

Memorandum



Date: June 18, 2024

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

Agenda Item No. 8(O)(3)

From: Daniella Levine Cava
Mayor

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

Resolution No. R-548-24

Subject: Resolution Ratifying the Award of Contract W-945 – Lime Slaker Replacement Project Alexander Orr Jr. Water Treatment Plant pursuant to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance

Executive Summary

This item seeks ratification of the award of Contract No. W-945, Lime Slaker Replacement Project Alexander Orr Jr. Water Treatment Plant (the "Contract") to Poole & Kent Company of Florida ("Poole & Kent") in an amount not to exceed \$19,126,900.00. This project will upgrade the existing lime feed and slaking system at the Alexander Orr Jr. Water Treatment Plant, which has reached the end of its useful life (the "Project"). Lime feed and slaking systems are used to aid in neutralizing acid, reducing organics and pathogens, softening hard water, and reducing corrosion in transmission pipes.

Recommendation

It is recommended that the Board of County Commissioners (the "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, the Miami-Dade Water and Sewer Department's ("WASD's") Consent Decree and Capital Improvement Programs Acceleration Ordinance ("WASD's Acceleration Ordinance") for the funded project identified below and on Exhibit A.

Capital Improvement Project

Item 1 – Recommendation awarding Contract W-945- Lime Slaker Replacement Project Alexander Orr Jr. Water Treatment Plant. This item requests ratification of an award for a Contract in an amount not to exceed \$19,126,900.00 with a total contract period of 1106 days to Poole & Kent. The Contract was fully executed and attested by the Clerk's Office on April 16, 2024.

Delegation of Authority

This Contract was awarded pursuant 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

This Contract will be performed at the Alexander Orr Jr. Water Treatment Plant located at 6825 SW 87th Avenue, Miami, FL 33173 in Commission District 6, which is represented by Commissioner Kevin Cabrera.

Fiscal Impact / Funding Source

The fiscal impact to the County will be \$19,126,900.00 for the Project. The funding sources are: Future WASD Revenue Bonds, WASD Revenue Bonds Sold, Water Renewal and Replacement Fund and Fire Hydrant. The Project is in the FY 2023 – 24 Adopted Budget and Multi-Year Capital Plan.

Track Record/Monitoring

WASD's Deputy Director of Planning, Regulatory Compliance & Capital Infrastructure, Marisela Aranguiz-Cueto, P.E., 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

In 2007, WASD evaluated the existing lime slaking system (lime slakers and lime slurry feed system), lime unloading station, and tank drainage system at the Alexander Orr Jr. Water Treatment Plant. This evaluation identified recommended improvements to the lime slaking system. Further evaluation of the lime slakers and lime slurry feed system was completed in 2010, 2016 and 2020. This Project will upgrade the existing lime feed and slaking system(s) based on previous evaluations and recommendations for the system and, upon completion, will improve operation, maintenance, and control of the facilities.

The Scope of Work includes, but is not limited to, the following:

- Removal and demolition of six (6) existing lime slakers at Chemical Building Nos. 1 and 2, along with associated discharge piping and valves, transfer pumps and lime bins;
- Installation of new lime feed and slaking equipment at Chemical Building Nos. 1 and 2;
- Installation of three (3) new lime slurry transfer pumps at Chemical Building Nos. 1 and 2;
- Installation of three (3) new 8,000 lb/hr capacity screw feeders and slaking equipment at Chemical Building No. 1 and No. 2;
- Installation of three (3) new lime slurry aging/mixing tanks for Chemical Building No. 2;
- Installation of six (four online/two standby) lime slurry feed pumps for Chemical Building No. 2, and associated piping modifications, accessories, and appurtenances.

- Clearing, demolition, grading, yard piping, potholing, relocation and abandonment of existing conflicting utilities, and Type I pavement repair of existing asphalt surfaces restoration; and
- Instrumentation and Control Work, Structural Work, Process Mechanical Work, Electrical Work, Commissioning, and start-up services.

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. A copy of the Contract is available from the Intergovernmental Affairs Division of WASD.

