



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Trade and Tourism Committee Meeting

April 14, 2016

9:30 A.M

Commission Chamber

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

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Item No.	Research Notes
1G1 160359	ORDINANCE AMENDING SECTION 2-2034 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE FREQUENCY OF MEETINGS OF THE AIRCRAFT NOISE ABATEMENT ADVISORY BOARD FOR MIAMI INTERNATIONAL AIRPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.
	<p>The proposed ordinance amends Section 2-2034 of the Code, reducing the frequency of the meetings of the Aircraft Noise Abatement Advisory Board (NAAB) for MIA. The proposed ordinance will reduce the required meetings from four to two per year.</p> <p>The NAAB has had difficulties achieving a quorum. The proposed reduction in the frequency of the required meetings will enable the NAAB to achieve quorum in order to address the noise-related concerns of impacted communities.</p> <p><u>Background</u></p> <p>The NAAB is seeking this reduction in the number of required meetings due to the increased level of cooperation that has been achieved between the NAAB and the Federal Aviation Administration (FAA) in regards to the issue of reducing aircraft noise in the surrounding communities of MIA. The requested modification would not prevent the NAAB from increasing the frequency of meetings, if conditions changed.</p> <p><u>Fiscal Impact</u></p> <p>The implementation of this ordinance will not have a fiscal impact. The staff supporting the remaining two meetings will continue to provide support to the NAAB.</p>
3A 160634	RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A COVENANT RUNNING WITH THE LAND REQUIRING INSTITUTIONAL AND ENGINEERING CONTROLS AT MIA WECA FORMER BUILDING 2169 MIAMI INTERNATIONAL AIRPORT.
Notes	<p>The proposed resolution authorizes the Mayor or designee to execute the Covenant Running with the Land to implement institutional and engineering controls on the property, located at Miami International Airport (MIA) WECA former Building 2169, to obtain approval for a No Further Action with Conditions (NFAC) proposal pursuant to Section 24-44 (2)(k)(ii) of Chapter 24 of the Code of Miami-Dade County (Code).</p> <p><u>Background</u></p> <p>Building 2169 was formerly used by the U.S. Department of Defense Miami Air Depot (U.S.DDMAD). The Miami-Dade Aviation Department (MDAD) acquired ownership of the facility in 1961. The site has been leased by various entities since the MDAD acquired the property in 1961 for air cargo operations, aircraft and vehicle maintenance, and bulk storage. The building was demolished in 1999 and replaced by Building 712. Soil and groundwater contamination was discovered near a former underground storage tank in August 2000. Soil impacts were later delineated with the exception of beneath the existing building. As a result, remediation is not feasible. The MDAD requested a NFAC pursuant to Chapter 24 of the Code, and this request was approved on July 1, 2014 by the County's Regulatory and Economic Resources (RER) Department – Environmental Resources Management (ERM) Division. The</p>

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	<p>NFAC requires the implementation of both Institutional and Engineering Controls, and this Covenant is part of those requirements.</p> <p>These institutional and engineering controls afford a level of protection to human health, public safety and the environment that is equivalent to that provided by Section 24-44 (2)(f)(i) and Section 24-44 (2)(f)(ii) of Chapter 24 of the Code.</p> <p>The Florida Department of Environmental Protection (FDEP) defines institutional and engineering controls as the restriction on use of or access to a site to eliminate or minimize exposure to petroleum products' chemicals of concern, dry cleaning solvents or other contaminants. Restrictions include, but are not limited to, deed restrictions, restrictive covenants or conservation easements. Other forms of institutional control include government controls such as: zoning, local ordinances, permits, comprehensive land-use planning and management, and FDEP consent orders.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>The Covenant will be recorded for a fee of \$150 for one year or \$1,000 for ten years. The fees will be paid from the MDAD's budget.</p> <p><u>Additional Information</u></p> <p>Chapter 24 Section 24-44 (2)(k) of the Code provides, in part, that:</p> <ul style="list-style-type: none"> • <i>Site closure, in the form of a no further action or a no further action with conditions, will be approved by the Director, or the Director's designee, when the Clean-up Target Levels (CTLs) or alternative CTLs established pursuant to Section 24-44(2)(f)(iii) and the requirements set forth in this section have been achieved.</i> <p>Sub-Section 24-44 (2)(k)(ii) provides, in part, that:</p> <ul style="list-style-type: none"> • <i>A no further action with conditions proposal will be approved by the Director, or the Director's designee, provided the following: the property owner of the location elects to implement institutional and, if applicable, engineering controls; it is demonstrated, using site-specific data, modeling results, risk assessment studies, risk reduction techniques or a combination thereof, that human health, public safety and the environment are afforded protection equivalent to that provided in Section 24-44(2)(f)(i) and Section 24-44(2)(f)(ii); and the following criteria are met:</i> <ul style="list-style-type: none"> ○ <i>For contaminants detected in soil, a proposal for alternative soil CTLs will be submitted to the FDEP and will achieve one of the following or a combination of the following:</i> <ul style="list-style-type: none"> a. <i>Concentrations of contaminants detected in soil will not exceed the lower of the industrial direct exposure soil CTLs set forth in Section 24-44(2)(f)(v)2. or the applicable leachability-based soil CTLs, set forth in Section 24-44(2)(f).</i>

