

Date: December 3, 2024

To: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

Agenda Item No. 8(O)(1)

From: Daniella Levine Cava
Mayor

Resolution No. R-1079-24

Subject: Resolution Approving Amendment Number Two to Agreement No. 14HDRE003 for Design Services for Wastewater Collection and Transmission Systems Related to Consent Decree Projects

EXECUTIVE SUMMARY

This item seeks approval from the Board of County Commissioners (the “Board”) to amend a Non-Exclusive Professional Services Agreement between Miami-Dade County (the “County”) and HDR Engineering, Inc. (“HDR”), Agreement No. 14HDRE003 (the “Agreement”), for the provision of design services for Wastewater Collection and Transmission Systems (“WCTS”) Related to Consent Decree (“CD”) Projects. The Agreement has a remaining balance of \$24,588,246. Amendment Two (the “Amendment”) to the Agreement extends the Agreement for an additional three (3) years from the current expiration date of December 30, 2024, to December 30, 2027. **This Amendment is for time only and bears no fiscal impact as it does not include additional compensation.**

If Amendment Two is approved, HDR will continue to provide engineering services intended to reduce infiltration and inflow to the WCTS in order to eliminate sanitary sewer overflows, which is a requirement of the County’s CD lodged June 6, 2013 in Case No. 1:12-cv:24400 FAM in the United States District Court for the Southern District of Florida. HDR will also make recommendations for improvements to ensure there is adequate capacity to collect and transmit additional sewage, which is expected as a result of prospective new sewer connections.

RECOMMENDATION

It is recommended that the Board approve the Amendment, which extends the Agreement’s term for an additional three (3) years from the current expiration date of December 30, 2024 to December 30, 2027. The extension will enable HDR to continue providing engineering services needed for compliance with the CD. A copy of the Amendment is attached hereto as Exhibit “1”.

SCOPE

The scope of services to be provided by HDR through the Amendment involves engineering services for the WCTS, which impacts various commission districts throughout Miami-Dade County that are represented by different County Commissioners.

DELEGATION OF AUTHORITY

Upon approval of this item, the County Mayor or County Mayor’s designee shall have the authority to execute the Amendment and to exercise all provisions contained therein.

FISCAL IMPACT / FUNDING SOURCE

The Amendment does not result in a fiscal impact to the County because no additional compensation is being added to the Agreement through this Amendment.

TRACK RECORD/MONITOR

Miami-Dade Water and Sewer Department (“WASD”) Deputy Director of Planning, Regulatory Compliance & Capital Infrastructure Marisela Aranguiz-Cueto, P.E., will oversee the implementation of the Amendment.

BACKGROUND

On December 16, 2014, the Board, via Resolution No. R-1118-14, approved an Agreement with HDR for design services for Wastewater Collection and Transmission Systems Related to Consent Decree Projects, which had a total amount of \$44,000,000, including a ten percent (10%) contingency allowance, and a term of five (5) years with one (1) five (5) year option to renew (“OTR”).

On October 24, 2019, via Resolution No. R-1322-19, the County Mayor’s designee approved Amendment One, which exercised the five (5) year OTR, which extended the Agreement from December 30, 2019 to December 30, 2024.

The County must comply with regulatory deadlines and milestones to remediate its aging wastewater infrastructure as specified in the CD lodged on June 6, 2013, in Case No. 1:12-cv-24400-FAM in the United States District Court for the Southern District of Florida by June 6, 2028. The CD outlines the activities undertaken to reduce sanitary sewer overflows and exceedances of treated effluent limitations as well as to ensure proper management, operation and maintenance practices. WASD continues to experience challenges with sanitary sewer overflows and exceedances of treated effluent limitations due to extreme rainfall events, which can increase flows significantly and rapidly due to infiltration and inflow into WASD’s and its Volume Sewer Customers’ wastewater collection systems. Further, the Florida Department of Environmental Protection (“FDEP”) is in the process of issuing a new Consent Order to the County to remedy the County’s continuing problem with sanitary sewer overflows and effluent exceedances.

Approval of the Amendment will extend the duration of the Agreement for additional three (3) years from December 30, 2024 to December 30, 2027. The additional time will allow HDR to continue providing engineering services, to reduce infiltration and inflow and to provide hydraulic engineering and modeling services to analyze the WCTS to meet the CD requirements for proper system operations.

DUE DILIGENCE/SAFETY INFORMATION

Pursuant to Resolution No. R-187-12, and in accordance with the Strategic Procurement Department’s guidelines, WASD conducted due diligence to determine HDR’s responsibility. There were no adverse findings related to the responsibility of HDR.

