

**BUILDING
BETTER
COMMUNITIES**
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**CITIZENS' ADVISORY COMMITTEE
AGENDA**

March 2, 2006 8:00 AM

SPCC Building - 19th Floor Conference Room A

- I. APPROVAL OF THE MINUTES OF THE 1/19/06 MEETING
- II. CITIZENS' PRESENTATIONS
- III. FEATURED STAKEHOLDER(S)
 - Al Brewster-Miami Dade Housing Department
- IV. PROGRAM STATUS - ORAL REPORT
- V. INFORMATIONAL ITEMS
 1. Procurement Procedures Ordinance
 2. Annual Report
 3. Items from the 1/19/06 meeting-(180-day Project Status Report)
- VI. OTHER BUSINESS

**OFFICE OF CAPITAL IMPROVEMENTS
Building Better Communities Bond Program
305-375-1900**

Item I.



**Citizens' Advisory Committee Meeting
January 19, 2006
Stephen P. Clark Center
111 NW 1st Street
19th floor conference room
8:00 AM**

Summary of Meeting

CAC MEMBERS PRESENT:

Robin Reiter, Chairwoman
Jose Andreu, Vice Chairperson
Elio Alfonso
Barbara Bisno
Guy Forchion
Wendell A. James

George Lindemann
Jose Antonio Martinez
Jeffrey Mishcon
Sylvia Person
Ann Pope
Alan Rubin

Juan T. Sanchez
Esther Smith Fano
James Wise

OTHERS PRESENT:

George M. Burgess, County Manager
Bill Johnson, Assistant County Manager

Gerald Heffernan, Assistant County Attorney
Geri Bonzon-Keenan, Assistant County Attorney

Roger T. Hernstadt, Director, OCI
Dan Wall, Assistant Director, OSBM
George Navarrete, OCI
Jose A. Galan, OCI
Bernard McGriff, OCI
Jackie Bofill, OCI
Roslyn Alic-Batson, OCI
Ana Watson, OCI

Lorraine Guevara, OCI
Robert Villar, Mayor's Office
Michael Alvarez, MDPD
Maggie Tawil, MDPR
Jorge Mora, MDPR
Elva Marin, GSA
William Pupo, GSA
Vernita Nelson, City of Miami Gardens

Lucas Rincon, CDM

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The Citizens' Advisory Committee meeting was convened at 8:10 AM on Thursday, January 19, 2006.

Ms. Robin Reiter, Chairperson of the Citizens' Advisory Committee, welcomed everyone and asked all Members to particularly note Agenda Item IV. All CAC members are required to attend the Miami Dade County Ethics training by the end of February 2006. If the members do not take the mandatory training, they can be asked to resign.

Ms. Reiter then called for a motion to approve the minutes of the November 17, 2005, meeting. Mr. Alan Rubin moved for approval, was seconded by Jeffrey Mishcon and the minutes were approved with one correction, which noted that Ms. Ann Pope was present at the November meeting.

Ms. Reiter then called for citizens' presentations. As no one stepped forward, she suggested that there would be a second opportunity for public comments prior to the end of the meeting.

Ms. Reiter asked Mr. Roger Hernstadt to present the Program Status Report. He mentioned that Agenda, Items V. 1 and 2 gave the accomplishments and recommendations for the use of the premium funds that were from the first bond sale, which would be discussed later. He noted that per the request from the last CAC meeting, the Office of Capital Improvements (OCI) staff met with the CAC Sub-Committee to discuss what was being done to monitor the program and the methodology to ensure that the stakeholders were moving the program forward. Ms. Reiter then requested that Mr. Alan Rubin report on the sub-committee meeting.

Mr. Rubin reported that the OCI staff gave an instructive presentation on how they review, coordinate, design and compile the priority of the projects and the status. He expressed that the sub-committee felt very comfortable with what was presented at the December 8, 2005, meeting. Mr. Rubin explained that the computer program, Capital Improvements Information System (CIIS), evaluates and tracks the status of the program, which was based on the input from the various departments. Staff is able to observe the beginning, the middle and the end of the process of all of the projects within the bond program. Staff can evaluate how much money has been spent, where the money has gone, the status of the project and what the overall program looks like. Mr. Rubin noted that the reports would be provided to the members on a regular basis so that they could evaluate the program in its entirety. He also noted that the sub-committee was very comfortable with the tracking measurements and how the reports were presented. Each project that was included in the bond program would follow this plan. He then requested that staff continue with the presentation.

