

Condensed Title:

Request For Approval To Cancel Request For Proposals (RFP) No. 26-11/12 For The Removal And Disposal Of Derelict Vessels And, In The Alternative, To Issue A Request For Qualifications (RFQ) For The Services.

Key Intended Outcome Supported:

Maintain Miami Beach Public Areas & Right of Ways City Wide, and Maintain City's Infrastructure
Supporting Data (Surveys, Environmental Scan, etc N/A

Issue:

Shall the Mayor and City Commission approve the RFP cancellation and the issuance of the RFQ?

Item Summary/Recommendation:

The Mayor and City Commission at its February 8, 2012, meeting, authorized the Administration to issue an RFP for the Removal and Disposal of Derelict Vessels. The scope of services in the commission item was limited in comparison to the existing contracts, and the evaluation criteria depicted 40 points to be allocated for cost. The existing contracts are based upon quoting services on an as-needed basis, and do not contain pricing. The RFP that was published in 2006 pursuant to the existing contracts initially had cost as an evaluation criteria, which was subsequently removed.

As the agenda item that approved the issuance of the RFP by the Commission included cost as a criteria, RFP No. 26-11/12 was issued with an expanded scope of services, and a cost proposal sheet requesting pricing per linear foot for sunken and not sunken vessels.

A non-mandatory pre-proposal meeting was held on March 28, 2012. At this meeting, the marine towing and salvage operators that were present, as well as the City's Marine Patrol, articulated that the proposal submissions could not plausibly include cost to the City as there are too many variables involved in each vessel removal. These variables include, but are not limited to, vessel type, i.e., sailboats, boats with outboard motors, boats with internal engines, cement boats/barges; wooden boats, and steel hull boats; the condition of the vessel; the location of the vessel; ease of access to the vessel; the position of the vessel; the size, and shape of the vessel; tidal conditions; the quantity of fuel and oil to be removed; the amount and cost of the fuel consumed by the contractor; the type of equipment required; and the size and skills required of the team for each extraction.

The Administration is in concurrence that the most effective method of securing contracts for the removal and disposal of derelict vessels is qualifications-based, contracting with more than one qualified firm, and soliciting quotes from each of the contracted firms on an as-needed basis, whereby the City would issue a Notice to Proceed for each incident. Therefore, it is deemed in the City's best interest to cancel the current Request for Proposals, and issue a Request for Qualifications, with an enhanced scope of services, and thus removing the requirement to submit up-front pricing.

APPROVE THE CANCELLATION OF THE RFP AND THE ISSUANCE OF AN RFQ

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account
1	N/A	
OBPI	Total	
Financial Impact Summary: N/A		

City Clerk's Office Legislative Tracking:

RJA *[Signature]*

Sign-Offs:

Department Director RJA <i>[Signature]</i>	Assistant City Manager PDW <i>[Signature]</i>	City Manager JMG <i>[Signature]</i>
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MIAMIBEACH

AGENDA ITEM C21
 DATE 5-9-12



COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: May 9, 2012

SUBJECT: **REQUEST FOR APPROVAL TO CANCEL REQUEST FOR PROPOSALS (RFP) NO. 26- 11/12 FOR THE REMOVAL AND DISPOSAL OF DERELICT VESSELS AND, IN THE ALTERNATIVE, TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) FOR THE SERVICES**

ADMINISTRATION RECOMMENDATION

Approve the cancellation of the RFP and approve issuance of the RFQ.

KEY INTENDED OUTCOME

Maintain Miami Beach Public Areas & Rights of Ways City Wide, and Maintain City's Infrastructure

ANALYSIS

The Mayor and City Commission at its February 8, 2012, meeting, authorized the Administration to issue an RFP for the Removal and Disposal of Derelict Vessels. The scope of services in the commission item was limited in comparison to the existing contracts, and the evaluation criteria depicted 40 points to be allocated for cost. The existing contracts are based upon quoting services on an as-needed basis, and do not contain pricing. The RFP that was published in 2006 pursuant to the existing contracts initially had cost as an evaluation criteria, which was subsequently removed.

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SCOPE OF SERVICES

Abandoned and Derelict vessels: Abandoned and derelict vessels can pose hazards to navigation, environmental damage, squatting by homeless, or danger to surrounding homes, vessels and public areas. The Florida Fish and Wildlife Conservation Commission maintains a list of at risk and derelict vessels for removal. Inclusion on the list requires the vessel in question to be clearly tagged with the case number and pertinent information, photographed, and certified letters and contact attempts made to the owner or last register of the vessel. In coordination with local Marine Patrol authorities, these vessels may need to be removed and disposed of. Removals initiated by the City of Miami Beach, and subsequently Contractors pursuant to award of this RFQ, must meet all applicable FEMA, DERM, and Coast Guard rules, regulations and standards.

