. Savings on mobilization and demobilization can be expected in a market where contractors may work on multiple projects in a close geography.
    2) The electrical bid item from Poole and Kent is lower than the OPCC. Savings on electrical could be due to local negotiations with electrical equipment suppliers.
    3) The building structural and architectural bid item from Poole and Kent is higher than the OPCC. This could be due to expected costs for building materials in the area that are different than expected.

Table 2 compares the engineer's OPCC, to the four bidding contractors.

Please do not hesitate to contact us if there are any questions.

Very truly yours,

Brown and Caldwell

Marie Burbano, P.E
Project Manager
Phone: (305) 310-8836
Email: mburbano@browncald.com

Attachment: Table 2 – Contract S-949A Bid Analysis
Table 3 – Poole & Kent Bid Review Summary

cc: Liz Feliberty, OOL Program
Pedro Quiros Pierce, OOL Program

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Table 2 — Contract S-949A Bid Analysis					
Bid Item		Engineer's OPCC	POOLE AND KENT	PCL	DANIEL O'CONNELL'S SONS
001	Mobilization & Demobilization: For performing preparatory work and operations in mobilizing and demobilization to and from the Project site, including setting up temporary facilities, preparing shop drawing submittals, supplies, materials, personnel, safety equipment and first aid supplies, etc.; including the costs of bonds, required insurance, and other preconstruction expenses; excluding the actual cost of permits, which are paid under a separate dedicated allowance; excluding the cost of the materials which are paid under the other bid items.	16,567,576.00	6,000,000.00	8,000,000.00	8,000,000.00
002	Projectwide Civil: For providing all general site civil related to the construction of the new electrical building EDB-2, the Fuel Oil and Emissions Fluid Bulk Storage and the FPL Metering Vault, inclusive of labor, equipment, and materials, site preparation, excavation and disposal of unsuitable backfill materials; site utilities and services. Paving, grading around the new buildings. This item also includes the clearing and grubbing, grading, restoration, furnishing and installing retaining walls, drainage structures, and concrete valve collards, yard piping for potable water lines, sanitary sewer lines, and storm drain piping and structures, driveways, asphalt pavement, landscaping, sodding. Since this item is bid as an aggregate sum, payment will be in accordance with the cost breakdown (Schedule of Values) as approved by the Engineer and measured as required by and satisfactory to the Engineer.	6,499,056.00	9,000,000.00	15,000,000.00	17,000,000.00
003	Projectwide Ductbank: For providing all duct bank work, inclusive of labor, equipment, and materials required for construction of all duct banks detailed under this Contract in accordance with the requirements indicated on the Plans and as specified in this Bid Package. This will include but will not be limited to dewatering and shoring, duct banks, manholes, trenching and demolition of all existing duct backs that are being replaced as part of this project. Since this item is bid as an aggregate sum, payment will be in accordance with the cost breakdown (Schedule of Values) as approved by the Engineer and measured as required by and satisfactory to the Engineer.	16,176,738.00	15,000,000.00	20,000,000.00	16,000,000.00
004	EDB-2 Structural & Architectural: For providing all structural and architectural work, inclusive of labor, equipment, and materials required for construction of all structures and structural and architectural details under this Contract in accordance with the requirements indicated on the Plans and as specified in this Bid Package, related to EDB-2. Construction of the new electrical EDB-2 building, building superstructure, concrete pads, pipe supports, concrete slabs, and foundations along with its ancillary structures. Since this item is bid as an aggregate sum, payment will be in accordance with the cost breakdown (Schedule of Values) as approved by the Engineer and measured as required by and satisfactory to the Engineer.	24,793,869.00	45,345,000.00	55,000,000.00	45,000,000.00
005	EDB-2 Building Mechanical: For supply and installation of the HVAC system inclusive of labor, equipment, materials, and testing including but not limited to propeller, wall fan, and louver at the location indicated on the Plans, as specified. All necessary plumbing systems, including sanitary and water distribution, including hot water, to plumbing fixtures, drainage piping, fire protection, sprinklers, compressed air and any needed emergency eyewash/ showers. Additionally, all piping to support the process equipment for fuel storage and transfer, and equipment cooling and fueling up to 5 feet outside of the main EDB-2 Building. Since this item is bid as an aggregate sum, payment will be in accordance with the cost breakdown (Schedule of Values) as approved by the Engineer and measured as required by and satisfactory to the Engineer.	5,039,456.00	7,000,000.00	17,140,000.00	9,000,000.00
006	EDB-2 Instrumentation & Control: For furnishing and installing of all instrumentation work, inclusive of labor, equipment, and materials, required to fully operate and test all newly installed equipment under this Contract in accordance with the requirements indicated on the Plans and as specified in this Bid Package. This package will include but is not limited to receiving, inspecting, handling, storing, and installing RTUs, interconnection to the SCADA network from Switchgears to PLCs to the new RTUs. Since this item is bid as an aggregate sum, payment will be in accordance with the cost breakdown (Schedule of Values) as approved by the Engineer and measured as required by and satisfactory to the Engineer.	5,503,451.00	1,000,000.00	500,000.00	800,000.00

