



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Board of County Commissioners**

November 4, 2010  
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  
Office of the Commission Auditor**

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

**November 4, 2010**

Written analyses and notes for the below listed items are attached for your consideration:

**Item Number(s)**

|                   |
|-------------------|
| 5(A) & Supplement |
| 5(C)              |
| 5(D)              |
| 8(F)1(B)          |
| 8(N)1(A)          |
| 10(A)5            |

Written fiscal impact analyses and notes for the below listed items are attached for your consideration:

**Item Number(s)**

|          |
|----------|
| 8(D)1(A) |
| 8(D)1(B) |
| 8(F)1(B) |

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

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



Legislative Notes

**Agenda Item:** 5(A) & Supplement

**File Number:** 102290, 102404

**Committee(s)  
of Reference:** Board of County Commissioners

**Date of Analysis:** November 1, 2010

**Type of Item:** Significant Modification to Building Better Communities General Obligation Bond Program

**Sponsor:** Commissioner Audrey M. Edmonson

**Summary**

This item approves the significant modification to Project No. 293 of the voter-approved Building Better Communities General Obligation Bond Program (BBC-GOB). This amendment would dedicate \$1.8 million to the Historic Hampton House rehabilitation and restoration project from the BBC-GOB-based Historic Preservation Fund. The Historic Hampton House is located at 4200 N.W. 27 Avenue.

The Historic Preservation Fund is capped at \$10 million, of which \$3 million has been allocated to the preservation of Miami Marine Stadium and \$1 million for the Curtiss Mansion rehabilitation project.

This item would also waive the Administrative Rules governing the GOB program that contemplate a competitive process in awarding of Historic Preservation funds.

**Supplement**

The supplement to this item is a letter of support from the Dade Heritage Trust. According to the Trust, the Hampton House project is "a very worthy project in need of substantial assistance." The Trust also opines that a process should be in place to request future proposals from the BBC-GOB Historic Preservation Fund.

**Background and Relevant Legislation**

BBC-GOB Project No. 293 created a \$10 million Historic Preservation Fund "to make an impact in the revitalization of historic buildings at the neighborhood level, particularly designated historic districts and other areas having a high concentration of older buildings." (Page 9, Appendix A, Resolution R-919-04.) Originally, the Office of the Historic Preservation would make grants available up to \$1 million and loans in amounts between \$25,000 and \$250,000 from the fund.

- On April 6, 2010, the Board of County Commissioners (BCC) approved a significant modification to Project 293 dedicating \$3 million from the Historic Preservation Fund to the restoration of the Miami Marine Stadium. (Resolution R-328-10.)
- On July 8, 2010, the BCC approved another significant modification to Project 293 dedicating \$1 million from remaining balance of the Historic Preservation Fund to the restoration of the Curtiss Mansion. (Resolution R-707-10.)

### **Historic Hampton House**

BBC-GOB Project No. 255 identifies \$4.7 million for the Historic Hampton House rehabilitation project. The funds are to be used to rehab the building into a “multi-use center of social and cultural life for the local community, through the Office of Historic Preservation.” (Page 1, Appendix A, Resolution R-919-04.) Of the original BBC-GOB allocation, \$1.3 million has been used for architectural plans and for the stabilization of the building’s walls.

- According to County Staff, this project is currently in the permitting stage of development.

The Hampton House is described as “the most significant representative building of the civil rights movement in Miami-Dade County” and “served as a major social and political gathering place in during the 1950s and 1960s.” (Page 1, Appendix A, Resolution R-919-04.)

### **Administrative Rules**

The BBC-GOB program as created by Ordinance 05-47, is administratively governed by the Building Better Communities Administrative Rules. (Page 2, Building Better Communities Administrative Rules, Rev. 1/07.) The rules are intended to create a competitive process by which funding is allocated.

According to the Administrative Rules, recipients of Historic Preservation funds must apply for funding during a funding cycle. Following closure of an application submission period, the County Manager will review and evaluate each Funding Application Package for funding eligibility or ineligibility. According to the Rules, the County Manager may use the Dade Heritage Trust and the Historic Preservation Board to vet the applicants.

**This proposed resolution would waive the provisions of the Administrative Rules.**

### **Policy Change**

This item would constitute a significant modification to the BBC-GOB program by adding an additional allocation of \$1.8 million to the Historic Hampton House restoration project. This item would waive the Administrative Rules of the BBC-GOB which are intended to create a competitive process for the allocation of Historic Preservation Funds.

However, such a significant modification to the BBC-GOB program is not without precedent. On April 6, 2010, the BCC approved a significant modification to Project 293 dedicating \$3 million from the Historic

Preservation Fund to the restoration of the Miami Marine Stadium. (Resolution R-328-10.) And on July 8, 2010, the BCC approved a similar modification and allocation of \$1 million to the Curtiss Mansion through Resolution 707-10.

**Prepared by:** Jason T. Smith

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



Legislative Notes

**Agenda Item:** 5(C) and 5(D)  
**File Number:** 102360 and 102371  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** November 2, 2010  
**Type of Item:** Issuance of Special Obligation Bonds

**Summary**

These items include an ordinance (Item No. 5C) and a resolution (Item No. 5D), authorizing the issuance of Miami-Dade County Special Obligation Bonds in aggregate principal amount not to exceed \$80 million for the purpose of acquiring, constructing, improving and/or renovating certain capital assets.

**Background and Relevant Legislation**

The proposed resolution and ordinance allow the sale of up to \$80 million in the following manner:

- Capital Asset Acquisition Taxable Special Obligation Bonds, Series 2010D, Recovery Zone Economic Development Bonds – Direct Payment to Issuer; and
- Capital Asset Acquisition Special Obligation Bonds, Series 2010E.

**Recovery Zone Economic Development Bonds<sup>1</sup>**

Recovery Zone Economic Development Bonds are a new type of bond created by the American Recovery and Reinvestment (ARRA) passed by Congress in February 2009. They may be used to finance government projects with economic development outcomes.

*Miami-Dade County Recovery Zone Designations (Resolution No. 1416-09)*

*This designation was assigned to economically distressed areas. This included Miami-Dade County's Enterprise Zone, Empowerment Zone, and census tracts already eligible for the U.S. Treasury's New Markets Tax Credits (NMTC) program.*

**Capital Funding Source**

These items include Miami-Dade County Seaport and Transit Departments capital improvement projects funded by Special Obligation Bonds from non-ad valorem County revenues. According to the County Manager's memo, actual debt payments will be made from funds appropriated in the respective adopted budgets of Seaport and Transit Departments.

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<sup>1</sup> <http://www.commerce.wa.gov/site/1075/default.aspx>

## Questions / Comments

### Seaport Projects:

- \$17.8 million - Dredge III request to deepen South Channel to a depth of 50 feet. Seaport needs another \$55 million in bonds/loans to complete this project. The project is also dependent upon Army Corps of Engineers funding of \$82 million which will be difficult according to the Office of Inter-governmental Affairs. Seaport will continue permitting/engineering phase and new bulkhead construction in advance of Federal funding to complete the project.
- \$9.5 million – Purchase of two Gantry Cranes and reinforcing infrastructure. Project may require another \$18.5 million in loans to complete. Seaport needs the two new cranes whether or not dredging to 50 feet is completed.
- \$1.4 million - Cruise Terminals D and E Improvements. The project requires another \$1.8 million loan to complete according to the 2010-11 Capital Improvement Plan (CIP). Improvements to the terminals are in advance of Carnival Cruise Lines next fleet of ships.
- \$4.9 million – Cruise Terminals F and G Improvements. The project requires another \$7 million loan to complete. Modernization of terminals with half of the cost for re-roofing.

### Transit Projects:

- \$2.4 million – Park and Ride Facility SW 344 St and Busway. Location was selected from others as a result of an alternative analysis site survey completed for FTA approval of funds. The \$10.1 million project includes \$4.7 million in FDOT funds, \$1.8 million from FTA, and \$1.2 million in prior year PTP funds.

### ***Below is a review of the authorizing resolutions for the Seaport Department Projects.***

#### Dredge III (\$17.819 million Proposed Series 2010D Bonds)

Resolution No. 1258-09 approved the Professional Services Agreement (PSA) between HDR Engineering, Inc. and Miami-Dade County, authorizing the engineering design services for the Wharves Strengthening Program. The funding source for this project under Resolution No. 1258-09 included \$2.040 million in Seaport Bonds/Loans and \$460,000 in Florida Department of Transportation (FDOT) funds for a total of \$2.5 million.

The proposed resolution provides \$228.084 million as the total project cost. The funding source for this project is as follows:

- \$ 746,000 Capital Asset Series 2009 Bonds
  - \$ 17,818,500 Proposed Series 2010D Bonds
  - \$209,519,000 Unassigned Future Funding
- \$228,084,000<sup>2</sup> Total**

#### Supplemental Guide Sign (367,500 Proposed Series 2010D Bonds)

The proposed resolution provides \$500,000 as the total project cost. The funding source for this project is as follows:

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<sup>2</sup> Totals will not be exact due to rounding.

