



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

June 15, 2010
9:30 AM
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**

**Board of County Commissioners
Meeting Agenda**

Legislative Analysis

June 15, 2010

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

Items

12(A)1	14(A)11
14(A)2	14(A)12
14(A)3	14(A)13
14(A)4	14(A)14
14(A)5	14(A)15
14(A)6	14(A)26
14(A)7	14(A)27
14(A)8	14(A)28
14(A)9	14(A)29
14(A)10	

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

Items

8(L)1(A)
14(A)17
14(A)19
14(A)22

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

Bia Marsellos, Legislative Supervisor
Jason T. Smith, Senior Legislative Analyst
Michael Amador-Gil, Senior Legislative Analyst
Mia Marin, Legislative Analyst
Elizabeth N. Owens, Legislative Analyst

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



FISCAL IMPACT ANALYSIS

Agenda Item: 8(L)(1)(A)

File Number: 101434

Type of Item: Resolution

Committee(s)
of Reference: BCC

Date of Analysis: 5/28/10

Funding Request Undetermined

Operating

Capital CIP page number _____

Operating Funding Source(s):

Recurring Estimated Operating Cost \$ _____

General Fund

Capital Funding Source(s):

Federal

State

Proprietary

Other

Yes \$ _____ % _____

County Match required :

No

ISSUES None

- This resolution would save the costs for any future election concerning franchise approval from the electorate.
- The FY 2009-10 adopted budget contains \$52.407M in Franchise Tax revenue, which is part of the Countywide General Fund. Approval of this resolution and subsequent approval by the electorate would accelerate any lag time in assessing taxes between Board approval and election.
- Miami-Dade County has approximately 1.2 million registered voters. At the Elections resource allocation meeting, the department stated that the cost per page for ballots is \$0.44 and that they expect to print between 55% and 65% of ballots for registered voters (not counting absentee ballots). If this question adds a page to the August ballot, it would cost an additional \$316,800 at 60% printing ($1,200,000 * 60\% = 720,000 * .44 = 316,800$).

Prepared by: Charles Queen

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



Legislative Notes

Agenda Item: 12(A)1
File Number: 101238
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: June 10, 2010
Type of Item: Settlement Agreement

Summary

This resolution approves the execution of a Settlement Agreement and Mutual Release of All Claims between Miami-Dade County and Coreland Construction Corp. (Coreland) in the amount of \$241,069.80, for work performed in connection with the construction of the Ophelia Brown-Lawson Center.

Previous Settlement Agreement with the County

On October 6, 2009, the Board of County Commissioners (BCC), through Resolution 1188-09, approved a Settlement Agreement to resolve all claims against the County arising out of a lawsuit between Coreland and Miami-Dade County totaling \$238,909.20. The project consisted of replacing a roof and waterproofing at Building 845 MIA, located at 5600 N.W. 35 Street.

Coreland¹

Coreland Construction has been providing general contracting and construction services in South Florida since 1988. Coreland is licensed as a General Contractor and Roofing Contractor, and certified as a Woman/Hispanic-Owned company. Coreland is located at 12301 S.W. 128th Court, Suite 107, Miami, Florida 33186.

Coreland currently holds the following certifications:

- SBA 8A
- Miami-Dade County CSBE
- State of Florida MBE
- South Florida Water Management
- LEED AP

According to Coreland's website, Coreland has performed work at the following sites: Bucky Dent Aquatic Center; Black Point Treatment Plant; Dade County Court House; Hialeah Courthouse; Miami-Dade Police Headquarters; Country Village Park; FEMA Hangar-Homestead Air Force Base; DERM Outfall Project; Miami-Dade Elections Department; Miami Executive Airlines, Opa-Locka Airport; Weeks Air Museum Hangar Tamiami Airport; State Attorney's Office; and Richmond Tower Concrete Restoration Project.

