



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners

Legislative Analysis

October 4, 2011
9:30 A.M.
Commission Chamber

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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

**Miami-Dade County Board of County Commissioners
Meeting Agenda**

Supplemental Analysis

October 4, 2011

These analyses are in addition to those attached to the BCC agenda kit.

Item Number(s)

5B
5F
7B
8K1A
8O1A
8O1H
11A1
11A2
11A6
11A12
11A15
11A24

Acknowledgements:

Bia Marsellos, Legislative Supervisor
Michael Amador-Gil, Senior Legislative Analyst
Mia Marin, Legislative Analyst
Elizabeth Owens, Legislative Analyst

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 5B, 5F, 11A1, 11A12, and 11A24

File Number: 111818, 111769, 111820, 111806, and 111819

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: September 26, 2011

Summary

BCC Agenda No.	5B 111818 Transit Village Theater/ Cultural Center	5F 111769 Fairchild Tropical Botanic Garden	11A1 111820 Miami Children's Museum	11A12 111806 72 Affordable Rental Units	11A24 111819 Gibson Community and Education Center
Sponsors	Commissioner Audrey M. Edmonson	Commissioner Xavier L. Suarez	Commissioner Bruno A. Barreiro	Commissioner Barbara J. Jordan	Commissioner Xavier L. Suarez
BBC-GOB Project	333/333.1	298	223	249	249
BCC District & Location	District 3 6016-6042 N.W. 7 Avenue, Miami, Florida	District 7 10901 Old Cutler Road, Coral Gables, FL 33156	District 5 980 Macarthur Causeway Miami, Florida 33132	District 1 13280 Port Said Road, Opa-Locka, Florida	District 7 3629 Grand Avenue and 3632 Florida Avenue, Miami Florida
Project Description	This resolution approves the deletion of Project No. 333 – "Carver Theatre," identified in Appendix A to Resolution No. R-919-04; approves the addition of Project No. 333.1 - "Transit Village Theater/Cultural Center" to Appendix A to Resolution No. R-919-04; addition of new BBC GOB Program Project No. 333.1 to Appendix A to Resolution No. R-134-11; waives Implementing Order 3-47 regarding adding new projects to the BBC GOB Program; and the acceleration of \$1.3 million of BBC GOB Program funding for Project No. 333.1 to fund the design and engineering phase of such project, as well as a portion of the construction.	The resolution modifies the project location to add new street addresses and their corresponding folio numbers.	This resolution rescinds a grant award in the amount of \$2.4 million from the BBC GOB Program Project No. 223 – "Not-for-Profit Community Organization Capital Fund" and awards \$2.4 million from Project No. 223 to the Children's Museum in order to pay the balance of a construction loan.	This resolution provides a grant rather than a loan in the amount of \$7.5 million to Transforming Communities Foundation, Inc. rather than Georgia Ayers Development, LLC.	This resolution allocates \$8.5 million from the \$137.7 million allocated for BBC Program Project No. 249 – "Preservation of Affordable Housing Units and Expansion of Home Ownership" to fund the development of the affordable housing component of the Gibson Community Center Project.

BCC Agenda No.	5B 111818 Transit Village Theater/ Cultural Center	5F 111769 Fairchild Tropical Botanic Garden	11A1 111820 Miami Children's Museum	11A12 111806 72 Affordable Rental Units	11A24 111819 Gibson Community and Education Center
Funding Information provided by OMB on 9/27/11	<p>Although the Carver Theater (project 333) was listed in R-134-11, the full amount of \$5 million was not contemplated in FY 2011-12.</p> <p>Funding for this project now reflects the following funding: FY 2011-12 \$2.3 million and FY 13-14 \$2.4 million.</p>	<p>This item does not accelerate or change the funding for this project, it only amends the address and folio numbers of where the funds may be disbursed.</p> <p>This item was listed in R-134-11; however, the full amount was not contemplated in FY 2011-12.</p> <p>The Adopted budget now shows funding for this project in FY 11-12 \$5.853 million, FY 13-14 \$418,000, FY14-15 \$3.082 million, and future \$1.5 million.</p> <p>There is no fiscal impact associated with this item.</p>	<p>Although the Not-For-Profit fund (project 223) was listed in R-134-11, funding for the Children's Museum was not contemplated.</p> <p>The Adopted budget shows funding for this project in FY 2013-14 \$2.438 million.</p>	<p>Although the Preservation of Affordable Housing Units (project 249 - parent site) was listed in R-134-11, the full amount of \$7.5 million for Georgia Ayers was not contemplated in FY 2011-12.</p> <p>The Adopted budget now shows funding for this project in FY 2011-12 \$1 million, FY 2012-13 \$4 million, and FY 13-14 \$2.5 million.</p> <p>There is no fiscal impact associated with this item</p>	<p>Although the Preservation of Affordable Housing Units (project 249 - parent site) was listed in R-134-11, the District 7 allocation was not contemplated in FY 2011-12.</p> <p>The Adopted budget shows funding for this project in FY 2013-14 \$1.5 million, FY 2014-15 \$2.6 million and FY 2016-17 \$6.5 million.</p>
Do these items increase the original amount approved by the voters 2004?	No	No	No	No	No

Source: Information provided by OMB, GSA and OCI staff

Background and Relevant Legislation

On July 11, 2010, the County Manager issued a memorandum on the BBC-GOB Bond Program Project List. The Memorandum provided three scenarios that illustrated the choices for the BBC Bond sales in the next two (2) fiscal years. In every scenario, the upcoming two sales are followed by a gap of nearly 24 months in which the County will not sell new bonds.

