



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners

Legislative Analysis

December 19, 2011
9:30 A.M.
Commission Chamber

Charles Anderson, CPA
Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

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

December 19, 2011

Item Number(s)

5B
8F11
8F12

Acknowledgements:

Bia Marsellos, Senior Legislative Analyst

Michael Amador-Gil, Legislative Analyst

Elizabeth Owens, Legislative Analyst

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



Legislative Notes

Agenda Item: 5B
File Number: 112526
Date of Analysis: November 30, 2011

Summary

This ordinance relating to Vehicles for Hire, amends Chapter 31, of the Code of Miami-Dade County, to allow taxicabs, passenger motor carriers, luxury limousine sedans, stretch limousines and super-stretch limousines scheduled for retirement on December 31, 2011, to continue in operations for an additional one-year period.

Research on Limousines

The Office of Commission Auditor (OCA) conducted research regarding vehicle age requirements for limousines and luxury sedan vehicles for the ten largest cities in the country and Miami-Dade County. The cities were chosen based on the United States Census Bureau's ten most populous incorporated places 2010 census briefs. OCA included the following categories for those vehicles:

- Age of vehicle to initially place in service;
- How long can it remain in service;
- Frequency of inspections; and
- Total number of vehicles permitted in the various classes.

The OCA conducted a survey, provided as an attachment reflecting the findings, of the following jurisdictions: New York, NY; Los Angeles, CA; Chicago, IL; Houston, TX; Philadelphia, PA; Phoenix, AZ; San Antonio, TX; San Diego, CA; Dallas, TX; and San Jose, CA.

The information pertaining to Miami-Dade County is provided below.

Age of Vehicle to Initially Place in Service

Pursuant to Section 31-609 of the Miami-Dade County Code (Code), luxury limousine sedans, stretch limousines or super-stretch limousines initially placed into service will not be older than two (2) model years of age.

- *However, on October 4, 2011, the Board of County Commissioners adopted Ordinance 11-77 amending Section 31-609 of the Code relating to vehicles for hire. The amendment allowed for luxury limousine sedans, stretch limousines or super-stretch limousines initially placed into service during 2011 or 2012 not to be older than three (3) model years of age.*

How Long Vehicle Can Remain in Service

Pursuant to Section 31-609 of the Code, no luxury limousine sedan or stretch limousine that exceeds five (5) model years of age will be inspected. No super-stretch limousine that exceeds seven (7) model years of age will be inspected.

Frequency of Inspection

The frequency of inspection is based on the age of the vehicle.

- Vehicles that are current model, one (1) or two (2) model years old are inspected annually;
- Vehicles three (3) and four (4) model years old are inspected semi-annually; and
- Vehicles five (5) or more model years old are inspected quarterly.
- However, ancient or antique limousines are inspected semi-annually.

Total Number of Vehicles Permitted in the Various Classes

According to the Director of Consumer Protection in the Sustainability, Planning and Economic Enhancement Department (SPEED), currently, there are 625 luxury sedan Vehicles and 121 stretch and super stretch vehicles registered with For Hire Transportation in Miami-Dade County.

- *Luxury Sedan vehicles is a closed category; therefore, the 625 vehicles is a cap number for that category.*
- *The Stretch and Super Stretch limousines are in an open category. They can be placed into service based on industry\company needs; therefore, the 121 Stretches and Super Stretches can fluctuate throughout the year.*