- \$367,500 Proposed Series 2010D Bonds
  - \$132,500 Unassigned Future Funding
- \$500,000 Total**

Cruise Terminals D and E Improvements (\$1.393 million Proposed Series 2010E Bonds)

According to Resolution No. 703-07, as part of the Agreement between Miami-Dade County and Carnival Corporation, the Miami-Dade Seaport agreed to provide upgrades to Terminals D and E for Carnival's usage.

On July 8, 2010, the Board of County Commissioners accepted the Seaport Department Quarterly Report of Executed Joint Participation Agreements (JPAs) and Supplemental JPAs between January 1, 2010 and March 31, 2010 (the July 8, 2010, Seaport Quarterly Report). According to the July 8, 2010, Seaport Quarterly Report, the total project cost for improvements to Cruise Terminals D and E is \$5.445 million with FDOT participation in the amount of \$1.670. However, according to this resolution, the total cost of this project is \$6.365 million, of which \$1.435 million is being funded by a FDOT grant.

According to the proposed resolution, the funding source for this project is as follows:

- \$1.435 million FDOT Grant
  - \$1.722 million Capital Asset Series 2009 Bonds
  - \$1.393 million Proposed Series 2010E Bonds
  - \$1.815 million Unassigned Future Funding
- \$6.365 million Total**

Cruise Terminals F and G Improvements (\$4.958 million Proposed Series 2010E Bonds)

As part of the Settlement Agreement between Miami-Dade county and Royal Caribbean Cruises Ltd, the Miami-Dade Seaport agreed to provide upgrades to Terminals F and G. According to Resolution No. 1345-08, the anticipated costs were \$1.850 million. Improvements to Terminals F and G included compliance upgrades for a One-Stop Shop processing center for U.S. Customs and Border Protection (CBP) and repairs to the third floor air conditioning system in Cruise Terminal G.

According to the proposed resolution there are additional improvements which include the following:

- Safety related projects such as repairs to the building's flat roof and S-type roof, circulation improvements for security, and upgrades to wayfinding; and
- Berthing upgrades, replacement of mooring bollards, two new gangways and doors, upgrades to the baggage system, among others.

The funding source for this project under the proposed resolution is as follows:

- \$4.958 million Proposed Series 2010E Bonds
  - \$7.542 million Unassigned Future Funding
- \$12.5 million Total**

Cargo Yard Improvements (\$8.787 million Proposed Series 2010E Bonds)

According to Resolution No. 599-08, as part of the execution of an Amended and Restated Terminal Agreement between Miami-Dade County and Seaboard Marine, Ltd., the Miami-Dade Seaport committed to \$26 million in capital improvements.



According to the proposed resolution, the total cost for this project is \$46.221 million and includes the following funding sources:

- \$11.958 million FDOT Grant
  - \$11.246 million Capital Asset Series 2009 Bonds
  - \$8.787 million Proposed Series 2010E Bonds
  - \$14.230 million Unassigned Future Funding
- \$46.221 million Total**

Gantry Cranes (\$9.532 million Proposed Series 2010E Bonds)

This project was approved under Resolution No. 599-08, execution of an Amended and Restated Terminal Agreement between Miami-Dade County and Seaboard Marine, Ltd. in which the Miami-Dade Seaport committed to \$26 million in capital improvements; and Resolution No. 763-08, execution of Terminal Operating Agreement between Miami-Dade County and Terminal Link LLC (it also executed Termination, Release and Reservation of Rights Agreement between Miami-Dade County and Maersk, Inc.), in which the Gantry Crane project is described.

According to the proposed resolution, the total cost for this project is \$30.133 million and includes the following funding sources:

- \$ 9.532 million Proposed Series 2010E Bonds
  - \$20.601 million Unassigned Future Funding
- \$30.133 million<sup>3</sup> Total**

Port-wide Infrastructure Improvements (\$10.287 million Proposed Series 2010E Bonds)

This project was approved under several resolutions: Resolution No. 703-07: Agreement between Miami-Dade County and Carnival Corporation, in which the Miami-Dade Seaport agreed to provide upgrades to Terminals D and E for Carnival's usage; Resolution No. 599-08: Amended and Restated Terminal Agreement between Miami-Dade County and Seaboard Marine, Ltd., in which the Miami-Dade Seaport committed to \$26 million in capital improvements; Resolution No. 1345-08: Settlement Agreement between Miami-Dade County and Royal Caribbean Cruises Ltd, the Miami-Dade Seaport agreed to provide upgrades to Terminals F and G; and Resolution No. 1442 -08, which executed a Cruise Terminal Agreement between Miami-Dade County and Norwegian Cruise Line.

According to the proposed resolution, the total cost for this project is \$85.900 million and includes the following funding sources:

- \$ 1.700 million FDOT and Homeland Security grants
  - \$ 2.732 million Capital Asset Series 2009 Bonds
  - \$10.287 million Proposed Series 2010E Bonds
  - \$71.181 million Unassigned Future Funding
- \$85.900 million Total**

**Prepared by:** Elizabeth N. Owens and Keith Connors

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<sup>3</sup> Totals will not be exact due to rounding.

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



FISCAL IMPACT ANALYSIS (PAGE 1 OF 2)

Agenda Item: 8D1A

File Number: 102396

**Type of Item:** Resolution authorizing the execution of a contract with Pabon Engineering, Inc. at no cost to the County in furtherance and subject to the approval of the plea agreement with the State Attorney's Office for exotic vegetation removal in the Oleta River State Park

**Committee(s) of Reference:** Budget, Planning and Sustainability

**Date of Analysis:** 11/01/10

**Funding Request:** N/A

|  |   |
|--|---|
| <p>Operating <input type="checkbox"/></p> <p><b>Operating Funding Source(s):</b></p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input checked="" type="checkbox"/></p> <p>Conditions of a plea bargain agreement</p> | <p>Capital <input type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p><b>Capital Funding Source(s):</b></p> |
|--|---|

**County Match required:**

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

**ISSUES/COMMENTS** None

As a result of a 2008 MDPD Public Corruption investigation, which eventually led to a first-degree felony charge of "organized scheme to defraud" against Pabon Engineering, Inc. The engineering firm will complete this hammock restoration project as a condition of a plea agreement with the State Attorney's Office.

The proposed hammock restoration project, within the Oleta River State Park, will clear approximately 10 acres of heavy vegetation, evenly grade the area to a uniform final grade and mulch all the vegetation (including root system) to spread on-site. Were this project not a part of the plea bargaining agreement for Pabon Engineering, Inc., the estimate cost for the work would be \$80,000.

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

FISCAL IMPACT ANALYSIS (PAGE 2 OF 2)

**ISSUES/COMMENTS**      None

Upon the completion of this initial phase of the project, the total cost and time requirement of the next phase can be estimated. Partial funding (of \$700,000) has been authorized for disbursement (R-560-10 on May 4, 2010) from the Biscayne Bay Environmental Trust Fund, for the remaining phases of this project.

Neither the State Attorney Office's original case F09-32784A nor the approved plea agreement is available to review at the time of this writing.

**Prepared by:** Pamela Y. Williams

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



FISCAL IMPACT ANALYSIS (PAGE 1 OF 2)

Agenda Item: 8D1B

File Number: 102397

**Type of Item:** Resolution authorizing the execution of a contract with American Earth Movers, Inc. at no cost to the County in furtherance and subject to the approval of the plea agreement with the State Attorney's Office for exotic vegetation removal in the Oleta River State Park/FIU Biscayne Bay Campus

**Committee(s) of Reference:** Budget, Planning and Sustainability

**Date of Analysis:** 11/01/10

**Funding Request:** N/A

|  |  |
|--|--|
| <p>Operating <input type="checkbox"/></p> <p><b>Operating Funding Source(s):</b></p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input checked="" type="checkbox"/></p> <p>Conditions of a plea bargain agreement</p> | <p>Capital <input type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p> |
|--|--|

**County Match required:**

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

**ISSUES/COMMENTS** None

As a result of a 2008 MDPD Public Corruption investigation, which eventually led to a first-degree felony charge of "organized scheme to defraud" against American Earth Movers, Inc. The firm will complete this wetland restoration project as a condition of a plea agreement with the State Attorney's Office.

The proposed wetland restoration project, along the western shoreline of North Biscayne Bay, will clear approximately 20 acres of heavy vegetation, evenly grade the area to a uniform final grade and mulch all the vegetation (including root system) to spread to a 6-inch maximum depth in designated park property areas. Were this project not a part of the plea bargaining agreement for Pabon Engineering, Inc., the estimate cost for the work would be \$175,000.

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

FISCAL IMPACT ANALYSIS (PAGE 2 OF 2)

**ISSUES/COMMENTS**      None

Upon the completion of this initial phase of the project, the total cost and time requirement of the next phase can be estimated. At this time, the funding sources for the additional phases are not known.

Neither the State Attorney Office's original case F09-32784A nor the approved plea agreement is available to review at the time of this writing.

**Prepared by:** Pamela Y. Williams

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
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Legislative Notes

**Agenda Item:** 8(F)1(B)  
**File Number:** 102373  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** October 6, 2010  
**Districts:** 3 and 5  
**Type of Item:** Resolution

**Summary**

This resolution approves an Energy Performance Contract (EPC) with BGA, Inc.<sup>1</sup> in an amount not to exceed \$20,310,700 for the purpose of expanding the production capacity of two (2) existing County-owned chilled water plants in Downtown Miami and interconnecting the two plants' underground chilled water distribution loops; and approve a two (2) year service agreement, with one (1) additional one-year option period, with BGA, Inc. in an amount not to exceed \$1,585,000.