¹ <http://corelandconstruction.com/index.php>

Performance Evaluation for Coreland

Dept	Contract	Type	Date	Period	Rate
GS	W00817-C	CON	10/29/2008	Interim	2.6
AV	0510-805440	7040	11/16/2006	None	4.0
AV	0510-805440	7040	12/13/2006	None	N/A
AV	0605-843055	7360	03/20/2007	None	4.0
AV	0605-843055	7360	04/05/2007	Project conclusion or closeout	4.0
AV	0207-597751R	7360	08/09/2007	None	1.0
AV	0510-805436	7040	09/21/2007	None	3.0
AV	0207-597751R	7360	12/05/2007	Project conclusion or closeout	1.0
AV	0508-791104	7040	06/30/2008	Project conclusion or closeout	2.3
GS	W60051 R	7360	10/29/2008	Completion of construction	3.1
GS	W60051 R	7360	03/24/2008	Interim	3.3
DE	20070041	7360	02/24/2009	Project conclusion or closeout	3.0
AV	0511-811337	7040	05/13/2009	Project conclusion or closeout	4.0
AV	0006-489322 Rebid	7040	07/30/2009	Project conclusion or closeout	4.0
FR	MDFRD-34934STR	7040	01/07/2010	Project conclusion or closeout	4.0
Average Evaluation: 3.1					

Source: Capital Improvements Information System, Office of Capital Improvements

Legislative History

Since January 2010, the BCC has approved the following Settlement Agreements:

Approval Date	Firm	Resolution	Comments
02/02/10	Atlantic Civil, Inc	162-10	No monies paid.
02/18/10	Wackenhut	204-10	County received \$3 million from Wackenhut.
03/02/10	MEF Construction, Inc,	285-10	County paid \$24,000 from funding for ADA Compliance Improvements under Capital Asset Acquisition Bond 2004B Proceeds.
03/16/10	Neighbors and Neighbors Association, Inc	318-10	According to the fiscal impact, the County removed code compliance liens, which totaled approximately \$15,150.
03/16/10	Unifirst Corp	291-10	County paid \$15,000 from Seaport and Miami-Dade Transit Operating funds.
04/06/10	Unitech Builders Corp	327-10	The \$247,598 was funded through the Capital Outlay Reserve.
05/18/10	Lakes of the Meadow	578-10	No fiscal impact.
05/18/10	Bruce Matheson	581-10	County paid \$440,000. The settlement amount of \$440,000 will be funded from the Grant Match Reserve. The remaining balance in the Grant Match Reserve (\$208,000) will fund expenses associated with the Targeted Jobs Incentive and the Qualified Targeted Industry programs.

06/03/10	The De Moya Group, Inc	654-10	The County increased the contract amount by \$296,990.77 to a new total contract amount of \$6.5 million dollars, which is fully funded within the project budget, and paid The De Moya Group, Inc. the unpaid revised contract balance of \$2,378,585.72.
<i>Pending</i>	<i>Coreland</i>	<i>File No. 101238</i>	<i>\$241,069.80 pending approval by the BCC.</i>

Prepared by: Michael Amador-Gil

Attachment

- Coreland's Firm History Report from 1999 through 2009



MIAMI DADE COUNTY Department of Small Business Development

Firm History Report (excluding A&E)

From: N/A To: N/A

FIRM NAME: CORELAND CONSTRUCTION CORP.
12301 SW 128th Ct, 107
Miami, FL 33186-0000

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT	PAID TO PRIME AS OF	REQ TO DATE	DATE REPORTED	SUBCONTRACTORS
* 6123-2/03-PO99-40505	1	PR	LEVEL 1 SET ASIDE CSBE 100%	07/16/1999	\$186,153.00	\$0.00			* FENCE CONNECTION, INC. - \$2,300.00 * MURRAY ELECTRIC OF MIAMI, INC. - \$173,000.00
					<u>\$186,153.00</u>				
* 6123-2/03-PO99-40576	1	PR	LEVEL 1 SET ASIDE CSBE 100%	08/05/1999	\$98,999.00	\$0.00			* A & Q FENCE CORP. - \$1,358.00 * ABSOLUTE DEMOLITION, INC. - \$47,780.00 * AL HILL ENTERPRISE CORP. - \$1,800.00 * MURRAY ELECTRIC OF MIAMI, INC. - \$13,819.00 * TJ PAVEMENT CORP. - \$10,450.00
					<u>\$98,999.00</u>				
* 6123-2/03-POPDGS9940604	1	GS	LEVEL 1 SET ASIDE CSBE 100%	08/10/1999	\$27,904.00	\$27,904.00	04/10/2002		
					<u>\$27,904.00</u>				
* 6123-2/03-POAPPR0000008	1	PR	LEVEL 1 SET ASIDE CSBE 100%	10/12/1999	\$332,565.00	\$0.00			* CITY AIR, INC. - \$10,870.00 * MURTON INDUSTRIES, INC. - \$22,194.00 * PGC MECHANICAL, INC. - \$8,650.00 * RANDAZZO ELECTRICAL SERVICES, INC. - \$29,000.00 * TJ PAVEMENT CORP. - \$21,767.00
					<u>\$332,565.00</u>				
* 6123-2/03-POAPGS0000465	1	GS	LEVEL 1 SET ASIDE CSBE 100%	11/09/1999	\$40,781.00	\$40,781.00	04/10/2002		
					<u>\$40,781.00</u>				

