MEMORANDUM

Agenda Item No. 8(F)(1)

TO:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	**DATE:**	September 17, 2024
FROM:	Geri Bonzon-Keenan County Attorney	**SUBJECT:**	Resolution relating to the Wall of Heroes Monument; waiving the requirement set forth in section 5 of Resolution No. R-726-22 requiring the identification of additional funding necessary to fulfill budgetary needs for the performance of the contract entered for the completion of the Wall of Heroes Monument; authorizing the County Mayor to terminate for convenience Contract No. I190256 between the County and Branch Enterprises LLC with an estimated fiscal impact of $35,130.13; finding it in the best interest of the County, pursuant to section 2-8.1(b)(3) of the Code and by a two-thirds vote of the Board members present, to award a contract to Dakota Granite Co. for the fabrication and installation of the Wall of Heroes Monument in an amount not to exceed $1,000,000.00, inclusive of any ancillary construction services which shall be performed by a licensed contractor; authorizing the County Mayor to exercise all provisions of such contract; and waiving the requirements of Resolution No. R-130-06

Resolution No. R-810-24

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.

Gerald Sanchez for
Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum

Date: September 17, 2024

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

From: Daniella Levine Cava
Mayor

Daniella Levine Cava

Subject: Resolution for a Designated Purchase in an amount of $1,000,000 from Dakota Granite Co. for the fabrication and installation of the Wall of Heroes Monument in the Stephen P. Clark Center

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Executive Summary

The purpose of this item is to obtain authorization and approval from the Board of County Commissioners ("Board") of (1) the waiver of section 5 of Resolution No. R-726-22 requiring Miami-Dade County (County) to identify any additional funding necessary to fulfill budgetary needs required for the performance of the contract entered into with Branch Enterprises LLC (Branch); (2) the termination for convenience of a contract between Branch and the County; (3) a designated purchase in an amount of $1,000,000 from Dakota Granite Co. (Dakota) for the fabrication and installation of the Wall of Heroes Monument Stephen P. Clark Center (SPCC); and (4) a waiver of the requirements of Resolution No. R-130-06 requiring the complete negotiation and execution of a contract prior to placement of an item on a Board agenda.

Approval of this item will reduce expenditures while ensuring the delivery of a monument that honors those who have valiantly served our country. Completion of this project encountered significant challenges, including an initial bid 55 percent over budget and the subsequently revealed omission of a crucial water filtration system by Branch, resulting in a 200 percent increase in plumbing costs. Despite extensive negotiations with Branch, the Internal Services Department (ISD) could not reduce the costs to meet the County's budgetary expectations. To comply with the intent of Resolution No. R-726-22, this item seeks approval to negotiate and execute a contract directly with Dakota, with an estimated fiscal impact of $1,000,000, for the entire scope of work necessary to complete the Wall of Heroes Monument in accordance with the plans prepared by BEA Architects, Inc. (BEA). The construction for the project would otherwise remain on hold unless the Board takes action accordingly.

Recommendation

It is recommended that the Board approve this resolution to authorize:

- The waiver of section 5 of Resolution No. R-726-22 requiring the County Mayor or County Mayor's designee to identify any additional funding necessary to fulfill budgetary needs required for the performance of the contract entered into with Branch for the construction of the Wall of Heroes Monument;
- The termination for convenience of a contract between Branch and the County, inclusive of a one-time payment to Branch in an amount of approximately $35,130, for pre-negotiated pre-construction services, including the securing of a construction bond and the production of shop drawings;
- A designated purchase to Dakota for the fabrication, delivery, and installation of the Wall of Heroes Monument in the SPCC lobby in an amount not to exceed $1,000,000, inclusive of ancillary construction services; and

- The waiver of the requirements of Resolution No. R-130-06 requiring the complete negotiation and execution of a contract prior to placement of an item on a Board agenda. Waiver of this requirement is in the best interest of the County because a proposal for the fabrication, delivery and installation of the Wall of Heroes Monument and ancillary construction services within the authorized $1,000,000 has been provided; it will limit the impacts of site preparation and extension coordination required for the integration of the monument installation and associated services of the specialized nature; and reduce the various costs associated with non-construction elements of the project, including the fabrication, etching, and coloring of the Wall of Heroes Monument.

Background

On July 7, 2011, the Board approved Resolution No. R-563-11, directing the County Mayor or County Mayor's designee to design a plaque to be installed in the lobby of the SPCC to be called the Wall of Heroes in honor of the men and women of the U.S. Armed Forces from Miami-Dade County who died in Iraq or Afghanistan while serving in operations Iraqi Freedom and Enduring Freedom.

