

Memorandum



Date: October 1, 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)(15)

Resolution No. R-880-24

Subject: Request for a Non-Competitive Designated Purchase for Additional Time for Hauling and Disposal of Mixed Biosolids, Grit, and/or Screenings (Group C Only)

Summary

This item seeks approval of the Board of County Commissioners (the "Board") for a non-competitive designated purchase to Waste Management Inc. of Florida ("WM") in order to extend Contract No. 7122-1/23-1 (the "Contract"), Hauling and Disposal of Class B Biosolids (Group C only), for one year, with the option to extend for one additional year through Contract Modification No. 9. **This extension is for time-only and no additional expenditure authority is requested.** The time extension is necessary for the Miami-Dade Water and Sewer Department ("WASD") to continue purchasing services for hauling and disposal in Class I landfills of mixed biosolids, grit and/or screenings material (Group C) produced from the three wastewater treatment plants operated by WASD while the vendor marketplace for mixed biosolid/grit/screening hauling and disposal is researched, scope of services is prepared, and a new competitive bidding process is conducted.

Group C of the Contract specifically covers the disposal of mixed biosolids with grit and screenings. Grit consists of small, heavy particles like sand and gravel, removed early in the treatment process to protect equipment and prevent clogs. This material, along with screenings, is disposed of in landfills as it cannot be repurposed. In contrast, Group A, B, and D of the Contract cover the nutrient-rich byproducts from wastewater treatment that can be repurposed to fertilizer or soil conditioner and will be addressed separately through a Bid Waiver Recommendation to the Board under Contract No. BW-10481.

The designated purchase request is for additional time only and no additional expenditure authority is requested, as the approval of Contract Modification No. 9 is beyond the Mayor's delegated authority. The overall contract, including Groups A to D, has over \$26 million of allocation remaining, and WM is providing the services at a competitive price without performance issues. Timely disposal of mixed biosolids, grit, and screenings is essential to comply with permits from the Florida Department of Environmental Protection (FDEP), Chapter 62-640 of the Florida Administrative Code (F.A.C.), and other regulations.

Recommendation

It is recommended that the Board approve this request for a non-competitive designated purchase pursuant to section 2-8.1(b)(3) of the Miami-Dade County Code, by a two-thirds vote of the Board members present, and approve Contract Modification No. 9 to extend *Contract No. 7122-1/23-1, Hauling and Disposal of Class "B" Biosolids* (Group C only), for one year, with the option to extend for one additional year to allow WASD to continue purchasing hauling and disposal services for mixed biosolids, grit and/or screenings material, thereby ensuring that WASD maintains wastewater treatment operations and remains in compliance with Chapter 62-640, F.A.C.

Background

Contract No. 7122-1/23 was originally established by the Board on March 4, 2014, via Resolution No. R-212-14, for a five-year term. It was subsequently modified for additional expenditure authority and time extension through Resolution Nos. R-694-18 and R-1145-19, respectively, and to exercise the available

option to renew via Resolution No. R-331-20. The cumulative contract value for all Groups is \$139,242,000 and is expiring on October 31, 2024.

The services provided under the Contract were divided in four groups as follows:

- Group A – Transportation and Disposal of Class B Biosolids in the form of Sludge Cake from the Central District Wastewater Treatment Plant
- Group B – Transportation and Disposal of Class B Biosolids in the form of Partially Dried Sewage Sludge from the South District Wastewater Treatment Plant
- Group C – Transportation and Disposal of Mixed Biosolids, Screenings and/or Grit from the North, Central, or South District Wastewater Treatment Plant
- Group D – Transportation and Disposal of Biosolids Pre-Qualification Pool

A separate item is being presented to the Board to award a bid waiver contract (BW-10481) to CompostUSA of Highlands County, LLC ("CompostUSA") to provide biosolids hauling and disposal services that will replace the Contract for Groups A, B, and D. The Contract for Group C is still needed by WASD for the hauling and disposal of mixed biosolids, grit, and/or screenings generated by the County, with a daily output of approximately 234 wet tons (60,000 wet ton annually).

Wastewater contains large solids and grit in addition to organic material and food waste that can interfere with treatment processes or cause undue mechanical wear and increased maintenance on wastewater treatment equipment. To minimize potential problems, these large solids and grit are removed at the headworks of the plants, and these screenings are disposed of at landfills. The grit material consists of inorganic particles, like sand, gravel, and cinders; while screenings are solid materials, such as food waste, rags, sticks, plastics, paper, and other debris, which are suitable for disposal in Class I landfills. Group C also includes mixed biosolids, which cannot be processed into Class B and Non-Class B biosolids for disposal via land application or composting.

