

CITY OF MIAMI, FLORIDA  
INTER-OFFICE MEMORANDUM

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TO: Pedro G. Hernandez, P.E.,  
City Manager

DATE: January 28, 2010

SUBJECT: Virginia Key Environmental  
Assessment and Remediation

FROM:  Bill Anido, Assistant City Manager

REFERENCES: Bid No. 08-09-074  
FILE:

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### Recommendation

Based on the review and findings stated below, the Capital Improvements Program (CIP) has determined that as permitted under the Public Notice and Section 1.8 Award of an Agreement, the City reject all responses received under this solicitation and that no award of an Agreement be made based on this solicitation.

### Background

CIP received four (4) responses on November 20, 2009, in response to the Request for Proposals (RFP) No. 08-09-074 for the Environmental Assessment and Remediation of the Virginia Key Landfill.

This Project consists of four separate phases of work. Phase I is to implement the DERM approved Contamination Assessment Plan (CAP). Phase II consists of developing and submitting the Site Assessment Report (SAR) to DERM for approval and obtaining said approval. Phase III consists of developing and submitting the Remediation Action Plan (RAP) to DERM for approval and obtaining said approval. Phase IV consists of the implementation of the RAP.

As part of this solicitation, Proposers were required under Section 3.5 of the RFP to meet specific minimum qualifications. Proposers were required to possess a minimum of five years experience under its current name and have successfully completed at least three environmental remediation projects. Each of the three environmental remediation projects must have had a total project cost  $\geq$ \$30,000,000, including the assessment and RAP costs. At least two of the Proposer's qualifying projects must have involved the assessment and remediation of a landfill. One of these qualifying landfill projects must have included costs  $\geq$ \$30,000,000 for the actual physical remediation component of the project (i.e. excluding all costs for assessment and the RAP).

In addition to the above minimum qualifications, the RFP contained a number of vital requirements that the Proposer had to agree to comply with to be considered responsive. The primary reasons for including these essential requirements were based on specific parameters being required of the City. The critical requirements are as follows.

- Article 2.4 required that the successful Proposer implement the DERM approved CAP and that the resulting SAR and RAP be approved by DERM. This requirement was necessitated by the fact that DERM is the controlling regulatory agency for this Project.

- Section 4.1, Part 1, Subsection 7 (Technical Plan) allowed Proposers to present alternative solutions. The proposed alternative solutions were required to include reasonable assurances of regulatory agency approval with the response. This was necessary to ensure that any proposed alternative solution had a reasonable likelihood of being approved by any or all of the required regulatory agencies, including DERM.
- Section 3.6 - Guaranteed Maximum Price (GMP) required that the Proposer agree to perform all tasks in all Phases of the Project in an amount not to exceed \$43,000,000. The GMP included all cost overruns, errors, omissions and or unforeseen conditions.

Based on the above, any Response which contained any of the following would be considered non-responsive:

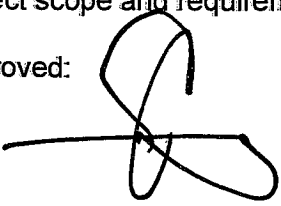
- Responses that do not agree to the GMP.
- Responses that contain conditions that are not in the RFP
- Responses that are based on certain assumptions not contained in the RFP
- Responses that do not comply with the Scope of Work
- Responses that do not comply with the requirements for alternative solutions

CIP completed a preliminary review of the four Responses and consulted with the City Attorney's Office on a number of issues raised relative to the requirements of the RFP. One of the common concerns throughout each of the Responses was that the significant amount of unknowns could greatly affect the final approach to and cost of this Project. One Consultant stated in their proposal that due to the number of unknown factors they were unable to commit to the GMP and recommended that Phases I, II, and III be completed to clearly define the issues before a price is obtained for Phase IV.

This recommendation is exempt from the protest process established by City Code and as such none of the Proposers may protest this recommendation.

In summary, based on the issues raised by the Proposers, CIP in consultation with the City Attorney's Office recommends the rejection of all Responses to allow for a further review of the project scope and requirements.

Approved:



1/29/10

Pedro G. Hernandez, P.E.,  
City Manager

C: Mayor Tomas Regalado  
Bill Anido, Assistant City Manager  
Tony Crapp, Chief of Staff, Mayor's Office  
Gary Fabrikant, Assistant Director, CIP  
Keith Ng, Project Manager, CIP

Attachment