MDC016

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MDC017

Table 2 – Contract S-949A Bid Analysis					
	Bid Item	Engineer's OPCC	POOLE AND KENT	PCL	DANIEL O'CONNELL'S SONS
007	Projectwide Electrical: For providing all electrical work, inclusive of labor, equipment, materials and testing, at the location indicated on the Plans, as specified, including but not limited to all electrical and signal cables and accessories, conduit transformers, FPL meters, arc resistant switchgears, step up and step-down transformers, switchgears, motors controls centers, lighting and fire alarm, grounding, lightening protection and all the electrical elements as indicated in the drawings and specifications. This item also includes the rental of portable generators. Since this item is bid as an aggregate sum, payment will be in accordance with the cost breakdown (Schedule of Values) as approved by the Engineer and measured as required by and satisfactory to the Engineer.	47,802,769.00	35,000,000.00	34,000,000.00	47,000,000.00
008	EDB-2 Fuel Oil and Emissions Fluid Bulk Storage and FPL Metering Vault Structural & Architectural: For providing all structural and architectural work, inclusive of labor, equipment, materials, and testing required for construction of all structures and the structural and architectural details under this Contract in accordance with the requirements indicated on the Plans and as specified in this Bid Package, related to the Fuel Oil and Emissions Fluid Bulk Storage and the FPL Metering vault. This item will include a new vault for new EDB-2 FPL meters. EDB-2 Fuel Bulk Storage area will include but is not limited to ground slab, enclosed building for transfer pumps, fill stations, manholes, trenches, and all ancillary structures. Since this item is bid as an aggregate sum, payment will be in accordance with the cost breakdown (Schedule of Values) as approved by the Engineer and measured as required by and satisfactory to the Engineer.	2,650,089.00	4,000,000.00	750,000.00	2,600,000.00
009	EDB-2 Fuel Oil and Emissions Fluid Storage Tanks, Pumps and other Ancillary Equipment: For furnishing and installing four (4) fuel transfer tanks, one (1) DEF tank, one (1) Lube Oil Tank, one (1) Waste Oil Tank, including all labor, material, equipment and testing. The tanks will include, but are not limited to, tanks, internal platforms, panels, vendor provided instruments and other required ancillary equipment. For providing two (2) fuel unloading pumps. One (1) DEF unloading pump, two (2) automatic filtration units. One (1) oil water separator and all related auxiliary equipment. This item also includes all piping to support the process equipment for fuel storage and transfer, and equipment cooling. Additionally, all fueling within the area, and within the trench up to 5 feet from the main EDB-2 Building. Since this item is bid as an aggregate sum, payment will be in accordance with the cost breakdown (Schedule of Values) as approved by the Engineer and measured as required by and satisfactory to the Engineer.	4,409,553.00	4,000,000.00	7,000,000.00	10,000,000.00
010	EDB-2 Generators and Ancillary Equipment: For receiving, inspecting, handling, storing, installing and testing eight (8) generators and all ancillary equipment provided with the generators including all labor, material, equipment and testing. This will include, but is not limited to, wall mounted radiators, exhaust ducts, local control panels and instruments. This item also includes the day tanks, waste oil, overflow oil, and pups inside the building. Additionally, bridge crane for generator area and bridge crane for workshop room. Since this item is bid as an aggregate sum, payment will be in accordance with the cost breakdown (Schedule of Values) as approved by the Engineer and measured as required by and satisfactory to the Engineer.	8,034,614.00	3,000,000.00	3,000,000.00	8,000,000.00
	Base Bid Cost Total	**137,477,171.00**	**129,345,000.00**	**160,390,000.00**	**163,400,000.00**
	Dedicated Allowance				
500	Permit: This item establishes a fund for reimbursement of the cost of required construction permits, fees, inspections, and/or impact fees, if authorized by the Engineer, 3.0% of the Base Bid Subtotal. (0.03) x (Base Bid Subtotal). Payment shall reimburse the Contractor for only the cost of the construction permits or fees. Any question of whether construction permits, or fees are required shall be decided by the Engineer whose word shall be final. The decision to release funds from the allowance shall be done by the Engineer, whose word shall be final. Any portion of this fund remaining after all authorized payments have been made will be withheld from contract payments and will remain with the Department.	4,124,315.00	3,880,350.00	4,811,700.00	4,902,000.00
501	Maintenance of Plant Operations: This item establishes a fund for reimbursement of any required maintenance for the plant process operations outside of this scope of work. If authorized by the Engineer, the decision to release funds from the allowance shall be done by the Engineer, whose word shall be final. Any portion of this fund remaining after all authorized payments have been made will be withheld from contract payment and will remain with the Department.	300,000.00	300,000.00	300,000.00	300,000.00