- The County Mayor or County Mayor's designee is also authorized to approve project financing terms; enter into leases or other financial arrangements with third parties; authorize escrow payments for completed project milestones; authorize payments for additional services, unscheduled maintenance and reimbursables as defined in the Service Agreement; exercise termination provisions; and determine substantial completion of projects.
- **County staff used the competitive selection process required by State Statute in order to select BGA, Inc., one of the energy services companies in the Board-approved vendor pool for the program (EPC Program, per Resolution 740-08). The EPC Program established a pre-qualified pool of private energy services companies or ESCOs from which the County is able to select firms to identify and implement recommendations for reducing the energy consumption of County facilities and equipment.**

*The two chiller plants are: the North District Ice Plant located at 1110 N.W. 1 Avenue and the Central Support Chiller Plant located at 200 N.W. 1 Street.*

**Fiscal Impact Information**

The guaranteed minimum savings per year (\$570,000) being applied to the \$16.068 million lease-purchase agreement for 15 years totals \$8.55M. The difference that the County will pay is \$7.518 million. The gap will be made up by factoring it into the future rent for the buildings.

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<sup>1</sup> BGA, Inc. is the contracting entity. Since May 2007, BGA, Inc. has been a wholly-owned subsidiary of Consolidated Edison Solutions, Inc.

## **Background and Relevant Information**

In 1994, the State Legislature enacted the Guaranteed Energy Savings Program, later amended to become the Guaranteed Energy Performance Savings Contracting Act. The program permits agencies, defined as “the state, a municipality, or a political subdivision,” to enter into a guaranteed energy performance savings contract, under specified circumstances.<sup>2</sup>

*Benefits:* The purpose of a guaranteed energy savings contract is to allow a properly-licensed contractor to create or install energy conservation measures that will reduce the energy or operating costs of an agency facility. The Act contains a number of contract requirements to ensure that the measures will result in a savings to the agency over time, and to ensure that the contractor is financially liable for any failure to achieve such savings. An “energy conservation measure” is a training program, facility alteration, or equipment purchase to be used in new construction, including an addition to an existing facility, which reduces energy or operating costs. Examples of such measures include insulation, storm windows and doors, automatic energy control systems, and cogeneration systems.<sup>3</sup>

Current law requires that, before the installation of conservation measures, agencies obtain from a qualified provider a report that summarizes the costs of the conservation measures and provides the amount of cost savings.<sup>4</sup>

**According to 489.145 (4)(d), F.S.: A guaranteed energy, water, and wastewater performance savings contractor must be selected in compliance with s. 287.055, F.S.; except that if fewer than three firms are qualified to perform the required services, the requirement for agency selection of three firms, as provided in s. 287.055(4)(b), and the bid requirements of s. 287.057, F.S. do not apply.<sup>5</sup>**

## **BGA, Inc. Contract**

This contract is considered a “Guaranteed energy, water, and wastewater performance savings contract” under Florida Statutes 489.145, which means a contract for the evaluation, recommendation, and implementation of energy, water, or wastewater efficiency or conservation measures. BGA, Inc. is a “Guaranteed energy, water, and wastewater performance savings contractor” under Florida Statutes, which means a person or business that is licensed under chapter 471, chapter 481, or Chapter 489 and is experienced in the analysis, design, implementation, or installation of energy, water, and wastewater efficiency and conservation measures through energy performance contracts.

## **Selection Process of BGA, Inc.**

*According to General Services Administration (GSA) staff, selection was made in accordance with the procedures outlined in the Manager’s Memo to the Board of County Commissioners (BCC) that established the Energy Performance Contracting Program (July 2008). Proposals were solicited from three (3) vendors in the County ESCOs vendor pool (same as the State pool and process), specifically the three (3) that had experience in this type of project: **BGA, FPL Services, and Trane**. Trane opted not to submit a proposal. The Selection Committee met and reviewed the proposals from FPL and BGA, and rated BGA’s proposal highest. The selection was made in accordance with 287.055, F.S., as required by 489.145, (4)(d), F.S., no waiver is required for BGA, Inc.*

- ***In their qualifications responses to the State and County, Trane had indicated experience in doing this kind of work and in operating thermal storage plants. GSA included them in the***

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<sup>2</sup> Ch. 94-112, L.O.F., codified at s. 489.145, F.S.

<sup>3</sup> Section 489.145(3)(b), F.S.

<sup>4</sup> 489.145, F.S.

<sup>5</sup> 287.055 F.S. Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.

***invitation to propose, but Trane elected not to participate, as they had recently submitted proposals on another performance contracting projects still in the pipeline.***

**Legislative History**

On July 1, 2008, the BCC, through Resolution **740-08**, created an Energy Performance Contracting Program (EPC) in accordance with Florida State Statute 489.145, Energy Efficiency Contracting, to replace the current Energy Conservation Performance Program, County Contract 168, which expired on June 2, 2008. *This Program allocates \$40 million over a five-year period.* Resolution **740-08** allows the County to select from the existing State of Florida pool of pre-qualified contractors. The State utilized an Invitation to Negotiate (ITN) process in order to create the pool of vendors pre-qualified to provide energy performance services.

- Since its inception in June of 1998, the Energy Conservation Performance Program (County Contract No. 168) provided approximately \$50 million in energy conservation improvements to County facilities, resulting in a reduction of approximately 73 million kilowatt hours of electricity and 71 million gallons of water. In addition to other contractual requirements, contractors under the Energy Conservation Performance Program are required to perform all services in accordance with Florida Statute 489.145 "Energy Efficiency Contracting."

| Grand Total of<br>EPC Program June 1998 through June 2008<br>(Per Resolution 740-08) |                |                      |                    |
|--|----------------|----------------------|--------------------|
| Project Costs  | Annual Savings | Simple Payback Years | Number of Projects |
| \$58,733,642   | \$7,432,062    | 7.9                  | 36                 |

*(See attached EPC Program Status Report June 1998-June 2008 for details)<sup>6</sup>*

**Recent Legislation**

- On October 6, 2010, the BCC, through Resolution 1147-09, approved an EPC contract to Florida Power & Light Services, LLC. totaling \$6,046,925. The scope of work included replacement of lighting fixtures at all portions of Terminals A, B, C, E, F, G and H, Concourses E, F, G and H and Satellite E of Miami International Airport. Approximately 18,552 fixtures will either be completely replaced or retrofitted through this contract. **The BCC waived compliance with 287.055, F.S.**
  - Members of the Government Operations Committee (GO) raised several issues pertaining to an EPC contract to FPL Services, LLC. for the replacement of lighting fixtures at Miami International Airport. Committee members requested information on the rationale behind the County spending substantial amounts of funds to save in maintenance and electrical usage; number of man hours associated with the project; changes in petroleum or kilowatt hours; and the complexity of the financing mechanism. *The item was deferred on July 14, 2009, and forwarded to the BCC from the GO Committee on September 8, 2009.*

<sup>6</sup> The report details all projects reviewed under Contract 168 (June 1998 –June 2008)



**GSA staff response:**

- County contract measures: *The contract was formally adapted from a State of Florida contract which **does not permit the application** of County participation measures such as Small Business Enterprise (SBE) participation or Local Preference. Notwithstanding the lack of a formal requirement for participation measures within these projects, GSA is working with the Department of Small Business Development and the selected ESCOs to encourage voluntary participation. In this particular case, BGA advised in their proposal and in subsequent discussions a full intent to seek out certified SBEs to bid on the various elements of the project.*
- Operations and maintenance of chillers and other improvements: *The O&M service agreement with BGA, Inc. is for a period of 24 months, and coincides with the construction and commissioning periods. The County retains an option to renew for an additional one (1) year term, if needed, but also is able to terminate at any time with 60 days prior notice. The project is exceedingly complex and this arrangement enables the County to place all liability for properly coordinating the build-out with normal operations, including as it relates to meeting the obligations of our chilled water service contracts with the NAP of the Americas<sup>7</sup> and American Airlines Arena.*

*The agreement also calls for staff training by BGA, Inc., under Schedule I, on how to operate and maintain the plants once BGA's services under the Operations and Maintenance Agreement.*

- Upfront capital by the County: *There is no requirement for the County to provide upfront capital. The project meets all statutory requirements for performance contracting without any of the rebates or upfront capital. The upfront capital is used in this instance because it reduces the term of the lease purchase agreement, and because the monies are available and previously authorized by the BCC for this express purpose.*
- Recommendations by the Climate Change Task Force (CCTF): *The CCTF has been briefed generally on performance contracting, and has endorsed the practice in their adopted recommendations. They are not consulted on individual projects.*
- Tracking/Monitoring by the Office of Sustainability: *The Energy Performance Contracting Program is administered by GSA, and therefore tracked and monitored through this department. Performance Contracting is a primary strategy recommendation of the Office of Sustainability (OOS), and results will be reported and/or be available to that office. Also, an OOS staff person was part of the Selection Committee that selected BGA.*
- Contractual obligations by BGA, Inc. to ensure savings or make-up the cost difference: *Should there be a shortfall after the prescribed annual reconciliation; BGA is responsible for any difference between the actual and guaranteed savings. Should there be excess savings, the County retains the benefit.*
- Anticipated man hours associated with expanding, interconnecting, and performing related improvements: *Approximately 50,000 effort hours of trade labor work.*
- Financing options by BGA, Inc.: *BGA initially contacted 3 separate third party finance companies while it was finalizing the audit report in order to get an idea of the high end for financing this type of project over the prescribed term, and used a 4.6% interest rate to plug into its audit*

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<sup>7</sup> Terremark's flagship facility, the NAP of the Americas, is one of the most significant telecommunications projects in the world. The Tier-IV facility was the first purpose-built, carrier-neutral Network Access Point and is the only facility of its kind specifically designed to link Latin America with the rest of the world.

report, as a cap, or high side. Once the EPC contract is approved, BGA, with participation from the County, will solicit firm fixed rates and terms from at least 3 finance companies based on the approved EPC contract and scope, and present those rates and terms to the County. The County will select which financing to utilize for the project and the paperwork would then be drafted and signed.