Attachments



Jimmy Morales
Chief Operating Officer

Exhibit A

Ratification of Contract Awards Authorized by the WASD Accelerate Ordinance

Item No.	Dept. Name	Type of Solicitation	Contract Type	Contract No.		Project Name	Firm Awarded	Commission District	Contract Amount	Funding Source(s)	Operations and Maintenance Costs	Est. Start Date	Contract Measures				Brief Project Description
				Contract No.	Project No.								SBE Goods & Services	SBE Construction	SBE A/E	CWP Program	
1	WASD	County Bid Process	Construction Contract	Contract No. W-945		Lime Slaker Replacement Project Alexander Orr Jr. Water Treatment Plant	Poole & Kent Company of Florida	District 6 (Kevin Cabrera)	\$19,126,900.00	Future WASD Revenue Bonds, WASD Bonds Sold, Water Replacement Fund and Fire Hydrant	Operations Cost: \$180,000 per year, and Maintenance Cost: \$110,000 per year	Estimated Notice to Proceed Date: 06/03/2024 Completion Date: 06/14/2027 (total contract period is 1106 days)	n/a	7.00%	n/a	n/a	This project consists of upgrading the existing lime feed and slaking system(s) at the Alexander Orr Jr. Water Treatment Plant. Lime feed and slaking systems are used to aid in neutralizing acid, reducing organics and pathogens, softening hard water, and reducing corrosion in transmission pipes, located at 6825 SW 87th Avenue, Miami, Florida.

Total Dollar Value of Award: \$19,126,900.00

MDC004

EXHIBT B

Memorandum



Date: February 20, 2024

To: Roy Coley, Director
Water and Sewer Department

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

Subject: Award Recommendation for Lime Slaker Replacement Project Alexander Orr Jr.
Water Treatment Plant; Contract No. W-945

Executive Summary

This memorandum seeks approval to award construction Contract No. W-945, Lime Slaker Replacement Project Alexander Orr Jr. Water Treatment Plant (the Contract) to the lowest responsive and responsible bidder, Poole & Kent Company of Florida (Poole & Kent). This project will upgrade the existing lime feed and slaking system(s) at the Alexander Orr Jr. Water Treatment Plant. Lime feed and slaking systems are used to aid in neutralizing acid, reducing organics and pathogens, softening hard water, and reducing corrosion in transmission pipes. The project is in the Adopted Budget and Multi-Year Capital Plan. The funding sources are Future WASD Revenue Bonds, WASD Revenue Bonds Sold, Water Renewal and Replacement Fund and Fire Hydrant Fund.

Recommendation

It is recommended that Contract No. W-945 be awarded to Poole & Kent for a total compensation amount of \$19,126,900.00, with a total contract period of 1106 consecutive calendar days.

Scope

This Contract obligations will be performed at the Alexander Orr Jr. Water Treatment Plant (AOWTP) located at 6825 SW 87th Avenue, Miami, FL 33173 in District 6, which is represented by Commissioner Kevin Cabrera.

This project will upgrade the existing lime feed and slaking system(s) at the AOWTP. The Scope of Work includes, but is not limited to, the following:

- Removal and demolition of six (6) total existing lime slakers at Chemical Building Nos. 1 and 2, along with associated discharge piping and valves, transfer pumps and lime bins.
- Installation of new lime feed and slaking equipment at Chemical Building Nos. 1 and 2.
- Three (3) new lime slurry transfer pumps each at Chemical Building Nos. 1 and 2.
- Three (3) new 8,000 lb/hr capacity screw feeders and slaking equipment each at Chemical Building No. 1 and No. 2.
- Three (3) new lime slurry aging/mixing tanks for Chemical Building No. 2.
- Six (four online/two standby) lime slurry feed pumps for Chemical Building No. 2, with associated piping modifications, accessories, and appurtenances.
- Civil Work - Clearing demolition, grading, yard piping, potholing, relocation and abandonment of existing conflicting utilities, and Type I pavement repair of existing asphalt surfaces restoration.
- Additional scope items are Instrumentation and Control Work, Structural Work, Process Mechanical Work, Electrical Work, Commissioning, and start-up services.



- The Contractor shall furnish all required material, labor, equipment, appurtenances, and miscellaneous items for the project.