Furthermore, the Memorandum stated that uncertainty surrounding the County's millage rates and property-tax roll have made useful projections almost impossible. The list of projects for the next two (2) bond sales was developed by the OCI and the Office of Strategic Business Management (OSBM) in consultation with the County Executive Office, user departments and external stakeholders.

On December 23, 2010, the County Manager issued a Memorandum outlining the BBC Bond Program for the next 45 months and recommended the implementation of a commercial paper program in order to provide an additional financing vehicle to complete a list of projects.

Subsequently, on March 1, 2011, the Board of County Commissioners (BCC), through R-134-11, authorized the issuance of up to \$200 million in BBC Bonds for Series 2011A to be used to pay for various capital projects in the BBC Bond Program Projects List identified in the December 23, 2010 County Manager Memorandum.

On July 7, 2011, the BCC, through Ordinance 11-38, approved the issuance not to exceed, at any one time, \$400 million of Building Better Communities Commercial Paper Notes (CP Notes) in anticipation of the issuance of Miami-Dade County Building Better Communities Program General Obligation Bonds. The implementation of a

Commercial Paper Program (CP Program) by issuing the CP Notes provides a means of needed financing to meet the Building Better Communities General Obligation Bond Program's (BBC Program's) undertaking of eligible community projects in anticipation of the issuance of additional BBC Bonds.

According to OMB, creating a Commercial Paper Program for the BBC Program will permit the County to more quickly respond to the pace of construction and changing financial market conditions, ultimately allowing more construction to take place while prices are favorable and minimizing the cost of financing.

Information for First Budget Hearing-FY 2011-12 Proposed Budget

The September 8, 2011 memo from the Mayor to the BCC states that as a result of the lowering of the proposed debt service millage rate to 0.285 or 36 percent from FY 2010-11 actual millage from 0.445, a number of capital projects anticipated to be funded with *Series 2011 A* bond proceeds and/or within the next 45 months will be impacted.

Revised BBC-GOB Projects Timeline

The September 20, 2011 memo from the Mayor to the Commissioner of District 9 provided a revised BBC-GOB projects timeline, financing costs, and future operating impacts. The information provided shows those projects whose allocations were adjusted as a result of the decrease in the millage.

Information for Second Budget Hearing on BBC-GOB Projects

The September 22, 2011 memo from the Mayor to the BCC mentions that the appropriation schedule for BBC-GOB municipal projects were updated to reflect expenditures that were expected to be incurred in FY 2010-11 but are now anticipated to occur in FY 2011-12. These adjustments did not increase the overall appropriation of the projects. In March 2011, the BCC adopted R-134-11, which listed the projects eligible for funding from the Series 2011 Bonds. That project list assumed a 0.445 millage rate in FY 2011-12, as well as a 45 month financing plan for the BBC-GOB Program, with funding for many projects timed to cash flow needs.

As a result of the adoption of a 0.285 millage rate for FY 2011-12, the appropriations and project financing timelines have been adjusted for the Florida Memorial University Multipurpose Arena; West Perrine Park-Phase2/Aquatic Center, Roads and Pathways, Courts; Westchester Arts Center Construction; Richmond Place Townhouse; and SBC Senior Housing; Opalocka City Hall; Fire Station No. 1; and the Coral Gables-Police Station. These projects will be fully funded within the next 45 months in the amounts and fiscal years set forth in the memo. The Westchester Arts Center Construction will be fully funded by FY 2015-16.

Additional Information

In response to questions posed by the Office of the Commission Auditor, staff from OMB provided the following information for BCC Item 11A12 and BCC Item 11A24:

BCC 11A12

- Initially, in R-84-09 (1/22/09), the allocation of \$7.5 million was made as a loan to Georgia Ayers Development, LLC (GAD).
- The proposed resolution converts the allocation to a grant thus relieving the developer from repayment.
- Additionally, this resolution agrees to change the allocated party to Transforming Communities Foundation, Inc. (TCF) a Florida, not-for-profit company. GOB funding can only be made to a not-for-profit. Typically, when the developer is applying for tax credit funding, the not-for-profit lends the money to the For Profit as the application for tax credits must be from a For Profit.
- GAD is an experienced affordable housing developer who has done several projects in Miami-Dade County, some with County funding. Staff is not aware of any issues with those projects. TCF is a not for profit created in January 2011 and has no previous development experience.
- The project consists of 72 affordable multifamily housing units being set aside for low and moderate income families.