Prepared by: Elizabeth N. Owens

Attachment: Vehicle Age Requirements for Limousines and Luxury Sedan Vehicles

Attachment

Vehicle Age Requirements for Limousines and Luxury Sedan Vehicles

Cities & Population ¹	Age of Vehicle to Initially Place in Service	How Long Vehicle Can Remain in Service	Frequency of Inspections	Total Number of Vehicles Permitted in Various Classes
New York, NY ² 8,175,133	According to the New York City Taxi and Limousine Commission (TLC) the odometer reading of the vehicle cannot be 500 miles or more at the time it is initially placed in service.	As long as the for-hire vehicle is able to pass the required inspection for license renewal, there are no limitations on the length of time the vehicle can remain in service. However, the TLC Rules and Local Laws do provide a timeframe for Black Car Vehicles – 7 to 8 model years old. On and after January 1, 2014, a Black Car Vehicle is to retire after it turns six model years old. In addition, as of January 1, 2011, a Clean Air Vehicle Level I is extended for an additional 2 years or a Clean Air Vehicle Level II is extended for 1 additional year.	For-Hire Vehicles must be inspected three (3) times a year including at least once every four (4) months.	There are no caps on the number of vehicles permitted.
Los Angeles, CA ³ 3,792,621	According to the State of California Public Utilities Commission (PUC), there are no restrictions. As long as the vehicle can be insured at the time the vehicle is initially placed into service.	As long as the vehicle can be insured, there are no limitations on the length of time the vehicle can remain in service.	No specific inspections are required. However, vehicles that carry 11 passengers or more require an annual inspection by the California Highway Patrol to determine that it is safe to be	There are no limitations.

¹ United States Census Bureau, *Population Distribution and Change: 2000 to 2010, 2010 Census Briefs*, Table 5. Ten Most Populous Incorporated Places: 2000 to 2010.

² In New York City, the for-hire vehicles are divided into three (3) categories: (1) Black Car – a vehicle that affiliates with a central dispatch facility and is dispatched on a pre-arranged basis, owned by franchisees of the Black Car Base or are members of a cooperative that operates the Black Car Base, and more than 90% of the Base's business is on a payment basis other than direct cash payment by a passenger; (2) Livery Vehicles – dispatched from the Livery Base Station on a pre-arranged basis, designed to carry fewer than six (6) passengers, and passengers are charged for service on the basis of a flat rate, time, mileage, or zones; and (3) Luxury Limousine – dispatched from a Luxury Limousine Base by pre-arrangement, have a seating capacity of 20 or fewer passengers, more than 90% of its business is on a payment basis other than direct cash payment by a passenger, and passengers are charged garage to garage service on the basis of a flat rate, time or mileage. A For-Hire Vehicle is not a taxicab, a commuter van, or an authorized bus as defined by NYS law.

³ The State of California Public Utilities Commission regulates limousine licensing for all jurisdictions in the State of California. The cities of Los Angeles, San Diego and San Jose do not require additional regulations other than what is required by the State.

Attachment

Vehicle Age Requirements for Limousines and Luxury Sedan Vehicles

Cities & Population ¹	Age of Vehicle to Initially Place in Service	How Long Vehicle Can Remain in Service	Frequency of Inspections	Total Number of Vehicles Permitted in Various Classes
			on the road.	
Chicago, IL ⁴ 2,695,598	According to the City of Chicago Department of Business Affairs and Consumer Protection (BACP), the age of the vehicle initially placed in service cannot be over 5 years, including the current year.	A livery vehicle can remain in service for six (6) years.	Annual inspections are conducted on the last two (2) model years of the vehicle. For example, for this year 2011, BACP is replacing 2005 model year vehicles and inspecting 2006/2007 model year vehicles.	Livery vehicles have medallion license numbers ranging from 7,000 to 9,999; therefore, only 2,999 vehicles are permitted under this classification.
Houston, TX 2,099,451	No restrictions on the age of vehicle initially placed in service.	Luxury Sedan Vehicles - no more than six (6) years old. Stretch Limousines – no more than ten (10) years old.	Annually.	No Limitations.
Philadelphia, PA ⁵ 1,526,006	In no event may a vehicle be first presented for service as a Philadelphia Parking Authority (Authority) certified Limousine with an odometer reading of 51,000 miles or more, except that a Limousine with a model year age of five (5) or less and less than 75,000 miles may qualify for certification by the Authority contingent upon satisfactory vehicle inspection by the Authority.	Vehicles with a capacity of 15 or less including the driver: No vehicle is allowed to be in service if it is more than eight (8) years old. Age is determined by comparing the vehicle's model year to the current model year. If this number is eight (8) or larger, the vehicle must be removed from service. Limousines must be removed from service prior to accumulating 350,000 miles, however, a Limousine then certified by the Authority with a model year age of five (5) or less may qualify to continue for only one (1) additional year upon a favorable determination of a duly filed waiver petition and satisfactory Taxicab and	A State annual inspection is required. Limousine carriers must renew the registration of each limousine annually with the Authority. In addition, the Authority does randomly selected scheduled inspections. Scheduled limousine inspections are performed on approximately 25% of the Limousines registered with the Authority. Every registered limousine must receive a scheduled inspection at least once every four (4) years.	There are no caps on the number of vehicles permitted.

