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Citizen's Advisory Committee Meeting

March 10, 2006

Stephen P. Clark Center

111 NW 1 Street

10th Floor CITT Rear Conference Room

8:30 AM

Meeting Minutes

CAC MEMBERS PRESENT:

Robin Reiter, Chairwoman
Jose "Pepe" Andreu
Guy Forchion
Fred Frost
Wendell A. James
Sylvia Person
Juan T. Sanchez

Enrique Bello
Barbara Bisno
George Foyo
Sandra Gonzalez-Levy
Alain Lecusay
Alain Rubin
Esther "Shelly" Smith Fano

COUNTY MANAGER:

Bill Johnson

OFFICE OF THE MAYOR:

Robert Villar, Office of the Mayor

COUNTY ATTORNEY:

Geri Bonzon-Keenan
Gerald Heffernan

OTHERS PRESENT:

George Navarrete, OCI
Ana Watson, OCI
Bernard McGriff, OCI
Carlos Dunn, OHP
Mario A. Berrios, OCED
Silvia Unzueta, OCED
Wayne Flickinger, OCI

Jose A. Galan, OCI
Al Avila, SFJWJ
Ivan Rodriguez, OHP
Alyce Goudy Wright, SFJWJ
Juana Rodriguez, OCI
Frank Barriga, OCI
Michael Spring, Dept. of Cultural Affairs

PROCEEDINGS:

The Citizen's Advisory Committee meeting was convened at 8:32 AM on Friday, March 10, 2006.

Ms. Robin Reiter, Chairperson of the Citizen's Advisory Committee, thanked all the committee members for coming to the special meeting this morning for the Discussion for the Procurement Procedures Ordinance.

As an overview of the last Committee meeting, a brief discussion was held on the County's proposed ordinance to waive County procurement procedures on municipalities and certain non-profits when utilizing Bond Program funds.

Ms. Reiter stated that the Committee originally thought that the proposed ordinance was a great idea; however towards the end of the meeting a couple of the members requested further discussion on the issue. Ms. Reiter stated that she felt it would be beneficial for the Committee to revisit the issue and give everyone the opportunity to hear the pros and cons prior to again voting and making a recommendation to the County Manager. Ms. Reiter further stated that since this issue will be going before the GOB sub-Committee led by Commissioner Barreiro and then to the full Board, staff was asked to give an overview to the Committee. Ms. Reiter added, in order to keep the discussion in context, that what was being discussed was not the full \$2.9 billion but five (5%) percent of that amount.

Ms. Reiter asked that Mr. George Navarrete give the Committee an overview of the issue. Mr. Navarrete informed the Committee that Mr. Hernstadt could not be present due to other meetings he had to attend. Mr. Navarrete reminded the Committee of the unanimous vote taken on the issue at the last Meeting. He went on to introduce Mr. Jose A. Galan, who would be providing information on the issue and going over the numbers. Mr. Navarrete further stated that in order to address any concerns the Committee had, certain individuals were asked to be present at this meeting. Mr. Michael Springs, Director of Cultural Affairs, Ivan Rodriguez, Director of Art and Public Places/Historic Preservation, Silvia Unzueta, with the Office of Community and Economic Development and Bill Johnson representing the County Manger's Office.

Mr. Galan went over the information contained in the spreadsheet that was included in the package provided to the Committee. Mr. Galan stated the County departments would be required to continue following the County's procurement procedures. In regard to municipalities, Mr. Galan stated that the Committee mentioned at the previous meeting that they were comfortable with the municipalities following their rules as well as State Statutes, so what required further discussion were the non-profit groups.

Ms. Barbara Bisno had a question on whether the proposed ordinance would exempt municipalities. Mr. Navarrete stated that municipalities would be exempt from following the County's procurement guidelines if the ordinance were approved by the Board of County Commissioners.

Mr. Galan stated that 4.9% of the overall \$2.9 billion program (approximately \$250,000) would be the projects that would be exempted from County procurement procedures if the ordinance is approved. Mr. Galan stated that many municipalities had contacted the County and said following County procurement procedures would impose a hardship on them potentially impacting the time it took to complete the project and the final cost. Mr. Galan further stated that exempting municipalities and certain non-profit groups would allow GOB staff to really focus on some of the smallest non-profit organizations that may not have the expertise required to carry out their desired projects.

Mr. Alain Lecusay asked how the non-profit groups would be helped with procurement. Mr. Galan responded that a check list could be forwarded to the organizations and that depending on what information they received; it would determine how much additional help was needed by those groups.

Mr. Lecusay asked how can they be sure that the tax money would be used correctly, whether one dollar or a million dollars. Ms. Reiter responded that the whole program is on a cost reimbursement and not a grant that is funded up front, thus County staff would be reviewing bills prior to making payments. Mr. Johnson further stated that this is not a new process for the County. The County has done this year after year and has a very strong track record working with non-profit organizations, both in terms of operational and capital dollars. Ms. Reiter added that a non-profit organization gets a grant from the County and could go before the Commission and, at the recommendation of the County Manager's office; the Commission could waive the County's bid requirements. This would be done at the Commission level when they are trying to keep the money flowing and to keep the pipe line of projects moving in a timely fashion.

Mr. Johnson stated that the County Manager believed that imposing the County's rules and regulations, duplications would occur and a lot of confusion. The recommended ordinance was drafted with the County Attorney's careful review of the issue.

Mr. Galan explained to the Committee that the bulk of the non-profit projects fall into one of two categories; cultural projects or historical preservation projects. Mr. Galan further stated that the County follows the projects closely. Mr. Galan completed his overview and asked if the Committee had any questions.

