



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners

Supplemental
Legislative Analysis

June 21, 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
Legislative Analysis**

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

Item Number(s)

9A1
11A7

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: 9(A)1
File Number: 111196
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 16, 2011
Commission District: Countywide
Type of Item: Ratification

Summary

This resolution ratifies the County Mayor's or designee's actions taken from December 1, 2010 through April 30, 2011, as authorized by Ordinance No. 09-60 extending the "Economic Stimulus Plan" (ESP). Two of the six projects Miami-Dade County Children's Courthouse and Greynolds Park Renovations were awarded outside the reporting period.

Background and Relevant Information

On July 17, 2008, the Board of County Commissioners (BCC), approved the ESP, through Ordinance 08-92, providing the following authority:

- (a) Issue bid and proposal documents;
- (b) Receive, open and review bids and proposals;
- (c) Appoint standing selection committee members to obtain professional services in accordance with the Code of Miami-Dade County; and
- (d) Award or reject bids for contracts including professional service agreements and construction contracts and issue Notice to Proceed (the award value of the contract must be reviewed by OSBM, the base value of a recommended award does not exceed the base estimate by more than 20%), Negotiate and settle contractor claims, and issue change orders (change orders or amendments are timely in submission and do not exceed \$500,000 or 15% of the contract price), retroactive change orders must be submitted to the Board for approval.

On June 30, 2009, the BCC, through Ordinance 09-60, amended the ESP Ordinance to include the capital projects and the acquisition of goods and services funded through the ARRA, and extended the sunset provision until July 2011.

American Recovery and Reinvestment Act (ARRA)

On February 13, 2009, the United States Congress passed the American Recovery and Reinvestment Act of 2009. The \$787 billion ARRA package sought to stimulate economic growth through federal spending in a large number of areas nationwide.

On March 1, 2010, the County Executive Office released an ARRA report stating that during the first year of ARRA, the County submitted 63 major grant applications and requests for ARRA funding with a total of approximately \$596.8 million. The report indicated that the County had received 25 major grant awards

and over \$254.8 million in ARRA funding and support. Of the 63 applications, \$135.5 million in requests were still pending formal determination and federal announcements of grant awards.

The report illustrated that the number of jobs reported in November 2009 increased from 49 jobs created or retained to over 3,300 full and part-time jobs. A majority of these jobs are direct County jobs and youth internships supported with ARRA funding through South Florida Workforce.

On October 15, 2010, the County Executive Office released the second quarter ARRA report which showed that jobs created or retained increased from the previous figures of 3,300 to 4,929 full, part-time and contracted positions. The report states that a number of these jobs are direct County-held positions, youth internships, and contractor supported with ARA funding.

- **Question:** What are the current figures for jobs created and projects funded in Miami-Dade by the ARRA?

Additional Requirements for the ESP

On March 2, 2010, the BCC, through R-258-10, directed the Mayor to present certain information on ESP contracts, including details of solicitation processes and job estimates, to the Office of the Commission Auditor (OCA) and the BCC prior to ratification. The June 21, 2011 BCC Agenda Item 9(A)(1) provides a list of ESP contracts recommended by the County Manager for ratification. The Item includes job creation estimates for each contract.

The OCA has examined the job creation estimates for each item and the economic impact modeling system that was used by the Office of Economic Development Coordination (OEDC) and the Office of Capital Improvements (OCI) to generate the estimates. The modeling system includes adjustments for contract amount and duration, region, and industry. The job creation estimates include direct, indirect, and induced jobs that the model predicts based on the specifics of each contract. Based on our practical consideration of the listed contract information, we have not identified cause to doubt the job creation estimates, but we are conscious that actual results might vary significantly and would be very difficult to verify because of the inclusion of indirect economic impacts.

The Impact Analysis for Planning (IMPLAN) model provides an annualized number of jobs created (direct, indirect, and induced), then the number of jobs created is adjusted to the duration of the contract. The number of jobs created does not represent Full Time Employee's, that number is only the number of positions created for the specific job.

For example:

- \$1,000,000 contract produces 20 jobs, if the contract will be completed in 6 months; the number of jobs that will be reported is 40 jobs.
- \$1,000,000 contract produces 20 jobs, if the contract will be completed in 2 years; the number of jobs that will be reported is 10 jobs.
- If there is a contract with 2 workers, one will work for 6 months and after completion the other individual will start the job, this contract will create 2 number of job generated.

The OCA suggests future ESP contract ratification recommendations list both direct and indirect job creation estimates for each project. Also, the column No. of jobs generated should specify that jobs (positions) generated are adjusted for the duration of the contracts and should include examples of the adjustments.

Additional Information

Firm Awarded	JCI International, Inc. 12315 SW 132 Court Miami, FL 33186 US	ABC Construction, Inc. 7280 NW 8 Street Miami, FL 33126	Miami Skyline Construction Corp. 609 NE 127TH Street North Miami, FL 33161 US	Suffolk Construction Company, Inc. 701 Waterford Way Suite 450 Miami, FL 33126	Gurri Matute, P.A. 5001 S.W. 74TH Court, STE. 208 Miami, FL 33155	Reynolds Inliner, LLC 1117 Northwest 55th Street Ft Lauderdale, FL 33309
Contract Amount	\$2,696,662	\$5,958,223.70	\$4,078,970	\$80,495,083	\$750,000	\$8,000,000
Contract Number	W20187	CIP040-DE1-TR-10	Z00045	W40114C	22080-05-001-1	S-846
Dept.	GSA	Transit	GSA	GSA	Park and Rec	WASD
Contract Name	Fleet Shop 3C Additional Service Bays/Metal Building Expansion	Metromover Escalator Cover and Escalator Replacement	Construction of the new Regional Head Start Center at Arcola Lakes	Construction of the new MDC Children's Courthouse	Greynolds Park Renovation and Improvements	Countywide Contract for cleaning and televising of large diameter sewers with County option-to-renew for an additional 3 years on a yearly basis

According to the County Manager's memo, between December 1, 2010 and April 30, 2011, Small Business Development reviewed four (4) projects, recommending small business participation of \$5,487,631 or 15 percent.