⁴ According to the City of Chicago Department of Business Affairs and Consumer Protection, the City of Chicago is currently revising the rules and regulations for Taxicab Medallion License Holders in order to separate the regulations for taxis and livery vehicles.

⁵ On April 10, 2005, *Act 94 of 2004* transferred oversight of limousines providing service between points within Philadelphia, and service from an airport, railroad station or hotel located in Philadelphia, from the Public Utility Commission to the Philadelphia Parking Authority.

Attachment

Vehicle Age Requirements for Limousines and Luxury Sedan Vehicles

Cities & Population ¹	Age of Vehicle to Initially Place in Service	How Long Vehicle Can Remain in Service	Frequency of Inspections	Total Number of Vehicles Permitted in Various Classes
		Limousine Division (TLD) vehicle inspection. The one (1) additional year runs from the date the vehicle reached 350,000 miles or the date the Authority granted the waiver petition, whichever occurred first.		
Phoenix, AZ ⁶ 1,445,632	According to the State of Arizona Department of Weights and Measures (DWM), there are no restrictions on the age of the vehicle at the time the vehicle is initially placed in service.	According to the DWM, as long as the vehicle carries commercial insurance and a commercial license plate, there are limitations on the length of time the vehicle can remain in service.	Annual inspections are required.	There are no limitations.
San Antonio, TX 1,327,407	According to San Antonio Ground Transportation Services, there are no restrictions on the age of the vehicle at the time the vehicle is initially placed in service.	No stretch limousine is to be older than twelve (12) years of age. No luxury vehicle is to be older than five (5) years of age. Classic vehicles must be twenty-five (25) years of age or older. Age of the vehicle is calculated from the first day of October of the model year or from the purchase date if placed into service as a new vehicle.	Annual inspections are required.	There are no limitations.
San Diego, CA 1,307,402	According PUC, there are no restrictions. As long as the vehicle can be insured at the time the vehicle is initially placed into service.	As long as the vehicle can be insured, there are no limitations on the length of time the vehicle can remain in service.	No specific inspections are required. However, vehicles that carry 11 passengers or more require an annual inspection by the California Highway Patrol to determine that it is safe to be on the road.	There are no limitations.
Dallas, TX 1,197,816	According to the City of Dallas Public Works and Transportation Department, a luxury vehicle with an odometer	No limitations on the length of time a luxury vehicle can remain in service.	Permit renew requires two (2) inspections per year – (1) a state inspection, and (2) a 20 point inspection (no emission	There are no limitations.

⁶ On April 13, 2011, the Governor of Arizona signed into law Senate Bill 1375 mandating that the regulation of taxis, limousines, and shuttles is the State's responsibility and is not subject to further regulations by a county, city and other political subdivisions. The new law became effective July 2011.

Attachment

Vehicle Age Requirements for Limousines and Luxury Sedan Vehicles

Cities & Population ¹	Age of Vehicle to Initially Place in Service	How Long Vehicle Can Remain in Service	Frequency of Inspections	Total Number of Vehicles Permitted in Various Classes
	<p>reading over 150,000 miles must have been used by another company and was previously permitted with the City of Dallas.</p> <p>There are no restrictions for a luxury vehicle with an odometer reading less than 150,000.</p>		test).	
San Jose, CA 945,942	According PUC, there are restrictions. As long as the vehicle can be insured at the time the vehicle is initially placed into service.	As long as the vehicle can be insured, there are no limitations on the length of time the vehicle can remain in service.	<p>No specific inspections are required.</p> <p>However, vehicles that carry 11 passengers or more require an annual inspection by the California Highway Patrol to determine that it is safe to be on the road.</p>	There are no limitations.