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MDC018

Table 2 – Contract S-949A Bid Analysis

	Bid Item	Engineer's OPCC	POOLE AND KENT	PCL	DANIEL O'CONNELL'S SONS
502	Lead Paint and Asbestos Abatement: This item establishes a fund for the demolition, handling, and removal of materials containing lead paint and asbestos encountered during construction in any existing structure or existing field item within the boundaries of the Work. Based on the Asbestos Report from MDWASD (March 2019) no asbestos has been detected in the existing buildings onsite. However, all existing electrical equipment shall be assumed to contain asbestos. Payment shall reimburse the Contractor for only the cost of the testing work to be performed once the equipment is de-energized and then the subsequent demolition, handling, removal and disposal of materials containing asbestos. The decision to release funds from the allowance shall be done by the Engineer, whose word shall be final. Any portion of this fund remaining after all authorized payments have been made will be withheld from contract payments and will remain with the Department.	50,000.00	50,000.00	50,000.00	50,000.00
503	Geotechnical/Foundation Issues: This item establishes a fund for completing work exclusively related to addressing geotechnical/foundation issues that were unknown at the time when the Bid Documents were issued; additional work not covered by other items, if authorized by the Engineer. The decision to release funds from the allowance shall be done by the Engineer, whose word shall be final. Any portion of this fund remaining after all authorized payments have been made will be withheld from contract payments and will remain with the Department.	150,000.00	150,000.00	150,000.00	150,000.00
504	Utility Conflicts: This item establishes a fund for completing Work exclusively related to addressing underground utility conflicts that were unknown at the time when the Bid Documents were issued; additional work not covered by other items, if authorized by the Engineer. The decision to release funds from the allowance shall be done by the Engineer, whose word shall be final. Any portion of this fund remaining after all authorized payments have been made will be withheld from contract payments and will remain with the Department.	250,000.00	250,000.00	250,000.00	250,000.00
505	Workshop Equipment: For the purchase and installation of the tools, equipment, and furnishing required for the proper operation of the workshop as indicated in the Plans. Equipment includes Uline H-3626 Workbench, Bridgeport CNC Mill, Jet IBG-8 8" Bench Grinder with Stand, Southbend SB1012F Lathe, Baleigh HSPSA 50-ton Press, Jet JSG-96 8" Sander with Bench, Nova Voyager DVR00304323 Drill Press, and Stronghand TMQA59446 Welding Bench. Final list of tools, equipment, and furnishing to be confirmed with WASD Plant Operations Staff. The decision to release funds from the allowance shall be done by the Engineer, whose word shall be final. Any portion of this fund remaining after all authorized payments have been made will be withheld from contract payments and will remain with the Department.	300,000.00	300,000.00	300,000.00	300,000.00
506	Diesel Fuel and Lube Oil: This item establishes a fund for the purchase of diesel fuel and lube oil require for startup, testing, and turnover, if authorized by the Engineer, for the duration for the project.	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00
507	Sludge Drying Bed Drainage By-Pass Pipe: This item establishes a fund for completing Work exclusively related to the construction of a by-pass pipe for the portion of an existing sludge drying beds drainage pipe that will be affected by the construction of the ED8-2.	900,000.00	900,000.00	900,000.00	900,000.00
508	Improvements to the Existing Truck Scales: This item establishes a fund for any improvements to the existing truck scales.	400,000.00	400,000.00	400,000.00	400,000.00
509	Electrical Manholes & Ductbank system: This item established a fund for any modifications to the electrical and I&C manholes and duct bank system as proposed by the engineer.	1,500,000.00	1,500,000.00	1,500,000.00	1,500,000.00
	Dedicated Allowance Cost Total	**5,974,315.00**	**5,730,350.00**	**5,881,700.00**	**5,762,000.00**
	Contingency				
900	Contingency Account: For Unforeseeable Conditions, Minor Construction Changes and Quantity Adjustments, additional work not covered by other items, if ordered by the Engineer. 10% of the Base Bid Subtotal (Base Bid Subtotal * 0.10).	13,747,717.00	12,934,500.00	16,039,000.00	16,340,000.00
	Contingency Cost Total	**13,747,717.00**	**12,934,500.00**	**16,039,000.00**	**16,340,000.00**