- Finally, the item approves the Grant Agreement and Rental Regulatory Agreements required for funding the project from GOB funds as well as creating the appropriate covenants to keep the property “affordable” for the next 30 years.
- This project is presently in underwriting and should begin construction within the first 6 months of FY 2011-12.

BCC 11A24

- The project is a collaborative effort of Pinnacle Housing Group, the Theodore R. Gibson Memorial Fund, the Coconut Grove Collaborative Inc., and the University Of Miami School Of Education.
- The requested GOB funds (\$8.5 million) will provide the District with a four story building with 60 low and moderate affordable multifamily rental units.
- In addition, the developer will provide (with other funding) the construction of the Gibson Community and Educational Center, an educational facility to be run by the University Of Miami School Of Education, all on the Gibson site.
- The Gibson Educational Center offers a diverse set of educational programs for the benefit of the area residents. The Center’s programs are to be funded in part by a \$50,000 annual contribution from the Developer (derived from the gross revenue of the project) in addition to other fund raising efforts of the University.
- The average construction cost per unit is approximately \$141,666.67.
- The project funding requirements must be bifurcated between residential and educational uses so that the residential portion can be built with \$8.5 million GOB allocation and without the educational component if additional funding cannot be confirmed.
- This project has no projected start date and has no project funding in the 2011-12 Budget until FY 2013-14.

Prepared by: Michael Amador-Gil

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 7(B)
File Number: 111954
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: September 27, 2011

Summary

This ordinance creates the Miami-Dade Task Force on Scrap Metal and Copper Wire Theft (Task Force). The task force will formulate recommendations on enforcing and amending ordinances regulating junk dealers and scrap metal processors; and educate businesses and the community on the effect of such ordinances.

The Task Force will be comprised of 23 members; meet no less than every 90 days; and submit its first written recommendations to the Board of County Commissioners (BCC) within 180 days from the effective date and every 180 days thereafter.

The purpose of the Task Force is to:

- Provide non-binding written recommendations to the Board of County Commissioners on (Enforcement of ordinances regulating junk dealers and scrap metal processors, including Sections 8A-203, 8A-237, and 8A-9 through 8A-9.6 of the Code of Miami-Dade County, Florida;
- Propose amendments to ordinances regulating junk dealers and scrap metal processors;
- Propose methods to educate local businesses and the community on the effect of ordinances regulating junk dealers and scrap metal processors; and
- Propose methods of preventing the illegal sale of regulated metals and restricted regulated metals.

This ordinance will be in effect for three (3) years from its effective date.

Background and Relevant Information

On April 4, 2011, the BCC, through Ordinance 11-17, created sections 8A-9 to 8A-9.6 of the Code of Miami-Dade County to regulate scrap metal processors and junk dealers; provide recordkeeping and inspection guidelines; prohibit any cash transactions; restrict the purchase of certain items; and apply enforcement and penalties.

Florida Statutes Chapter 538 *Secondhand Dealers and Secondary Metals Recyclers* provides for the following:

- Requires secondary metals recyclers to gather more detailed information about the sellers of regulated metals and allowing that information to be stored on an electronic database.
- Expands the definition of regulated metals to include stainless steel beer kegs.
- Increases the penalty secondary metals recyclers face for repeated noncompliance with statutory requirements from a first degree misdemeanor to a third degree felony.
- Increases the penalty for sellers of regulated metals who give false information to secondary metals recyclers to second and third degree felonies based on the dollar amount received by the seller.
- Requires the Department of Revenue to release the names of any registered secondary metals recycler to a law enforcement official upon request.
- Requires all regulated metals be transported to a secondary metals recycler in a motor vehicle.
- Requires payments for all transactions in excess of \$1,000 be made by check.

Additional Information

Recently, a 52 year-old woman from Miami-Dade County died from her injuries just weeks after she was struck by a car as she was crossing Northwest 7th Avenue and 58th Street. Miami Fire Rescue blamed copper wire thieves for disabling the street lights. Last year, 30 lights on the stretch of I-95 between N.W. 30th and 79th Streets were vandalized for copper wire.¹

In August 2010, the Orlando City Council adopted an ordinance (Ordinance 2010-19) which prohibits secondary metals recyclers from entering into cash transactions in excess of \$50 (rather than \$1,000, permitted by state law) with the same seller in a single day and requires any payment to a seller in excess of \$50 to be made by check and mailed to a seller's physical street address.

The Hillsborough County Commission approved an amendment (to the Hillsborough County Secondary Metals Recyclers) to electronically report all purchase transaction information to law enforcement.²

According to the National Conference of State Legislatures, 25 states introduced scrap metal legislation in 2009. This legislation focused on increasing availability to law enforcement agencies of the records and identities of metal scrap dealers and sellers, and created penalties for metal theft and metal recyclers who purchase stolen property.