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	<p><i>b. Concentrations of contaminants may exceed the soil CTLs if an engineering control, approved by the Director, or the Director's designee, in conjunction with the institutional control, is utilized to eliminate or control contaminant exposure and migration such that human health, public safety and the environment are afforded protection equivalent to that provided in Section 24-44(2)(f)(i) and Section 24-44(2)(f)(ii).</i></p> <p><i>c. Concentrations of contaminants detected in soil will not exceed the alternative soil CTLs derived in accordance with Section 24-44(2)(f)(iii) and Section 24-44(2)(1)(ii).</i></p>
3B 160635	RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A COVENANT RUNNING WITH THE LAND REQUIRING INSTITUTIONAL AND ENGINEERING CONTROLS AT FORMER BUILDING 1034, MIAMI INTERNATIONAL AIRPORT.
Notes	<p>The proposed resolution authorizes the Mayor or designee to execute the Covenant Running with the Land to implement institutional and engineering controls on the property, located at former Building 1034, MIA to obtain approval for a NFAC proposal pursuant to Section 24-44 (2)(k)(ii) of Chapter 24 of the Code.</p> <p><u>Background</u></p> <p>The former Building 1034 was occupied by various aircraft and ground support equipment maintenance facilities prior to its demolition in 1998. During the construction of the North Runway 8L-26R in 2001, an underground storage tank was discovered at the former building location. Soil and groundwater contamination was documented and remains on-site under the runway footprint. As a result, remediation is not feasible and the MDAD requested a NFAC pursuant to Chapter 24 of the Code, and this request was approved on January 21, 2014, by the RER Department –ERM Division. The NFAC requires the implementation of both institutional and engineering controls, and this covenant is part of those requirements.</p> <p>These institutional and engineering controls afford a level of protection to human health, public safety and the environment that is equivalent to that provided by Section 24-44 (2)(f)(i) and Section 24-44 (2)(f)(ii) of Chapter 24 of the Code.</p> <p>The FDEP defines institutional and engineering controls as the restriction on use of or access to a site to eliminate or minimize exposure to petroleum products' chemicals of concern, dry cleaning solvents or other contaminants. Restrictions include, but are not limited to, deed restrictions, restrictive covenants or conservation easements. Other forms of institutional control include government controls such as: zoning, local ordinances, permits, comprehensive land-use planning and management and the FDEP consent orders.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>The Covenant will be recorded for a fee of \$150 for one year or \$1,000 for ten years. The fees will be paid from the MDAD's budget.</p>