- *The rate has not yet been determined but a rate estimate was set at 4.6% in the audit report. The frequency of payments would be determined once the PC contract has been approved, with finance companies including different payment options, such as monthly, quarterly or annually, and the effects on the rate if any, with each option.*
- Jobs generated for the community: *Estimated to be between 30-40 trade jobs in the community.*
- Equipment ownership by the County: *The County will own the equipment once the finance company that finances the project has been paid in full. Until then, the County will be able to use the equipment, etc., with the finance company holding a security interest in the equipment until it is paid in full.*
- Measurement verification process by BGA, Inc. to determine savings guaranteed: *BGA measured existing chiller efficiencies, then engineered an energy use model calibrated to the County's actual utility bills. Once the project is approved, BGA will measure electricity for longer periods of time to refine the energy savings baseline.*
  - *BGA, Inc. is required to provide a measurement and verification report on an annual basis throughout the term of the lease/purchase agreement. That report will address the system performance parameters on which the study and guarantees were based. If the system components do not achieve the performance levels required in the contract, they are required to address and correct the substandard performance, implement any warranties that may be involved, etc.*
- Options for the County to back out if the financing or any other changes make the project not viable: *If the County is unable to negotiate an acceptable contract with a third party finance company, the County is not obligated to proceed with the project.*
- Current market conditions impact the interest rate costs and potential savings for this contract: *The project is contingent upon financing. Should market conditions negatively impact interest rates to the point that the transaction does not make sense for the County; the County retains the right not to proceed with the project.*
- Debt obligation for the county: *There will be an obligation, but not through a typical General or Special Revenue bond issuance. This means that there is no multi-year capital bond commitment, and the County's bonding capacity is not impacted by this transaction. The project is instead financed through a lease/purchase agreement (Agreement). That Agreement is contingent only upon annual budget appropriations, which would technically allow the County – in a period of extreme financial distress, for example – to terminate the Agreement. The Agreement is secured by the equipment, however, so the County would have to assess how to release the assets to the financier (so it is not a typical event).*
- Annual excess savings that may exceed total annual contract payments/obligations to BGA: *It is typical in an energy performance contract for the ESCO to estimate the level of savings, and then discount that amount by a percentage (usually 5 to 15%) in order to arrive at the amount of savings that the ESCO will guarantee. In our experience, those savings usually do materialize and*

*the County absorbs the benefit as “excess savings.” In this project, BGA is guaranteeing 95% of the projected savings, so the level of excess savings may not be great, percentage-wise.*

- In-house staff performs the work: *BGA is not only guaranteeing the success of the installation, but the validity of the study. In other words, if GSA assumed their role and contracted out the work through GSAs processes, GSA could hold that new contractor accountable for installing everything as required in the study, but if the study and related engineering design had flaws, GSA has no one “on the hook.” In the EPC, BGA is solely liable to make sure everything is installed correctly and that it operates as promised.*

*Finally, the EPC guarantee is based on specific makes and models of equipment; there is no room for the County procurement requirements for product substitutions, etc.*

- ENERGY STAR or Leeds certification: *The use of district cooling from the thermal storage plant is helping the County secure LEED Silver Certification for the new Children’s Courthouse.*

#### **Attachments**

- BGA’s Cost Estimate Work Sheet
- EPC Status Report June 1998 through June 2008
- ENERGY PERFORMANCE PROJECTS  
IN FLORIDA AS OF APRIL 2008
- Company Overview

**Prepared by:** Michael Amador-Gil and Charlie Queen

**COST ESTIMATE WORKSHEET**

|  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|
| <b>PROJECT NAME</b><br>BGA INC.<br>DISTRICT CHILLER PLANT FULL SCALE EXPANSION |  |  |  | <b>DATE:</b><br>26-Apr-2010            |  |  |  |
| <b>ADDRESS</b><br>MIAMI, FL.   |  |  |  | <b>ESTIMATE PREPARED BY:</b><br>PA, BG |  |  |  |
| <b>CUSTOMER CONTACT NAME/PHONE NUMBER</b><br>Michael Gibson/(813) 375-3382     |  |  |  | <b>ENGINEER</b><br>BGA, Inc.           |  |  |  |
|  |  |  |  | <b>BID DOCUMENTS</b><br>N/A            |  |  |  |