- Idaho enacted legislation that requires scrap dealers to have a record of all commercial accounts.
- Indiana enacted a bill that requires a valuable metals dealer to photograph the seller and to record the source of the valuable metal. The law also removes a provision exempting valuable metal transactions under \$100 from reporting requirements.
- Nevada enacted legislation that not only requires metal processors to maintain records of all purchases, but also requires metal purchasers to be licensed.
- Oregon enacted legislation that requires scrap metal businesses to create and maintain certain records of purchase or receipt of metal property or other transactions related to metal property.
- South Carolina law requires scrap metal purchasers to keep records. This law also prohibits unlawful purchase of nonferrous metals and makes it unlawful for a person to possess or transport specified quantities of nonferrous metals under certain circumstances.

¹ CBS Miami, *Theft of Copper Wire Now Tied To A Family Tragedy*, 9/27/11

² April 21, 2010 HCC BCC Meeting, Item D-2, carried six to zero.

- An Illinois law makes subject to seizure any vessel, vehicle or aircraft used in the attempt to steal or the theft of a precious metal or scrap metal.
- A new Texas law amends the Penal Code to punish as a felony theft of tubing, rod, and watergate stems valued at less than \$20,000 and consisting of at least 50 percent aluminum, bronze or copper.
- Utah law now makes a defendant liable for damages caused during the course of committing or attempting to commit theft of regulated metal; the victim also can bring civil action for damages.

Prepared by: Michael Amador-Gil

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 8K1A

File Number: 111766

**Committee(s)
of Reference:** Infrastructure and Land Use Committee

Date of Analysis: September 27, 2011

Summary

This resolution approves the following:

- Executes an existing Restrictive Covenant on the Historic Hampton House Motel (Hampton House), in favor of the Florida Department of State, Division of Historical Resources, Bureau of Historic Preservation, in the event that the Historic Hampton House Community Trust, Inc. (Trust) receives a 2013 Special Category Rollover Grant in the amount of \$350,000 for use in the rehabilitation of the Historic Hampton House Motel;
- Ratifies the Restrictive Covenant on the Hampton House that was administratively executed and recorded following receipt of similar historic preservation funding from the State of Florida in 2007; and
- Authorizes County Mayor or Mayor's designee to execute future grant related agreements, consents, and restrictive covenants with the State of Florida, Division of Historical Resources and the Trust for the Hampton House.

According to the Mayor's Memorandum for this item, the Trust applied and received on July 1, 2007, a State of Florida Historical Resources grant in the amount of \$350,000 for the rehabilitation of Hampton House. As a result of the grant award in 2007, a restrictive covenant was executed by staff and recorded on the Hampton House property for a term of ten years.

Approval of this proposed resolution, ratifies the 2007 restrictive covenant and authorizes the County Mayor or Mayor's designee to execute and record a new restrictive covenant on the property for an additional ten years, if the Trust receives the 2013 Special Category Rollover Grant.

The Special Category Grants are for a two year grant period for major restoration and rehabilitation of historic structures, major archeological excavation and major museum exhibit projects on the history of Florida.

Background and Relevant Legislation

On April 23, 2002, the Board of County Commissioners (BCC), through Resolution R-419-02, directed the County Manager to work with the Trust to investigate the renovation, adaptive reuse and public acquisition of the facility.

In 2004, the County purchased the Hampton House using Community Development Block Grant (CDBG) funds in the amount of \$450,000. Building Better Communities General Obligation Bond (GOB) funds in the amount of \$4.7 million were allocated to GOB Project No. 255-Historic Hampton House Restoration project in July 2004.

In 2006, the project administration for the restoration project was carried out by the Department of Housing and Community Development (HCD). The selection of the A/E consultant began in June 2006 through the Office of Capital Improvements (OCI) and was completed in June 2007. Gurri-Matute, P.A. was selected as the A/E consultant for the restoration project.

The Trust is a registered Florida non-profit corporation, organized for the purpose of providing education, historical, and cultural development to Miami-Dade County through the acquisition, renovation and use of the Hampton House as a multi-purpose community center.

Hampton House

The Hampton House is owned by the County and the General Services Administration's (GSA) Design and Construction Division and Real Estate Development & Services are currently monitoring the Historic Hampton House restoration project. Additionally, the Department of Housing and Community Development (HCD) monitors the CDBG funding through its review of quarterly progress reports.

A total of \$1.444 million from CDBG has been awarded; \$6.5 million is allocated from the Building Better Communities General Obligation Bond (GOB) Program and \$350,000 awarded from the State of Florida Historical Resources grant in 2007. Currently, \$1.275 million of the GOB funds, \$550,000 of the CDBG and \$350,000 of the Historical Resources grant have been used.

The above-mentioned expended funds have been used towards the following activities: acquisition of the building; securing the building; installing a fence along the perimeter of the property; A/E design fees (schematic design plans, stabilization construction plans and restoration construction plans); Phase I construction costs (Asbestos abatement, selective demolition and structural bracing); surveys; testing; waiver of plat plans and fees; and plan review fees from all pertinent County agencies for permit approval.