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3C 160641	RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A COVENANT RUNNING WITH THE LAND REQUIRING INSTITUTIONAL CONTROLS AT CONCOURSE-A/CORRIDOR LINK PROJECT LOCATED NEAR THE INTERSECTION OF TAXIWAY-U AND RUNWAY 27R, MIAMI INTERNATIONAL AIRPORT TO OBTAIN APPROVAL FOR A NO FURTHER ACTION WITH CONDITIONS PROPOSAL PURSUANT TO SECTION 24-44 (2)(K)(II) OF CHAPTER 24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA.
Notes	<p>The prosed resolution authorizes the Mayor or designee to execute the Covenant Running with the Land to implement institutional controls at Concourse A/Corridor Link Project located near the intersection of Taxiway-U and Runway 27R, at MIA to obtain approval for a NFAC proposal pursuant to Section 24-44 (2)(k)(ii) of Chapter 24 of the Code.</p> <p><u>Background</u></p> <p>The MDAD conducted an assessment at the site related to the procurement of a Class-V Dewatering Permit Application in 2002. The assessment results revealed arsenic contamination in the groundwater above Groundwater Cleanup Target Levels (GCTL). Additional assessment activities documented no soil contamination at the site. Quarterly groundwater monitoring continued at the site until 2012. Arsenic contaminated groundwater remains at the site at levels within the monitoring-only criteria. In April 2012, the County's RER Department – ERM Division recommended that the MDAD pursue the NFAC pursuant to Chapter 24 of the Code. DERM approved the NFAC in May 2013. The NFAC requires the implementation of both Institutional Controls, and this Covenant is part of those requirements.</p> <p>These institutional and engineering controls afford a level of protection to human health, public safety and the environment that is equivalent to that provided by Section 24-44 (2)(f)(i) and Section 24-44 (2)(f)(ii) of Chapter 24 of the Code.</p> <p>The FDEP defines institutional and engineering controls as “the restriction on use of or access to a site to eliminate or minimize exposure to petroleum products’ chemicals of concern, dry cleaning solvents or other contaminants. Restrictions include, but are not limited, to deed restrictions, restrictive covenants or conservation easements. Other forms of institutional control include government controls such as: zoning, local ordinances, permits, comprehensive land-use planning and management, and the FDEP consent orders.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>The Covenant will be recorded for a fee of \$150 for one year or \$1,000 for ten years. The fees will be paid from the MDAD budget.</p>
3D 160643	RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ENTER INTO AFFILIATION AGREEMENT WITH PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER LEARNING IN THE STATE OF FLORIDA FOR PLACEMENT OF BACHELORS, MASTERS OR DOCTORAL LEVEL-DEGREE STUDENTS IN UNPAID INTERNSHIP POSITIONS AT MIAMI INTERNATIONAL AIRPORT AND/OR THE COUNTY'S GENERAL AVIATION AIRPORTS; AUTHORIZING

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	THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS AS REQUIRED TO FURTHER THE PURPOSE OF SUCH AGREEMENT.
Notes	<p>The proposed resolution authorizes the Mayor or designee to enter into and execute an Affiliation Agreements with public and private institutions of higher learning in the State of Florida for the placement of Bachelors, Masters or Doctoral level degree-seeking students in non-paid internship positions, either directly or remotely, at MIA and/or any of the County's general aviation airports.</p> <p>These agreements will establish an affiliation between the MDAD and various public and private institutions of higher learning in the State of Florida to provide experience for students through a non-paid internship. Students' participation will complement the service and educational activities of the MDAD. They will not be used in lieu of professional staff or personnel, and will be under the supervision of the MDAD employees. Five to ten students will be nominated and selected annually by their educational institutions without regard to consideration of race, color, national origin, religion, sex, marital status or handicap condition.</p> <p>The term of this agreement is one year and will automatically renew on a year-to-year basis on the last day of the effective term, unless either party gives written notice to the other at least 90 days before the end of the existing annual term of that party's decision to terminate.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>There is a negligible fiscal impact to the County resulting from these agreements, as interns are not entitled to wages or benefits. The MDAD will spend \$22 per intern for modified physical examinations and \$30 per intern for background investigations from its operational funds. There is no promise of employment for participation in this program.</p> <p><u>Additional Information-Highlights From Affiliation Agreement:</u></p> <p>Additional terms and obligations of the parties in the proposed Internship Affiliation Agreement include, but are not limited to:</p> <p><i>General Terms:</i></p> <ul style="list-style-type: none"> • The MDAD and (<i>the applicable Institution</i>) will be jointly responsible for developing and carrying out procedures for student selection and admission; • All security screenings and orientations will be at MIA; • Student participation is mandatory; • Either the MDAD or the Institution may require withdrawal or dismissal from participation at the MDAD of any student whose performance record or conduct does not justify continuance; • Neither the MDAD nor the Institution is obligated to provide for the student's transportation to or from the MDAD facility or for health insurance for the student; and • The MDAD and the Institution will be jointly responsible for developing a schedule for the Interns. No student shall be scheduled for more than 20 hours per week.