Grit and screenings removal is essential for the wastewater treatment process for the following reasons: i) it protects the environment - grit and headworks screening removes grit, sand, debris, and other trash from entering the County's waterways; ii) it enhances treatment - improves the effectiveness of biological and chemical treatment stages; iii) it maintains efficiency - ensures smooth operation of subsequent treatment processes; iv) it protects equipment - prevents damage and wear and reduces clogging on pumps, valves, and other mechanical components; and v) it reduces costs - lowers maintenance and repair expenses by preventing equipment damage.

The services provided under Group C include the transportation and disposal of mixed biosolids, grit, and screenings in Class I landfills, which are engineered to handle such waste safely and in compliance with environmental regulations. These landfills are designed to prevent contamination of groundwater and the surrounding environment, which makes them suitable for disposing of the heavy, inorganic materials and solid debris.

Extending the current Contract as to Group C is necessary to allow WASD sufficient time to evaluate additional options for mixed biosolids/grit/screenings treatment and disposal, prepare a competitive scope of work, request bids, and award a new contract. This designated purchase to WM is also beneficial to the County as it allows the County to preserve previously negotiated terms and conditions, including competitive pricing of \$70.99 per ton, and will allow for uninterrupted operation of the wastewater treatment process while a new competitive solicitation is carried out.

Additionally, WM is already familiar with the operations and requirements of the wastewater treatment plants, which will ensure seamless service. WM has demonstrated its capability to manage the volume and complexity of the mixed biosolids/grit/screenings generated by the County's wastewater treatment plants. WM's performance has met all regulatory requirements and performance metrics. Introducing a new vendor would require a transitional period to ensure they meet the same standards, which could risk non-compliance during the interim.

Accordingly, it is in the County's best interest to approve this designated purchase pursuant to section 2-8.1(b)(3) of the Miami-Dade County Code in order to continue providing transportation and removal of mixed biosolids, grit, and/or screenings (Group C only) from the three wastewater treatment plants. Failure to remove these waste materials will impact the wastewater treatment process and may result in permit exceedances and non-compliance with Chapter 62-640, F.A.C.

Scope

The impact of this item is countywide.

Delegated Authority

If this item is approved, the County Mayor or the County Mayor's designee will have the authority to execute Contract Modification No. 9 and exercise all provisions contained therein.

Fiscal Impact/Funding Source

The Contract has a cumulative allocation of \$139,242,000 and expires on October 31, 2024. If this request is approved and if the contract is extended the two years, the Contract will not modify the current cumulative allocation and will expire on October 31, 2026. No additional expenditure authority will be needed because there is a remaining allocation of \$26,254,818, which is sufficient to purchase the required services for the up to two-year period.

Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Cumulative Allocation	Funding Source	Contract Manager
WASD	\$139,242,000	\$0	\$139,242,000	Proprietary Funds	Susan Pascul
Total	\$139,242,000	\$0	\$139,242,000		

Track Record/Monitor

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

Awarded Vendor

Vendor	Principal Address	Local Address	Principal	Group Awarded
Waste Management Inc. of Florida	800 Capitol Street Suite 3000 Houston, TX	3401 NW 110 Street Miami, FL	David M. Myhan	Group C

Due Diligence

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

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

- The two percent User Access Program applies.
- The Small Business Enterprise Bid Preference and Local Preference were applied.
- The Living Wage Ordinance does not apply.



Jimmy Morales
Chief Operating Officer



MEMORANDUM

(Revised)

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

DATE: October 1, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(P)(15)

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(P)(15)
10-1-24

RESOLUTION NO. R-880-24

RESOLUTION AUTHORIZING NON-COMPETITIVE DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING ADDITIONAL TIME OF ONE YEAR, WITH THE OPTION TO EXTEND FOR ONE ADDITIONAL YEAR, FOR CONTRACT NO. 7122-1/23-1 FOR THE PURCHASE OF HAULING AND DISPOSAL OF CLASS “B” BIOSOLIDS, GROUP C, FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE CONTRACT MODIFICATION NO. 9 AND EXERCISE ALL PROVISIONS OF THE CONTRACT

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 it in the best interest of Miami-Dade County to authorize a non-competitive purchase and authorize additional time of one year, with the option to extend for one additional year, for Contract No. 7122-1/23-1 for Hauling and Disposal of Class “B” Biosolids, Group C, for the Miami-Dade Water and Sewer Department, pursuant to section 2-8.1(b)(3) of the Code of Miami-Dade County, by a two-thirds vote of the Board members present.