Between March 2009 and April 2010, the property was cleared of debris and trees, and a structural stabilization project took place in order to secure the existing shell after the roof was removed. Since then, the project administration was transferred from HCD to GSA. The site has also been secured by means of a perimeter chain link fence and 'No trespassing' signs, along with general clearing and cleaning of the site.

GSA staff, has been actively involved to complete the permit dry run process, has met bi-weekly with the Trust and is currently preparing the Request To Advertise (RTA) for construction bids.

Prepared by: Mia B. Marin

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 8(O)1(A)

File Number: 111823

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: September 30, 2011

Summary

This Competitive Contract Awards Package includes a total of six (6) items, one (1) competitive contract award and five (5) modifications to previously approved competitive contracts, requesting to allow additional spending authority and/or time.

Budgetary Impacts

In total, this Competitive Contract Awards Package is requesting \$6,771,405 in award allocations for Miami-Dade Transit (MDT), utilizing Charter County Transportation Surtax funds, which is a component of MDT Operating funds.

Compliance and/or Performance Issues

There are no compliance or performance issues for any of the firms in this procurement package.

• **Competitive Bid Contract**

Item 1.1: Symantec Licenses and Maintenance Support Services (Pre-Qualification Pool)

This item awards Contract No. 9499-3/20 for pre-qualified pool of vendors used by County departments for the purchase of Symantec software licenses and maintenance support for mission critical software.

The following vendors are recommended for the pre-qualified pool: Dell Marketing, L.P. (non-local), Dyntek Services Inc. (non-local), Insight Public Sector Inc. (non-local), Presidio Networked Solutions (non-local), and SHI International Corp. (non-local).

Comments / Questions

The previous contract accessed the Federal GSA Schedule 70 Contract No. GS-35F-0131R and was approved under Resolution No. 179-07 for a term of 33 months, with 3, 5-year OTR periods, beginning March 6, 2007 through November 19, 2009.

Subsequently, the federal government extended Contract No. GS-35F-0131R for three (3), six-month extensions, allowing the Department of Procurement Management (DPM) to extend the initial term likewise (approved by DPM on October 23, 2009, February 16, 2010, and November 5, 2010), and extending the expiration date to May 13, 2011. According to the Procurement's Bid Tracking System (BTS), a replacement solicitation was being drafted in order to avoid further administrative issues.

- **Question:** *Why were extensions issued under the previous contract, instead of utilizing the OTR periods?*

Item No.	Proposed Contract Term & Amount	Previous Contract Term & Amount
1.1	\$1,755,800 for 3 years, with 3, 2-year OTR periods. Cumulative Value = \$6,127,405	\$2,085,000 for 33 months, with 3, 5-year OTR period. Cumulative Value = \$3,560,000

- **Contract Modifications:**

Item No.	Contract Title and Modification Reason	Existing Allocation, Additional Time and Spending Authority
2.1	<p>Onsite Truck, Bus & Trailer Alignment</p> <p><u>Reason:</u> Authorization to allow MDT an allocation to purchase onsite truck, bus and trailer alignment services, and authorization to use Charter County Transportation Surtax Funds as a component of MDT Operating funds.</p> <p><u>Current Vendor:</u> On Road Wheel Alignment Corp. (local).</p>	<p>Existing Allocation: \$92,000</p> <p>Modified / Extended Term: No Change. Current contract expires on Oct. 31, 2012.</p> <p>Increased Allocation: \$175,000 to MDT</p>
2.2	<p>Paper and Plastic Items</p> <p><u>Reason:</u> Authorization to allow MDT an allocation to purchase paper and plastic items, and authorization to use Charter County Transportation Surtax Funds as a component of MDT Operating funds.</p> <p><u>Current Vendor:</u> Allied Paper Co. (local), District Healthcare & Janitorial Supply Inc. (local), Total Connection Inc. (local), and Faycroft Interior and Purchasing Inc. (local).</p>	<p>Existing Allocation: \$982,000</p> <p>Modified / Extended Term: No Change. Current contract expires on Sept. 30, 2012.</p> <p>Increased Allocation: \$24,000</p>
2.3	<p>Disposal of Hazardous Waste</p> <p><u>Reason:</u> Additional spending authority to allow MDT to continue the purchase of disposal services for hazardous and non-hazardous waste, and authorization to use Charter County Transportation Surtax Funds as a component of MDT Operating funds.</p> <p><u>Current Vendor:</u> Clean Harbors Environmental Services, Inc. (non-local),</p>	<p>Existing Allocation: \$1.352 million</p> <p>Modified / Extended Term: No Change. Current contract expires on April 30, 2012.</p> <p>Increased Allocation:</p>