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	<p><i>MDAD's Obligations:</i></p> <ul style="list-style-type: none"> • The MDAD will submit to the Institution an evaluation of each student's progress. The format for the evaluation is established by in consultation with the MDAD. <p><i>Institution's Obligations:</i></p> <ul style="list-style-type: none"> • The Institution will provide an administrative framework and a teaching faculty adequate in number, qualifications, and competence to develop and carry forward its instruction and supervision;and • The Institution will notify the MDAD, if an Intern terminates his/her enrollment at the school during the period of their internship. <p><i>Student's Obligations:</i></p> <ul style="list-style-type: none"> • The student must be a United States (U.S.) citizen, be recommended by and be acceptable to the MDAD representative; • The student must currently have a minimum Grade Point Average (GPA) of 3.0; • Each student must adhere to the MDAD's standard of conduct and dress code; and • The student is responsible for providing all equipment, software, internet services, and email addresses necessary for performance under this Agreement.
<p>3E 160548</p>	<p>RESOLUTION APPROVING AWARD OF THE PROFESSIONAL SERVICES AGREEMENT TO STANTEC CONSULTING SERVICES, INC., FOR FUELING SYSTEMS CONSULTING SERVICES AT MIAMI INTERNATIONAL AIRPORT (MIA) AND GENERAL AVIATION AIRPORTS (GAA) , PROJECT NO. E14-MDAD-03; IN AN AMOUNT NOT TO EXCEED \$2,305,500 AND FOR A TERM OF SEVEN YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN, INCLUDING TERMINATION PROVISIONS.</p>
<p>Notes</p>	<p>The proposed resolution approves the award of the Professional Services Agreement (PSA) to Stantec Consulting Services, Inc., for Fueling Systems Consulting Services at MIA and General Aviation Airports (GAAs), Project No. E14-MDAD-03, in an amount not to exceed \$2,305,500 and for a term of seven years.</p> <p>The scope will include, but not be limited to, design services and preparation of contract documents for the upgrade, maintenance, repair and/or construction of the aviation fuel storage and distribution systems and proposed facilities under the MDAD's jurisdiction including, but not limited to: midfield gas station; west load rack facility and diesel and gasoline tanks; employee emergency vehicle fuel tank; hydraulic modeling and planning services; value appraisal of aviation fueling system and any other component related to it; equipment and facilities; emergency consulting services; construction management and inspection services; environmental regulatory projects; providing recommendations and inspections for maintenance repairs of fueling facilities; reviewing proposed maintenance work estimates; updating the fueling Atlas and Master Plan; consulting; design and work-site services for the fueling systems</p>

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	<p>fire protection and detection systems; closed-circuit television; electrical work; structural improvements; and any other work associated with fueling systems at MIA and GAAs.</p> <p><u>Background</u> Per the FDEP under rules 62-761 to 762, and the County's RER Department – ERM Division, the MDAD is required to perform monthly inspections of all storage tanks and associated monitoring wells at the County's airport.</p> <p><u>Selection Process</u> On June 1, 2015, a Notice to Professional Consultants (NPC) was issued under full and open competition. On July 8, 2015, the Clerk of the BCC received four proposals. Burns & McDonnell Engineering Company, Inc. was found non-compliant with the Implementing Order governing the Small Business Enterprise (SBE)/Architectural Engineering (AE) Program.</p> <p>The Selection Committee held a first-tier meeting on August 27, 2015 to review the three remaining proposals. The Committee determined that the information provided in the proposals was sufficient to determine the qualifications of the three remaining teams, and waived the second-tier phase.</p> <p>The two top-ranked firms, T.Y. Lin International and Stantec Consulting Services Inc., were found by the Selection Committee to have met the qualification requirements. The Negotiation Committee successfully negotiated a PSA with both firms on December 1, 2015.</p> <p><u>Fiscal Impact/Funding Source</u> This procurement is for the award of two PSAs, each with a value of \$2,305,500. Funding Source: MDAD Civil/Environmental Operating Budget.</p> <p><u>Contract Measures</u> Assigned Contract Measures: 25% SBE/AE / \$500,000. Measures Achieved at Award: 25% SBE/AE / \$500,000.</p> <p><u>Operations Cost</u> Impact: Not applicable as this is a PSA for AE services.</p> <p><u>Maintenance Cost</u> Impact/Funding: Not applicable as this is a PSA for AE services.</p> <p><u>SBE/AE Sub-consultant</u> Chen Moore and Associates, Inc.</p>
3F 160550	RESOLUTION APPROVING AWARD OF THE PROFESSIONAL SERVICES AGREEMENT TO T.Y. LIN, INTERNATIONAL FOR FUELING SYSTEMS CONSULTING SERVICES AT MIAMI INTERNATIONAL AIRPORT (MIA) AND GENERAL AVIATION AIRPORTS (GAA) , PROJECT NO. E14-MDAD-03 IN AN AMOUNT NOT TO EXCEED