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



Legislative Notes

Agenda Item: 8F11
File Number: 112580
Date of Analysis: December 16, 2011

Summary

Item No. 8F11 is the report from the Evaluation Committee appointed by the Board of County Commissioners (BCC) on October 23, 2011, pursuant to Resolution No. 923-11, for Request for Qualifications (RFQ) No. 801, Governmental Representation and Consulting Services in Tallahassee, Florida.

In addition, Item 8F11 includes the resolution authorizing the following:

- Execution of the agreement(s) under RFQ No. 801 by the County Mayor or his designee; and
- Waiver of the procedures contained in Sections 2-8.3 and 2-8.4 of the Miami-Dade County Code (Code) pertaining to bid protests, by a two-thirds (2/3) vote of the BCC members present.

The Evaluation Committee evaluated the proposals and recommended which proposers were qualified to render the required services. However, the BCC will make the final determination of award. According to Procurement's Bid Tracking System (BTS) RFQ No. 801 is currently under the Cone of Silence because the recommendation to award has not been made. This resolution provides that the BCC will make the recommendation to award.

Services awarded under RFQ No. 801 include a full range of lobbying, legislative counsel, governmental consulting, and advocacy services requested by the County for various subjects/issues as assigned, based on the County's annual legislative package.

The contract amounts awarded to each firm will be determined by the BCC. The agreement allows for an annual amount for the required services and an annual amount for work orders and optional services in the aggregate for all contracts awarded. The funding source will be general funds.

There are no compliance or performance issues with any of the qualified firms.

TERM: One (1) year with three (3), one (1) year options-to-renew (OTR)

EVALUATION COMMITTEE REPORT

The evaluation committee was tasked with evaluating proposals and submitting the results as to which proposers are qualified to render the required services. The BCC will make the final determination of which firm(s) to award.

The Evaluation Committee report qualified the current contracts: Ronald L. Book, P.A. and Rutledge, Ecenia & Purnell, P.A.; and also qualified Ballard Partners, Inc. and Akerman Senterfitt & Eidson, P.A., but does not award. They also recommended amounts for each.

Ronald L. Book, P.A. \$200,000

- Proposed Team Leader: Ron Book
- Proposed Key Personnel: Kelly Mallette and Rana Brown
- Subcontractor Key Personnel: Sean Pittman and Phillip Singleton

Rutledge, Ecenia & Purnell, P.A. \$200,000

- Proposed Team Leader: Gary Rutledge
- Proposed Key Personnel: Diana Ferguson, Ryan Anderson, Yolanda Cash Jackson, Nelson Diaz, Bernie Friedman, Edgar Castro, and Mario Bailey.
- Subcontractors Key Personnel: Will McKinley, Sophie Patent, Fred Dickson, Fausto Gomez, Manuel Reyes and Evan Power.

Ballard Partners, Inc. \$120,000

- Proposed Team Leader: Brian Ballard
- Proposed Key Personnel: Carol Bracy, John Johnston, and Sylvester Lukis.
- No subcontractors.

Akerman Senterfitt & Eidson, P.A. \$60,000

- Proposed Team Leader: Monical Rodriguez.
- Proposed Key Personnel: Mike Abrams, Richard Pinsky, Eli Nortelus, Jose Villalobos, Fatima Perez, and Dave Roberts.
- No subcontractors.

Current Contracts

On November 4, 2010, through Resolution No. 1085-10, the BCC authorized execution of agreements in the amount of \$500,000 per year with Ronald L. Book, P.A. and Rutledge, Ecenia, & Purnell, P.A. to obtain governmental representation and consulting services in Tallahassee, Florida under RFQ728A and RFQ728, for a term of one (1) year with three (3) one-year OTR period.

Subsequently, on October 23, 2011, through Resolution No. 923-11, the current contracts, RFQ728A and RFQ728, were extended on a month-to-month basis, in order to award the successor contracts.