	EQ The Environmental Quality Company (non-local), Perma-Fix of Fort Lauderdale, Inc. (non-local), World Petroleum Corp. (non-local), and Safety-Kleen System, Inc. (non-local).	\$445,000.
2.4	<p>Shop Towel Rental and Laundry Service</p> <p><u>Reason:</u> Additional time to allow the department of Park and Recreation and MDT to continue to rent shop towels and laundry service, and authorization to use Charter County Transportation Surtax Funds until a long-term successor contract is established.</p> <p>On April 21, 2011, DPM approved additional spending authority in the amount of \$1,500 and time, extending the contract for an additional 6 months until November 30, 2011. Administrative authority to extend the contract has been exhausted.</p> <p><u>Current Vendor:</u> Aramark Uniform & Career Apparel LLC (non-local)</p> <p>Questions / Comments</p> <ul style="list-style-type: none"> • <i>Why is the successor contract not in place prior to the expiration of the current contract?</i> <p>According to R-916-07, the rental of shop towels with laundry services is used by MDT for the maintenance of the Metrobus, Metromover, and Metrorail.</p> <p>According to DPM, the Department of Park and Recreation uses the shop towels for maintenance of equipments and facilities.</p>	<p>Existing Allocation: \$130,000</p> <p>Modified / Extended Term: 9 months from Nov. 30, 2011 to Aug. 31, 2012.</p> <p>Increased Allocation: None.</p>
2.5	<p>Rental of Portable Chemical Toilets</p> <p><u>Reason:</u> Authorization to allow MDT to continue to rent portable chemical toilets, and authorization to use Charter County Transportation Surtax Funds.</p> <p><u>Current Vendor:</u> AES Portable Sanitation (local), Friendly John Inc. (local), and United Site Services of Florida, Inc. (local).</p>	<p>Existing Allocation: \$436,000</p> <p>Modified / Extended Term: No Change. Current contract expires on May 31, 2012.</p> <p>Increased Allocation: \$6,000 to MDT from unallocated funds that have already been authorized.</p>

Prepared by: Elizabeth N. Owens

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
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Legislative Notes

Agenda Item: 8(O)1(H)

File Number: 111979

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: September 30, 2011

Summary

This resolution authorizes the County Mayor or his designee to exercise the third and final option-to-renew (OTR) period for a competitively bid contract; which, if exercised, would bring the cumulative value of the contract in excess of \$1 million.

Pursuant to Section 2-8.1 of the Code and Master Procurement Administrative Order AO 3-38, the Board of County Commissioners' (Board) authorization is required to direct the County Mayor or his designee to award contracts and to exercise OTR clauses bringing the cumulative value of the contract in excess of \$1 million.

The Administration states the following: (1) prior to this request to exercise the options period, market research was conducted to ensure that pricing and quality are competitive; and (2) the allocation represents the maximum spending authority based on past usage.

Compliance and/or Performance Issues

There are no compliance or performance issues for any of the firms in this procurement package. The current vendors include: Acuity Specialty Products, Inc. / ZEP Sales & Services (local); Buckeye International Inc. (local); Calico Industries Inc. (non-local), Central Poly Corp. (non-local); Interboro Packaging Corp. (non-local); and Neeled Paper Supplies Inc. / Janitors Supply Outlet (non-local).

Background and Relevant Legislation

On January 22, 2009, the Board of County Commissioners (BCC) ratified the award of this contract (R-48-09), Janitorial Supplies for Miami-Dade Public Housing Authority (MDPHA). The initial term and amount of this contract was from April 7, 2008 to April 6, 2009 for \$438,000.

OTR Periods

- The 1st OTR period was from April 7, 2009 to April 6, 2010, in the amount of \$250,000.
- The 2nd OTR period was from April 7, 2010 to April 6, 2011, in the amount of \$250,000.

- During the 2nd OTR period, the Department of Procurement Management (DPM), under delegated authority, extended this contract an additional six (6) months, from April 6, 2011 to October 6, 2011, and increased the spending authority by \$124,626.
 - According to DPM's Bid Tracking System (BTS), on February 11, 2011, DPM increased spending authority by \$83,000 and time by four (4) months from April 6, 2011 to August 6, 2011.
 - Subsequently, on April 20, 2011, DPM increased spending authority by \$41,626 and time by two (2) months from August 6, 2011 to October 6, 2011.

This item is requesting to exercise the 3rd and final OTR period, for a one-year period October 7, 2011 to October 6, 2012 in the amount of \$250,000. The cumulative value of the contract with all three (3) OTR periods is \$1.313 million.

Comments / Questions *(Responses provided by DPM)*

According to BTS, this contract will be consolidated along with six (6) other existing janitorial contracts under the new consolidated countywide janitorial supplies contract.

- ***Will the new consolidated countywide janitorial supplies contract be in place prior to the October 6, 2012 expiration date of this 3rd and final OTR period requested by this item?***
There are two janitorial contracts: one is for services and the other is for janitorial supplies (used by County departments). The new janitorial supplies contract is expected to be awarded by March 30, 2012.