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	<p>\$2,305,500 AND FOR A TERM OF SEVEN YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN, INCLUDING TERMINATION PROVISIONS.</p>
<p>Notes</p>	<p>The proposed approves the award of the PSA to T.Y. Lin, International, for Fueling Systems Consulting Services at MIA and GAAs, Project No. E14-MDAD-03, in an amount not to exceed \$2,305,500 and for a term of seven years.</p> <p>The scope will include, but not be limited to, design services and preparation of contract documents for the upgrade, maintenance, repair and/or construction of the aviation fuel storage and distribution systems and proposed facilities under the MDAD jurisdiction including, but not limited to: midfield gas station; west load rack facility and diesel and gasoline tanks; employee emergency vehicle fuel tank; hydraulic modeling and planning services; value appraisal of aviation fueling system and any other component related to it; equipment and facilities; emergency consulting services; construction management and inspection services; environmental regulatory projects; providing recommendations and inspections for maintenance repairs of fueling facilities; reviewing proposed maintenance work estimates; updating the fueling Atlas and Master Plan; consulting; design and work-site services for the fueling systems fire protection and detection systems; closed-circuit television; associated electrical work; structural improvements; and any other work associated with fueling systems at MIA and GAAs.</p> <p><u>Background</u></p> <p>Per the FDEP under rules 62-761 to 762, and the County’s RER Department – ERM Division, the MDAD is required to perform monthly inspections of all storage tanks and associated monitoring wells at all County airports.</p> <p>On June 1, 2015, a NPC was issued under full and open competition. On July 8, 2015, the Clerk of the BCC received four proposals. Burns & McDonnell Engineering Company, Inc. was found non-compliant with the Implementing Order governing the SBE/AE Program.</p> <p>The Selection Committee held a first-tier meeting on August 27, 2015 to review the three remaining proposals. The Committee determined that the information provided in the proposals was sufficient to determine the qualifications of the three remaining teams, and waived the second-tier phase.</p> <p>The two top-ranked firms, T.Y. Lin International and Stantec Consulting Services Inc., were found by the Selection Committee to have met the qualification requirements. The Negotiation Committee successfully negotiated a PSA with both firms on December 1, 2015.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>This procurement is for the award of two PSAs, each with a value of \$2,305,500. Funding Source: MDAD Civil/Environmental Operating Budget.</p>

