

Memorandum



Date: March 5, 2024

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

From: Daniella Levine Cava
Mayor

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

Agenda Item No. 8(P)(4)

Resolution No. R-187-24

Subject: Request to Waive Competitive Bidding Procedures and Authorize a Non-Competitive Purchase for Additional Time and Expenditure Authority to Contract for Building Efficiency 305 (BE305) Challenge Training

Summary

This item is for additional expenditure authority and an extension of the term of the contract with the University of Miami (UM) for the development and provision of assessment training for the Building Efficiency 305 or BE305 Challenge. A bid waiver contract was established in lieu of a competitive contract since UM is uniquely qualified to provide the assessment training and objectives of the BE305 Challenge. UM is one of 37 Industrial Assessment Centers, and the only local one, supported by the U.S. Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy (EERE), the hub of renewable energy applied research, development, and demonstration activities in the United States.

The BE305 Challenge is a free and voluntary program that empowers owners and managers of large buildings to improve energy and water efficiency. Under the BE305 Challenge, large residential and commercial buildings receive an assessment and training on how to become more energy efficient through data-driven decision making and other educational opportunities. Topics covered in the BE305 Challenge include benchmarking, the basics of building energy and water systems, and low-cost to no-cost conservation measures for energy and water.

To date, 140 buildings have participated in the voluntary challenge. Fifty-one buildings joined in the first year of the program, 63 buildings joined in the second year, and 26 buildings joined in the program's third year. During the first year of the program, 195 participants attended 10 trainings. Eight energy and water assessments have been conducted thus far with recommended actions, saving on average 37 percent on utility bills, or an average of \$74,000 in savings per building. The County was advised that the first building to receive the assessment experienced 11 percent in energy savings and 24 percent in water savings with very little cost expenditure after implementing conservation measures from the assessment report.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve this request to waive competitive bidding procedures and authorize a non-competitive purchase pursuant to Section 2-8.1 of the Code of Miami-Dade County (Code) and Section 5.03(d) of the Home Rule Charter by a two-thirds vote of Board members present; and approve Supplemental Agreement No. 1 to authorize (1) additional expenditure authority and (2) an extension of the term of *Contract No. BW-10189, Building Efficiency 305 (BE305) Challenge Training* for Regulatory and Economic Resources Department (RER). The department is requesting \$200,000 in additional expenditure authority and an extension of the contract for an additional 24 months to continue offering assessment training under the BE305 Program. This contract was awarded under delegated authority on September 26, 2022, for a 24-month term.

Additional expenditure authority and time is needed to continue providing assessment training to Miami-Dade County building owners. The training is tailored to teach building operators how to conduct an energy and water assessment of medium and large-size buildings. The goal of the training is to educate

building and facility managers on how to visually inspect building systems, identify opportunities for savings, and prioritize conservation measures. Examples include but are not limited to, adding or changing setbacks on thermostats, installing programmable thermostats, replacing broken sensors, installing new sensors, replacing light bulbs and ballast to accommodate LED lights, ensuring Building Automation Systems are not bypassed, fixing water leaks, installing low-flow water fixtures where they are missing, and optimizing the irrigation system, amongst other measures.

Background

The BE305 Challenge Training program aims to improve water and energy efficiency in existing private and public facilities countywide. Buildings waste 30 percent of their energy and water due to inefficiencies and poor operation. The program includes training, financing resources, and best management practices for those who would like to get involved and improve their property's energy efficiencies.

The Office of Resilience (OOR) of RER launched the BE305 Challenge in 2021 as a free and voluntary program which empowers building owners and/or managers to lower utility bills, save resources, reduce greenhouse gas (GHG) emissions, and improve energy and water efficiency. Access to free trainings assists participating property owners with lowering their buildings' operational costs by providing educational opportunities from industry experts, peer-to-peer networking, public recognition, and other incentives from the County that offer great potential for lower utility bills and operating costs, as well as higher tenant satisfaction. Buildings may also receive free building energy and water audits during which a building's performance is evaluated to identify and prioritize the needed improvements.

During the first year of the BE305 Challenge, the OOR contracted with Pennoni Associates, Inc. (Pennoni) under the Equitable Distribution Pool (EDP) program to conduct trainings and audits for three selected buildings that qualified for the BE305 Challenge. The EDP is managed by the Office of Small Business Development and is utilized to facilitate contracting opportunities for local Architectural and Engineering (A&E) firms and to provide County agencies with access to qualified professional services for smaller projects without a formal solicitation. Pennoni's trainings were high-level, classroom style trainings that limited Pennoni's interaction with building owners and/or managers and did not provide for time during the audit to answer any questions/concerns from building owners and/or managers.