The seven (7) consolidated contracts for janitorial supplies are the following:

- *IB6704-2/11-2 PRE-MEASURED LAUNDRY DETERGENT*
 - *IB7023-4/12-3 DISHWASHING COMPOUND*
 - *EPP4228-3/10-3 LAUNDRY SUPPLIES*
 - *5899-3/14 GERMICIDAL DETERGENT & HAND SOAP SUPPLY*
 - *8288-3/12-3 BRUSHES, BROOMS AND MOPS*
 - *M0692-4/11-4 JANITORIAL SUPPLIES*
 - *8550-3/11-2 JANITORIAL SUPPLIES FOR MDPHA*
- Pursuant to a Board directive given at the July 12th IMFRC meeting, all proposed consolidation processes for the janitorial supplies and services contracts were to be delayed, pending a committee workshop to discuss the impact of the proposed consolidation and contract modifications on small businesses. In addition, the Board directive requested that no solicitation of the contracting advertising be done for any consolidation until the DPM prepares a report based on the findings of the industry workshop and it has been presented before the IMFRC committee for review.
In collaboration with the Department of Small Business Development (SBD), DPM organized an industry day for janitorial vendors. An email blast was sent by DPM to all vendors registered under the commodity code for janitorial services. SBD contacted SBE-certified janitorial vendors via telephone and followed up with email communications. The industry day was held on August 10, 2011. Nineteen vendors attended. Fourteen of the nineteen vendors attending represented certified SBE firms. The purpose of the meeting was to provide information and an overview on

the upcoming solicitation and receive feedback from the vendor community. The solicitation is anticipated to be advertised in early September.

- ***Was the solicitation for the Consolidated Janitorial Supplies and Services Contracts advertised?***
- ***What is the next step in the solicitation process for these contracts?***

This item states that market research shows that the County's contract prices are competitive when compared with Broward and Ft. Lauderdale.

- ***Why was the market research only conducted in Broward and Ft. Lauderdale?***

Prepared by: Elizabeth N. Owens

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 11A2 and 11A6
File Number: 111583 and 111584
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: September 29, 2011

Summary

These resolutions approve the following:

11A2 Legislative Item # 111583 - Establishes a policy requiring that prior to the Board of County Commissioners (BCC) approval of every new Interlocal Agreement or amendment to an existing Interlocal Agreement with a Community Redevelopment Agency (CRA), and if applicable a municipality or other taxing authority, that the Mayor or Mayor's designee will negotiate with the respective CRA to include the following in the Interlocal Agreement:

- Permit at least one County Commissioner to serve as a commissioner of the CRA Board as required by Resolution R-1382-09; and
- Require the CRA to submit timely budgets for approval by the BCC prior to the CRA borrowing money, advancing funds or incurring indebtedness proposed to be repaid from or secured by the CRA's tax increment financing funds.

11A6 Legislative Item # 111584 - Directs the Mayor or the Mayor's designee to negotiate an amendment to the Interlocal Agreement between Miami-Dade County (County), the City of Miami (City) and Omni CRA to include the following:

- Address the future use of the Herald Properties by the Genting Malaysia Berhad (Developer) to ensure that the County, City and Omni CRA interests are protected; and
- Provide for the appointment of one County Commissioner to the CRA Board as required by Resolution R-1382-09.

Additionally, Legislative item # 111584 directs the Mayor or Mayor's designee to submit a report on the status of such negotiations to the Board of County Commissioners within sixty (60) days of the effective date of this resolution.

Relevant Legislation

In 2009, the BCC approved two resolutions calling for negotiations with all Community Redevelopment Agencies (CRAs) in Miami-Dade County. First, Resolution R-1315-09, adopted on November 17, 2009, requested negotiations with CRAs to amend the existing interlocal agreements

and have net surplus tax increment revenues retained or returned to the County. Second, Resolution R-1382-09, adopted on December 1, 2009, requested that all CRA Interlocal Agreements be amended to include representation from the Board of County Commissioners on each CRA Board.

On February 18, 2010, the County Manager provided a report pursuant to R-1315-09 and R-1382-09 to explain that as a result of the BCC creating the CRAs it delegated certain redevelopment powers afforded by the Florida Statutes of Chapter 163 to municipalities that have CRAs within their boundaries through Interlocal Agreements, the returning of net surplus funds or including BCC representation on the CRA board must be negotiated; all parties must agree to the proposed changes in the interlocal agreement. Furthermore, the report informed the BCC that on December 21, 2009, all CRAs were notified of the recently approved legislation pertaining to CRAs and that no Interlocal Agreements have since been amended.

To date, there are no CRAs that have amended their Interlocal Agreements to provide surplus revenues back to the County, however, the West Perrine CRA Board of Commissioners is comprised of the Miami-Dade County Board of County Commissioners and the N.W. 7th Avenue CRA has a slot on its Board for a County Commissioner. Furthermore, according to the County Attorney's Office (CAO) staff, there will be a seat on the N.W. 79th Street CRA Board once the Interlocal Agreement is negotiated.