Ms. Reiter noted that at the last CAC meeting, some members expressed concern as to how the progress of the projects would be tracked and how staff would report to the CAC. At the same meeting, Mr. Hernstadt and Mr. Navarrete had explained that OCI had an oversight program already in existence. That was why the sub-committee was requested to meet with staff and review it. Ms. Reiter inquired how the staff would keep the members informed on the different stages of progress in a project. Mr. Hernstadt explained that OCI had requested to provide the members access to the CIIS system. Until that was established, the OCI staff would provide the information through reports to the CAC.

Ms. Alic-Batson gave an overview of the program and what it consisted of. A brief discussion ensued. Mr. Hernstadt noted that municipalities and stakeholders have to report to OCI in the

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same manner as county departments. He also mentioned that that the OCI staff would periodically check the status of the projects out in the field. Ms. Reiter inquired as to how the OCI office would ensure that the municipality utilized the bond funds for the intended purpose. Mr. Hernstadt explained that the funds were given on a reimbursement basis. Mr. Rubin noted that no one gets the money upfront. Mr. Lindemann pointed out that there were many checks and balances, which were discussed at the sub-committee meeting. During the presentation, Mr. Hernstadt explained that each milestone that was viewed on-screen had a scheduled start and completion date. He noted that as suggested at the last CAC meeting, the red, yellow and green process would be utilized. If a project was within 90-days it would show as green; more than 90-days yellow; and more than 180-days red. Ms. Reiter then asked if the OCI office would provide an exception report containing the over 90-days and 180-days to the CAC members. Mr. Hernstadt informed her that yes that would be provided.

Ms. Reiter introduced and welcomed County Manager, George Burgess, who was present as an observer.

Ms. Reiter then asked the Committee what timeframe they want to see the report; 90-days or 180-days. Mr. Rubin suggested that the 180-day mark would be a better exception report. Mr. Juan Sanchez then requested to know how the CAC would assist if a project falls into default. Ms. Reiter explained that the CAC would help provide oversight and direction. She suggested that if something were six months overdue, staff would bring it to the attention of the committee and provide an update as to why that had happened. At that point, the CAC would make a recommendation that the project may not happen in the series and could be pushed into later years. Once it was reviewed, then staff would recommend that something else in the program be moved forward and feedback would be provided. A brief discussion ensued. As the CIIS presentation continued, Ms. Reiter suggested that any member who would like a more detailed explanation on the CIIS system could contact Ms. Alic-Batson.

Ms. Reiter noted Agenda Item V. 3b and thanked staff for providing the table of organization. She then introduced Mr. Dan Wall, so that he could give an overview of the non-for-profit funds.

Mr. Burgess thanked the CAC members for their assistance. Ms. Reiter requested that the CAC members be provided with access to the building prior to 8AM, so that the meeting would be convened on schedule. Mr. Burgess suggested that the members be given a badge for early access to the building.

Mr. Wall presented a brief outline on the \$30 million Non-Profit Capital Fund. He noted that the application to apply for funds would be available for 120-days in which during that period the Office of Strategic Business Management (OSBM) planned on conducting two pre-proposal conferences. One would be at the beginning of the 120-days and the second would be later in that period to ensure that everyone was given the opportunity to submit an application. OSBM recommended a 3-tier structure for the application based on the size of the proposing organizations annual operating budget. Small organizations having a total annual operating budget of under \$1 million dollars would not be required to provide a match and would have an approximate award cap of \$500,000 of the \$30 million in the Fund. The cap would be for each applicant. Ms. Reiter suggested that Mr. Wall check with Internal Revenue Services with the smaller organizations to ensure that the County grants did not jeopardize the organization's public charity status. Medium sized organizations that have a total annual operating budget from \$1 million to \$5 million, OSBM

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recommended that there be a one dollar match for every two dollars in GOB funding, with an approximate award cap of \$1 million of the \$30 million in the Fund. Large organizations with a total annual operating budget of over \$5 million would have a dollar for dollar match, with an approximate award cap of \$2.5 million of the \$30 million in the Fund.

Mr. Wall noted that OSBM would consider placing on the application the ability to waive those caps. That would be for the Board of County Commissioners (BCC) to decide to waive the caps as needed. He also mentioned that OSBM was considering various guidelines. Mr. Wall then explained that OSBM had considered establishing a minimum allocation goal of some percentage of the total dollars available from the \$30 million for small organizations. This was due to OSBM having recognized the inability or difficulty of some of those small organizations to compete with the larger more established ones.