Background and Relevant Legislation

Date	Legislation	Summary of Legislation
11/03/11	R-928-11	<p><u>RFQ No. 801</u></p> <p>On November 3, 2011, the BCC adopted Resolution No. 928-11, authorizing the advertisement of RFQ No. 801 to obtain proposals from qualified firms to provide Governmental Representation and Consulting Services in Tallahassee, FL.</p> <p>Resolution No. 928-11 was approved with the following amendments:</p>

		<ul style="list-style-type: none"> • To remove the \$400,000 contract amount on handwritten page 1 and to insert the following language: “the amount of the award would be determined by BCC at the time of award”; • To delete all references in the RFQ that state, “the BCC would select the firms for negotiations” and to replace it with the following language: “the BCC would select the firms for award”; • To add the following language to the RFQ: “...to include a State proposed annual fee to provide all services requested therein and the fee shall include all cost including subcontractor fees, travel, and miscellaneous expenses since these costs would not be reimbursed separately by the County. The fee shall exclude any costs for work order assignments for optional services which order assignments and optional services will be specifically identified and defined in the RFQ. This fee will not be part of the evaluation by the selection committee but will be presented to the BCC for the Board’s determination of contract award;” and • To include a list of subcontractors in the prime contractor’s application.
10/23/11	R-923-11	<p><u>RFQ No. 801</u></p> <p>This resolution provided the following:</p> <ul style="list-style-type: none"> • Directed the County Mayor or his designee to bring for Board approval at the November 3, 2011 BCC meeting, a request to advertise a competitive solicitation for the procurement of state lobbying contracts. The competitive solicitation will allow the BCC to rank and select the highest qualified firm in its sole discretion; • Waived the requirements of Section 2-8.5 relating to local preference. • Appointed an evaluation committee for the solicitation, waiving the requirements of IO 3-34 relating to the formation and performance of selection committees and tasking the evaluation committee • Designated the following individuals to serve on the evaluation committee for the RFQ: <ul style="list-style-type: none"> ○ A non-voting Chair to be assigned by the Mayor or his designee (Rita Sylva, Procurement); ○ Joe Rasco, Jose Abreu, Juan Kuryla, Diana Ragbeer, and Penelope Townsley as voting members; and ○ Bill Johnson as alternate. • Directed the County Mayor or his designee to report the evaluation committee’s recommendation to the BCC, together with a proposed form of agreement for award to the firms selected by the BCC, by December 6, 2011; • Directed the County Mayor or his designee to extend the current state lobbying contracts on a month-to month basis as necessary for the County to enter into successor contracts; and • With respect to the federal lobbying contracts, the Mayor or his designee was directed to advertise a competitive process in accordance with the guidance set forth by this resolution with sufficient time for the BCC to consider its award prior to the expiration of the County’s existing contracts.
11/04/10	R-1085-10	<p><u>RFQ728A and RFQ728B</u></p> <p>This resolution authorized execution of agreements in the aggregate amount of</p>