Section 2. This Board authorizes the County Mayor or County Mayor’s designee to execute Contract Modification No. 9, in substantially the form attached hereto as Exhibit 1 and made a part hereof, and exercise all provisions of the contract. A copy of the original Contract No. 7122-1/23-1 documents are on file with and available upon request from the Strategic Procurement Department.

The foregoing resolution was offered by Commissioner **Danielle Cohen Higgins** ,
 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	absent		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	absent	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	absent
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of October, 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

Exhibit 1

CONTRACT MODIFICATION NO. 9

(Contract Extension for Group C Only)

Contract Number: 7122-1/23-1

Title: Hauling and Disposal of Class "B" Biosolids

In accordance with the above-referenced Contract Terms and Conditions, this Contract Modification, between Miami-Dade County (hereafter referred to as "the County") and Waste Management Inc. of Florida (referred to as "Awarded Bidder" for Group C), when properly executed, becomes part of the Contract, and pursuant to Section 1, General Terms and Conditions, Paragraph 1.23, Modification of Contract, which expressly provides for modifications by mutual consent. It is mutually understood and agreed by and between the County and the Awarded Bidder that the contract shall be modified as follows:

- 1) Section 1, General Terms and Conditions of Miami-Dade County (updated) shall apply to this Contract and is available on demand at the County's Strategic Procurement Department's (SPD) webpage:

<https://www.miamidade.gov/procurement/library/boilerplate/general-terms-and-conditions-r24-3.pdf>

These standard general terms and conditions are considered non-negotiable.

- 2) Pursuant to Section 2, Special Conditions, Incorporate the following changes:

- a. Paragraph 2.2, Term of the Contract, and Section 1, Paragraph 1.6, Contract Extension, subject to the approval of the Board of County Commissioners, upon expiration of the current contract term, by amendment of this Contract, Group C only for Disposal in Class I Landfill, as specified in Section 3, Technical Specifications, is extended for an additional one (1) year with all existing terms and conditions (except as modified in this Contract Modification), commencing November 1, 2024 and expiring October 31, 2025. Additionally, the County and the Awarded Bidder may exercise the option to extend this Contract for one additional year.

- b. Paragraph 2.10, Invoices, Incorporate the following language:

Invoices and associated back-up documentation shall be submitted electronically only in pdf format by the Awarded Bidder to the County as follows:

Electronic submission only to: invsupbWASD@miamidade.gov

- c. Paragraph 2.17, Compliance with Federal Standards, the paragraph is Deleted in its entirety and Replaced with the following language:

2.17 COMPLIANCE WITH GOVERNMENT STANDARDS

In addition to the provisions from Section 1, General Terms and Conditions Section, Paragraph 1.14, Federal, State and Local Requirements Compliance, the following provisions apply:

2.17.1 Federal Standards

All services provided shall be in accordance with all governmental standards, including but not limited to, those issued by: the Occupational Safety and Health Administration (OSHA) including directives concerning policy and procedures for implementing intervention and inspection programs to reduce injuries, illnesses and fatalities, and to eliminate workplace hazards associated with handling, transportation and storage of biosolids waste; the National Institute of Occupational Safety Hazards (NIOSH) directives and guidelines related to biosolids waste hauling and disposal; and the National Fire Protection Association (NFPA). Precautions shall be exercised at all times for the protection of persons and property. Any fines levied by the above-mentioned authorities for failure to comply with these requirements shall be borne solely by the Awarded Bidder(s). Awarded Bidder(s) shall be responsible for providing to its employees any Personal Protection Equipment (PPE) needed per OSHA requirements for all contracts awarded under this solicitation.

2.15.2 State of Florida Environmental Control and Criteria for Biosolids Hauling and Disposal

The Awarded Bidder(s) shall comply with the State of Florida requirements listed in [Chapter 62-640 of the Florida Administrative Code \(F.A.C.\) "Biosolids"](#); Chapter 403, Environmental Control, including [Section 403.0855 of the Florida Statutes](#) "Biosolids management"; regulations for the transportation of biosolids, as required by the Florida

Department of Transportation in accordance with Chapter 316, Florida Statutes, and 49 Code of Federal Regulations (CFR); and all other applicable Florida Department of Environmental Protection (FDEP) regulations.