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Table 3 - Poole & Kent Bid Review Summary		
Item	Included	Review
Qualifications and Experience (Required by SP 1.0)		
Bidder will have available to do the work at the proper time or times, adequate equipment and facilities, listing such equipment and facilities in such detail that the information can be quickly and accurately checked.	Included	Compliant
Bidder has ample repair parts and supplies to maintain all equipment and facilities properly and with a minimum of delay.	Included	Compliant
If the Bidder is a corporation, the names of all corporate officers and the name of the executive who will give his personal attention to this work.	Included	Compliant
Detailed financial information relating to the resources of the Bidder	Included	Compliant
Qualifications and Experience (Required by Attachment A to SP 1.0 Additional Qualifications of Bidders)		
The Bidder shall have successfully completed a minimum of one (1) project demonstrating experience with electrical distribution building construction projects having a total construction value of greater than $50 million or three (3) industrial buildings with medium voltage electrical distribution each one with a value greater than $40 million and three (3) projects demonstrating experience with large wastewater treatment upgrade projects having a total construction (for each project) of greater than $25 million. These projects shall have been performed within the past ten (10) years from the date of the Invitation to Bid.	Included	Compliant
The Bidder's proposed project manager shall have successfully completed a minimum of one (1) project demonstrating project management experience with large wastewater treatment upgrade projects having a total construction value greater than $50 million. This project shall have been performed within the past ten (10) years from the date of the Invitation to Bid.	Included	Compliant
The Bidder or Bidder's Subcontractor must have successfully completed the construction and/or rehabilitation of a minimum of two (2) electrical distribution rooms with multiple paralleled diesel engine type generators. The scope of work for the identified projects must have been performed while maintaining operations of a wastewater treatment facility. These projects shall have been performed within the past ten (10) years from the date of the Invitation to Bid.	Included	Compliant
The Bidder or Bidder's Subcontractor must have successfully completed the construction and/or rehabilitation of a minimum of two (2)	Included	Compliant

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Table 3 - Poole & Kent Bid Review Summary		
Item	Included	Review
fuel storage facilities with at least 3 storage tanks and accessories and construction of fuel pipe systems. The scope of work for the identified projects must have been performed while maintaining operations of a wastewater treatment facility. These projects shall have been performed within the past ten (10) years from the date of the Invitation to Bid.		
The Bidder or Bidder's Electrical Subcontractor shall have successfully completed a minimum of three (3) projects demonstrating experience procuring and installing main electrical equipment, medium or low voltage power supply systems, including transformers and switchgear. The scope of work for the identified projects must have been performed while maintaining operations of a wastewater treatment facility. These projects shall have been performed within the past ten (10) years from the date of the Invitation to Bid.	Included	Compliant
The Bidder or Bidder's Electrical Subcontractor Lead Electrician shall have successfully completed a minimum of one (1) project demonstrating experience with medium and high voltage power supply systems, including transformers and switchgear. These projects shall have been performed within the past ten (10) years from the date of the Invitation to Bid. The scope of work for the identified projects must have been performed while maintaining operations of a wastewater treatment facility. These projects shall have been performed within the past ten (10) years from the date of the Invitation to Bid.	Included	Compliant
The Bidder or Bidder's Instrumentation and Controls Subcontractor shall have successfully completed a minimum of one (1) project demonstrating experience with instrumentation and controls including connections into an existing SCADA. The experience may be demonstrated by the general contractor or a specialty subconsultant for their discipline of work. The scope of work for the identified projects must have been performed while maintaining operations of a wastewater treatment facility. These projects shall have been performed within the past ten (10) years from the date of the Invitation to Bid.	Included	Compliant