| DESCRIPTION                            | MATERIALS  |       |        |                     | LABOR/EQP. |       |       |                     | ITEM COST            |
|--|------------|-------|--------|---------------------|------------|-------|-------|---------------------|----------------------|
|  | COST       | UNIT  | QTY    | EXTENDED            | COST       | UNIT  | QTY   | EXTENDED            |                      |
| <b>North Plant</b>                     |            |       |        |                     |            |       |       |                     |                      |
| ECH Chiller (2500 Tons 56/36)          | \$ 841,811 | EA    | 1      | \$ 841,811          | \$ 100,000 | EA    | 1     | \$ 100,000          | \$ 941,811           |
| GCH Chiller (1590 Tons 32/25)          | \$ 707,144 | EA    | 1      | \$ 707,144          | \$ 85,000  | EA    | 1     | \$ 85,000           | \$ 792,144           |
| Tower Cells-2K Tons/Cell               | \$ 320,000 | EA    | 2      | \$ 640,000          | \$ 56      | Ton   | 4000  | \$ 225,340          | \$ 865,340           |
| CHWP Pump 100 HP                       | \$ 25,000  | EA    | 1      | \$ 25,000           | \$ 420     | HP    | 100   | \$ 42,000           | \$ 67,000            |
| CWP Pump 250 HP                        | \$ 45,000  | EA    | 4      | \$ 180,000          | \$ 350     | HP    | 1000  | \$ 350,000          | \$ 530,000           |
| DCHWP Pump 350 HP                      | \$ 55,000  | EA    | 1      | \$ 55,000           | \$ 360     | HP    | 350   | \$ 126,000          | \$ 181,000           |
| ISTP Pump 200 HP                       | \$ 30,000  | EA    | 2      | \$ 60,000           | \$ 360     | HP    | 400   | \$ 144,000          | \$ 204,000           |
| BAC Ice Banks                          | \$ 977,000 | Vault | 1      | \$ 977,000          | \$ 500,000 | Vault | 1     | \$ 500,000          | \$ 1,477,000         |
| Plate & Frame HX - 2575 GPM            | \$ 192,220 | EA    | 2      | \$ 384,440          | \$ 35      | GPM   | 7812  | \$ 270,382          | \$ 654,822           |
| Plant Piping                           | \$ 450,000 | LOT   | 1      | \$ 450,000          | \$ 270,000 | LOT   | 1     | \$ 270,000          | \$ 720,000           |
| Domestic Booster Pump                  | \$ 75,000  | EA    | 1      | \$ 75,000           | \$ 10,000  | EA    | 1     | \$ 10,000           | \$ 85,000            |
| 16" Concrete Equipment Pad             | \$ 2       | SF    | 430    | \$ 860              | \$ 10      | SF    | 430   | \$ 4,300            | \$ 5,160             |
| Tower Structural Steel (See Sch.)      | \$ 125,000 | EA    | 2      | \$ 250,000          | \$ 100,000 | EA    | 2     | \$ 200,000          | \$ 450,000           |
| Roofing                                |            |       |        |                     | \$ 72,000  | LOT   | 1     | \$ 72,000           | \$ 72,000            |
| Initial Glycol Charge (Propylene)      | \$ 8.50    | GAL   | 13,760 | \$ 116,960          | \$ 1       | GAL   | 13760 | \$ 13,760           | \$ 130,720           |
| Siemens Controls Expansion             | \$ 1       | LS    | 40000  | \$ 40,000           | \$ 51,440  | LOT   | 1     | \$ 51,440           | \$ 91,440            |
| Taxi Stand - Road Work                 | \$ 1       | LS    | 50000  | \$ 50,000           | \$ 50,000  | LS    | 1     | \$ 50,000           | \$ 100,000           |
| crane                                  | \$ 3,500   | LS    | 2      | \$ 7,000            | \$ 850     | EA    | 2     | \$ 1,700            | \$ 8,700             |
| T&B                                    | \$ -       | EA    | 1      | \$ -                | \$ 15,000  | EA    | 1     | \$ 15,000           | \$ 15,000            |
| New switchgear G                       | \$ 53,150  | EA    | 1      | \$ 53,150           | \$ 7,200   | EA    | 1     | \$ 7,200            | \$ 60,350            |
| 4160 Volt Cable in Tray                | \$ 83      | LF    | 400    | \$ 33,000           | \$ 25      | LF    | 400   | \$ 10,000           | \$ 43,000            |
| CHP Pump RVSS                          | \$ 35,110  | EA    | 2      | \$ 70,220           | \$ 5,150   | EA    | 2     | \$ 10,300           | \$ 80,520            |
| CWP Pump Motor & VFD                   | \$ 70,200  | EA    | 4      | \$ 280,800          | \$ 7,100   | EA    | 4     | \$ 28,400           | \$ 309,200           |
| CT Fan VFD/Disconnect                  | \$ 26,500  | EA    | 2      | \$ 53,000           | \$ 5,600   | EA    | 2     | \$ 11,200           | \$ 64,200            |
| Glycol Pump RVSS                       | \$ 70,200  | EA    | 1      | \$ 70,200           | \$ 7,100   | EA    | 1     | \$ 7,100            | \$ 77,300            |
| CT-1/2 motor and VFD                   | \$ 30,200  | EA    | 2      | \$ 60,400           | \$ 7,100   | EA    | 2     | \$ 14,200           | \$ 74,600            |
| DCHW Pump VFD                          | \$ 98,300  | EA    | 1      | \$ 98,300           | \$ 10,100  | EA    | 1     | \$ 10,100           | \$ 108,400           |
| Pump Power Wire in conduit             | \$ 43      | LF    | 4000   | \$ 172,000          | \$ 16      | LF    | 4000  | \$ 64,000           | \$ 236,000           |
| CHP Pump Power wire in conduit         | \$ 22      | LF    | 280    | \$ 6,160            | \$ 11      | LF    | 280   | \$ 3,080            | \$ 9,240             |
| Tower Fan Wire/Conduit                 | \$ 55      | LF    | 250    | \$ 13,750           | \$ 25      | LF    | 250   | \$ 6,250            | \$ 20,000            |
| Aeration Blowers Starter/Wire/Condu    | \$ 1,665   | EA    | 2      | \$ 3,330            | \$ 1,062   | EA    | 2     | \$ 2,164            | \$ 5,494             |
| Exist Swbd breakers                    | \$ 8,800   | EA    | 8      | \$ 70,400           | \$ 771     | EA    | 8     | \$ 6,164            | \$ 76,564            |
| Chiller Oil Pump Breakers              | \$ 1,385   | EA    | 2      | \$ 2,770            | \$ 242     | EA    | 2     | \$ 483              | \$ 3,253             |
| Chiller Oil Pump Wire/Conduit          | \$ 28      | LF    | 120    | \$ 3,300            | \$ 15      | EA    | 120   | \$ 1,800            | \$ 5,100             |
| Lightning Protection - 16 Air Stations | \$ 4,000   | LOT   | 1      | \$ 4,000            | \$ 2,000   | LOT   | 1     | \$ 2,000            | \$ 6,000             |
| Upgrade 4160V Swgr with CL fuses       | \$ 1,900   | EA    | 3      | \$ 5,700            | \$ 190     | EA    | 3     | \$ 570              | \$ 6,270             |
| Upgrade Swbd to 100 KAIC               | \$ 65,000  | EA    | 1      | \$ 65,000           | \$ 33,000  | EA    | 1     | \$ 33,000           | \$ 98,000            |
| <b>CSF Plant</b>                       |            |       |        |                     |            |       |       |                     |                      |
| Chiller Demolition                     | \$ -       | LS    | 1      | \$ -                | \$ 7,500   | EA    | 2     | \$ 15,000           | \$ 15,000            |
| 1500 Ton Centrifugal Chiller           | \$ 550,000 | EA    | 2      | \$ 1,100,000        | \$ 60,000  | EA    | 2     | \$ 120,000          | \$ 1,220,000         |
| Misc. pipe, fittings, etc.             | \$ 7,500   | LS    | 2      | \$ 15,000           | \$ 3,500   | LS    | 2     | \$ 7,000            | \$ 22,000            |
| Bypass pipe fittings, etc.             | \$ 75,000  | LS    | 1      | \$ 75,000           | \$ 5,000   | LS    | 1     | \$ 5,000            | \$ 80,000            |
| crane                                  | \$ 3,500   | LS    | 2      | \$ 7,000            | \$ 850     | EA    | 2     | \$ 1,700            | \$ 8,700             |
| Refrigerant monitor & alarms           | \$ 7,500   | EA    | 1      | \$ 7,500            | \$ 1,500   | EA    | 1     | \$ 1,500            | \$ 9,000             |
| Exhaust system allowance               | \$ 5,000   | LS    | 1      | \$ 5,000            | \$ 5,000   | LS    | 1     | \$ 5,000            | \$ 10,000            |
| 75 HP tower fan motors                 | \$ 5,500   | EA    | 2      | \$ 11,000           | \$ 1,200   | EA    | 2     | \$ 2,400            | \$ 13,400            |
| 75 HP tower fan VFDs                   | \$ 9,500   | EA    | 2      | \$ 19,000           | \$ 2,500   | EA    | 2     | \$ 5,000            | \$ 24,000            |
| Controls                               | \$ 12,500  | EA    | 1      | \$ 12,500           | \$ 12,500  | EA    | 1     | \$ 12,500           | \$ 25,000            |
| Electrical                             | \$ 75,000  | EA    | 1      | \$ 75,000           | \$ 50,000  | EA    | 1     | \$ 50,000           | \$ 125,000           |
| T&B                                    | \$ -       | EA    | 1      | \$ -                | \$ 5,500   | EA    | 1     | \$ 5,500            | \$ 5,500             |
| <b>Connection / Miscellaneous</b>      |            |       |        |                     |            |       |       |                     |                      |
| 24"CHW Distribution Pipe               | \$ 1,000   | LF    | 1000   | \$ 1,000,000        | \$ 1,250   | LOT   | 1000  | \$ 1,250,000        | \$ 2,250,000         |
| Controls - plant interfacing           | \$ 125,000 | EA    | 1      | \$ 125,000          | \$ 125,000 | EA    | 1     | \$ 125,000          | \$ 250,000           |
| Building Delta Tecontrols              | \$ 300,000 | EA    | 1      | \$ 300,000          | \$ 300,000 | EA    | 1     | \$ 300,000          | \$ 600,000           |
| Plant Modernization                    | \$ 100,000 | EA    | 1      | \$ 100,000          | \$ 100,000 | EA    | 1     | \$ 100,000          | \$ 200,000           |
| CSF Rental Chiller                     |            |       |        |                     | \$ 436,000 | EA    | 1     | \$ 436,000          | \$ 436,000           |
| <b>SUBTOTALS</b>                       |            |       |        | <b>\$ 8,777,695</b> |            |       |       | <b>\$ 5,190,533</b> | <b>\$ 13,968,228</b> |

Materials Index 100.0%  
Labor Index 100.0%  
Job Conditions Index 100.0%

**\$ 8,777,695**

**\$ 5,190,533**

State Sales Tax% 6.06  
Local Sales Tax% 0.5%  
Sales Tax (FL) \$ 526,687  
Subtotal \$ 9,304,382

Contractor Labor & Material Cost \$ 14,494,915 ECM-1  
Permit Fees @ 3% \$ 434,847  
Contractor Subtotal \$ 14,929,762  
Contingency 3.0% \$ 447,893  
Guarantee 1.0% \$ 149,298  
Prime Contractor Allowance 15.0% \$ 2,634,664  
Contractor Total \$ 18,161,617

Professional Fees  
Engineering Design/CPS 2.5% \$ 454,040  
CM 2.5% \$ 454,040  
Commissioning 1.0% \$ 181,616  
General Conditions, Bonds, Insurance 2.0% \$ 363,232  
Professional Fees Subtotal \$ 1,452,929

**Rebate Potential**

Rebate Per Ton/Shifted \$ 484  
Tons Shifted 3,600  
Estimated Rebate \$ 1,742,400