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	<p><u>Contract Measures</u> Assigned Contract Measures: 25% SBE/AE / \$500,000. Measures Achieved at Award: 28% SBE/AE / \$560,000.</p> <p><u>SBE/AE Sub-consultants</u></p> <ul style="list-style-type: none"> • Nova Consulting, Inc.; • BND Engineers, Inc.; • Nifah and Partners Consulting Engineers, Inc.; and • F.R. Aleman and Associates, Inc.
<p>3G 160554</p>	<p>RESOLUTION APPROVING AWARD OF LICENSE AGREEMENT FOR THE AIRPORT NETWORK MEDIA PROGRAMMING SERVICES, RFP NO. MDAD-02-14 TO AC HOLDINGS, INC., WITH MINIMUM ANNUAL GUARANTEE OF \$150,000 AS MAY BE ADJUSTED ANNUALLY TO ENSURE THAT THE GUARANTEE TO MIAMI INTERNATIONAL AIRPORT IS AT PAR WITH OTHER SIMILARLY-TIERED ELIGIBLE AIRPORTS, AND FOR A TERM OF EIGHT YEARS, WITH ONE TWO YEAR OPTION TO RENEW; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING RENEWAL AND TERMINATION PROVISIONS.</p>
<p>Notes</p>	<p>The proposed resolution approves the award of the License Agreement for Airport Network Media Programming Services, RFP No. MDAD-02-14, between the County and AC Holdings (ACH), Inc., with a Minimum Annual Guarantee (MAG) of \$150,000. The MAG is to be adjusted annually to ensure that it is at par with payments to similarly tiered eligible airports. The Agreement is for a term of eight years, with one two-year option to renew.</p> <p>While the MDAD owns the infrastructure distribution system that provides the power and connectivity to distribute programming throughout the Airport, ACH will be responsible for the electrical/cable outlets outward to the display equipment, which includes: screens, monitors, speakers, brackets, wall mounts, and any related components necessary to provide the services. Those services include provision of professionally produced news, information and entertainment television programming, and the ability to interrupt a program to broadcast "live" breaking news or special events.</p> <p>The MDAD will be provided with up to six one-minute segments per hour, which may be used as two 30-second spots, per day free of charge. The MDAD may use that airtime to promote the local area concessions or services at the MIA or at other locations in the County for public service announcements or to sell to advertisers.</p> <p><u>Background</u> A Request For Proposal (RFP) was advertised on March 26, 2015 for an operator to provide, install, maintain, manage and operate first-class Airport Network Media Programming Services throughout MIA.</p>

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	<p>The Selection Committee met and reviewed the one proposal submitted by ACH on September 17, 2015. The committee members found the firm responsible and to have met the minimum qualifications. Clear Channel had expressed interest, but neglected to submit a proposal. The \$150,000 MAG submitted by ACH was determined by the Committee to be acceptable.</p> <p><u>Fiscal Impact/Funding Source</u> ACH will pay to the MDAD the greater of a MAG of \$150,000 or 50% of the net local advertising revenue sold exclusively by the company (<i>not by third parties or the MDAD</i>) for airing exclusively at the Airport. Finally, for any ads displayed as part of a national campaign, ACH will pay to the MDAD a percentage of net revenues not to exceed 15%, calculated by the percentage of the size of the viewing audience at the Airport, as compared to the total viewing audience at the company's eligible airports. Eligible airports are those contracting with ACH that receive a portion of net revenues.</p> <p><u>Contract Measures</u> Voluntary Airport Concession Disadvantaged Business Enterprise (ACDBE) Goal. However, AC Holdings, Inc. elected not to participate.</p>
<p>3H 160632</p>	<p>RESOLUTION APPROVING THE FOURTH AMENDMENT TO THE NON-EXCLUSIVE FOOD AND BEVERAGE LEASE AGREEMENT WITH AREAS USA MIA LLC, FOR PREMISES AT MIAMI INTERNATIONAL AIRPORT; STANDARDIZING THE CONTRACT TERM METHODOLOGY FOR RECALCULATION OF THE MINIMUM ANNUAL GUARANTEE UTILIZED IN SIMILAR LEASE AGREEMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS THEREIN.</p>
<p>Notes</p>	<p>The proposed resolution approves the retroactive Fourth Amendment to the Lease and Concession Agreement with Areas USA MIA, LLC (Areas) at MIA. This amendment changes the methodology for recalculation of the MAG to the Consumer Price Index (CPI) as used in other MIA concession agreements.</p> <p><u>Background</u> Pursuant to Resolution No. R-196-06, the BCC approved the award of Foodservice Concessions RFP No. MDAD-01-05 to Areas. The First Amendment approved by Resolution No. R-13-10 adjusted the MAG and rent to offset decreased passenger volume beyond the control of the concessionaire. The Second Amendment approved by Resolution No. R-287-11 extended the term of the original Agreement to compensate Areas for time lost due to a delay in the MDAD's construction in the North Terminal. The Third Amendment approved by Resolution R-96-14 revised the term commencement dates for all impacted North Terminal concessionaires to September 14, 2014, to compensate for losses stemming from construction delays.</p> <p>This Fourth Amendment changes the basis of the recalculation of the MAG from enplaned passengers to an annual CPI calculation, as used in the other MIA concession agreements to provide parity among all concessionaires. This amendment will establish the new MAG amount of \$1,521,743 retroactive to the CPI anniversary of November 1, 2013. Areas alerted the MDAD</p>