Mr. Wall explained that the applications would be evaluated and rated by a selection committee, which would make recommendations for funding to the County Manager. The County Manager would then make his recommendations to the Board of County Commissioners (BCC) through the CAC, GOB sub-committee, and the appropriate committees of the BCC. He noted that proposals that met the minimum threshold in terms of scoring would remain on the eligibility list for a period of up to five years. Mr. Wall then handed out a draft evaluation to all members present. (Attachment A.)

Mr. Bill Johnson noted that recommendations for committees would be made to the County Manager, but ultimately the manager appoints the committees. Ms. Reiter then asked if someone from the CAC would be able to serve on the non-for-profit selection committee to represent the CAC. Mr. Gerald Heffernan and Ms. Geri Bonzon-Keenan from the county attorney's office recommended reviewing the conflict policy prior to determining if that was possible. Subsequent to the meeting, the county attorney's office indicated that a CAC member could sit on a selection committee. Mr. Wall noted that OSBM anticipated having some non-county participants serve on the selection committee.

Mr. Juan Sanchez wanted to clarify that the Miami Art Museum and the Museum of Science are not part of the Non-Profit Capital Fund. Ms. Reiter and Mr. Wall confirmed that statement. Mr. Wall also mentioned that OSBM anticipated including language on the application that would inform the applicant or proposing organization that if they were already obtaining another bond program application they would not be considered for the non-for-profit fund.

Mr. Sanchez noted that he was concerned that funds given to the non-for-profit organizations would be risky without the supervision of the county. Mr. Hernstadt responded that the county was very involved in the process in its entirety and indicated that there would be a difference between grant agreements with a small organization as opposed to one of the larger projects. Mr. Johnson then gave a brief explanation of the process to the members. A brief discussion ensued. He noted that county government along with the oversight committee would be part of the process for the bond program projects. Ms. Reiter mentioned that the CAC would also like to hear a presentation from the Miami Art Museum and the Museum of Science stakeholders. Mr. Rubin also mentioned that Cooper Robinson, one of the urban planners of the park would be conducting a public meeting through the City of Miami for all citizens interested in obtaining more information on the project. Mr. Johnson then noted that the agreements with the Miami Art Museum and the Museum of Science would clearly spell out that the county had the legal right to step in to remedy any deficiency. Ms.

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Reiter also noted that the course of the bond program, which had been approved by the voters, could not be changed.

Ms. Reiter then addressed the action item Agenda item V 1. This item was a recommendation to take some of the premium funds from the first bond sale, \$3.125 million for land acquisition to house the new NorthSide police station, new Community Action Agency (CAA) regional headstart facility and a new public library, as well as accelerating funding \$2.71 million for the Tropical American exhibit construction at Metrozoo. Ms. Reiter called for a motion to approve. Mr. Rubin moved for approval, was seconded by Ms. Sylvia Person. A brief discussion ensued. Motion was passed unanimously.

Ms. Reiter then asked the members present if meeting every other month was sufficient at this point in time, the members present agreed. It was concluded that the next CAC meeting would be in March at 8AM.

Meeting was adjourned at 10 AM.

**NOT-FOR-PROFIT FUND
DRAFT CRITERIA****1) PROJECT PROPOSAL (up to 20 points):**

- Project meets the goals and objectives of the NFP Fund Program and supports the Miami-Dade County Strategic Plan
- Readiness as indicated by the quality of the architectural/engineering study and/or equipment specifications and professionally-developed price quotes for total project
- Applicant proposes a reasonable and realistic project timeline and logistics
- Impact of project on the organization's operational and programmatic capacity to establish and/or sustain the facility or property
- Potential to provide or enhance program or services for the target audience, area, and/or condition and meet community needs
- Impact of project on the organization's capacity, effectiveness, efficiency, quality, and/or success
- Feasibility of capital budget and commitment and size of required match, if applicable

2) MANAGEMENT/ADMINISTRATIVE CAPABILITY (up to 20 points):

- Facility management plan including: brief bios of staff and responsibilities pertaining to the project, policies, and plans regarding the facility's use and accessibility to the general public
- Financial stability of the organization
- Ability of the organization to successfully operate and maintain the facility
- History of the organization and track record of its programs
- Ability to complete project within a realistic and reasonable timeframe

3) IMPROVED FACILITY CAPABILITIES (up to 20 points):

- Efforts to comply with the Americans with Disabilities Act (ADA) for projects to implement improvements in facility modifications
- Quality of facility improvements being proposed
- Frequency of facility use