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 WASD Consent Decree and Capital Improvement Program Acceleration Ordinance (Acceleration Ordinance). 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 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, subject to ratification by the Board of County Commissioners (Board).

Fiscal Impact/Funding Source

The fiscal impact to the County is \$19,126,900.00, which WASD has determined is a fair and reasonable amount for the project's defined scope of work.

The project is included in the Adopted Budget and Multi-Year Capital Plan as follows:

- Funding will be provided from Program OMB Project # 9650031 Water Reset Program – Water Treatment Plant – Alexander Orr, Jr. Expansion, Book 3 Page 98 in the FY2023-24 Adopted Budget and Multi-Year Capital Plan.
- The funding sources are Fire Hydrant, Future WASD Revenue Bonds, WASD Revenue Bonds Sold, Water Renewal and Replacement Fund.
- The life expectancy of the work is 12 to 15 years.
- Operations Cost Impact / Funding: \$180,000.00. The funding source for the operating impact is WASD Operating Revenues.
- Maintenance Cost Impact / Funding: \$110,000.00. The funding source for the maintenance impact is WASD Operating Revenues.
- The project does not include GOB funding or Art in Public Places.
- The IG Fee is included.

Vendor Selection & Track Record

On December 12, 2023, WASD received and opened two (2) bids in response to an advertisement for an open competitive solicitation for Contract No. W-945:

Company Name	Base Bid	Total Bid*
Daniel O'Connell's Sons	\$17,678,234.00	\$20,876,404.00
Poole & Kent Company of Florida	\$17,995,000.00	\$21,234,350.00

Both the apparent low bidder and the second bidder claimed local preference in their bid submittal. It was confirmed that Daniel O'Connell's Sons (DOCS) is a local business, and Poole & Kent is a locally headquartered business. Because the bid offered by Poole & Kent, a locally headquartered business, was within five percent of the low bid, Section 2-8.5 applies. It states:

"If a Low Bidder is a Local Business which is not a Locally Headquartered Business, then any and all responsive and responsible Locally Headquartered Businesses submitting a price within five percent of the Low Bid, and the Low Bidder shall have an opportunity to submit a best and final bid equal to or lower than the Low Bid."

Therefore, pursuant to Section 2-8.5, a Best and Final Offer (BAFO) occurred on December 21, 2023 with bids received as follows:

Company Name	Base Bid	Total Bid*
Poole & Kent Company of Florida	\$16,130,000.00	\$19,126,900.00
Daniel O'Connell's Sons	\$17,578,234.00	\$20,763,404.00

The following due diligence was performed to determine Poole & Kent as the lowest responsive and responsible bidder for the Best and Final Offer (BAFO):

- Because contract measures were assigned, the two (2) bids were forwarded to Internal Services Department's (ISD) Division of Small Business Development (SBD) for a Compliance Review. On January 3, 2024, SBD issued the results of its Compliance Review. Both firms were determined to be in compliance with the Implementing Order for the Small Business Enterprise (SBE/Cons) program for construction services. The SBD Project Worksheet and the Compliance Review letter are attached to this memo as Exhibits A and B, respectively.
- CDM Smith, the Engineer of Record (EOR), reviewed the bid submissions and, on January 8, 2024, determined that the low bid from Poole & Kent 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 No. R-187-12, WASD performed a review of the vendor information in the Business Management Workforce System (BMWS). WASD discovered no adverse information. Considering the input of ISD and the EOR, WASD concluded that Poole & Kent is responsible.
- According to the contract history downloaded from the BMWS on January 24, 2024, the County has awarded Poole & Kent seven (7) contracts over the past three years, with a total value of \$476,500,000.
- Poole & Kent has 81 evaluations in the ISD Capital Improvement Information System (CIIS), with a rating of 3.5 out of a possible 4.0 maximum.