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	<p>to this MAG issue in November 2013. This began a process of meetings and negotiations over an 18-month period to reach an understanding of how best to approach this issue. In the middle of this process, Areas was being audited by Audit and Management Services (AMS), which required the MDAD to divert its attention from the issue to respond to the audit findings before moving forward with the Amendment.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>This is a revenue-generating contract for the County. Areas pays the MDAD a MAG of \$1,830,315. This Amendment will establish a new MAG amount of \$1,521,743 retroactive to November 1, 2013, to be adjusted annually by the CPI.</p> <p><u>Contract Measures</u></p> <p>Contract Measure: 32% ACDBE goal Contract Measures Achieved at Award: 34.4%</p> <p>Contract Measures Achieved to Date: 24.7% of gross revenue of \$96,611,948, as detailed in the table below:</p> <table><tr><th colspan="3">Contract Measures Achieved to Date</th></tr><tr><th>Companies</th><th>Percentage</th><th>Amount</th></tr><tr><td>CBH MIA LLC</td><td>19.5</td><td>\$18.8 Million</td></tr><tr><td>WC Robinson & Associate</td><td>4.6</td><td>\$4.4 Million</td></tr><tr><td>Caribbean Airport Cuisine</td><td>0.3</td><td>\$0.29 Million</td></tr><tr><td>Excellent F&P</td><td>0.2</td><td>\$0.18 Million</td></tr><tr><td>Sirely Uniforms</td><td>0.1</td><td>\$0.05 Million</td></tr><tr><td>Total Achieved to Date</td><td>24.7</td><td>\$23.7 Million</td></tr></table> <p>Total Concession Sales: 100% or \$96.61 M.</p> <p><u>Additional Information</u></p> <p>As per AMS audit report issued on July 31, 2015, Areas owed the MDAD approximately \$1.5 million in concession fees mainly due to billing errors made by the MDAD’s staff. Approximately \$1.4 million of that amount was attributed to staff not adjusting the Food and Beverage concession MAG for enplanement percentage changes in fiscal years 2014 and 2015. In response to the audit recommendations, the MDAD invoiced Areas for a total of \$1,453,431 on August 14, 2015 to redress the under billing issue.</p> <p>As per the MDAD management, once this proposed Amendment is approved, the MDAD will reconcile payments against the adjusted MAG and determine if any credit is due to Areas.</p>	Contract Measures Achieved to Date			Companies	Percentage	Amount	CBH MIA LLC	19.5	\$18.8 Million	WC Robinson & Associate	4.6	\$4.4 Million	Caribbean Airport Cuisine	0.3	\$0.29 Million	Excellent F&P	0.2	\$0.18 Million	Sirely Uniforms	0.1	\$0.05 Million	Total Achieved to Date	24.7	\$23.7 Million
Contract Measures Achieved to Date																									
Companies	Percentage	Amount																							
CBH MIA LLC	19.5	\$18.8 Million																							
WC Robinson & Associate	4.6	\$4.4 Million																							
Caribbean Airport Cuisine	0.3	\$0.29 Million																							
Excellent F&P	0.2	\$0.18 Million																							
Sirely Uniforms	0.1	\$0.05 Million																							
Total Achieved to Date	24.7	\$23.7 Million																							
3I 160796	RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO AWARD AND MANAGE THE CRUISE TERMINAL F PROJECT PURSUANT TO THE TERMS OF THE PORTMIAMI EXPEDITE ORDINANCE IN THE MAXIMUM AMOUNT OF \$38,000,000.																								