Natural Disaster: Damage caused by a major natural disaster can include sunken boats and other debris that may impede navigation. Coordination should take place between the United States Coast Guard, State and local Marine Patrol, local government agencies, legal counsel, marine salvage contractors, commercial divers, and certified surveyors to ensure that navigation hazards are removed safely and efficiently. Removals initiated by the City of Miami Beach, and subsequently, Contractors pursuant to award of this RFQ, must meet all applicable FEMA, DERM, and Coast Guard rules, regulations and standards.

The two main challenges of with navigation hazards are locating the debris and finding the legal owners. Marinas and waterways can be inspected visually by helicopter or boat. Sonar or dive teams may need to be employed for submerged vessels. A location or flotation marker may be helpful in order to keep vessel positions documented. The legal owner's information may be obtained by using the vessel's registration number and marina records.

Non-vessel debris: Debris that pose hazards to navigation, environmental damage, or danger to surrounding homes, vessels and public areas may require removal. Removals initiated by the City of Miami Beach, and subsequently, Contractors pursuant to award of this RFQ, must meet all applicable FEMA, DERM, and Coast Guard rules, regulations and standards.

The following FEMA checklist should be followed by contractor to ensure that all aspects of removing navigation hazards are considered:

- Coordinate with U.S. Coast Guard, State and local marine patrol, local government agencies and legal counsel.
- Inspect marinas to locate debris:
 - Visually by helicopter
 - Via side-scan sonar
 - Via diving
- Use Global Positioning System survey methods or some other type of flotation marker to pinpoint location of sunken debris.
- Keep a log that reflects an accurate count of debris items with corresponding locations.
- Record the vessel registration number and photograph the wreckage.
- Provide notification by certified letter to private owners of impending vessel removal. This should be performed in accordance with legal constraints.
- Provide the owner an opportunity to remove the vessel prior to local, tribal, State or Federal government initiation of debris removal.
- Provide public notice in local newspapers.
- Generate scopes of work based on items to be removed.
- Maintain flexibility to allow for problems caused by tidal conditions. Problems can also occur as a result of wreckage removal by others prior to issuance of contract notice to proceed. Flexibility in contract execution can be achieved by issuing an equipment rental type contract. Fixed price contracts with each piece of debris indicated as a line item are

not recommended because of the possibility of change orders. Incorporate in the contract appropriate regulatory concerns and/or applicable State laws.

- Maintain continuous communication with local, tribal and State authorities.
- Continually verify the number and location of sunken vessels and ensure that accurate records are maintained.
- Require that a bill of sale or a vessel registration be presented to the local government representative on-site if an individual claims a vessel during removal operations.
- Ensure that contracts and the cleanup schedule incorporate tidal constraints. Debris located in shallow areas may be inaccessible to contractor equipment during low tide.

1. General Scope of Services

Contractor shall be responsible for diving, patching and re-floating with a pollution stand-by crew which will include a salvage master, divers, patching materials, pumps, compressors and other specialized equipment necessary to recover the sunken vessels. Tow re-floated vessels to a county landfill area for proper disposal.

2. Environmental Protection

Contractor must ensure that any vessels which are to be removed and disposed of at a landfill shall be removed from its present site in such a manner as to not impact or damage the natural environment ("surrounding the vessel" will limit to just that area). All debris from the vessel shall be removed and the site left in a reasonable clean condition. No oil or fuel shall be permitted to be dumped or spilled into or onto the water and land. The following items must be accomplished:

- a) All oil must be removed from tanks, pipes, bilges, etc, to ensure that no pollutants enter the water (steam cleaning is preferred)
- b) All watertight doors/hatches/bottom tank covers, etc. must be removed or welded open.
- c) Any items that may float free when the vessel sinks must be removed from the vessel.
- d) All deck areas, bilge areas, engine spaces and cargo spaces should be broom swept.
- e) Sufficient ballast to maintain location of vessel on ocean bottom must be placed in the vessel shall consist of clean concrete.

3. Accident Prevention and Barricades

Precautions shall be exercised by the contractor at all times for the protection of persons and property. All contractors performing services under this contract shall conform to all relevant Federal, State, and County regulations during the course of such effort. Any fines levied by the above mentioned authorities for failure to comply with these requirements shall be borne solely by the responsible contractor. Barricades shall be provided by the contractor when work is performed in areas traversed by persons, or when deemed necessary by the City Project Manager.

4. Clean-up

Contractor shall ensure unusable materials and debris are removed from the premises at the end of each workday, and disposed of in an appropriate manner. Upon final completion, the contractor shall thoroughly clean up all areas where work has been involved as mutually agreed with the associated user department's project manager.

5. Cost Estimates for Each Project

The contractor shall be required to submit a written estimate on each prospective project under this contract before a work order for that specific project is issued. The estimate must reflect the regular hourly wages for each classification presented in this contract, and the

percentage discounts or mark-ups for materials and equipment that were quoted by the contractor on its initial offer or the most current contract pricing. The estimate shall be itemized by the number of work hours per classification, and by the cost of materials and equipment. Lump sum estimates shall not be accepted. The actual charge to the City from an awarded contractor for a specific project must be in accordance with the cost information submitted in response to the RFQ, and acceptance of same by the City.