**GROSS COST \$ 19,614,546 ECM-1**

**NET COST \$ 17,872,146**

**Energy Performance Contracting Program Status Report**  
**County Contract No. 168**  
**(June 1998-June 2008)**

| Dept.      | Facility                  | Project Cost  | Financed Cost | Annual Payments | Date of Last Payment | Annual Savings | Payback Years | Private Energy Vendor | Comments                        |
|------------|---------------------------|---------------|---------------|-----------------|----------------------|----------------|---------------|-----------------------|---------------------------------|
| MDCR       | Women's Detention Center  | \$502,141     | \$696,025     | \$69,602        | Nov 2010             | \$71,096       | 7.1           | FPL                   | Completed in Dec 2009           |
| GSA        | Multiple GSA Facilities   | \$1.2 million | \$1.4 million | \$155,140       | Jan 2011             | \$162,800      | 7.1           | FPL                   | Completed in March 2001         |
| GSA        | Multiple GSA Facilities   | \$2 million   | \$2.3 million | \$255,284       | Jan 2011             | \$286,368      | 6.6           | FPL                   | Completed in September 2001     |
| MDCR       | Multiple CRD Facilities   | \$4.5 million | \$6 million   | \$831,118       | Feb 2012             | \$730,216      | 6.2           | FPL                   | Completed Dec 2002              |
| GSA        | Multiple GSA Facilities   | \$832,042     | \$1.2 million | \$145,429       | Apr 2012             | \$149,465      | 5.6           | FPL                   | Completed in Feb 2004           |
| MDCR & GSA | Justice Center Facilities | \$3.2 million | \$3.3 million | \$223,069       | Dec 2019             | \$224,807      | 14.0          | FPL                   | Completed in March 2007         |
| MDAD       | MIA                       | \$3.3 million | \$4 million   | \$403,302       | Feb 2015             | \$497,341      | 6.6           | FPL                   | Completed in Jan 2006           |
| MDAD       | MIA                       | \$5.4 million | \$7 million   | \$700,000       | Sept 2016            | \$747,616      | 7.4           | FPL                   | Completed Nov 2006              |
| GSA        | Downtown GSA Bldg.        | \$4 million   | \$3 million   | \$265,018       | Mar 2018             | \$387,100      | 10.5          | FPL                   | Completed Jan 2008 <sup>1</sup> |
| GSA        | Public Defender Bldg      | \$155,830     | \$206,967     | \$20,697        | Feb 2010             | \$34,570       | 4.5           | SIE                   | Completed Mar 2000              |
| WASD       | Multiple WASD Plants      | \$1.4 million | NOT FINANCED  |                 |                      | \$204,390      | 7.2           | SIE                   | Completed July 2004             |
| MDFR       | Headquarters              | \$1.3 million | \$2.2 million | \$147,390       | Jun 2018             | \$166,696      | 7.8           | SIE                   | Completed Mar 2004              |
| MDFR       | Multiple Fire Stations    | \$773,421     | \$977,914     | \$93,880        | Jun 2014             | \$106,195      | 7.3           | SIE                   | Completed Nov 2005              |

<sup>1</sup> The project was not entirely financed; the county made cash contribution to reduce the financed amount.

| Dept.     | Facility                        | Project Cost  | Financed Cost | Annual Payments | Date of Last Payment | Annual Savings | Payback Years | Private Energy Vendor | Comments   |
|-----------|---------------------------------|---------------|---------------|-----------------|----------------------|----------------|---------------|-----------------------|--|
| WASD      | South District Wastewater Plant | \$805,200     | NOT FINANCED  |                 |                      | \$176,733      | 4.6           | SIE                   | Completed Dec 2007   |
| GSA       | Multiple GSA Facilities         | \$833,355     | \$876,606     | \$87,581        | Jun 2015             | \$117,952      | 7.1           | SIE                   | Completed Mar 2006   |
| GSA       | Metro Annex Bldg                | \$181,077     | NOT FINANCED  |                 |                      | \$22,989       | 7.9           | CHE                   | Completed Mar 2004   |
| MDPD      | Headquarters                    | \$1.9 million | \$1.6 million | \$167,044       | Sep 2012             | \$163,570      | 11.4          | CHE                   | Completed Jun 2004 <sup>2</sup>  |
| Libraries | Multiple Libraries              | \$1.3 million | \$2 million   | \$147,362       | Mar 2016             | \$151,309      | 8.6           | CHE                   | Completed Jan 2005   |
| MDCR      | Turner Gifford Knight Center    | \$2.4 million | Not Financed  |                 |                      | \$239,970      | 10.1          | CHE                   | Completed Oct 2006   |
| PWD       | Multiple PWD Facilities         | \$149,043     | N/A           |                 |                      | \$20,005       | 7.5           | CHE                   | Project will later be considered for bundling with other more viable projects. |
| Seaport   | Port of Miami                   | \$273,457     | N/A           |                 |                      | \$42,448       | 6.4           | CHE                   | Dept. conducted energy conservation projects rather than this project.         |
| Seaport   | Port of Miami                   | \$745,731     | N/A           |                 |                      | \$119,507      | 6.2           | HW                    | Dept. conducted energy conservation projects rather than this project.         |
| Seaport   | Port of Miami                   | \$824,657     | N/A           |                 |                      | \$174,293      | 4.7           | SIE                   | Dept. conducted energy conservation projects rather than this project.         |
| MDPR      | Multiple Park Facilities        | N/A           |               |                 |                      |                |               | Mult                  | An audit indicated that the department had little opportunities for            |

<sup>2</sup> The project was not entirely financed; the county made cash contribution to reduce the financed amount.

| Dept.          | Facility                        | Project Cost | Financed Cost | Annual Payments | Date of Last Payment | Annual Savings | Payback Years | Private Energy Vendor | Comments  |
|----------------|---------------------------------|--------------|---------------|-----------------|----------------------|----------------|---------------|-----------------------|---|
|                |                                 |              |               |                 |                      |                |               |                       | savings at their major facilities.  |
| SWD            | Multiple SWD Facilities         |              |               | N/A             |                      |                |               | SIE                   | An audit indicated that the department had little opportunities for savings under the structure of the contract and available technology. |
| GSA            | Multiple GSA Facilities         | \$254,551    |               | N/A             |                      | \$18,851       | 8.2           | CHE                   | Project will later be considered for bundling with other more viable projects.  |
| GSA            | Multiple GSA Facilities         | \$306,154    |               | N/A             |                      | \$29,094       | 10.6          | SIE                   | Project will later be considered for bundling with other more viable projects.  |
| WASD           | South District Wastewater Plant | \$826,081    |               | Not Financed    |                      | \$173,514      | 4.8           | SIE                   | Pending final action by County.   |
| Human Services | Multiple DHS Facilities         | \$1 million  |               | Not Financed    |                      | N/A            | N/A           | SIE                   | Prohibited by federal funding.  |
| MDHA           | Multiple MDHA Facilities        |              |               | N/A             |                      |                |               | Mult                  | Prohibited by federal funding.  |
| Transit        | Multiple MDT Facilities         | \$901,570    |               | N/A             |                      | \$118,256      | 7.6           | CHE                   | Prohibited by federal funding   |
| MDAD           | MIA                             | \$11 million | \$15 million  | \$1.2 million   | Nov 2020             | \$13 million   | 8.7           | FPL                   | Scheduled for completion Nov 2009.  |
| WASD           | Central District Wastewater     | \$1 million  |               | N/A             |                      | \$167,282      | 6.0           | SIE                   | Scheduled for completion Jun 2009.  |

| Dept. | Facility                | Project Cost | Financed Cost | Annual Payments | Date of Last Payment | Annual Savings | Payback Years | Private Energy Vendor | Comments                                      |
|-------|-------------------------|--------------|---------------|-----------------|----------------------|----------------|---------------|-----------------------|---|
|       | Treatment Plant         |              |               |                 |                      |                |               |                       |   |
| MDAD  | MIA                     | \$3 million  | N/A           | \$220,708       | N/A                  | \$302,286      | 9.2           | SIE                   | Scheduled for completion Nov 2009.            |
| GSA   | Multiple GSA Facilities | \$2 million  | \$2.2 million | \$222,606       | Aug 2018             | \$229,092      | 8.6           | SIE                   | Scheduled for completion Nov 2009.            |
| MDPD  | Multiple MDPD Stations  | \$1 million  | N/A           | \$125,640       | N/A                  | \$127,931      | 7.9           | CHE                   | Project authorized and commenced in Jan 2008. |

Source: Resolution 740-08



**ENERGY PERFORMANCE PROJECTS  
IN FLORIDA AS OF APRIL 2008  
(IMPLEMENTED UNDER SECTIONS 489.145 and 1013.23, FLORIDA STATUTES)**

| PUBLIC ENTITY   | YEAR<br>CONSTRUCTION<br>COMPLETED | PROJECT<br>COST | SAVINGS<br>GUARANTEE<br>(ANNUAL)           | ACTUAL<br>SAVINGS<br>(ANNUAL)              |
|---|-----------------------------------|-----------------|--|--|
| <b>STATE AGENCIES</b>   |                                   |                 |  |  |
| Florida Department of Corrections (Phase I)                       | 1998                              | \$8,277,930     | Year 1: \$1,170,313                        | Year 1: \$1,327,616                        |
| Florida Department of Corrections (Phase II)                      | 2000                              | \$3,641,000     | Year 2: \$1,477,687<br>Year 3: \$1,580,798 | Year 2: \$1,529,279<br>Year 3: \$1,743.115 |
| Florida Department of Children and Families<br>(Roberts Building) | 2006                              | \$368,000       | \$33,214                                   |  |
| <b>LOCAL GOVERNMENTS (CITIES AND COUNTIES)</b>                    |                                   |                 |  |  |
| City of Hialeah (Phase I)   | 2000                              | \$492,199       | Year 1: \$52,750                           | Year 1: \$79,802                           |
| City of Hialeah (Phase II)  | 2001                              | \$256,875       | Year 2: \$70,135                           | Year 2: \$100,673                          |
| Hernando County Government  | 1997                              | \$1,414,258     |  |  |
| Hillsborough County Government                                    | 2005                              | \$13,455,547    | \$566,464                                  |  |
| Miami-Dade County (Phase I)                                       | 2002                              | \$228,515       | \$22,988                                   | 1 <sup>st</sup> year performance           |
| Miami-Dade County (Phase II)                                      | 2002                              | \$1,369,447     | \$162,086                                  | 1 <sup>st</sup> year performance           |
| Polk County Government  | 1999                              | \$6,265,387     |  |  |