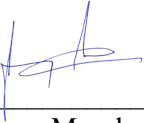
SMALL BUSINESS ENTERPRISE MEASURES

On July 1, 2024, the Office of Small Business Development (“SBD”) reviewed the Amendment for application of Small Business Enterprise (“SBE”) measures and compliance with Resolution No. R-1001-15. The Agreement was awarded with a 30% SBE-A/E goal that will continue to be applied to the Amendment. Pursuant to Resolution No. R-525-17, because the Amendment is for a three (3) year time extension, and no additional monies are being added to the Agreement, HDR is not required to have met the 85 percent (85%) SBE goal requirement before this Amendment can proceed. A copy of the SBD review memo is attached hereto as Exhibit “2.”

A copy of the original Agreement is available upon request from WASD’s Intergovernmental Affairs Division.

Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners
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Attachments



Jimmy Morales
Chief Operating Officer

**AMENDMENT NUMBER TWO
TO
NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT FOR
DESIGN SERVICES FOR WASTEWATER COLLECTION AND TRANSMISSION SYSTEMS
RELATED TO CONSENT DECREE PROJECTS
BETWEEN MIAMI-DADE COUNTY
AND
HDR ENGINEERING, INC.
PROJECT NO. E13-WASD-04; AGREEMENT NO. 14HDRE003**

This AMENDMENT NUMBER TWO is made and entered this _____ day of _____ 20__, (“Effective Date”), by and between MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as the “COUNTY”), and HDR ENGINEERING, INC., a Nebraska corporation authorized to do business in the State of Florida with offices in Miami-Dade County (hereinafter the “ENGINEER”, and collectively with the COUNTY, the “Parties”).

W I T N E S S E T H

WHEREAS, the Miami-Dade Water and Sewer Department (“WASD”) operates and maintains the County’s water and sewer utility systems; and

WHEREAS, the County must comply with the regulatory deadlines and milestones to remediate its aging wastewater infrastructure as specified in the Consent Decree (“CD”) lodged on June 6, 2013 in Case No. 1:12-cv-24400-FAM in the United States District Court for the Southern District of Florida; and

WHEREAS, on December 16, 2014, the Board of County Commissioners (the “Board”), via Resolution No. R-1118-14, approved a Non-Exclusive Professional Services Agreement with the Engineer for Design Services for Wastewater Collection and Transmission Systems (“WCTS”) Related to Consent Decree Projects, which had a total amount of \$44,000,000, including a ten percent (10%) contingency allowance, and a Contract term of five (5) years with one (1) five (5) year option to renew (“OTR”); and

WHEREAS, on October 24, 2019, the Board, via Resolution No. R-1322-19, approved Amendment Number One through which the County exercised the OTR; and

WHEREAS, pursuant to Amendment Number One, the Contract will expire on December 30, 2024; and

WHEREAS, the Agreement has a remaining balance of \$24,588,246.87; and

WHEREAS, WASD has requested that the Engineer continue to provide hydraulic engineering and modeling services to analyze the WCTS for capacity issues necessary to meet the CD requirements for proper system operation; and

WHEREAS, the CD also outlines the activities to be undertaken to reduce sanitary sewer overflows and exceedances of treated effluent limitations as well as to ensure proper management, operation and maintenance practices; and

WHEREAS, WASD continues to experience challenges with sanitary sewer overflows and exceedances of treated effluent limitations due to extreme rainfall events, which can increase flows

significantly and rapidly due to infiltration and inflow into WASD's and its Volume Sewer Customers' wastewater collection systems; and

WHEREAS, the Florida Department of Environmental Protection ("FDEP") is in the process of issuing a Consent Order to remedy these challenges; and

WHEREAS, WASD has requested the Engineer to continue providing engineering services to reduce infiltration and inflow into the WCTS in order to assist with elimination of the sanitary sewer overflows and capacity issues with the WCTS; and

WHEREAS, the Engineer will also make recommendations for improvements to ensure there is adequate capacity to collect and transmit additional sewage, which is expected as a result of prospective new sewer connections; and

WHEREAS, the County must comply with all the requirements established in the CD before June 6, 2028; and

WHEREAS, Amendment Number Two will extend the Agreement for an additional three (3) years from the current expiration date of December 30, 2024 to December 30, 2027; and

WHEREAS, Amendment Number Two provides the Engineer with the additional time needed to successfully complete various CD-related projects,

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the County and the Engineer. hereby agree to the following:

1. The Parties agree that the County will extend the Agreement for an additional three (3) years and that all work performed under the Agreement shall be performed under the same terms and conditions provided in the Agreement.
2. All terms, covenants and conditions of the Agreement not expressly modified or revised herein shall remain in full force and effect.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK -
SIGNATURES APPEAR ON NEXT PAGE]

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment Number Two by having the same signed by their duly authorized representatives, the day and year first written above.