6. Labor, Materials, and Equipment

The contractor shall furnish all labor, material, and equipment necessary for satisfactory contract performance. All material, workmanship, and equipment shall be subject to the inspection and approval of the City's Project Manager.

7. Legal Requirement for Pollution Control

It is the intent of these specifications to comply with the Miami-Dade County Pollution Control Ordinance as stated in Chapter 24 of the Miami-Dade Code. This ordinance may be obtained, if necessary, through the Department of Environmental Resources Management (DERM), 33 SW 2nd Ave., Miami, Florida 33130, Telephone (305) 372-6789. The contractor shall comply with all requirements of the Federal Water Pollution Control Act.

8. Licenses, Permits, and Fees

The contractor shall obtain and pay for all licenses, permits, and inspections fees required for this project; and shall comply with all laws, ordinances, regulations and buildings code requirements applicable to the work contemplated herein. Damages, penalties, and or fines imposed on the City or the contractor for failure to obtain required licenses, permits or fines shall be borne by the contractor.

9. Local Office

The contractor shall maintain an office within the geographic boundaries of Miami-Dade, Broward, or Monroe Counties, Florida. This office shall be staffed by a competent company representative who can be contacted during normal working hours and who is authorized to discuss matters pertaining to the contract.

10. Work Assignments

All work assignments during the contract period will be on an "as needed" basis, complying with notification requirements. Proposer shall assume no guarantees as to the number of frequency of work assignments or the amount of payments under the terms of this contract.

Determination of material quantities and/ or specifications for each assignment will be made by the City Department. The City Department will notify the contractor of each work assignments; at which time the contractor and the City Department will mutually agree, in writing, of the beginning and ending dates of the work assignment, the contractor shall be responsible for the proper and necessary use of the materials in performance of the work.

11. Proof of Proper Disposal and Notification to Marine Patrol

- a) The contractor must submit prior to receiving any payment: a receipt for each vessel, including the date of disposal, disposal site, DV number, telephone number and title, and signature of person at disposal site.
- b) In addition to the above information, the contractor must submit a picture of the vessel demonstrating its removal, and showing its DV numbers.
- c) The contractor shall notify and coordinate all work with the Marine Patrol.

12. Restoration Property

Property public or private, if damaged during construction or removed for convenience of the work shall be repaired or replaced at the expense of the contractor in a manner acceptable to the Project Manager prior to the final acceptance of the work. Such facilities shall include but are not limited to: walls, boating ramps, sod, and walkways.

EVALUATION PROCESS

The procedure for response, evaluation and selection will be as follows:

1. Request for Qualifications issued.
2. Receipt of proposals
3. All timely received Proposals will be opened and reviewed and determination if they meet the minimum standards of responsiveness.
4. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Proposal in accordance with the requirements set forth in the RFQ. If further information is desired, Proposers may be requested to make additional written submissions or oral presentations to the Evaluation Committee.
5. The Evaluation Committee will recommend to the City Manager the Proposer or Proposers that it deems to be the best candidate(s) by using the following evaluation criteria:

Total Points	Evaluation Criteria
25	The Experience and Qualifications of the Contractor
25	The Experience and Qualifications of the Team
20	Methodology and Approach
10	Financial Stability
20	Past performance based on references, information provided in the proposal submission, and performance evaluation surveys

LOCAL PREFERENCE: The Evaluation Committee will assign an additional five (5) points to Proposers, which are, or include as part of their proposal team, a Miami Beach-based vendor as defined in the City's Local Preference Ordinance.

VETERANS PREFERENCE: The Evaluation Committee will assign an additional five (5) points to Proposers, which are, or include as part of their proposal team, a small business concern owned and controlled by a veteran(s) or a service-disabled veteran business enterprise, as defined in the City's Veterans Preference Ordinance.

6. The City Manager shall recommend to the City Commission the Proposal or Proposals which he deems to be in the best interest of the City.
7. The City Commission shall consider the City Manager's recommendation and, if appropriate, approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another Proposal or Proposals which it deems to be in the best interest of the City, or it may also reject all Proposals.
8. Negotiations between the City and the selected Proposer(s) will take place to arrive at a mutually acceptable Agreement. If the City Commission has so directed, the City may proceed to negotiate an Agreement with a proposer other than the top-ranked proposer.
9. The final proposed agreement(s) will be presented to the City Commission for approval.
10. If the agreement(s) are approved by the City Commission, the Mayor and City Clerk shall execute the contract(s), after the Proposer (or Proposers) has (or have) done so.

CONCLUSION

The Administration recommends that the Mayor and the City Commission approve the cancellation of Request for Proposals (RFP) No. 26-11/12 for the Removal and Disposal of Derelict Vessels and authorize the issuance of a revised Request for Qualifications (RFQ) for the Removal and Disposal of Derelict Vessels.