* Indicates closed or expired contracts
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PRIMES

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* 6123-2/03-POAPR0001910	1	PR	LEVEL 1 SET ASIDE CSBE 100%	02/29/2000	\$6,316.53	\$0.00			
GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS									
					<u>\$6,316.53</u>				
* 6123-2/03-POAPGS0002113	1	GS	LEVEL 1 SET ASIDE CSBE 100%	04/10/2000	\$15,272.00	\$14,733.58	04/10/2002		
GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS									
					<u>\$15,272.00</u>				
* 6123-2/03-POAPWS0002742	1	WS	LEVEL 1 SET ASIDE CSBE 100%	08/10/2000	\$25,288.00	\$0.00	\$25,288.00	11/15/2000	* MURRAY ELECTRIC OF MIAMI, INC. - \$5,380.00 * WESTDADE AIRCONDITIONING, INC. - \$6,300.00
GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS									
					<u>\$25,288.00</u>				
* 6123-2/03-POAPGS0003668	1	GS	LEVEL 1 SET ASIDE CSBE 100%	10/03/2000	\$99,000.00	\$93,786.00	04/10/2002	\$0.00	11/09/2000 * APEX AIR CONDITIONING CONTRACTING - \$85,000.00 * MURRAY ELECTRIC OF MIAMI, INC. - \$18,200.00
GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS									
					<u>\$99,000.00</u>				
* 6123-2/03-POAPWS0100106	1	WS	LEVEL 1 SET ASIDE CSBE 100%	10/11/2000	\$162,856.00	\$0.00			
GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS									
					<u>\$162,856.00</u>				

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* 6123-2/03-POAPGS0100498	1	GS	LEVEL 1 SET ASIDE CSBE 100%	11/30/2000	\$88,720.00	\$52,968.79	04/10/2002		
					\$88,720.00				
* 6123-2/03-POAPGS0105069	1	GS	LEVEL 1 SET ASIDE CSBE 100%	04/06/2001	\$25,208.78	\$25,208.72	04/10/2002		
					\$25,208.78				
* 6123-2/03-POAPGS0105743	1	GS	LEVEL 1 SET ASIDE CSBE 100%	04/26/2001	\$10,542.00	\$10,542.00	04/10/2002		
					\$10,542.00				
* 6123-2/03-POAPWS0102472	1	WS	LEVEL 1 SET ASIDE CSBE 100%	05/02/2001	\$23,339.00	\$0.00			
					\$23,339.00				
* 6123-2/03-POAPAV0101121	1	AV	LEVEL 1 SET ASIDE CSBE 100%	05/30/2001	\$258,609.00	\$144,990.12	03/31/2002	10/14/2002	* APEX AIR CONDITIONING CONTRACTING - \$185,000.00 * MURRAY ELECTRIC OF MIAMI, INC. - \$7,850.00
					\$258,609.00				

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PRIMES

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* 6123-2/03-POAPGS0108376	1	GS	LEVEL 1 SET ASIDE CSBE 100%	07/23/2001	\$26,000.00	\$26,000.00	04/10/2002		
GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS									
<hr/>									
* 6123-2/03-POAPPR0108980	1	PR	SET ASIDE CSBE 100%	09/28/2001	\$15,600.00				
GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS									
<hr/>									
* 6123-2/03-POAPAV0200182	1	AV	SET ASIDE CSBE 100%	11/07/2001	\$535,752.00		\$459,630.76	01/14/2004	* APEX A/C CONTRACTORS - \$0.00 * APEX AIR CONDITIONING CONTRACTING - \$0.00 * UNION ELECTRICAL CONTRACTOR, INC. - \$0.00
GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS									
<hr/>									
* 6123-2/03-POAPAV0200226	1	AV	SET ASIDE CSBE 100%	11/29/2001	\$218,212.00		\$118,707.30	06/12/2002	* UNION ELECTRICAL CONTRACTOR, INC. - \$67,400.00
GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS									
<hr/>									
* 6123-2/03-POAPAV0200044	1	AV	SET ASIDE CSBE 100%	12/17/2001	\$22,094.00	\$18,600.00	03/31/2002		
GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS									
<hr/>									