Subsequently in September 2022, the County awarded *Contract No. BW-10189* to UM to continue with the development and provision of assessment trainings for large existing residential and commercial buildings participating in the BE305 Challenge. A bid waiver contract was established in lieu of a competitive contract since UM is uniquely qualified to provide the assessment training and objectives of the BE305 Challenge. UM is one of 37 Industrial Assessment Centers, and the only local one, supported by the U.S. DOE EERE, the hub of renewable energy applied research, development, and demonstration activities in the United States. These centers help coordinate and enhance efforts to train regional clean energy workforce while identifying best practices and opportunities for small and medium-sized manufacturers to save energy, improve productivity, and reduce waste.

Upon award of the contract, UM's Industrial Assessment Center (MI-IAC) acted as technical partner for the BE305 Challenge. Between October 2022 and July 2023, five training assessments and reports have been completed. Positive feedback was received from building managers, and two of the participating buildings have already started implementing the recommendations found in the report provided by the MI-IAC. The continuance of services under the existing contract is crucial in successfully completing the program.

Resolution No. R-69-07 establishes the opportunity for the County to enter into interlocal agreements with local universities for the provision of services required by the County. The resolution further states that local universities are uniquely qualified to provide consulting services to Miami-Dade County regarding: building and code compliance; emergency management; environmental resource management; homeland security parks and recreation; planning and zoning; public works; solid waste management; transit; and water management, and that engaging local universities will enhance the educational experience for the attending students and result in the expenditure of County funds at the local level.

Accordingly, it is in the County's best interest to waive competitive bidding requirements pursuant to Section 2-8.1(b)(1) of the Code and Section 5.03(D) of the Home Rule Charter to continue offering the training to building owners and managers, while exploring opportunities to enter into interlocal agreements with local universities to obtain the necessary services.

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 execute Supplemental Agreement No. 1 and exercise all provisions of the contract, including any cancellation or extensions, pursuant to Section 2-8.1 of the Code and Implementing Order 3-38.

Fiscal Impact/Funding Source

The contract term expires on September 30, 2024. The contract has a current cumulative allocation of \$154,183. If this request is approved, the contract will have a modified cumulative allocation of \$354,183 and will expire on September 30, 2026. The requested increase in expenditure authority is based on negotiated pricing with UM for eight sessions, four case study presentations, and a final report per year, for a total of \$200,000 for the two-year extension period. Funding of \$500,000 is included in the Fiscal Year 2023-2024 County budget to support efforts relating to Resilient305 initiatives.

Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Cumulative Allocation	Funding Source	Contract Manager
RER	\$154,183	\$200,000	\$354,183	General Fund	Marta Marella
Total	\$154,183	\$200,000	\$354,183		

Track Record/Monitor

Pearl Bethel of the Strategic Procurement Department (SPD) is the Procurement Contracting Manager.

Awarded Vendor

Vendor	Principal Address	Local Address	Principal
University of Miami	1320 South Dixie Highway Coral Gables, FL	Same	Humberto Speziani

Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with SPD'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

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
Page 4

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 applies.
- The Small Business Enterprise measures and Local Preference do not apply.
- The Living Wage Ordinance does not apply.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: March 5, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(P)(4)

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)(4)
3-5-24

RESOLUTION NO. R-187-24

RESOLUTION WAIVING COMPETITIVE BIDDING PROCEDURES AND AUTHORIZING A NON-COMPETITIVE PURCHASE PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; APPROVING SUPPLEMENTAL AGREEMENT NO. 1 TO EXTEND THE CONTRACT TERM BY TWO YEARS WITH ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$200,000.00 FOR A TOTAL MODIFIED CONTRACT AMOUNT OF \$354,183.00 FOR CONTRACT NO. BW-10189 FOR BUILDING EFFICIENCY 305 (BE305) CHALLENGE TRAINING FOR THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SUPPLEMENTAL AGREEMENT AND EXERCISE ALL PROVISIONS, INCLUDING ANY CANCELLATION OR EXTENSIONS, CONTAINED PURSUANT TO COUNTY CODE SECTION 2- 8.1 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 that it is in the best interest of Miami-Dade County to waive competitive bidding procedures and authorize a non-competitive purchase pursuant to section 5.03(D) of the Home Rule Charter and section 2-8.1 of the Code of Miami-Dade County by a two-thirds vote of the Board members present and approves Supplemental Agreement No. 1, in substantially the form attached hereto and made a part hereof, to extend the contract term by

two years with additional expenditure authority in an amount up to \$200,000.00 for a total modified amount of \$354,183.00 for Contract No. BW-10189 for Building Efficiency 305 (BE305) Challenge Training for the Department of Regulatory and Economic Resources.