Ms. Sandra Gonzalez-Levy asked if the staff's recommendation to the Committee was to pass this based on the non-profit organization and asked for Mr. Spring to relay his experience with most of these organizations.

Discussion was held on larger projects, like the Museum of Science which is being built on City of Miami owned-land and the various agreements that could be in place due to the complexity of the projects. Mr. Johnson stated that if the projects were to be on County-owned land, then they will comply with County rules.

Ms. Reiter added that municipalities will follow their own individual municipalities rules and that County departments would follow County rules. Mr. Galan added that the County Attorneys would treat each project on a case-by-case basis depending on the funding sources

involved. Federally funded projects would have to follow federal rules and procedures, since federal regulations supersede the County's procedures.

Ms. Reiter requested that the Committee hear from Michael Spring, Ivan Rodriguez, and Silvia Unzueta and then from any citizen presentation or comments.

Mr. Spring gave an overview of the process that they followed in working with non-profit organizations. His department partners with and monitors the non-profit organizations and their process to make sure that the County's monies are properly utilized. Mr. Spring stated that he has four architects on staff to monitor capital improvement projects. Furthermore, Mr. Spring stated that his staff has served on selection committees and regularly sit in on the construction team meetings on a weekly basis. The department participates intimately in the process with the non-profit organizations. Mr. Spring stated that the proposed procurement ordinance would remove a level of complexity that would be counter-productive to getting the projects completed.

Ms. Unzueta stated that she would be going over the Office of Economic Development projects and recently received Letters of Interest to determine what projects are economically feasible. Ms. Reiter stated that the Economic Development Fund and Letter of Interest were advertised in the Miami Herald. Ms. Reiter stated that as part of their process, the Economic Development Fund has asked that the Economic Development organizations that may be applying for some of the GOB monies to submit a Letter of Interest.

Mr. Rodriguez with the Office of Historic Preservation stated that the GOB funds will provide an unprecedented opportunity for the historic preservation community. Mr. Rodriguez stated that County's procurement procedures are very arduous for non-profit organizations which have limited capabilities to be able to navigate through the County's procurement procedures. Mr. Rodriguez introduced one of his staff, Carlos Dunn, who is responsible for working with the non-profit groups to make sure that the process is followed and at the same time alleviate some of the bureaucratic burdens from for the non-profits.

Ms. Reiter opened the floor for comments from the public. Ms. Alyce Goudy Wright, director of a local non-profit spoke on behalf of residents that are being affected by GOB projects. Ms. Goudy Wright asked if the County's partnership with the non-profits was already happening why the need to relieve certain County procedures? Ms. Reiter responded that rather than go issue by issue to the Commission to ask for a bid waiver, it was preferred to request a blanket bid waiver. The intent was to cut back on the bureaucracy and make it easier for the non-profits to cut down on the time between the allocation of the grant and when they actually have access to the funds. Ms. Goudy Wright asked for further clarification on what is exactly being expedited. Ms. Reiter stated that she would ask staff to address what parts are being relaxed as part of the wrap-up of the meeting.

Mr. Alain Lecusay asked if anyone knew if any of these organizations had there own procurement procedures and how they compared with the others. Ms. Reiter reminded the public of what was being discussed, the bid procurement process for non-profit organizations and relaxing the County's bid process for approximately 5% of the projects funded by the GOB, equaling \$135 million only for non-profit organizations not on County land. Ms. Reiter

further explained that for municipalities it would mean allowing them to use their process, which is what they would normally do.

Gerry Bonzon-Keenan gave an overview of the difference in the application of the ordinance to non-profits for private facilities and municipalities. Ms. Bonzon-Keenan explained that the County would exempt municipalities were County procedures allowing them to follow their procedures. Non-profits operating on County owned land would continue to follow the County procurement procedures unless waived by the Board which requires a 2/3 affirmative vote.

Mr. Frost stated relating the Living Wage ordinance was discussed at the last committee meeting. Ms. Bisno asked for clarification on the issue of the County's Living Wage ordinance and it not applying to GOB monies for non-profit organizations. Ms. Reiter asked for clarification on the issue and whether the County's Living Wage ordinance would apply to County issued grants. Ms. Bonzon-Keenan responded no, and further added that the Living Wage ordinance would not apply to grants for non-profits and municipalities regardless of the outcome of the proposed procurement ordinance. The Living Wage ordinance would only apply to County departments and non-profits operating on County-owned land. Mr. Johnson stated that the vast majority of the \$2.9 billion would be covered.

Mr. Rubin asked about Art in Public Places and Ms. Bonzon-Keenan responded that it only applies to new government buildings. Ms. Bonzon-Keenan added that there are a lot of checks and balances in the process and that the organizations are required to sign a grant agreement as part of the process.

Ms. Gonzalez-Levy asked that Mr. Spring to go through the process for Cultural Affairs Department projects. Mr. Spring stated that the non-profits sign a grant agreement that outlines the scope and includes a detailed budget showing how the funds will be spent. Mr. Spring further stated that they begin their interaction with non-profits on capital projects before the grant agreement is signed to ensure that the organization is able to deliver on the project. Mr. Spring stated that they would work with and assist the organizations on their procurement process.

Ms. Reiter asked for the Committee to entertain the motion to reaffirm the CAC's support of the ordinance. The motion was moved by Sandra Gonzalez-Levy and seconded by Alain Rubin. The Committee voted and motion passed with Mr. Fred Frost as the only dissenting vote. The meeting was adjourned.