		<p>\$500,000 per year (\$225,000 per contract for required services plus an additional amount of \$50,000 in the aggregate between the contracts for work orders and optional services) with Ronald L. Book, P.A. and Rutledge, Ecenia & Purnell, P.A. to obtain governmental representation and consulting services in Tallahassee, Florida. In addition, this resolution authorized the County Mayor or his designee to execute agreements under Contract Nos. RFQ728A and RFQ728B.</p> <p>The term of these contracts was for one (1) year with (3), one-year OTR periods.</p> <p><i>During this meeting, the Board expressed concerns that (1) a closer relationship was needed with legislators in Tallahassee than in Washington; and (2) almost more money was spent for lobbyist activities in Tallahassee for a 3-month session than for a year round session in Washington.</i></p> <p><u>Modifications / Prorations</u></p> <ul style="list-style-type: none"> • On October 18, 2011, under Resolution No. 923-11, this contract was extended on a month-to-month basis until the successor contract is awarded. • On November 16, 2011, under the authority of the Department of Procurement Management (DPM), this contract was prorated to increase the contract by \$41,666.67, to cover the extension approved by Resolution No. 923-11.
9/21/10	Ord. 10-56	Ordinance related to Conflict of Interest and Code of Ethics Ordinance; amending §2-11.1(S) of the Code of Miami-Dade County, to provide that 15% of funds generated by lobbyist registration fees will be deposited into a separate account to be used by Miami-Dade County Commission on Ethics and Public Trust to fund education outreach, the rendering of advisory opinions and enforcement of provisions regarding lobbyist.
6/03/10	R-632-10	Requested that the Commission on Ethics and Public Trust conduct conflict of interest checks related to County contract lobbyists and provide to the Board a report and recommendation on any County contract lobbyist conflict of interest.
6/3/10	Ord. 10-34	Amended §2-11.1(S) of the Conflict of Interest and Code of Ethics Ordinance to provide that any principal who appears as a Lobbyist on behalf of a corporation, partnership or other entity will not be required to pay lobbyist registration fees. checks related to County contract lobbyists and provide to the Board a report and recommendation on any County contract lobbyist conflict of interest
1/10/08	R-68-08	<p>Established a policy that while representing the County or advocating as if they are representing the County, all County employees and County contract lobbyists will limit lobbying efforts in Washington and Tallahassee and other communications related to federal and state legislation and funding requests to those approved by the BCC. Any association or County employee, while representing Miami-Dade County, is prohibited from lobbying against any items contained in the County Commission's legislative package.</p> <p>Furthermore, this resolution directed the Mayor or his designee to review and approve all administrative requests to Washington and Tallahassee consistent with this policy.</p>

9/26/2006	R-1070-06	<p><u>RFQ 75A and RFQ 75B</u></p> <p>Authorized the County Manager or his designee to execute agreements with Ron L. Book, P.A. and Rutledge, Ecenia & Purnell, P.A. to provide the County with state governmental representation and consulting services.</p> <ul style="list-style-type: none"> • TERM: 1year with 3, 1-year OTR periods. • AMOUNT: 550,000 • Each contract was valued at up to \$250,000 annually, plus up to an additional \$75,000 annually for work orders and optional services in the aggregate for both contracts, on an as-needed basis.
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Additional Information

Consultants and Payments under Previous Contracts <i>Information generated by FAMIS as of 12/16/11</i>		
RFQ 75		
FY 2007	Ronald L. Book P.A.	\$242,052.61 as of 10/31/07
	Rutledge Ecenia Purnell P.A.	\$259,857.67 as of 10/31/07
RFQ 75 – 1st OTR Period		
FY 2008	Ronald L. Book P.A.	\$224,010.38 as of 10/31/08
	Rutledge Ecenia Purnell P.A.	\$230,672.05 as of 10/31/08
RFQ 75 – 2nd OTR Period		
FY 2009	Ronald L. Book P.A.	\$244,374.96 as of 10/31/09
	Rutledge Ecenia Purnell P.A.	\$244,374.96 as of 10/31/09
RFQ 75 – 3rd OTR Period		
FY 2010	Ronald L. Book P.A.	\$254,557.34 as of 10/31/10
	Rutledge Ecenia Purnell P.A.	\$234,192.66 as of 10/31/10
RFQ 728		
FY 2011	Ronald L. Book P.A.	\$259,648.40 as of 12/15/11
	Rutledge Ecenia Purnell P.A.	\$276,958.26 as of 12/15/11

State Lobbying Contracts Jackson Health System/Public Health Trust

The Jackson Health System Governmental Relations unit provided the status of the State Lobbying contracts for the Jackson Health System / Public Health Trust totaling \$264,000.

Akerman Senterfitt = \$132,000 per year

- Term: January 2007 to January 2010 for 3 years with 2 one-year OTR period.
- Effective November 1, 2009, Akerman Senterfitt accepted a 15% fee reduction, modifying contract from \$160,000 to \$136,000.
- Currently, contract is in the 2nd and final OTR period from January 1, 2011 through December 31, 2011.

- Currently, contract is in the 2nd and final OTR period from January 1, 2011 through December 31, 2011.
- On May 24, 2010, the Board of Trustees for the Public Health Trust (PHT) approved a new User Access Program (UAP). The negotiated 2% UAP fee applied to this contract provides the PHT a savings of \$2,652 in the 2nd and final OTR period.