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PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT	PAID TO PRIME AS OF	REQ TO DATE	DATE REPORTED	SUBCONTRACTORS
* 6123-2/03-POAPAV108376	1	GS	SET ASIDE CSBE 100%	01/16/2002	\$32,128.36				
GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS									
					\$32,128.36				

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MIAMI DADE COUNTY Department of Small Business Development

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PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT	PAID TO PRIME AS OF	REQ TO DATE	DATE REPORTED	SUBCONTRACTORS
* POAPAV0200765	0204-585153	1 AV	SET ASIDE CSBE 100%	06/28/2002	\$772,971.00		\$733,516.91		* APEX AIR CONDITIONING CONTRACTING - \$0.00 * PEOPLE'S PLUMBING & MECHANICAL, INC. - \$0.00 * PRESIDENTIAL BUILDERS, INC. - \$0.00 * UNION ELECTRICAL CONTRACTOR, INC. - \$0.00

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01/20/2004					<u>\$772,971.00</u>				
6123-2/03-POAPSW0200826	1	SW	SET ASIDE CSBE 100%	07/25/2002	\$56,726.00				
			GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS		<u>\$56,726.00</u>				
6123-2/03-POAPWS0201906	1	WS	SET ASIDE CSBE 100%	08/07/2002	\$34,049.75				
			GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS		<u>\$34,049.75</u>				
6123-2/03-POAPWS0300133	1	WS	SET ASIDE CSBE 100%	10/22/2002	\$76,679.00				
			GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS		<u>\$76,679.00</u>				
* 6123-2/03-POAPAV0100925	1	AV	LEVEL 1 SET ASIDE CSBE 100%	01/09/2003	\$184,246.00	\$73,141.64 03/31/2002	\$73,141.38 01/16/2002		* ABSOLUTE DEMOLITION, INC. - \$0.00 * O. M. ELECTRIC, INC. - \$0.00
			GENERAL BUILDING/ENGINEERING & SPECIALTY TRADE CONTRACTORS		<u>\$184,246.00</u>				

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Change Orders without dates are pending BCC approval



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* POAPAV0300222	1	AV	SET ASIDE CSBE 100%	01/09/2003	\$355,867.00		\$314,215.19	04/29/2004	* APEX AIR CONDITIONING CONTRACTING - \$0.00 * PEOPLE'S PLUMBING & MECHANICAL, INC. - \$0.00 * UNION ELECTRICAL CONTRACTOR, INC. - \$0.00
					<u>\$355,867.00</u>				
* W-838	1	WS	LEVEL 1 SET ASIDE CSBE 100%	09/19/2003	\$391,968.00	\$0.00	11/29/2006		* ALEX FIRE PROTECTION, INC. - \$3,919.68 * APEX A/C CONTRACTORS - \$43,116.48 * C P H CORPORATION - \$3,919.68 * DE MARIA CEILINGS D/B/A D.C.I. CEILINGS - \$7,839.36 * FRANKLIN FLOORING, INC. - \$15,678.72 * HABER & SONS PLUMBING, INC. - \$23,518.08 * STATEWIDE ELECTRICAL SERVICES, INC. - \$62,714.88 * TROPICAL PAINTING OF MIAMI, INC. - \$3,919.68 * UNLIMITED ROOFING SERVICES, INC. - \$3,919.68
					<u>\$391,968.00</u>				
* POAV0400074 0307-660408	1	AV	SET ASIDE CSBE 100%	10/22/2003	\$302,908.22	\$8,500.00	08/22/2008		
					<u>\$302,908.22</u>				

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* POAV0400434 0006-489322	1	AV	SET ASIDE CSBE 100%	02/12/2004	\$543,675.00	\$392,942.05 08/22/2008	\$211,193.69	11/30/2004	* GROUP II, INC. - \$0.00
MISCELLANEOUS CONSTRUCTION CONTRACT FOR PRE-QUALIFICATION OF GENERAL BUILDING, GENERAL ENGINEERING AND SPECIALTY TRADE CONTRACTORS FOR A FIVE (5) YEAR PERIOD FOR VARIOUS COUNTY DEPARTMENTS									
					<u>\$543,675.00</u>				