| <b>PUBLIC ENTITY</b>  | <b>YEAR CONSTRUCTION COMPLETED</b> | <b>PROJECT COST</b> | <b>SAVINGS GUARANTEE (ANNUAL)</b> | <b>ACTUAL SAVINGS (ANNUAL)</b>                                      |
|---|------------------------------------|---------------------|-----------------------------------|---|
| Port Everglades   | 2007                               | \$4,436,520         | \$3,547,780 (10 years)            |   |
| St. Lucie County  | 2002                               | \$4,089,022         | \$424,126                         | 1 <sup>st</sup> year performance                                    |
| Tropicana Field (city)  | 1997                               | \$5,612,122         |                                   |   |
| Winter Haven, City of   | 2002                               | \$1,645,712         | \$170,589                         | 1 <sup>st</sup> year performance                                    |
| <b>UNIVERSITIES, COMMUNITY COLLEGES AND PUBLIC SCHOOLS K-12</b> |                                    |                     |                                   |   |
| Broward County Schools (Phase I)                                | 2002                               | \$1,883,915         | \$269,155                         | 1 <sup>st</sup> year performance                                    |
| Broward county Schools (Phase II)                               | In development                     | 10 additional sites |                                   |   |
| Central Florida Community College                               | TBD (in development)               | TBD                 | TBD                               | TBD   |
| Charlotte County Public Schools                                 | 1999                               | \$6,000,000         | \$212,705                         | Year 1: \$314,944<br>Year 2: 271,848<br>(future savings stipulated) |
| Escambia County Schools (Phase I)                               | 2000                               | \$3,002,927         | \$309,704                         | \$322,211   |
| Escambia County Schools (Phase II)                              | 2001                               | \$5,716,539         | \$396,967                         | 1 <sup>st</sup> year performance                                    |
| Escambia County Schools (Phase III)                             | 2001                               | \$2,240,685         | \$194,276                         | 1 <sup>st</sup> year performance                                    |
| Escambia County Schools (Phase IV)                              | 2002                               | \$770,125           | \$109,190                         | 1 <sup>st</sup> year performance                                    |

| <b>PUBLIC ENTITY</b>                                     | <b>YEAR CONSTRUCTION COMPLETED</b> | <b>PROJECT COST</b>         | <b>SAVINGS GUARANTEE (ANNUAL)</b> | <b>ACTUAL SAVINGS (ANNUAL)</b>   |
|--|------------------------------------|-----------------------------|-----------------------------------|--|
| Florida State University                                 | 1997<br>2005                       | \$7,900,000<br>\$8,000,000  | \$17,800,000 (total)              |  |
| Franklin County Schools                                  | 1999                               | \$1,519,572                 | \$64,848                          | Year 1: \$71,587<br>Year 2: \$65,079<br>Year 3: \$70,430   |
| Hernando County Schools                                  | 1999                               | \$17,421,873                |                                   |  |
| Hillsborough County Schools                              | 2000                               | \$2,005,263                 | \$188,569                         | \$208,400 (future savings stipulated)  |
| Hillsborough Community College                           | 2000                               | \$3,719,277                 | \$178,061                         | Year 1: \$194,550<br>Year 2: \$185,534   |
| Manatee Community College                                | 2001<br>2006                       | \$1,939,053/<br>\$2,000,000 | \$160,765<br>\$190,000            |  |
| Pensacola Junior College                                 | 2007                               | \$6,310,295                 | \$617,963                         |  |
| <b>FEDERAL AGENCIES*</b>                                 |                                    |                             |                                   |  |
| Shades of Green (U.S. Government)<br>Phase I<br>Phase II | 1997<br>1999                       | \$2,466,498<br>\$2,107,252  | \$381,022 (both phases)           | \$414,696 (annual average)<br><br>Year 5: Total savings: \$2,073,480 (\$168,370 above guarantee) |

| PUBLIC ENTITY                    | YEAR<br>CONSTRUCTION<br>COMPLETED | PROJECT<br>COST | SAVINGS<br>GUARANTEE<br>(ANNUAL) | ACTUAL<br>SAVINGS<br>(ANNUAL) |
|----------------------------------|-----------------------------------|-----------------|----------------------------------|-------------------------------|
| Cape Canaveral Air Force Station | 2001                              | \$11,900,000    | \$1,100,000                      | \$1,100,000                   |
| Key West Naval Air Station       | 2003                              | \$2,492,669     | \$407,275                        | \$407,275                     |

*\*Federal energy performance projects **not** required to adhere to the procedures provided in ss. 489.145 and 1013.23, Florida Statutes.*

## ConEdison *Solutions*, a national Energy Services leader

Making the right energy decisions is more critical today than ever.

Markets, supply conditions, and technology are changing every day. ConEdison *Solutions* works with customers to develop strategies and solutions that maximize the value of energy – and minimize cost.

Customers – both regionally and nationally – have saved millions of dollars by tapping our energy expertise.

Let us help *you* make the right energy decisions.

### Energy Supply Pricing Plans that put you in control of energy costs

We offer electricity-buying options to help you control budgets, manage risk, and use your resources cost-effectively. How do we do it? We match our energy market expertise with purchasing strategies that allow us to offer our customers competitive prices and unique pricing plans.

Pricing plans include fixed or variable pricing, custom-blended pricing, plus environmentally-friendly renewable energy options. We also offer electricity buying options for residential customers.

### Sustainable Energy & Services that are good for you *and* the environment

ConEdison *Solutions* will develop a sustainability plan that can reduce your carbon footprint, reduce your energy consumption, and enhance the performance of your energy-consuming equipment. Options include:

- Installation of energy-efficient equipment that reduces your energy consumption and costs while also reducing greenhouse gas emissions;
- Evaluation and implementation of on-site green energy generation such as photovoltaics, windmills, and biomass applications;
- Assessment of your facilities for the nationally recognized Leadership in Energy and Environmental Design (LEED) certification;
- Purchase of renewable energy such as wind, hydro, or solar power, and/or Renewable Energy Credits (RECs) for all, or a portion, of your energy needs.

### Providing integrated energy solutions that include

- Energy Supply Pricing Plans
- Sustainable Energy & Services
- Energy Performance Contracting

**for commercial, industrial,  
government, and education markets**

### States of Operation

- **C&I Electric Commodity:**  
CT, DC, DE, IL, MA, MD,  
NY, NH, NJ, PA, TX, ME
- **Residential Electric Commodity:**  
NY, MA, CT, PA
- In regions where energy is not directly supplied by CES, CES will assist in developing and evaluating RFPs to purchase energy
- **Energy Services:**  
Nationwide

### Key Indicators

- **Non-Residential Peak Load:**  
Over 3,500 MW
- **Non-Residential Volume:**  
Over 14 million MWh
- **Revenue:**  
Over \$1.5 billion
- **Green/Wind Power Customers:**  
Over 20,000



### Energy Performance Contracting

upgrade facilities, reduce consumption, and lower energy bills – *with no impact to capital or energy budgets.*

In an Energy Performance Contracting (EPC) project, you'll be replacing old, inefficient, high-maintenance equipment with new state-of-the-art energy-efficient equipment – with no capital outlay or budgetary risk.

ConEdison *Solutions* first performs an assessment to determine the potential energy savings that can be achieved. We evaluate the application of new energy-efficient equipment such as heating, cooling, ventilation, controls, lighting, and motors. We will also look at the building envelope, including windows and roofs, and, where possible, water savings opportunities.

Our assessment can include recommendations for the use of renewable energy sources such as photovoltaics and geothermal. We can also assess the environmental impact of each measure and develop a strategy for your facility to be Leadership in Energy and Environmental Design (LEED) certified.

Finally, with an EPC project, your savings are guaranteed or we pay you the difference.

### Our Heritage *and* Experience

ConEdison *Solutions* is a leading energy services company that provides competitive power supply, renewable energy, sustainability services, and cost-effective energy solutions for commercial, industrial, residential, government, public school districts, and higher education customers.

The firm's dedicated team of energy professionals delivers a broad range of commodity, consulting, demand-side management, and performance contracting services. ConEdison *Solutions* offers programs and services designed to help customers achieve their individual energy objectives, including budgeting, national policy, energy efficiency, and security objectives. ConEdison *Solutions* is accredited as an Energy Services Provider (ESP) by the National Association of Energy Service Companies (NAESCO).

ConEdison *Solutions* is a subsidiary of Consolidated Edison, Inc. (ED), and part of a family of companies that is one of America's largest and longest-operating investor-owned energy companies. Con Edison, Inc.'s assets are valued at over \$33 billion.