Ron Book = \$132,000 per year

- Term: December 2006 to December 2009 for 3 years with 2 one-year OTR periods.
- Effective November 1, 2009, Ron Book accepted a 15% fee reduction, modifying contract from \$160,000 to \$136,000.
- Currently, contract is in the 2nd and final OTR period from December 29, 2010 through December 28, 2011.
- On May 24, 2010, the Board of Trustees for the Public Health Trust (PHT) approved a new User Access Program (UAP). The negotiated UAP fee applied to this contract provides the PHT a savings of \$2,652 in the 2nd and final OTR period.

2011 State Legislative Report, July 2011 – County Priorities

- Jackson Health System: Jackson Health was re-appropriated \$35 million in the budget, but LIP funding was reduced by approximately \$59 million and Medicaid funding was reduced by approximately \$71 million. Funding for Medically Needy and MEDS-AD was fully restored after the Senate showed a reduction.
- Port of Miami Deep Dredge: The deep dredge project was funded at over \$55 million for the upcoming fiscal year.
- Elections/Early Voting: The Legislature passed HB 1355 on its way to Governor, which reduces the days of early voting from 14 to 8, requires certain voters who have moved to cast provisional ballots, tightens the time for third party groups to submit voter registration forms, and reduces the time to collect signatures for citizen led ballot initiatives.
- Elderly Funding: Local service providers were held harmless, however, specific appropriations in the amount of \$300,000 for the Little Havana Activities and Nutrition Center was vetoed by Governor Scott.
- Pretrial Release: The pretrial issue did not pass.
- Sovereign Immunity: Legislation was passed by Senator Thrasher and Representative Artiles which provides sovereign immunity for University of Miami doctors practicing at Jackson.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 8F12
File Number: 112596
Date of Analysis: December 15, 2011

Summary

This resolution awards Construction Contract No. Z00086 to Miami Skyline Construction Corp. (Miami Skyline) in the amount of \$10,408,760 for the construction of the new Northeast Branch Library.

This project is included in the Economic Stimulus Plan.

On October 13, 2011, the Deputy Mayor recommended award; and the Internal Services Department issued a Notice of Intent to Award this contract on November 7, 2011. Pursuant to the Economic Stimulus Ordinance, the County Mayor has the authority to award the contract without prior Board of County Commissioners (BCC) approval unless a bid protest is filed. *On November 10, 2011, a bid protest was filed by the second lowest bidder, Perez-Gurri Corp d.b.a. N&J Construction.*

Funds programmed within the adopted Capital Budget For FY 2011-12 (Building Better Communities-General Obligation Bond Program BBC-GOB funds, Capital Asset Series 2007 Bond proceeds, and Miami-Dade Library Taxing District funds) will be allocated to cover the construction costs.

The contract measure established for this contract is a twenty-six percent Community Small Business Enterprise subcontractor goal.

Legislative History for the Northeast Branch Library

On June 3, 2008, the BCC, through R-607-08, approved a significant modification to the BBC-GOB Program Project No. 263 listed in R-919-04. The approval of this significant modification allowed the Miami-Dade Public Library System to fund the future reconstruction of the Northeast Branch Library.

When this project was originally approved on July 20, 2004, with an allocation of \$2.49 million, it was intended to fund a major interior and exterior renovation of the library facility. However, in the summer of 2005, Hurricane Wilma destroyed the roof of the Northeast Branch Library and caused catastrophic damage to the facility that required its subsequent demolition and reconstruction.