Section 2. This Board authorizes the County Mayor or County Mayor's designee to execute the Supplemental Agreement and exercise all provisions of the contract, including any cancellation or extensions, pursuant to section 2-8.1 of the County Code and Implementing Order 3-38. A copy of the contract document 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 **Oliver G. Gilbert, III** 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	aye
Roberto J. Gonzalez	nay	Keon Hardemon	aye
Danielle Cohen Higgins	absent	Eileen Higgins	absent
Kionne L. McGhee	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of March, 2024. 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.

SMS

Sophia Guzzo

SUPPLEMENTAL AGREEMENT NO. 1

Contract Number: **BW-10189**

Contract Title: **Building Efficiency 305 (BE305) Challenge Training**

Contractor: University of Miami
1320 South Dixie Highway
Suite 650
Coral Gables, FL 33146
Attn: Ruben Bilbao

In accordance with the above referenced Contract, this Supplemental Agreement, between Miami-Dade County (hereafter referred as "the County") and University of Miami ("Contractor"), when properly executed, shall become part of the Contract, and pursuant to Article 4, Nature of the Agreement, Subsection a) of the Contract, which expressly provides for amendments, shall incorporate the following:

1. Pursuant to Article 5, Contract Term, and subject to the approval of the Board of County Commissioners, upon expiration of the current contract term, and by mutual agreement of the County and the Contractor, this Contract is extended for an additional twenty-four (24) months with all existing terms and conditions commencing on October 1, 2024, and expiring on September 30, 2026.
2. Pursuant to Appendix A, Scope of Services, Subsection C, Proposed Schedule, this Supplemental Agreement modifies Appendix A to incorporate the following, effective October 1, 2024.

C. Proposed Schedule

Below is the schedule for the third year of the agreement (year 3).

Primary Task / Subtask	Anticipated Start Time
Planning Phase	first month after contract anniversary date
Assessment Trainings 1, 2 and Case Study Presentations	2-4 months after contract anniversary date
Assessment Trainings 3, 4 and Case Study Presentations	5-7 months after contract anniversary date
Assessment Trainings 5, 6 and Case Study Presentations	8-10 months after contract anniversary date
Assessment Trainings 7, 8 and Case Study Presentations; Final report	9-11 months after contract anniversary date

Below is the schedule for the fourth year of the agreement (year 4).

Primary Task / Subtask	Anticipated Start Time
Planning Phase	first month after contract anniversary date
Assessment Trainings 1, 2 and Case Study Presentations	2-4 months after contract anniversary date
Assessment Trainings 3, 4 and Case Study Presentations	5-7 months after contract anniversary date
Assessment Trainings 5, 6 and Case Study Presentations	8-10 months after contract anniversary date
Assessment Trainings 7, 8 and Case Study Presentations; Final report	9-11 months after contract anniversary date

3. Pursuant to Appendix B, Price Schedule, this Supplemental Agreement modifies Appendix B to incorporate the following, effective October 1, 2024.

C. Price Schedule – Year 3

Primary Task / Subtask	Cost (\$) Year 3
Assessment Trainings 1, 2 and Case Study Presentations	\$25,000
Assessment Trainings 3, 4 and Case Study Presentations	\$25,000
Assessment Trainings 5, 6 and Case Study Presentations	\$25,000
Assessment Trainings 7, 8 and Case Study Presentations; Final report	\$25,000
Total	\$100,000

D. Price Schedule – Year 4

Primary Task / Subtask	Cost (\$) Year 4
Assessment Trainings 1, 2 and Case Study Presentations	\$25,000
Assessment Trainings 3, 4 and Case Study Presentations	\$25,000
Assessment Trainings 5, 6 and Case Study Presentations	\$25,000
Assessment Trainings 7, 8 and Case Study Presentations; Final report	\$25,000
Total	\$100,000

(Signatures on Following Page)

Miami-Dade County, FL

Supplemental Agreement No. 1 to Contract No. BW-10189

All other terms, covenants and conditions of the original Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement No. 1 to County Contract No. BW-10189.

By: Contractor
Holly Kasem-Beg
5B38665560D34F8...

Name: Holly Kasem-Beg

Title: Associate Director, Research Admin.

Date: 8/24/2023

Attest: DocuSigned by:
[Signature]
Corporate Secretary/Notary

Corporate Seal/Notary

YANAY TABRAUE
Notary Public-State of Florida
Commission # HH021198
Commission Expires 8/21/2024

Miami-Dade County
By: _____
for

Name: Daniella Levine Cava

Title: Mayor

Date: _____

Attest: _____
Juan Fernandez-Barquin
Clerk of the Court and Comptroller

Approved as to form
and legal sufficiency

Assistant County Attorney