2.15.3 Miami-Dade County Environmental Protection Ordinance

The Awarded Bidder(s) shall also comply with the Miami-Dade County Environmental Protection Ordinance as stated in Chapter 24 of the Miami-Dade County Code. This ordinance is made a part of this Solicitation by reference and may be obtained on the following link: [Miami-Dade County Environmental Protection Ordinance](#), or if necessary, by contacting the Department of Regulatory and Economic Resources (RER), 701 NW 1 Court, Suite 400, Miami, Florida 33136, Telephone (305) 372-6789.

2.15.4 Personnel and Equipment

The Awarded Bidder(s) shall ensure that all employees performing the services under this contract are properly trained and wear appropriate safety equipment and protective gear in compliance with OSHA requirements. Additionally, the Awarded Bidder(s) shall furnish all labor, material, and equipment necessary for satisfactory contract performance. When not specifically identified in the Scope of Work/Technical Specifications, such materials and equipment shall be of a suitable type and grade for the purpose of providing the requested services. All equipment shall be well maintained, following all safety procedures, and must comply with applicable local, state, and federal rules, regulations and any applicable permits. All material, workmanship, and equipment shall be subject to the inspection and approval of the County's Project Manager.

2.15.5 Environmentally Friendly Sustainable Practices

The Awarded Bidder(s) and Vendor/Supplier shall adopt environmentally friendly methods and practices for hauling and disposal of Class "B" Biosolids that enhance the sustainability of the services being provided under this solicitation, which shall include the following:

- Ensuring the proper handling of biosolids during the transportation process, following all federal, state, and local requirements.
- Considering the environmental impacts and sustainability of the truck fleet makeup (age and/or engine Tier) and operations (idling, route optimization), which impact air pollution and GHG emissions. This also includes using energy-efficient vehicles and transportation methods, adopting specific sustainability goals, policies, and practices to enhance operations, and improving efficiency and support to the County.
- Providing efficient and reliable transport of the biosolids, which is a critical function that can have detrimental operational and environmental impacts if not moved off-site with regular frequency.

The following sustainability practices are options that the Awarded Bidder(s) shall consider implementing, without impacting cost and ability to perform the required services:

○ Idling Reduction Requirements

- a) During periods of inactivity, idling of diesel on-road vehicles and non-road equipment shall be minimized and shall not exceed three minutes in any sixty-minute period.
- b) Idling for more than three minutes over a sixty-minute period is permitted only under the following circumstances:
 1. When an on-road diesel vehicle or non-road construction equipment is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control.
 2. To bring the on-road diesel vehicle or non-road construction equipment to the manufacturer's recommended operating temperature.
 3. When there are regulations requiring temperature control for driver or passenger comfort and there are no auxiliary power sources available to provide temperature control.
 4. When it is necessary to operate auxiliary equipment that is located in or on the diesel vehicle or construction equipment, to accomplish the intended use of the vehicle or equipment.
 5. When the on-road diesel vehicle or non-road construction equipment is being repaired, if idling is necessary for such repair; and/or

6. When the on-road diesel vehicle or non-road construction equipment is queued for inspection.

o Route Optimization

The Awarded Bidder(s) shall reduce unnecessary miles traveled through route optimization practices. EPA's SmartWay Transport is a resource for route optimization strategies and fuel efficiency strategies.

o Materials Handling Best Practices

The Awarded Bidder(s) shall prevent spillage of materials by employing safe handling practices including, but not limited to, overloading trucks and practicing caution in the transfer of materials.

3) Pursuant to Section 3, Technical Specifications, Paragraph 3.7, Failure to Perform, Incorporate the following language :

The County will only pay for the actual transportation and disposal services completed in accordance with the terms and conditions of the Contract.

All terms, covenants and conditions of the original Contract and any modifications issued thereto shall remain in full force and effect, except to the extent herein amended.

IN WITNESS WHEREOF, by signing below the Awarded Bidder agrees to this Modification of Contract as of the date of the signature affixed below.

Waste Management Inc. of Florida

By:

Name:

James F. Lambros

Title:

Vice President

Date:

August 23, 2024

Attest:

Coleen T. Houlihan
Corporate Secretary/Notary Public

Miami-Dade County

By:

Name:

Daniela Levine Cava

Title:

Mayor

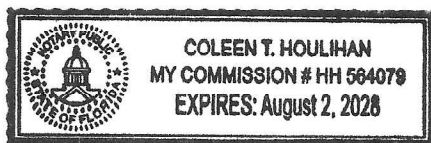
Date:

Attest:

Clerk of the Board

Corporate Seal/Notary Seal

Approved as to form
and legal sufficiency



Assistant County Attorney

Online Notary: ☐ (Check Box if acknowledgment done
by Online Notarization)