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	<p>The proposed resolution authorizes the Mayor or designee to award a design-build contract for capital improvements to Cruise Terminal F as allowed for under the PortMiami (Port) Expedite Ordinance, which was adopted by the BCC at its meeting of April 5, 2016. The approval of the proposed resolution will be used to accelerate the improvements of Cruise Terminal F.</p> <p><u>Background</u></p> <p>The County operates the Port through its Seaport Department. The Port is the eleventh busiest international cargo container port in the United States. The Port is the second largest economic engine contributing to the local economy of the County, with an impact of over \$27 billion.</p> <p>The County through its Seaport Department often enters into contracts for the repair, maintenance, improvement and construction of Port terminals, buildings, roads, utilities, bulkheads, garages and other Port infrastructure to be able to function efficiently for the public and Port stakeholders. Capital improvements often have to be made on an expedited basis in order to meet the private sector timelines of Port Cargo and Cruise stakeholders.</p> <p>On December 1, 2015, the BCC passed Resolution No. R-1079-15 approving an agreement between the Port and MSC Cruises S.A., which among other things requires the County to construct improvements at Cruise Terminal F to accommodate the MSC Seaside in the fall of 2017. The Port is a proprietary department which generates income from producing and leasing infrastructure and facilities. These capital projects frequently require the Port to respond to private sector cruise and cargo business timelines.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>The Port has elected to make a greater investment in Cruise Terminal F. The expected capital cost of the improvements to Cruise Terminal F is \$38 million, which will be paid with bond proceeds.</p> <p>Under the agreement with MSC Cruises S.A. that was previously approved by the BCC, the Port is obligated to make improvements to Cruise Terminal F to accommodate the MSC Seaside. Though the Port capped its contractual obligation at \$25 million in the commitment to MSC Cruises S.A, it retained the option for ‘up-sizing’ the terminal to accommodate an even larger vessel class. The increase in passenger throughput that will be generated by the MSC Seaside will generate an additional \$3.5 million in revenue which will offset the \$38 million investment in the Cruise Terminal F improvements.</p> <p>For this investment to offset the \$38 million investment and produce positive income to the Port, the Port will have to attract another vessel of equal or greater size other than the MSC Seaside.</p> <p>At present, a large order book of cruise ships exists with multiple vessels requiring terminal capacities greater than those of the Port. These new vessels will, at full occupancy, carry 6,000 or more passengers, while the Port’s largest existing terminals were designed and built for passenger loads up to 4,500. The expansion of Cruise Terminal F is designed to not only accommodate the MSC Seaside at 5,200 passengers, but to accommodate embarkation loads</p>

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	<p>beyond the 6,000 passenger level. The Port is also attempting to design and procure passenger boarding bridges for Cruise Terminal F that will accommodate vessels with even larger capacities than the MSC Seaside. Together, these improvements will enable the Port to attract these larger 6,000 passenger vessels with sufficient additional passenger throughput to both fully offset the \$38 million investment in the improvements and to produce annual net positive income to the Port above the \$38 million investment.</p> <p>In this regard, the Port is currently in discussions for vessels that operate in the 6,000 passenger range. It is investing in Cruise Terminal F in such a way as to accommodate such vessels while positioning the terminal's infrastructure and utilities for the inevitable growth of this industry.</p> <p>The design-build contract solicitation for the Cruise Terminal F improvements has been advertised in accordance with the standard County procurement process and has been assigned a SBE Construction Contract Goal of 9.87%, a SBE Goods and Services Goal of six percent, a SBE Architectural and Engineering Goal of 14%, and a Community Workforce Program Goal of ten percent new hires. The contract will also require that the Contractor make its best reasonable efforts to have 51% of all construction labor hours performed by the County residents in accordance with the Residence First Training and Employment program.</p> <p><u>Additional Information Relating to MSC</u></p> <p>MSC is an Italian cruise line owned by Mediterranean Shipping Company S.A., a privately held shipping group based in Geneva, Switzerland, which is the second largest container shipping line in the world. MSC is registered to do business in the State of Florida through its North American sales and marketing agent, MSC Cruises (USA), Inc. MSC's leading market is the Mediterranean where it has year-round operations. However, for the first time, it will begin year-round sailings to the Caribbean from Miami beginning winter 2015 with the MSC Divina. MSC currently owns and operates a fleet of 12 vessels.</p> <p>On January 24, 2012, through Resolution No. R-38-12, the BCC approved a Preferential Berthing Agreement between the County and MSC Crociere S.A. Under the terms of this Agreement, MSC committed to move its cruise ship operations from Port Everglades to the County Port in FY 2014. The Agreement provided MSC with Preferential Berthing Rights to Terminal F on Saturdays during the winter season, plus a percentage of parking revenues from the Port, in exchange for a guarantee of a minimum annual passenger pledge of 80,000 and exclusive homeport rights of MSC vessels in the South Florida region.</p>