Exhibit D

CONTRACT

THIS CONTRACT, made and entered into on the ____day of _____, 20___, by and between Miami-Dade County, Florida, acting by and through the Office of the Mayor, party of the first part (hereinafter sometimes called the "County"), and **Poole & Kent Company of Florida**, party of the second part (hereinafter sometimes called "Contractor");

WITNESSETH

That the parties hereto, for and in consideration of the covenants and agreements hereinafter set forth, mutually agree as follows, to wit:

1. That the Contractor shall furnish all labor, materials and equipment and perform all work in the manner and form provided by the Contract Documents covering the Project of the County known and identified as

Ocean Outfall Legislation Program, Construction Package CT-3C-A, Electrical Distribution Building 2 (EDB-2), Contract No. S-949A

for the aggregate amount reflected by the Proposal, said aggregate amount being of **One Hundred Fifty One Million Nine Thousand Eight Hundred Fifty Dollars and No Cents (U.S. Dollars) $151,009,850.00.**

2. That the Contractor shall begin the work to be performed under this Contract on a day to be specified in a written order issued by the Engineer, and shall fully complete all work hereunder within the time or times stated in the Proposal.

3. That the County shall pay to the Contractor for the faithful performance of this Contract, in lawful money of the United States, and subject to additions and deductions as provided in the Contract Documents, the total amount of the Proposal as set forth above at the times and in a manner stated in the General Terms and Conditions of the Contract Documents.

4. It is further mutually agreed that if at any time after the execution of this Contract, Surety Performance and Payment Bond, the County shall deem the surety upon such bonds to be unsatisfactory, or if for any reason such bond shall become inadequate to cover the performance of the work, the Contractor shall at its own expense, within five (5) days after the receipt of notice from the County to do so, furnish an additional bond or bonds in such form and amount and with such surety or sureties as shall be satisfactory to the County. In such event, no further payment to the Contractor shall be deemed to be due under this Contract until such new or additional security shall have been furnished in a manner and form satisfactory to the County.

5. The "Contract Documents" are hereby defined as the Questionnaire, the Notice to Quote, the Instruction to Bidders, the Proposal, the Certified Resolution (Proposal/Prescribed Bid Bond), the Prescribed Bid Bond, the Contract, the Surety Performance and Payment Bond, the Certified Resolution (Contract/ Surety Performance and Payment Bond), the General Terms and Conditions, the Supplemental General Terms and Conditions, Special Provisions, the Supplemental General Conditions (if Ordinance 90-143 is applicable) including Wage and Benefit Schedules, the Specifications, the Plans, any Addenda which may be issued, the Subcontractor /Supplier Listing Form (Ordinance 97-104 as amended by Ordinance 00-30), the Reporting Subcontracting Policies and Procedures (Ordinance 98 -15 9), the Small Business Enterprise Programs Participation Provisions and Forms (if applicable), and the provisions for the following: Vendors Affidavit (Uniform County Affidavits); ; Criminal Record (Felony) (as amended by Ordinance 00-30 ;;Community Workforce

CONTRACT

Program County Code Section 2-1701, Office of Miami-Dade County Inspector General (IG) (if Ordinance 97-215 as amended by Ordinance 99-15 is applicable); Sworn Statement - Public Entity Crimes [Florida Statute Sect. 287.133 (3) (a)]; Change Orders; Notice to Proceed, Referenced Codes and Standards, Warranties and Guarantees, all related correspondence, field notes, logs, and other documents

The General Terms and Conditions of said Contract Documents are incorporated herein by reference and made a part hereof as though fully set forth herein. The Contract Documents are complementary, so that a recital in one is tantamount to a recital in all, and the Contractor specifically acknowledges that it has read and understands all of said Contract Documents.

6. The various indemnities of the Contractor contained in the Contract Documents indemnifying the County from liability for damages to persons or property caused by acts, omissions, or defaults in the performance of the Contract Documents shall have a monetary limitation of the larger of the following: $1,000,000.00, or the entire amount of the Contract.

