

CITY OF MIAMI, FLORIDA  
INTER-OFFICE MEMORANDUM

TO: Daniel J. Alfonso, City Manager  
City Manager's Office

DATE: June 12, 2015

FILE: B-50643

SUBJECT: Wagner Creek & Seybold  
Dredging Project, B-50643  
(Waiver of Community Small  
Business Enterprise, Local  
Workforce Participation and  
Community Business Enterprise)

FROM: Jeovanny Rodriguez, P.E., Director  
Capital Improvements & Transportation  
Program (CITP)

REFERENCES:

ENCLOSURES: Exhibit A

The CITP staff are preparing the Request for Proposals for the Wagner Creek & Seybold Dredging Project. This project requires the selection of a qualified firm with highly specialized staff and expertise in the safe and timely completion of work that includes removal of sediments containing dioxin and other harmful chemicals in both residential and commercial areas. Safety is a primary concern on this project and only an experienced, qualified firm with trained staff {40-Hour HAZWOPER OSHA Training (OSHA 29 CFR 1910.120(e)(4))} will meet the required Health and Safety standards.

Construction/remediation activities may place the Contractor's personnel, other people present for work at the site and the public in potentially hazardous environments due to the nature of contaminants present in the waterways. Due to the nature of the work, a special emphasis must be placed upon health and safety considerations for all on-site personnel, public and the surrounding environment. Project activities shall involve work exposure to potentially contaminated and hazardous materials. It shall be the responsibility of the Contractor to provide all facilities, equipment, monitoring instruments, materials and trained personnel necessary to protect all onsite personnel and off-site receptors from physical injury and potential adverse health effects which could result from exposure to chemical hazards on the site.

Our Office is mindful of the City Code Sections 18-87 and 18-89 requiring Community Small Business Enterprise, Local Workforce Participation and Community Business Enterprise participation presented in Exhibit A. However, in consideration of the highly specialized nature of the proposed work and the specific safety standards, we are concerned about the City's ability to solicit firms that can meet these requirements without unnecessarily increasing project costs to solicit, train and monitor local workforce in accordance with the OSHA requirements. Accordingly, CITP is recommending and respectfully requesting that the City waive these requirements for this project. We appreciate your consideration and await your response.

Approval by:   
Daniel J. Alfonso, City Manager

Date: 6-17-15

<sup>AWS</sup>  
c: Alice N. Bravo, P.E., Deputy City Manager/Chief of Infrastructure, City Manager's Office  
Jose L. Lago, P.E., CFM, Senior Project Manager, Capital Improvement & Transportation Program

CITP 150025

## Exhibit A

### Community Small Business Enterprise ("CSBE")

Unless precluded by Florida Statutes, Federal laws or regulations or grant requirements, Prospective Bidders must adhere to the following requirements:

- a. Respondents must assign a minimum of fifteen percent (15%) of the Contract value to a respondent or to a construction related enterprise currently certified by Miami-Dade County as a Community Small Business Enterprise (CSBE) as set forth in Sec. 10-33.01 and Sec. 10-33.02 of the Miami-Dade County Code;
- b. Five percent (5%) of the bid amount shall be retained by the City for the CSBE requirements until said requirements are fulfilled and verified within six (6) months of Contract completion pursuant to Section 18-89 of the Miami City Code ("City Code"). Failure to comply with the CSBE requirements pursuant to Section 18-89, City Code, within six (6) months of Contract completion shall result in the forfeiture of the retained amount to the City. This five percent (5%) retainage is included within the ten percent (10%) retainage normally withheld by the City;
- c. Respondents who are deemed responsive and responsible to the requirements of the Invitation to Bid and subsequently awarded a Contract shall retain the services of an independent third party to verify and certify compliance with these requirements on a quarterly basis in accordance with Section 18-89, City Code. Said third party shall be unaffiliated with the respondent and be properly licensed under the provisions of 454, 471, 473, or 481, Florida Statutes. The person performing the verification shall have a minimum of two (2) years of prior professional experience in contracts compliance, auditing, personnel administration, or field experience in payroll, enforcement, or investigative environment. The cost for this verification shall be included in the related contract costs.

### Local Workforce Participation

Prospective Design-Build Firm must adhere to the following requirements:

- a. Respondents must employ a minimum of fifteen percent (15%) of on-site labor from persons residing within the municipal boundaries (e.g. city limits) of the City. The City unless precluded by Florida Statutes, Federal laws or regulations or grant requirements, residency of the onsite labor component will be subject to verification by the issuing department.
- b. Five percent (5%) of the bid amount shall be retained by the City as security for the verification of compliance with such requirements until said requirements are fulfilled and verified within six (6) months of Contract completion pursuant to Ordinance No. 13332, now codified as City Code §18-89 as amended. Failure to comply with the Local Workforce Participation requirements pursuant to City Code Section 18-89. 18-89 within six (6) months of Contract completion shall result in the forfeiture of the retained amount to the City.
- c. The Design-Build Firm shall be required to hold one (1) job fair within the local community for projects with a bid amount between \$1,000,000 and \$2,000,000.
- d. The Design-Build Firm shall be required to hold two (2) job fairs within the local community for projects with a bid amount greater than \$2,000,000.
- e. The Design-Build Firm shall coordinate job fairs and hiring initiatives with South Florida Workforce as set forth in Section 18-89, City Code. Said third party shall be unaffiliated with the respondent

and be properly licensed under the provisions of 454, 471, 473, or 481, Florida Statutes. The person performing the verification shall have a minimum of two (2) years of prior professional experience in contracts compliance, auditing, personnel administration, or field experience in payroll, enforcement, or investigative environment. The cost for this verification shall be included in the related Contract costs.

### **Community Business Enterprise (“CBE”)**

**For detailed instructions and access to required forms, click on the link below:**

[http://dev.miamigov.com/capitalimprovements/pages/ProcurementOpportunities/ProjectPages/CBE\\_forms.asp](http://dev.miamigov.com/capitalimprovements/pages/ProcurementOpportunities/ProjectPages/CBE_forms.asp)

**Prospective Design-Build Firms must adhere to the following requirements:**

1. Assign a minimum of fifteen percent (15%) of the contract value to firms currently certified by Miami-Dade County as a CBE;
2. Place a specific emphasis on utilizing local small businesses from within the City’s municipal boundaries

Proposers who meet the 15% CBE participation requirement through use of the Firms from within the City’s municipal boundaries will be awarded five (5) bonus points.

To verify the above requirements, the City has provided Form “C-1 List of Sub-Consultants” to identify all sub-consulting firms (including CBE certified firms) that are part of the Respondent’s team. This Form can be found posted on the CIP webpage with the solicitation documents. Failure to include this completed form with your Submittal may result in your response being deemed non-responsive.

In addition to submitting the required CBE forms, (Refer to Section 4.1- Section A, “**CONTENTS OF QUALIFICATION STATEMENT**”, Article 13), to qualify to receive the five (5) bonus points Proposer’s must attach copies of both a current City of Miami Business Tax Receipt **and** a current Miami-Dade County Business Tax Receipt with the submittal and meet the requirements a stated in City code Sec. 18-87.