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POGS0502949	W3018RS00043	1	GS	01/12/2005	\$457,875.00	\$310,947.30	05/17/2005	\$151,324.20	* ACTION SOD, INC. - \$0.00 * O. M. ELECTRIC, INC. - \$0.00 * T J PAVEMENT CORP. - \$0.00
SET ASIDE CSBE 100% MISCELLANEOUS CONSTRUCTION CONTRACT FOR PRE-QUALIFICATION OF GENERAL BUILDING, GENERAL ENGINEERING AND SPECIALTY TRADE CONTRACTORS FOR A FIVE (5) YEAR PERIOD FOR VARIOUS COUNTY DEPARTMENTS									



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02/08/2005					\$457,875.00				
* 0207-597751R	1	AV	GOAL CSBE 15%	04/11/2005	\$1,577,836.00	\$0.00	05/05/2006	04/30/2007	* A-1 DURAN ROOFING, INC. - \$0.00 * PEOPLE'S PLUMBING & MECHANICAL, INC. - \$76,998.40 * UNION ELECTRICAL CONTRACTOR, INC. - \$159,677.00
			ROOF REPLACEMENT & WATERPROOFING AT BLDG. 845 (SIC 15)		\$1,577,836.00				
POAV0600042 0508-791104	1	AV	SET ASIDE CSBE 100%	10/13/2005	\$485,930.70	\$471,393.61	08/22/2008		* J M F TECHNOLOGY PAINTING, INC. - \$0.00
			MISCELLANEOUS CONSTRUCTION CONTRACT FOR PRE-QUALIFICATION OF GENERAL BUILDING, GENERAL ENGINEERING AND SPECIALTY TRADE CONTRACTORS FOR A FIVE (5) YEAR PERIOD FOR VARIOUS COUNTY DEPARTMENTS		\$485,930.70				
* POAV0600195 0510805440	1	AV	SET ASIDE CSBE 100%	11/28/2005	\$127,000.00	\$151,991.00	08/22/2008		
			MISCELLANEOUS CONSTRUCTION CONTRACT FOR PRE-QUALIFICATION OF GENERAL BUILDING, GENERAL ENGINEERING AND SPECIALTY TRADE CONTRACTORS FOR A FIVE (5) YEAR PERIOD FOR VARIOUS COUNTY DEPARTMENTS		\$127,000.00				

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* POAV0600205 0511811337	1	AV	SET ASIDE CSBE 100%	11/28/2005	\$47,553.00	\$47,553.00	08/22/2008		
MISCELLANEOUS CONSTRUCTION CONTRACT FOR PRE-QUALIFICATION OF GENERAL BUILDING, GENERAL ENGINEERING AND SPECIALTY TRADE CONTRACTORS FOR A FIVE (5) YEAR PERIOD FOR VARIOUS COUNTY DEPARTMENTS									
					\$47,553.00				
* POAV0600312 0510-805436	1	AV	SET ASIDE CSBE 100%	12/19/2005	\$40,500.00	\$40,500.00	08/22/2008		
MISCELLANEOUS CONSTRUCTION CONTRACT FOR PRE-QUALIFICATION OF GENERAL BUILDING, GENERAL ENGINEERING AND SPECIALTY TRADE CONTRACTORS FOR A FIVE (5) YEAR PERIOD FOR VARIOUS COUNTY DEPARTMENTS									
					\$40,500.00				
POGS0608281 H00202R	1	GS	SET ASIDE CSBE 100%	05/17/2006	\$367,400.00				
MISCELLANEOUS CONSTRUCTION CONTRACT FOR PRE-QUALIFICATION OF GENERAL BUILDING, GENERAL ENGINEERING AND SPECIALTY TRADE CONTRACTORS FOR A FIVE (5) YEAR PERIOD FOR VARIOUS COUNTY DEPARTMENTS									
					\$367,400.00				
* 0605-843055 (7360)	1	AV	NO MEASURE	06/06/2006	\$198,000.00	\$198,000.00	09/05/2007		
EMERGENCY REPAIRS AT BUILDING 47 (OPF)									
					\$198,000.00				

* Indicates closed or expired contracts
 Disclaimer: Payments shown may not reflect current information



MIAMI DADE COUNTY Department of Small Business Development

Firm History Report (excluding A&E)