4) APPROPRIATENESS OF GRANT REQUEST (up to 20 points):

- Feasibility and appropriateness of budget and commitment and size of public and private match, if applicable
- Project description, objectives, and goals
- Relevance of the project compared to the organization's current and future capital improvement plans
- Financial resources in hand or a fundraising plan adequate to support the project

5) MERIT OF CAPITAL PROJECT PLAN (up to 20 points):

- Reputation and history of the organization's programs, services, and/or activities
- Feasibility of capital improvements plan as it pertains to budget, placement, etc.
- Community needs and audiences project will serve, and long-term impact of the project
- Ability to increase and enhance client participation through service delivery

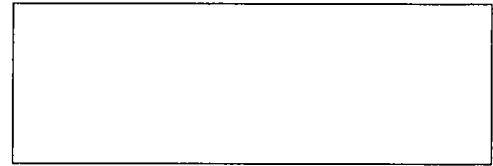


Date:

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Establishing Procurement Procedures for Contracts Related to Projects
Funded In Whole or In Part by *Building Better Communities* General Obligation Bond
Program Funds



RECOMMENDATION

It is recommended that the Board of County Commissioners enact the attached ordinance establishing procurement procedures for contracts related to projects funded in whole or in part by *Building Better Communities* (BBC) General Obligation Bond Program funds. Pursuant to the provisions of the proposed ordinance, as to contracts related to municipal projects funded in whole or in part by BBC General Obligation Bond Program funds, municipalities are to use their own procurement procedures.

Also, pursuant to the provisions of the proposed ordinance, as to contracts related to non-profit organizations' projects funded in whole or in part by BBC General Obligation Bond Program funds, non-profit organizations would use their own procurement procedures. If the County owns the land or the facility all County Procurement procedures would continue to apply. If the County operates the facility all County Procurement procedures would continue to apply.

In addition, the provisions of Section 2-1076 of the Code of Miami-Dade County related to the Inspector General, Resolution No. R-894-05 related to the Independent Private Sector Inspector General, Section 2-11.1 related to the Conflict of Interest and Ethics Ordinance, and Section 2-11.15 related to Art in Public Places would apply to municipal and non-profit organization projects funded in whole or in part by BBC General Obligation Bond Program funds.

BACKGROUND

When voters overwhelmingly supported the BBC Bond Program last November, they entrusted Miami-Dade County to fulfill a promise to complete more than 300 capital construction projects. Since bond proceeds qualify as "County" funds, Miami-Dade County procurement requirements apply. Whereas County departments utilize the County's procurement process everyday as a matter of course, several municipalities and non-profit organizations have expressed concerns with having to abide by these unfamiliar requirements. Municipalities are required to adhere to State law such as the Consultants' Competitive Negotiation Act (CCNA) and the "Sunshine Law", in addition to their own procurement processes that have been established by their elected officials while non-profit organizations also have their own procurement processes established by their boards. I am of the opinion that requiring municipalities and non-profit organizations to follow the County's procedures would result in a hardship due to the unfamiliarity with our

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and Members, Board of County Commissioners
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process and would create an adverse impact to them due to the additional time it would take to construct their projects as well as potential increased final cost of the projects. Consequently, additional project costs could ultimately result in a reduction in scope because the BBC allocations have been predetermined by this Board and the electorate. The recommended policy will help expedite the construction of projects by municipalities and non-profit organizations by allowing them to use their own procurement procedures.

As to all contracts related to projects (other than municipal or certain non-profit organization projects) funded in whole or in part by *Building Better Communities* General Obligation Bond Program funds, all applicable provisions of the Code of Miami-Dade County shall continue to apply, unless the Board, by two-thirds vote of the members present waives the requirements of this section upon a finding that such waiver is in the best interest of the County.

Assistant County Manager

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE ESTABLISHING PROCUREMENT PROCEDURES FOR CONTRACTS RELATED TO PROJECTS FUNDED IN WHOLE OR IN PART BY BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated in this Ordinance by this reference,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The Code of Miami-Dade County, Florida is amended by adding the following new section as Section 2-8.2.10:¹

>>Section 2-8.2.10 Procurement policy as to contracts related to projects funded in whole or in part by Building Better Communities General Obligation Bond Program Funds.

- (1) Notwithstanding and prevailing over any other provision of the Code of Miami-Dade County, Florida to the contrary, as to contracts related to municipal projects funded in whole or in part by Building Better Communities General Obligation Bond Program funds, municipalities shall use their own procurement

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double-arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