ATTEST: JUAN FERNANDEZ-BARQUIN,
CLERK OF THE COURT
AND COMPTROLLER

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
(Deputy Clerk Signature)

By: _____
Daniella Levine Cava
County Mayor

Print Name: _____

Date: _____

WITNESSETH:

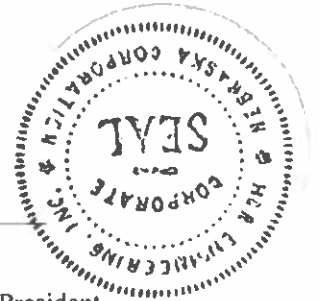
By: 
Signature

Elizabeth C. Buell, Assistant
Print Name Secretary

HDR ENGINEERING INC.
(CORPORATE SEAL)

By: 
Signature

Katie E. Duty, Vice President
Print Name

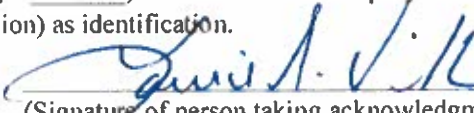


STATE OF NEBRASKA
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11th day of September, 2024 by Katie E. Duty as Vice President, and Elizabeth C. Buell Assistant Secretary, _____, a _____, on behalf of the company, who is personally known to me or has produced (type of identification) as identification.

[Notary Seal]




(Signature of person taking acknowledgment)
Laurie S. Vik
(Name typed, printed or stamped)

Approved for Legal Sufficiency:

Assistant County Attorney

Memorandum



Date: July 1, 2024

To: Roy Coley, Director
Miami-Dade Water and Sewer Department

From: Gary T. Hartfield, Director
Office of Small Business Development

A handwritten signature in blue ink, appearing to read "G. Hartfield", written over the "From:" line.

Subject: Project No. E13-WASD-04, Design Services for Wastewater Collection and Transmission Systems Related to the Consent Decree Projects (14HDRE003) - Amendment Number Two

Amendment Number Two to Project No. E13-WASD-04 (14HDRE003) was submitted to the Office of Small Business Development (SBD) to review for application of Small Business Enterprise (SBE) measures. Amendment Number Two is for time extension only. The contract was awarded with a 30% SBE - Architectural and Engineering (SBE-A/E) goal which will remain the same.

Resolution No. R-1001-15 requires County contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for Board approval. Resolution R-525-17 exempted change orders or amendments for non-compensatory time extensions from this requirement. Amendment Two is for a time extension only, as such R-1001-15 does not apply.

The prime, HDR Engineering, Inc. has requisitioned and been paid \$15,275,560 requiring \$4,582,668 in SBE-A/E participation for compliance with 30% of work performed to date. The SBE-A/E firms have been paid \$5,196,753. Please contact Alice Hidalgo-Gato, SBD Section Chief, at (305) 375-3153 if additional information is needed.

c: Marisela Aranguiz, Deputy Director, WASD
Juan Curiel, Chief, Assistant Director of Utility Construction, WASD
James Ferguson, Assistant Director, Planning and Regulation, WASD
Nelson Perez, Assistant Director, Utility Engineering, WASD
Laura Verdaguer, Legislative and Municipal Affairs Special Assistant, WASD
Margaret Moss, Chief, Small Business Initiatives, WASD
Edith Brown, Chief, Contract Compliance Division, WASD
Patty Palomo, Chief, Intergovernmental Affairs, WASD
Donna Palmer, SPA1, WASD
SBD Section Chiefs



MEMORANDUM (Revised)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: December 3, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(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(O)(1)
12-3-24

RESOLUTION NO. _____ R-1079-24

RESOLUTION APPROVING EXECUTION OF AMENDMENT NUMBER TWO TO THE NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND HDR ENGINEERING, INC., AGREEMENT NO. 14HDRE003, FOR DESIGN SERVICES FOR WASTEWATER COLLECTION AND TRANSMISSION SYSTEMS RELATED TO CONSENT DECREE PROJECTS, WHICH ADDS THREE YEARS TO THE TERM OF THE AGREEMENT, THEREBY CHANGING THE AGREEMENT EXPIRATION DATE FROM DECEMBER 30, 2024 TO DECEMBER 30, 2027; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND 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 hereby approves the execution of Amendment Number Two to the Non-Exclusive Professional Services Agreement between Miami-Dade County and HDR Engineering, Inc., Agreement No. 14HDRE003, for design services for wastewater collection and transmission systems related to consent decree projects, in substantially the form attached to the accompanying memorandum as Exhibit A and made a part hereof. Amendment Number Two adds three years to the term of the Agreement, thereby changing the Agreement expiration date from December 30, 2024 to December 30, 2027. The Board also hereby authorizes the County Mayor or County Mayor's designee to execute the same and exercise the provisions contained therein for and on behalf of Miami-Dade County, Florida.

The foregoing resolution was offered by Commissioner **Juan Carlos Bermudez** , who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

Anthony Rodríguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Oliver G. Gilbert, III	aye	Roberto J. Gonzalez	aye
Keon Hardemon	absent	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of December, 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