On January 23, 2019, the Board approved Resolution No. R-73-19, which amended Resolution No. R-563-11. The amended resolution authorized the County Mayor or County Mayor's designee to design, commission, and install a Wall of Heroes in the atrium of the SPCC if sufficient budgeted funding was legally available and to prepare a written report setting forth: (i) the proposed funding source for the Wall of Heroes; (ii) whether sufficient funding is available to design, commission, and install the Wall of Heroes; (iii) if sufficient funding is not available, the source and amount of additional funding that is necessary to design, commission, and install the Wall of Heroes; and (iv) the proposed location of the Wall of Heroes within the atrium of the SPCC. The Wall of Heroes would list the name, rank, branch of service, and final military operation of all men and women from the U.S. Armed Forces from Miami-Dade County who were killed in action from World War II to the present day. This item further directed the County Mayor or County Mayor's designee to work with the County's Military Liaison in gathering the aforementioned information. ISD presented a report to the Board in response to Resolution No. R-73-19, on April 5, 2022.

On July 19, 2022, the Board approved Resolution No. R-726-22, directing the County Mayor or County Mayor's designee to use Miscellaneous Construction Contracts Program ("MCC Program") to contract for the construction of the Wall of Heroes monument in accordance with plans prepared by BEA. In accordance with that directive, ISD advertised the project under the MCC Program on August 11, 2022, and held a pre-bid meeting and site visit on August 19, 2022, attended by two bidders. Bids were opened on September 15, 2022, with two bids received. ISD proceeded with compliance review as per MCC Program requirements and awarded the project on October 14, 2022, to Branch as the lowest responsible and responsive bidder. The bid price of $1,580,801, however, exceeded the funding amount of $1,000,000 previously approved by the Board.

Further exacerbating budgetary issues with the Branch contract, Branch advised that the water filtration system included as part of the design, was not included in the original bid price submitted. The new plumbing costs would reflect a 200 percent increase in the original price of $23,000. Supplemental review of the schedule of values submitted indicated that Branch included a 29 percent markup on finishes, including the stone fabrication & specialty stone setting. As per the MCC Contract, contractors are allowed up to a 5 percent markup to cover their superintendence, administration, and other overhead expenses for the base contract, or a 15 percent markup of the direct labor and material costs for combined profit and home office overhead for change order work.

To address the budgetary issues presented by the Branch contract, meetings were held between the County and Branch between November 2022 and May 2023 to address pricing issues and eliminate ambiguity on the items included. Negotiations were unsuccessful and it was determined that the bid price was more than the actual costs to complete the work. Although Resolution No. R-726-22 contemplated commencing the project and returning to the Board for additional budgeting, if necessary, approval for the additional funding could not be justified and it is therefore recommended that the Board rescind the directive contained in section 5 of Resolution No. R-726-22 requiring the identification of any additional funding necessary for the completion of the project.

This item takes the actions needed to resume the project. Under Resolution No. R-726-22, the County Mayor or County Mayor's designee is not permitted to exercise termination-for-convenience provisions in the construction contract without this Board's prior approval. Accordingly, this item seeks authorization to terminate the Branch contract for convenience and authorizes payment to Branch of recoverable expenses incurred through the date of termination. This termination payment has been negotiated with Branch in the amount of approximately $35,130.

This item further approves and authorizes a designated purchase for the fabrication and installation of the Wall of Heroes Monument from Dakota, including ancillary construction services to be performed by a licensed contractor. The estimated cost of such services, based on conversations held as recently as April 19, 2024, is $1,000,000. Under section 2-8.1 of the Code of Miami-Dade County (the "Code"), formal sealed bids for the purchase of goods and services shall not be required when the purchase of sealed bids would not be practicable, including in the case of the purchase of unique artistic services not governed by the Consultants' Competitive Negotiations Act. Use of this approval method is appropriate for the purchase of Dakota's services because of the specialized nature of the site preparation and the extensive coordination needed between the contractor and Dakota. Further, in this case, the County has determined that the vast majority of the costs associated with the project are connected to non-construction elements of the project, including the fabrication, etching, and coloring of the Wall of Heroes Monument. As indicated above, the County Mayor or County Mayor's designee has already pursued formal competition for the completion of the Wall of Heroes Monument, and the bids obtained exceeded the County's budget for the project.

In adopting Resolution No. R-726-22, this Board found that "with respect to the selection of the firm responsible for the sourcing and manufacturing of the granite memorial," Dakota "has been a full service quarrier and manufacturer of granite products, specializing in, among other things, erecting civic memorials to memorialize persons who have given their lives in the service of this country." This Board further found that Dakota "is uniquely qualified to construct and provide and install the granite monument for the Wall of Heroes."