From: N/A To: N/A

FIRM NAME: CORELAND CONSTRUCTION CORP.
 12301 SW 128th Ct, 107
 Miami, FL 33186-0000

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT	PAID TO PRIME AS OF	REQ TO DATE	DATE REPORTED	SUBCONTRACTORS
W60051 R (7360)	1	GS	NO MEASURE	09/25/2006	\$431,782.37				
RICHMOND TOWER CONCRETE RESTORATION (SIC 15)									
_____ \$431,782.37									
20070041 (7360)	1	DE	GOAL CSBE 5.08%	04/24/2007	\$145,764.52	\$0.00	11/26/2007		* FENCE CONNECTION, INC. - \$7,977.29
CONSTRUCTION OF OUTFALL STRUCTURE AND CANAL BANK MODIFICATION AT THE SOUTH MIAMI-DADE STORMWATER TREATMENT AND DISTRIBUTION AREA (STDA) DEMONSTRATION PROJECT (SIC 16)									
_____ \$145,764.52									
W00817	1	GS	NO MEASURE	07/24/2007	\$3,624,555.90	\$1,171,903.17	02/05/2010		* CABALLERO PLUMBING, INC. - \$0.00 * CAIMAN FIRE SERVICES INC. - \$0.00 * ONE STOP AIR CONDITIONING SERVICE, INC. - \$0.00 * R & D ELECTRIC, INC. - \$0.00
CAA - OPA LOCKA HEAD START FACILITY (SIC 15)									
_____ \$3,624,555.90									
RPQ NO. W60223R1	1	GS	SET ASIDE CSBE 100%	03/11/2008	\$309,010.00				
GOLDEN GLADES BRANCH LIBRARY									
_____ \$309,010.00									
* RPQ NO. MDFRD-34934STR	1	FR	SET ASIDE CSBE 100%	10/20/2009	\$18,480.00				
STUCCO WORK FOR OFFICE ADDITION MDFR - STATION 34 - SOUTH DIVISION DISTRICT									
_____ \$18,480.00									

* Indicates closed or expired contracts
 Disclaimer: Payments shown may not reflect current information

Change Orders without dates are pending BCC approval



MIAMI DADE COUNTY Department of Small Business Development

Firm History Report *(excluding A&E)*

From: N/A To: N/A

FIRM NAME: CORELAND CONSTRUCTION CORP.
12301 SW 128th Ct, 107
Miami, FL 33186-0000

PRIMES

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT	PAID TO PRIME AS OF	REQ TO DATE	DATE REPORTED	SUBCONTRACTORS
Total Award Amount \$12,802,117.13 Total Change Orders Approved by BCC \$0 Total Change Orders Approved After Requested Date Range \$0.00 Total Change Orders Pending \$0.00 Total Change Orders Approved After Requested Date Range \$12,802,117.13									

* Indicates closed or expired contracts
Disclaimer: Payments shown may not reflect current information

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



Legislative Notes

Agenda Item: 14(A)2 through 14(A)14

File Number: 101398, 101392, 101389, 101385, 101384, 101382, 101381, 101379, 101377, 101393, 101397, 101399, 101401

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: June 7, 2010

Type of Item: Resolution to acquire land

Summary

These items authorize the acquisition of certain parcels of land which the County has declared to be required for construction of certain public infrastructure improvement projects.

Item No.	Commission District	Parcels	Project Description
14A2	9	100A	This land is required to build a new Park and Ride facility at the Southern end of the Busway extension to be located at Southwest 344 Street between N.W. 2 Ave. and N.W. 3 Ave. in Florida City.
14A3		100B	
14A4		101	
14A5		102A	
14A6		102B	
14A7		102C	
14A8		103	
14A9		104	
14A10		105	
14A11		106	
14A12		107	
14A13		108	
14A14		109	

Background and Relevant Legislation

The Florida Constitution, State Statutes and the Home Rule Charter of Miami-Dade County authorize the Board of County Commissioners to initiate the taking of property through eminent domain proceedings. See Chapters 73, 74, 125, 127 and 341, Florida Statutes; and §§1.01(A)(1)(2) and (21) of the Home Rule Charter of Miami-Dade County, Florida.

Policy Change and Implication

These resolutions to acquire land are consistent with current County and State policy regarding land acquisition.