Background and Relevant Legislation - Omni CRA

On July 7, 1987, the BCC created the Omni CRA when it approved the CRA's Community Redevelopment Plan (CRP) through Ordinance 87-47.

On June 24, 1996 through Resolution R-280-96, an Interlocal Agreement between the County, City and Omni CRA was executed. This Interlocal Agreement would later be amended on December 18, 2007 through Resolution R-1372-07, to include a payment of thirty-five (35) percent of the trust fund revenues to the County for the Performing Arts Center debt.

A Finding of Necessity (FON) and Amended Redevelopment Plan were adopted on January 21, 2010 through Resolutions R-06-10 and R-07-10, to expand the CRA area and extend the life of the CRA to 2030.

On July 7, 2011, the BCC through Resolution R-533-11 approved Omni CRA Budgets for FY2009/2010 and 2010/2011 in the amount of \$44,015,971 and \$38,958,422, respectively.

According to CAO staff, the City of Miami has approached the County this year to amend the Omni CRA Interlocal Agreement to address an issue the CRA has related to a line of credit. Furthermore, the CAO is waiting for the Omni CRA to send a draft of their proposed amendment to the Interlocal Agreement for review. Therefore, nothing formal has materialized with regards to amending the Interlocal Agreement.

Prepared by: Mia B. Marin

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 11A15
File Number: 111822
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: September 29, 2011

Summary

This resolution establishes a County policy with respect to the Zoological Society of Florida (ZSF) to include the following:

- Welcome and support any and all fundraising efforts by ZSF for the benefit of Zoo Miami;
- Not to impose any obligation on, and to recognize that no obligation currently exists for ZSF to raise specific dollar amount by a specific deadline for Zoo Miami; and
- Encourage ZSF to continue to use its best efforts to raise the greatest sum of dollars possible for the benefit of Zoo Miami.

Background and Relevant Legislation

ZSF was incorporated in the State of Florida for the purpose of promoting, developing and providing support to zoological parks and gardens, specifically Miami-Dade Zoological Park and Gardens (Zoo Miami), formerly known as MetroZoo. ZSF derives its principle support and revenues through membership dues, grants and donations.

On September 21, 2006, ZSF's Board of Directors passed a resolution that commits the ZSF to raise \$18.7 million in private funds to repay the County with the understanding of Miami-Dade County's intent to reassign GOB funds, estimated at \$18 million, to complete the Amazon and Beyond Project.

- **Why did the ZSF Board of Directors pass a resolution committing to re-pay funds that they had not received? And that the BCC had not approved yet?**

On February 6, 2007, the Board approved Resolution R-120-07, authorizing the County to enter into a grant agreement with the ZSF to use Building Better Communities General Obligation Bond (GOB) funds for the construction of GOB Project No. 46. Additionally, R-120-07 authorized a significant modification to GOB Project No. 46. This significant modification revised the project description to: "Construction of Amazon and Beyond Project and Phase IV Lakes and Australia Exhibit." This significant modification allowed the Amazon and Beyond Project to be funded by GOB funds. The amount of GOB funds transferred to the Amazon and Beyond Project from GOB Project No. 46 was \$18.7 million. The \$18.7

million was used to contribute to the total project cost for Amazon and Beyond which was estimated at \$50 million.

According to the County Attorney's Office, R-120-07 does not legally require ZSF to raise the \$18.7 million rather it states ZSF's intent to use its best efforts to raise that amount and if ZSF is unable to do so then the scope of the project will be modified accordingly. However, ZSF's financial statements reflect its intent on paying this balance by 2014.

- **Why is the proposed legislation necessary?**

On December 7, 2010, the County Manager reported to the Board of County Commissioners (BCC) that due to the economic situation of the last several years, ZSF would be unable to raise \$18.7 million by 2014. However, ZSF commits to raising \$3.0 million for the Florida Zoo Exhibit and the remaining \$15.7 million over time for other Zoo Miami capital projects.

- **What has been done with the \$18.7 million?**

ZSF's Financial Statements show it has received County funds to include the following:

- Miami Metrozoo Marketing annual funding; \$1,150,000 in FY 2009; \$1,195,000 in FY 2010;
- Cultural Affairs Department Grants; \$325,524 in FY 2009; \$325,524 in FY 2010; and
- Safe Neighborhood Parks (SNP) Bond funds; amounts for SNP funds are administered by the ZSF on a cost reimbursement basis and these activities have not been recorded in the accompanying statement of activities.

According to Park and Recreation staff, the ZSF has not repaid the County any of the \$18.7 million.

Additionally, Park and Recreation staff provided the following response:

- **How will ZSF's inability to pay by 2014, affect GOB Project no. 46, no. 47 and/or other GOB projects?** ZSF is not obligated to pay the \$18.7 million. GOB Project No. 46 was affected by eliminating the Lakes and Australia exhibit component.

Comments

The Department of Audit and Management is currently working on an audit report pertaining to the ZSF.

Prepared by: Mia B. Marin