Contracting directly with Dakota for the fabrication and installation of the Wall of Heroes, including for any ancillary construction services, will ensure that Dakota is able to ensure a quality installation of the monument and eliminate any coordination issues between Dakota and a separately procured provider of ancillary construction services. Accordingly, it is hereby recommended that the Board by a two-thirds vote of the members present approve the aforementioned designated purchase from Dakota as in the best interest of the County.

It is further recommended that the Board waive the requirements of Resolution No. R-130-06. Waiver of the requirements of this resolution is recommended because it will limit the impacts of site preparation and extension coordination required for the integration of the monument installation and associated services of the specialized nature and reduce the various costs associated with non-construction elements of the project, including the fabrication, etching, and coloring of the Wall of Heroes Monument.

Scope
The SPCC is a countywide asset located in District 5, represented by Commissioner Eileen Higgins. However, the Wall of Heroes Monument will honor veterans throughout the County.

Fiscal Impact
The fiscal impact of this resolution is approximately $1,035,130 of which funding has already been allocated and approved through the Board. The funding source is the Capital Asset Acquisition Bond (CAAB 2021A).

Track Record/Monitor
Sally Contreras, ISD, is the Project Manager.

Delegated Authority
If this item is approved, the County Mayor or County Mayor's designee will be authorized to negotiate and enter into a contract with Dakota for the fabrication and installation of the Wall of Heroes monument in the atrium of the SPCC. Such contract shall provide that any ancillary construction services shall be performed by an appropriately licensed contractor. Further, the County Mayor or County Mayor's designee shall have the authority to exercise all provisions of the contract with Dakota, including any assignment, cancellation, renewal, or extension provisions in accordance with Section 2-8.1 of the Code and Implementing Order 3-38.

Carladenise Edwards
Chief Administrative Officer

MEMORANDUM
(Revised)

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

DATE: September 17, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(1)

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 ____, majority plus one ____, 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) ____, 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(F)(1)
9-17-24

RESOLUTION NO. R-810-24

RESOLUTION RELATING TO THE WALL OF HEROES MONUMENT; WAIVING THE REQUIREMENT SET FORTH IN SECTION 5 OF RESOLUTION NO. R-726-22 REQUIRING THE IDENTIFICATION OF ADDITIONAL FUNDING NECESSARY TO FULFILL BUDGETARY NEEDS FOR THE PERFORMANCE OF THE CONTRACT ENTERED FOR THE COMPLETION OF THE WALL OF HEROES MONUMENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TERMINATE FOR CONVENIENCE CONTRACT NO. I190256 BETWEEN THE COUNTY AND BRANCH ENTERPRISES LLC WITH AN ESTIMATED FISCAL IMPACT OF $35,130.13; FINDING IT IN THE BEST INTEREST OF THE COUNTY, PURSUANT TO SECTION 2-8.1(B)(3) OF THE CODE OF MIAMI-DADE COUNTY AND BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT, TO AWARD A CONTRACT TO DAKOTA GRANITE CO. FOR THE FABRICATION AND INSTALLATION OF THE WALL OF HEROES MONUMENT IN AN AMOUNT NOT TO EXCEED $1,000,000.00, INCLUSIVE OF ANY ANCILLARY CONSTRUCTION SERVICES WHICH SHALL BE PERFORMED BY A LICENSED CONTRACTOR; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF SUCH CONTRACT; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-130-06

WHEREAS, this Board desires to accomplish the objectives set forth 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. Adopts and incorporates herein the foregoing recital.

Section 2. Waives the requirement set forth in section 5 of Resolution No. R-726-22 requiring the County Mayor or County Mayor's designee to identify any additional funding necessary to fulfill budgetary needs required for performance of the contract entered for the completion of the Wall of Heroes Monument.

Section 3. Authorizes the County Mayor or County Mayor's designee to terminate Contract No. I190256 between the County and Branch Enterprises LLC for convenience with an anticipated fiscal impact of approximately $35,130.13.

Section 4. Finds it in the best interest of the County, pursuant to section 2-8.1(b)(3) of the Code of Miami-Dade County and by a two-thirds vote of the Board members present, to award a contract to Dakota Granite Co. a contract for the fabrication and installation of the Wall of Heroes Monument in an amount not to exceed $1,000,000.00, inclusive of any ancillary construction services which shall be performed by a licensed contractor. This Board further authorizes the County Mayor or County Mayor's designee to exercise all provisions of the foregoing contract, including any assignment, cancellation, renewal, or extension provisions in accordance with section 2-8.1 of the Code and Implementing Order 3-38.

Section 5. Waives the requirements of Resolution No. R-130-06 with respect to the contract described in section 4.

The foregoing resolution was offered by Commissioner **Marleine Bastien**, who moved its adoption. The motion was seconded by Commissioner **Sen. René García** 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	**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 this resolution duly passed and adopted this 17th day of September 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. MAG

Miguel A. Gonzalez