The Library Department requested approval of a significant modification to the project scope of the BBC-GOB Program Project No. 263 "Facility Renovation and Rehabilitation of the Northeast Branch Library" to fund the reconstruction of the Northeast Branch Library. The new project description was changed to reflect the following:

"BBC funds will complement other funding to design and reconstruct the Northeast Branch Library to be approximately 26,000 square feet and to be located on County-owned land at 2930 Aventura Boulevard, Aventura, Florida 33180"

Miami Skyline Firm History

The Office of the Commission Auditor conducted a review of the firm's history and provides the following notes:

This review included a company profile, list of principals, recent and previous contracts with Miami-Dade County, performance evaluations, change orders, settlement agreements, and history of violations. The review also includes the compliance history of contracts awarded to Miami Skyline, as well as Miami Skyline's current status with the Responsible Wages and Benefits Ordinance. The Department of Small Business Development (SBD) is responsible for monitoring compliance with the County's small business programs for construction services. SBD monitors the CSBE Program, the Responsible Wages and Benefits Ordinance, and conducts audits throughout the term of each contract. The Responsible Wages and Benefits requirements are included in all solicitation documents.

- As of December 14, 2011, the Capital Improvements Information System (CIIS) shows an average evaluation for Miami Skyline of 2.8 out of a possible 4.0 being the highest rating possible.
- Pursuant to Small Business Development's firm history report, Miami Skyline does not have violations with the County. *All prior violations are closed.*

History of Violations for Miami Skyline between January 1, 1994 through May 2, 2008

Date	Project No.	Dept.	Violation Description	Status
N/A	12330202001	PR	Failed to respond to Payroll Audit	Closed
N/A	42280102010	PR	Failure to submit list of subcontractors	Closed
N/A	42280102010	PR	Failure to respond to requests for information	Closed
N/A	12330202001	PR	Failure to Respond to Monthly Utilization Report Audit	Closed
3/11/04	96031	PR	Underpayment of Employee; amount identified \$1,822.09, amount recovered \$519.84	Closed

Additional Information

On June 3, 2008, the Board of County Commissioners approved Unilateral Change Order No. 1 between Miami Skyline Construction Corp. and Miami-Dade County valued at \$847,681.69 to extend contract time duration by 570 calendar days for Crandon Park central restroom upgrades, park areas, and dock master. (See File No 081326)

According to the County Manager, Miami Skyline declined to execute this change order; therefore, the administration, in accordance with construction contract Paragraph I of Article 36, CHANGES submitted the item as a unilateral change order for approval by the BCC.

On July 8, 2010, the BCC approved Unilateral Retroactive Change Order No. 2 between Miami Skyline and Miami-Dade County for Crandon Park central restroom upgrades, park areas, and dock master. Change Order No. 2 requested an extension in time by 482 calendar days from September 30, 2008 to January 25, 2010. (See Legislative File No. 101545)

According to the County Manager, Miami Skyline refused to endorse Change Order No. 2; therefore, the administration, in accordance with construction contract Paragraph I of Article 36, CHANGES submitted the item as a unilateral change order for approval by the BCC. The MDPR submitted Change Order No. 2 to minimize future exposure for the department; and be able to process payments for the recommended items.

On November 4, 2010, the BCC, through R-1093-10, approved Change Order No. 2 to Contract No. W-888 between Miami Skyline and Miami-Dade County for the John Preston Water Treatment Plant Drinking Water Quality Laboratory in the amount of \$171,690.60 and a time extension of 150 days.

In response to questions posed by the Office of the Commissioner Auditor, Internal Services Department staff provided the following information:

- Pursuant to R-607-08, please let me know how was the \$2.49 million BBC-GOB funding appropriated? *The original allocation was for the renovation and rehabilitation of the original library.*
- Was the roof completed? *The original roof was destroyed by Hurricane Wilma in 2005, and it was not rebuilt.*
- Did the City of Aventura contribute to the reconstruction efforts? *No*
- Who was the A&E for this project? *Miami-Dade County through ISD, Design and Construction Services, A&E Section.*
- What was the final cost to demolish the library? *\$205,000.*
- What experience does Miami Skyline have in constructing libraries? *This contractor finished the Arcola Lakes Branch Library in June 2011.*
- Does a performance evaluation of 2.7 warrant County staff to monitor a firm closer? What is the policy once a vendor's PE lowers? Isn't their performance considered guarded? *Performances evaluations are updated constantly. This contractor now has a score of 2.8.*

Prepared by: Michael Amador-Gil