

Memorandum



Date: April 2, 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)(6)

Resolution No. R-272-24

Subject: Request for Additional Expenditure Authority to Contract for Cryogenic Oxygen Plant Maintenance and Technical Support Services

Summary

This item is for additional expenditure authority to allow the Water and Sewer Department (WASD) to continue purchasing retrofitting, repair, upgrade, maintenance, and technical support services necessary for the maintenance and rehabilitation of seven cryogenic oxygen plants that produce pure oxygen for the treatment of wastewater at the three wastewater treatment plants (WWTP) operated by WASD. Pure oxygen enables the growth of aerobic bacteria in the activated sludge treatment process to treat organic contaminants and reduce biochemical oxygen demand.

The cryogenic plants were built in the late 1970s and early 1980s and are beyond their operational lifespan; hence additional maintenance and retrofits are required to continue producing oxygen at the treatment plants until the new replacement facilities are constructed. Unplanned and unanticipated major repairs to the cryogenic plants at both the North District and South District WWTPs led to the earlier-than-expected exhaustion of funds allocated in the current contract. These repairs were essential due to the aging, fatigue, and accumulation of moisture inside the cryogenic cold boxes. Additionally, funding was also required to meet Consent Decree project control integration needs at the two plants, which were not originally anticipated at the inception of the contract.

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

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize additional expenditure authority to *Contract No. FB-00035, Cryogenic Oxygen Plant Maintenance and Technical Support Services*, for WASD. WASD is requesting \$667,000 in additional expenditure authority to continue to purchase retrofitting, repairs, upgrades, maintenance and required technical support services for the remainder of the contract term.

Background

This contract was established by the Board through Resolution No. R-805-14, for a five-year term with one, five-year option to renew term, and a cumulative allocation of \$5,270,000. The contract was subsequently modified under both delegated authority and by Board for additional expenditure authority in the amount of \$1,774,000. The contract is currently in the option to renew period.

WASD uses this contract to purchase cryogenic oxygen plant maintenance and technical support services to meet their operational needs. Additional expenditure authority is needed to continue to pay

for the maintenance and rehabilitation of the cryogenic oxygen plants to produce pure oxygen for the treatment of wastewater. The current contract funding was depleted earlier than anticipated due to unplanned additional work involving extensive repairs to the cryogenic plants at the North Dade and South Dade District WWTPs due to age, fatigue, and moisture collecting inside the cryogenic cold boxes used to minimize heat leakage to the environment. Because of the extensive repairs, as well as additional and unforeseen project control integration to comply with the Consent Decree, the current contract funding has been depleted. The additional funding will ensure continuity of services for the remainder of the contract term.

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

Scope

The impact of this item is countywide in nature.

Delegated Authority

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

Fiscal Impact/Funding Source

The contract has a current cumulative allocation of \$7,044,000. If this request is approved, the contract will have a modified cumulative allocation of \$7,711,000. The requested increase in expenditure authority is based on WASD's current and anticipated usage for maintenance and rehabilitation of the cryogenic oxygen plants for the remainder of the contract term.

Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Cumulative Allocation	Funding Source	Contract Manager
WASD	\$7,044,000	\$667,000	\$7,711,000	Proprietary Funds	Fredrick Taylor
Total	\$7,044,000	\$667,000	\$7,711,000		

Track Record/Monitor

Manuel Jimenez of the Strategic Procurement Department (SPD) is the Procurement Contracting Manager.

Awarded Vendor

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

Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with SPD Procurement Guidelines to determine contractor responsibility, including verifying corporate status and review of performance and compliance issues through various vendor responsibility lists and a keyword internet search. The lists referenced include convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to contractor responsibility.

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
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Applicable Ordinances and Contract Measures

- The two percent User Access Program applies.
- The Small Business Enterprise Bid Preference and Local Preference were applicable.
- 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: April 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(P)(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(P)(6)
4-2-24

RESOLUTION NO. R-272-24

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$667,000.00 FOR A TOTAL MODIFIED CONTRACT AMOUNT OF \$7,711,000.00 FOR CONTRACT NO. FB-00035 FOR THE PURCHASE OF CRYOGENIC OXYGEN PLANT MAINTENANCE AND TECHNICAL SUPPORT SERVICES FOR THE WATER AND SEWER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. This Board authorizes additional expenditure authority under Contract No. FB-00035 for the purchase of Cryogenic Oxygen Plant Maintenance and Technical Support Services for the Water and Sewer Department in an amount up to \$667,000.00 for a total modified contract amount of \$7,711,000.00.

Section 2. The Board authorizes the County Mayor or County Mayor's designee to 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 is on file with and available upon request from the Strategic Procurement Department.

The foregoing resolution was offered by Commissioner who **Eileen Higgins**,
moved its adoption. The motion was seconded by Commissioner **Kevin Marino Cabrera**
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	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of April, 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.

SED

Sarah E. Davis