Considering the input of ISD and the EOR, WASD has concluded that the apparent lowest bidder, Poole & Kent, is both responsive and responsible. The total bid of \$19,126,900.00 is approximately 1.79% below the EOR's estimate of \$19,470,454.07; 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 No. W-945 be awarded to Poole & Kent for a total compensation amount of \$19,126,900.00 with a total contract period of 1106 calendar days (Substantial Completion time of 949 calendar days, Final Completion time of 1006 calendar days, plus a Time Allowance of 100 calendar 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

In 2007, the WASD evaluated the existing lime slaking system (lime slakers and lime slurry feed system), lime unloading station, and tank drainage system at the Alexander Orr Jr. Water Treatment Plant. This evaluation identified recommended improvements to the lime slaking system. Further evaluation of the lime slakers and lime slurry feed system was completed in 2010, 2016 and 2020. This project will upgrade the existing lime feed and slaking system(s) based on previous evaluations and recommendations, and upon completion, will improve operation, maintenance, and control of the facilities.

Contract Manager Name/Phone/Email

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

Project Manager Name/Phone/Email

Johnny A. Ceballos / 786-552-4403 / johnny.cebillos@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	7.00%
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	

Project Chronology

Event	Projected Date
1. Pre-bid Meeting Date if applicable	8/29/2023
2. Bid opening date	12/12/2023
3. Planned Bid Award date	TBD
4. Planned pre-construction meeting	TBD
5. Planned Notice to proceed	TBD
6. Planned groundbreaking	TBD
7. Planned completion date	TBD

SIGNATURE PAGE

Lime Slaker Replacement Project Alexander Orr Jr. Water Treatment Plant, W-945

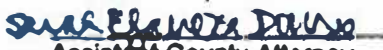


David Clodfelter
OMB DIRECTOR

02.12.2024

DATE

Approved as to legal sufficiency


Assistant County Attorney
DATE

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


DATE

Attachments



Small Business Development Division

Project Worksheet

Exhibit A

Project/Contract Title: Alexander Orr Jr. Water Treatment Plant Lime Slaker Replacement Project
Received Date: 5/9/2022
Resubmittal: 5/30/2023
Date:
Project/Contract No: W-945
Funding Source: Other
Department: Water & Sewer
Estimated Cost of Project/Bid: \$17,050,585.00
Description of Project/Bid: This project consists of the removal and demolition of six (6) total existing lime slakers at Chemical Building Nos. 1 and 2, etc.

Contract Measures

<u>Measure</u>	<u>Program</u>	<u>Goal Percent</u>
Goal	SBE - Con	7.00%
No Measure	SBE - G&S	

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/Services measures. Project information analyzed included the project's scope of services, minimum requirements/qualifications and funding source. An attempt was made to assign this project a Set-Aside measure; however, three or more firms did not respond to the Verification of Availability to Bid as being able to meet the project's requirements.

An analysis of the factors contained in Implementing Order 3-22 indicates a 7.0% Small Business Enterprise - Construction (SBE-Con) subcontractor goal is appropriate in the trades of: Plumbing, Heating, and Air-Conditioning Contractors - 1.86% (Mechanical/Completing Lime Slaking Equipment-1.86%), Structural Steel and Precast Concrete Contractors - 0.792% (Concrete Repair/Wall/Ceiling/Spalled Concrete-0.792%), Other Heavy and Civil Engineering Construction - 2.62% (Completion of Lime Slaking Equipment), Commercial and Institutional Building Construction - 0.77% (Lime Bin Replacement-0.77%) and Site Preparation Contractors- 0.96% (Site work at CB 2).

Community Workforce Program (CWP) is not Applicable. The project is not in a Designated Target Area (DTA). The Residents First and Employ Miami-Dade programs are applicable to this project.

SMALL BUSINESS ENTERPRISE - GOODS & SERVICES (SBE-G&S).

An analysis of the factors contained in Implementing Order 3-41 & Ordinance 14-41 indicates a No Measure is appropriate as no SBE-G&S opportunities were possible.

The SBE-Con Subcontractor Goal can be met by First Tier, Second Tier and Third Tier, certified SBE-Con firms.