### Company Highlights

**1997** Company founded

**2003** Entered first LDC outside New York

Purchased XENERGY's energy efficiency/performance contracting unit

**2007** Celebrated 10<sup>th</sup> Anniversary

Acquired BGA, Inc., an energy service and engineering company based in Tampa, FL

**2008** Acquired Custom Energy Services, LLC, an energy services company based in Overland Park, Kansas

### President and CEO

Jorge J. Lopez

### Corporate Headquarters

100 Summit Lake Drive  
Valhalla, NY 10595

**Phone** 1-888-210-8899

**Fax** 1-914-448-0057

### Locations

Valhalla, New York  
(Headquarters)

- Burlington, Massachusetts
- Cherry Hill, New Jersey
- Durham, North Carolina
- Falls Church, Virginia
- Houston, Texas
- Overland Park, Kansas
- Tampa, Florida

### Parent Company

Consolidated Edison, Inc. (NYSE: ED)

### Generation Owner

ConEdison Development

### Wholesale Trader

ConEdison Energy

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



FISCAL IMPACT ANALYSIS (PAGE 1 OF 2)

Agenda Item: 8F1B

File Number: 102373

Type of Item: Resolution authorizing award and execution of an energy performance contract

Committee(s)

of Reference: Government Operations Committee

Date of Analysis: 10/07/2010

Funding Request: \$21,310,700

|   |  |
|---|--|
| <p>Operating <input checked="" type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input checked="" type="checkbox"/></p> <p>Capital Asset Acquisition Bond, FPL Rebates,<br/>and Lease-Purchase Agreement</p> | <p>Capital <input type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p> |
|---|--|

County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

- This contract will join the Central Support Facility (CSF) and North District Ice Plant chilled water plants (purchased in 2006) into a larger two-plant system capable of cooling the three new County buildings coming on line (South Tower at Overtown Transit, the West Lot Garage and Office Building and the Children's Courthouse).

|  |                         |
|--|-------------------------|
| • <u>FISCAL IMPACT/FUNDING SOURCE:</u>                     |                         |
| Total Cost of Project                                      | Amount:<br>\$20,310,700 |
| • FPL Thermal Energy Storage Rebate Program, prior project | (930,000)               |
| • FPL Thermal Energy Storage Rebate Program                | <u>(1,742,400)</u>      |
| Net Project Cost to Miami-Dade County                      | \$17,638,300            |

Funding mechanism for the net project cost

|  |                   |
|--|-------------------|
| • Capital Asset Acquisition Bond 2007 Proceeds | \$1,600,000       |
| • Tax-Exempt Lease-Purchase Agreement          | <u>16,038,300</u> |
|  | \$17,638,300      |

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

FISCAL IMPACT ANALYSIS (PAGE 2 OF 2)

**ISSUES/COMMENTS**      None

The guaranteed minimum savings per year (\$570,000) being applied to the \$16,038,300 lease-purchase agreement for 15 years totals \$8,550,000. The difference that the County will pay is \$7,488,300. The gap will be made up by factoring it into the future rent for the buildings.

**Prepared by:** Charles Queen



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



Legislative Notes

**Agenda Item:** 8(N)1(A)  
**File Number:** 101265  
**Committee(s)  
of Reference:** Board of County Commissioners  
**Date of Analysis:** November 1, 2010  
**Type of Item:** Resolution Approving Charrette Area Plan Report

**Summary**

This resolution approves the Richmond Heights Charrette Area Plan Report which was prepared by the Community Planning Section of the Department of Planning and Zoning.

**Background and Relevant Legislation**

This report was prepared pursuant to Resolution R-65-08 which was adopted by the Board of County Commissioners on January 10, 2008. The implementing resolution directed the County Mayor to organize a charrette for the Richmond Heights Downtown Core area and prepare a charrette report for the area.

The charrette process merges community planning and public involvement. A charrette is a community planning tool which brings community stakeholders, residents, professional designers, architects and planners together for a series of community meetings. The meetings include presentations on the state of the community, community visioning sessions, and area design workshops. The intended outcome of this hands-on collaborative process is a charrette report which documents the citizens' plans for their community, a coherent vision for the area, recommendations for future development and land use, and a guide to implement the recommendations.

- *Note: 14 public meetings were held in Richmond Heights to prepare this charrette report.*

**History of Richmond Heights**

Richmond Heights is a historically Black neighborhood located in unincorporated south Miami-Dade County.

This planned community was established in 1949 to provide affordable housing for Black veterans of World War II. The area was developed by **Frank Crawford Martin**, a white pilot for Pan American Airlines, who had once served with Blacks in WW II. According to local historical organizations, the Richmond Heights development quickly became a standard bearer for quality community planning and the project challenged other area developers to provide well-built homes for minorities without

skimping on land, materials, and labor. For African-Americans, living in the neighborhood was considered to be a status symbol.

The development included land for parks, two churches (Bethel Baptist and Martin Memorial A.M.E), an elementary school, which today bears Frank C. Martin's name, and a water tower. Of the original 3,000 acres Martin purchased for Richmond Heights in 1949, the Federal Government took 800 acres to build the **Richmond Heights Blimp Base**, which today is the site of **Zoo Miami**.

Today, Richmond Heights is a **census-designated place** (CDP) with a population of 8,432, according to the 2000 census.

### **Report Recommendations**

The final report contains several recommendations regarding the future development of the Richmond Heights "downtown core" area. Among the many recommendations:

- The addition of community gateway signs located strategically on the boundaries of the neighborhood.
- The construction of a pedestrian plaza and fountain at the north corner of Bethune Drive and Jefferson Street on vacant public right-of-way.
- The construction of traffic-calming devices such as roundabouts or traffic circles in various areas of the "downtown core."
- The installation of additional landscaping (such as shade trees) along public right-of-way to improve community aesthetics and neighborhood pedestrian traffic.
- The construction of bike lanes, medians, curbs and gutters in various parts of the "downtown core."
- The requirement that future development in the area follow "green design" standards which would apply to site and building design, material use, construction techniques, and energy and water conservation, among other things.

### **Implementation**

While this report details numerous recommendations for the Richmond Heights study area, further legislative action would be required to implement those recommendations.

Specific zoning standards recommended in this report would require the creation of a zoning district, according to the authors of the report. Another option is the adoption of an overlay district. According to the report, an overlay is a special district for lots within the downtown core.

Funding for some of the improvements outlined in the report could be provided by the Quality Neighborhood Improvement Program or the Building Better Communities General Obligation Bond Program (BBC-GOB). At least one future project mentioned in the charrette report, the **Richmond Heights Community Center**, has been identified for funding under the BBC-GOB program. The County has earmarked \$3.5 million for the construction of the center.

Other infrastructure and landscaping improvements could be funded through the creation of special taxing districts, as defined by Chapter 18 of the Code of Miami-Dade County.

**Budgetary Impact**

Adopting this report will not result in a negative fiscal impact to the County, as this report merely contains suggestions for future land-use within the Richmond Heights “downtown core.” The report makes reference to projects which have been identified for funding within the BBC-GOB program and suggests possible funding mechanisms to implement other projects detailed in the report; however, further legislative action would be required by the Board of County Commissioners to tap into those funding sources.

**Prepared by:** Jason T. Smith

**MIAMI-DADE COUNTY  
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Legislative Notes

**Agenda Item:** 10(A)5

**File Number:** 102334

**Committee(s)  
of Reference:** Board of County Commissioners

**Date of Analysis:** October 12, 2010

**Type of Item:** Resolution Approving the Issuance of Home Ownership Mortgage Revenue Bonds

**Summary**

This resolution approves the issuance by Housing Finance Authority (HFA) of its Home Ownership Mortgage Revenue Bonds (MRB) in one or more series in aggregate principle amount not to exceed \$100,000,000.

**Background and Relevant Legislation**

The HFA of Miami-Dade County was created through Ordinance No. 78-79. The role of HFA is to provide capital to alleviate the shortage of affordable housing in Miami-Dade County. The HFA is empowered through Ordinance 78-79 to issue its revenue bonds for the purpose of providing financing for residential housing to be occupied by persons or families of moderate, middle or lesser income.

The HFA issues Single Family Homeownership MRB under one Master Indenture which was approved in 1999 through R-563-99. The Master Indenture outlines the process and requirements of bond issuance and allows the subsequent issuance of bonds as supplementals known as Series Bonds. The HFA under this Master Indenture has issued bonds in 1999, 2000, 2001, 2002, 2004, 2005, 2006A & 2006B, 2007. According to the HFA, the issuance of these bonds produces mortgages for homebuyers on a first come first serve basis. Additionally, each issuance will vary in amounts from \$15,000,000 to \$25,000,000, producing around 200 mortgages each.

According to the HFA, there is no waiting list for the loans, it is required to be first come first served and open to the general public who meet general program criteria.

The last Single Family Bond issue was approved by the Board on December 1, 2009, through resolution R-1380-09 which made \$25,000,000 available under the New Issue Bond Program (NIBP). The NIBP is being implemented under the provisions of the Housing and Economic Recovery Act of 2008, which allows the Treasury to purchase bonds at below market interest rates through Fannie Mae and Freddie

Mac. The NIBP will provide temporary financing for nationwide Housing Finance Authorities to issue new housing bonds to fund new mortgages.

**Budgetary Impact**

Miami-Dade County nor the HFA have any liability with respect to the payment of the bonds. The homebuyer is responsible for repayment of their respective mortgage, which will be used to repay the Bonds.

The cost associated with the issuance of the bonds will be paid from bond proceeds and/or from the HFA funds.

**Prepared by:** Mia B. Marin