- **Question:** Have the two remaining projects that were awarded prior to the reporting period receive SBD review? *According to the Office of Capital Improvements staff, the items received the same review as the other contracts, but they were reviewed outside of this reporting period.*

Prepared By: Michael Amador-Gil and Rosa B. Gilbert

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



Legislative Notes

Agenda Item: 11(A)7
File Number: 111169
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 16, 2011
Type of Item: Redistricting Consulting Service Contract

Summary

This resolution waives competitive bidding and implementing orders, and awards Contract No. 777, Commission Redistricting Consultant, to Olemedillo X5, Inc. in the base amount of \$138,000. In addition, this contract allows the County to request additional redistricting plans for a price of \$52,000 per plan.

This is a bid waiver request and as authorized by §2-8.1 of the Code of Miami-Dade County, requires a two-thirds (2/3) vote of the members present of the Board of County Commissioners (BCC).

Funding Source

General fund

Scope of Services

The contract base amount of \$138,000 provides the County with the following redistricting services:

- Public Meetings
 - A minimum of five (5) Redistricting Sub-committee meetings and three (3) BCC hearings are required.
- Community Outreach
 - Thirteen (13) community meetings are to be scheduled at various locations throughout Miami-Dade County.
- Redistricting Plans
 - A minimum of four (4) draft redistricting plans and up to three (3) final redistrict plans are to be created for consideration by the Redistricting Sub-committee and the BCC.
- Bloc Voting Analysis
 - Performance tests are to be conducted to ensure compliance with Section 2 of the Voting Rights Act. Performance tests will include but not be limited to the testing for voting dilution and polarization.

Pursuant to this contract, the Consultant must also:

- Develop draft maps and legal descriptions for adjustment of the County Commission District boundaries;
- Provide GIS files (personal Geo-database) that display newly defined district boundaries;
- Issue a report for each of the draft and final redistrict plans outlining the result of the bloc voting analysis;
- Provide a detailed timeline for all requirements under the Scope of Services, allowing for final adoption of the revised Commission District Boundaries by **December 6, 2011**; and
- A bi-weekly report on the project's status.

The contract also provides for the following services:

- Expert Testimony
 - The Consultant is to provide expert technical assistance to the County in the event any legal action arises relating to the redistricting process of plans developed with the Consultant's assistance. The Consultant is to provide expert testimony and technical services, if necessary, in state and federal court in the area of redistricting.
- Access to ArcGIS software which the County will provide to the Consultant.
- Technical Services (professional services) authorized by the County in writing.
- Additional Redistricting Plans
 - In addition to the four (4) draft redistricting plans, the County may request the Consultant to provide additional redistricting plan(s). If additional redistricting plans are requested, the Consultant will be provided with a Work Order prior to initiating these additional services.
 - **The Consultant is to create one (1) additional redistricting plan for consideration by the Redistricting Sub-committee and the BCC.**

Background and Relevant Legislation

Census Data

According to the U.S. Census Bureau website, they are required by the Constitution of the United States of America to conduct a count of the population every ten (10) years (a decennial census). The census data is imperative for state and local governments for federal and state funding, community and economic planning, redistricting, and ensuring they receive important services and resources for new schools, roads, hospitals, parks, housing projects and other public projects.

In an attempt to increase the accuracy and fairness of redistricting, Public Law 94-171, passed by Congress in 1975, requires the U.S. Census Bureau to work closely with state officials before each decennial census. Under the provisions of P.L. 94-171, the data needed for redistricting is delivered to the majority and minority leaders of each state legislature, as well as to each governor.

The U.S. Census also affects the amount of federal funding received by the states, counties, and cities. The planning of Florida's infrastructure such as, schools, government services, highways and roads, and senior centers is based on data derived from the U.S. Census. In fiscal year 2000, 85 percent of federal government grants to state and local governments were distributed based on state population and personal income. Every year, about \$300 billion in federal funds are distributed to local, state, and tribal governments based on census data.¹

¹ SunshineCensus2010.com

Additional Information

Date	Resolution / Ordinance No.	Redistricting Legislation
6/5/01	R-657-01	This resolution approved agreements for Professional Services Agreements with Guillermo E. Olmedillo, George Meier and Lisa Handley, PH.D., <i>d/b/a</i> District Mapper Consulting Group, and Rudolph Wilson, Ph.D., to assist in the County's decennial redistricting process.
4/27/04	R-511-04	<p>This resolution mandated the legal criteria and traditional redistricting factors to be considered by the BCC when redrawing commission election districts. It provided for a series of public workshops and a citizen's advisory board.</p> <p>In addition, it resolved the Federal lawsuit by the City of North Miami, challenging the County's Commission District Boundaries.</p>
12/1/09	R-1387-09	This resolution requested a special meeting of the BCC to discuss Miami-Dade County's 2010 Census redistricting process.
<p>In a memorandum dated March 17, 2011, the Chairman of the BCC established a Redistricting Sub-committee as authorized in Rule 4.01(g), Rules of Procedure. Under this authority, the Redistricting Sub-committee was tasked with providing recommendations to the BCC on matters related to the amendment of Commission District Boundaries.</p> <p>The Redistricting Sub-committee recommended that the BCC approve award of this contract to Olmedillo X5, Inc.</p>		

Prepared by: Elizabeth N. Owens and Michael Amador-Gil