NAICS 236220 Commercial and Institutional Building Construction, NAICS 238220 Plumbing, Heating, and Air-Conditioning Contractors, NAICS 237310 Highway, Street, and Bridge Construction, NAICS 238120 Structural Steel and Precast Concrete Contractors and NAICS 237990 Other Heavy and Civil Engineering Construction, NAICS 238910 Site Preparation Contractors

Small Business Contract Measure Recommendation

<u>Subtrade</u>	<u>Category</u>
Plumbing, Heating, and Air-Conditioning Contractors	SBE-Con
Other Heavy and Civil Engineering Construction	SBE-Con
Commercial and Institutional Building Construction	SBE-Con
Structural Steel and Precast Concrete Contractors	SBE-Con
Site Preparation Contractors	SBE-Con

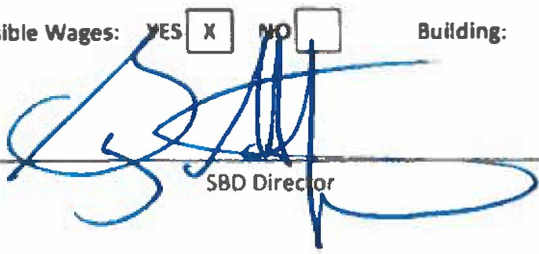
Living Wages: YES ☐ NO ☒

Highway: YES ☐ NO ☒

Heavy Construction: YES ☐ NO ☒

Responsible Wages: YES ☒ NO ☐

Building: YES ☒ NO ☐



SBD Director

6-13-23

Date

Memorandum



DATE: January 2, 2024

TO: Paul Adams, PE, Chief
Construction Contracts Section
Miami-Dade Water and Sewer Department

FROM: Gary Hartfield, Division Director
The Office of Small Business Development

A handwritten signature in blue ink, appearing to be "GH", written over a horizontal line.

SUBJECT: Compliance Review
Project No. W-945
Alexander Orr Jr. Water Treatment Plant Lime Slaker Replacement Project

The Office of Small Business Development (SBD), has completed its review of the subject project for compliance with the Small Business Enterprise - Construction (SBE-Con) program for construction. The contract measure established for this project is a 7.00% SBE-Con Subcontractor goal.

The Miami-Dade County Water and Sewer Department has submitted contract documents that included the Certificate of Assurance for the firms listed below acknowledging the project's SBE measures. Each firm was required to submit their Utilization Plans (UPs) identifying the SBE subcontractors to fulfill the goal via the Business Management Workforce System (BMWS) and the following is their pre-award compliance status and summary.

FIRM**STATUS**

1. Daniel O'Connell's Sons, Inc.
2. Poole & Kent Company of Florida

Compliant
Compliant

SUMMARY:

Daniel O'Connell's Sons, Inc. (1)., a non-certified SBE-Con firm, committed to utilize Solares Electrical Services, Inc., a certified, SBE-Con firm to perform electrical work at 13.22% in satisfaction of the 7.00% SBE-Con subcontractor goal. The subcontractor confirmed its participation via the BMWS in agreement with the measure.

Daniel O'Connell's Sons, Inc. has satisfied the contract's 7.00% SBE-Con goal measure and is in compliance with the overall Small Business measure established for this contract.

Poole & Kent Company of Florida (2)., a non-certified SBE-Con firm, committed to utilize Global Electrical Contractor Corp., a certified SBE-Con firm, to perform electrical work at 7.00% in satisfaction of the 7.00% SBE-Con subcontractor goal. The subcontractor confirmed its participation via the BMWS in agreement with the measure.

Poole & Kent Company of Florida has satisfied the contract's 7.00% SBE-Con goal measure. Poole & Kent Company of Florida is in compliance with the overall Small Business measure established for this contract.

SBD has verified that none of the aforementioned firms is listed on the *Compliance Report of Open and Closed Small Business, Wage and/or Workforce Violations in the last three (3) years* with an open violation. Please be reminded that SBD's review is specific to the SBE-Con Program. The Miami-Dade Water & Sewer Department 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 Suarez, Capital Improvement Project Analyst, at (305) 375-3141.

c: Laurie Johnson, SBD
Antoinette Altamirano, WASD



January 8, 2024

Mr. Paul Adams
Chief, Construction Contracts Division
Miami-Dade Water and Sewer Department
3071 SW 38th Ave, Suite 107
Miami, Florida 33146

Subject: Miami-Dade Water and Sewer Department (Department)
Alexander Orr Jr. Water Treatment Plant Lime Slaker Replacement Project
Contract No. W-945
Construction Bid Evaluation and Award Recommendation

Dear Mr. Adams:

The bid opening for Contract No. W-945 Lime Slaker Replacement Project took place on December 12, 2023 at 2:00 PM. Two bids were received with the as-read bid results summarized below.