7. The County retains the right to audit any and all information regarding this Contract as described in the General Covenants and Conditions, Section 41 "Audit Rights and Review of Records".

8. Notwithstanding and prevailing over any other provision of the Contract Documents to the contrary, the County Mayor or his designee, may exercise the provisions of Section 2-8.2.12 (4)(d) and (e) of the Code of Miami-Dade County. Any change orders or amendments shall not exceed 10 percent of the base contract price in cumulative percentage amount; provided however, that the foregoing limitation shall not apply to any change order or amendment related to emergency actions impacting remediation, public safety, health requirements or recovery from natural disaster and the foregoing change orders and amendments shall require ratification by the Board; provided further that the County Mayor or his designee may reduce in any amount the scope and compensation payable under this Contract and grant compensable and non-compensable time extensions thereunder. Pursuant to Section 2-8.2.12 (5), the Mayor or the Mayor's designee's award and execution of this Contract is subject to ratification by the Board of County Commissioners. If the Mayor or the Mayor's designee's action is not ratified, and such legislative action becomes final, this Contract shall be deemed terminated without further notice. In such event, the Contractor shall not be entitled to recovery of any lost profits or other consequential or indirect damages. However, the Contractor is eligible for payment for any work done prior to failure of the ratification, in accordance with General Terms and Conditions Article 11.D(1) Termination for Convenience.

9. "Contract Execution Date" means the date of the last signature on this contract.

The balance of this page is intentionally left blank

CONTRACT

IN WITNESS WHEREOF, the parties hereto have executed this Contract in four (4) counterparts, each of which shall be deemed an original Contract, all as of the day and year first hereinbefore written.

(OFFICIAL SEAL)

ATTEST:
Juan Fernandez-Barquin
Clerk of the Court and Comptroller

MIAMI DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

Attested by: _____
Deputy Clerk

By: _____
Mayor

_____
Date

(PARTY OF THE FIRST PART)

Approved as to Form and Legal Sufficiency

_____
Assistant County Attorney

WHEN THE CONTRACTOR IS A CORPORATION

(CORPORATION SEAL)

ATTEST: _____
Assistant (Secretary)

Brian D. MacClugage
(Print or type name)

Poole & Kent Company of Florida
(Name of Corporation)

By: _____
(Signature of Officer)

Patrick H. Carr
(Print or type name)

President & CEO
(Official Title)

1781 N.W. North River Drive

Miami, FL 33125
(Address)

(PARTY OF THE SECOND PART)

* Attach to each counterpart a certified copy of a resolution of the Board of Directors of the corporation authorizing the officer who signs the Contract and Surety Performance and Payment Bond to do so in its behalf.

MEMORANDUM
(Revised)

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

DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(6)

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)(6)
12-12-23

RESOLUTION NO. R-1117-23

RESOLUTION RATIFYING AWARD OF A CONSTRUCTION CONTRACT TO POOLE & KENT COMPANY OF FLORIDA FOR OCEAN OUTFALL LEGISLATION PROGRAM, CONSTRUCTION PACKAGE CT-3C-A, ELECTRICAL DISTRIBUTION BUILDING 2 (EDB-2), CONTRACT NO. S-949A, PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROJECTS, IN A TOTAL AMOUNT NOT TO EXCEED $151,009,850.00, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN

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 foregoing whereas clause and incorporates the same here as if fully set forth herein.

Section 2. Ratifies the award of a construction contract to Poole & Kent Company of Florida for Ocean Outfall Legislation Program, Construction Package CT-3C-A, Electrical Distribution Building 2 (EDB-2), Contract No. S-949A, pursuant to section 2.8.12 of the Code of Miami-Dade County, Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Projects in a total amount not to exceed $151,009,850.00.

Section 3. Authorizes the County Mayor or County Mayor's designee to exercise the termination and other provisions contained in the Contract. The solicitation documents and contract are kept on file with and are available upon request from the Intergovernmental Affairs Division of the Miami-Dade Water and Sewer Department.

The foregoing resolution was offered by Commissioner **Anthony Rodriguez**, who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** 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	**absent**	Juan Carlos Bermudez	**aye**
Kevin Marino Cabrera	**aye**	Sen. René García	**aye**
Roberto J. Gonzalez	**aye**	Keon Hardemon	**absent**
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 12th day of December, 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.

Angela F. Benjamin