	Daniel O'Connell's Sons	Poole & Kent Co. Florida
Base Bid Total	\$17,678,234.00	\$17,995,000.00
Total Contract Cost	\$20,876,404.00	\$21,234,350.00

Subsequently, the Department requested Best and Final Offers (BAFO) from the two bidders pursuant to Code of Miami-Dade County Section 2-8.5 which were opened by the Department on December 21, 2023. The Department received two (2) BAFO bids summarized below.

	Daniel O'Connell's Sons	Poole & Kent Co. Florida
BAFO Base Bid Total	\$17,578,234.00	\$16,130,000.00
Total Contract Cost	\$20,763,404.00	\$19,126,900.00

The apparent low bidder is Poole and Kent Company Florida with a Base Bid of \$16,130,000.00, which is approximately 2 percent below the base construction estimate for this contract. The base construction estimate (consisting of biddable items), exclusive of contingency and allowance items, is \$16,434,030.15.

Based on our review of the referenced above, the contractor's experience qualifications submitted in responsible conformance with the specified requirements, and upon the Department's consideration



Mr. Paul Adams
January 8, 2024
Page 2

and satisfaction, we recommend proceeding with the contract award to the lowest apparent bidder, Poole and Kent Company Florida in the amount of their Total Base Bid of \$16,130,000.00, which includes allowances and other bid items beyond the Base Bid price. If you have any questions, please contact me at (305) 372-7171.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Dan Maher".

Daniel R. Maher, P.E., PMP
Principal
CDM Smith Inc.

Enclosure:

File: PW 6430-114268.02.01.10.02

cc: Johnny Ceballos, PE, PMP, LEED® AP BD+C, MDWASD
Li Gurau, Ph.D, P.E. MDWASD
Layla Llewelyn, P.E., PMP, CDM Smith

CONTRACT

Exhibit D

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

**Lime Slaker Replacement Project Alexander Orr Jr. Water Treatment Plant;
Contract No. W-945**

for the aggregate amount reflected by the Proposal, said aggregate amount being of Nineteen Million One Hundred Twenty-Six Thousand Nine Hundred Dollars and Cents (U.S. Dollars) \$19,126,900.00 (Best and Final Offer).

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 Contract 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 Contract Conditions, any Supplemental General Contract 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 Program County

CONTRACT

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 Contract 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 Contract 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 Contract Conditions Article on Termination for Convenience.

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

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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

(PARTY OF THE FIRST PART)

Date

Approved as to Form and Legal Sufficiency

Assistant County Attorney

WHEN THE CONTRACTOR IS A CORPORATION

(CORPORATION SEAL)

ATTEST:


Assistant (Secretary)

David A. Strickland
(Print or type name)

Pooler & 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: June 18, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(3)

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)(3)
6-18-24

RESOLUTION NO. _____ R-548-24

RESOLUTION RATIFYING ACTION BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, SPECIFICALLY APPROVAL OF THE AWARD OF CONTRACT NO. W-945 BETWEEN MIAMI-DADE COUNTY AND POOLE & KENT COMPANY OF FLORIDA FOR LIME SLAKER REPLACEMENT PROJECT ALEXANDER ORR JR. WATER TREATMENT PLANT IN A TOTAL AMOUNT NOT TO EXCEED \$19,126,900.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE 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 ratifies the action of the County Mayor or County Mayor's designee, as authorized by section 2-8.2.12 of the Code of Miami-Dade County, specifically, approval of the award of Contract No. W-945 between Miami-Dade County and Poole & Kent Company of Florida for Lime Slaker Replacement Project Alexander Orr Jr. Water Treatment Plant in a total amount not to exceed \$19,126,900.00; and authorizes the County Mayor or County Mayor's designee to exercise the provisions contained therein. 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 **Eileen Higgins** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	absent	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 18th day of June, 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