Budgetary Impact

The fiscal impact to the County has been budgeted at \$10,140,000 and will be funded by “future” Charter County Transit System Surtax bond funds. However, these items only authorize the acquisition of certain parcels by donation, purchase or by eminent domain proceedings. The true fiscal impact to the County will be quantified once the County enters into negotiations with the owners of the parcels.

Once completed, operation and maintenance of this project is estimated at \$90,000 per year.

Prepared by: Jason T. Smith

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



Legislative Notes

Agenda Item: 14A15
File Number: 092662
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 7, 2010
Type of Item: Contract Award Recommendations and Change Order

Summary

BCC Items	3(X)
Project No.	20090106
Vendor	Budget Construction Co, Inc.
Contract Award Amount	\$1.155 million Recommended
Change Order Request	Not Applicable
Open Violations	Yes, see below
Make-Up Plan	Yes, see below

Budget Construction Co, Inc. Make-Up Plan

On July 31, 2009, SBD staff approved a make-up plan for Budget Construction Company, Inc. (Budget) valued at \$349,225¹ under a separate Public Works contract (Project No. 20090106). The make-up plan was presented at the October 14, 2009 Transit, Infrastructure & Roads Committee (TIRC). At that time, Budget's violation report showed two (2) open violations *for failure to meet CSBE subcontractor goals on two (2) Miami-Dade Park and Recreation Department projects.*

- The TIRC committee members tabled the item on October 14, 2009 based on concerns over Budget's compliance with the CSBE requirements. **The make-up plan would have reduced Budget's overall make-up total from \$993,891 to \$644,666.**

On November 4, 2009, the Board of County Commissioners (BCC), through Resolution 1295-09, approved Change Order No. 1 and Final between Budget and Miami-Dade County for needed additional work totaling \$65,560 located at East Dixie highway from N.E. 93 Street and N.E. 103 Street, Miami Shores Village, Florida. The two (2) open violations mentioned above for failure to meet CSBE subcontractor goals on two (2) Miami-Dade Park and Recreation Department projects remained.

¹ SBD provided the date and amount to the Office of the Commission Auditor.

Recalculation of Make-Up Plan Requested by Budget

According to SBD staff, the SBD revisited the September 7, 2007, Notice of Violation (40070103006) reviewing additional information submitted by Budget and subsequent information requested from the Parks and Recreation Department. The deficit was recalculated based on the final paid amount reported by the Parks and Recreation Department of \$1,646,173.60 less \$43,588.40 (for permit costs of \$11,040.53 and a contingency item valued at \$32,547.87). The revised goal requirement was \$432,698 in which \$58,412 was achieved. Budget's revised CSBE deficit on this project is \$374,286.00 and the revised make-up is \$748,572.01.

- **Budget's original make-up amount was \$993,891.40 (\$823,316.00 (40070103006) + \$170,575.40 (400701-05-004)), and now is \$919,147.41 (\$748,572.01 + \$170,575.40), a difference of \$74,743.99.**

Background and Relevant Information

Currently under § 10-33.02 of the Code of Miami-Dade County, a contractor who is awarded a County contract, determined to be appropriate for CSBE participation, is required to fulfill CSBE goals as established by the County. Failure to achieve the CSBE participation goals may subject the contractor to a variety of sanctions including suspension, work stoppage, termination/cancellation of the contract, and debarment.

In addition, the existing Code states that contractors who fail to fulfill the participation goal may also be ineligible to receive future contracts unless they agree to make up the deficit by having the CSBE perform equal to double the dollar value of the deficiency (the Make-up Goal).

Legislative History

On June 2, 2009, BCC, through Ordinance 09-41², approved additional parameters for future contracts and the applied penalties for failing to meet an established CSBE goal. Also, failure to include the required Schedule of Intent Affidavit for any future contracts will result in the submittal of a bid or a proposal being deemed nonresponsive.

² Contract language will provide that in order to be eligible for future county contracts, a contractor who fails to meet an established CSBE goal will submit a CSBE Make-up Plan for the approval of the Director. A Make-up Plan and a corresponding Schedule of Intent Affidavit must be submitted as part of any bid or proposal submitted for future contracts at the time of bid or proposal submittal.

Any contractor subject to an approved Make-up Plan that fails to comply with any of the material terms of that Make-up plan, without good cause, will be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a six (6) month period. A contractor that fails to comply with any of the material terms of a second Make-up plan, without good cause, will be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a one (1) year period.

- At the June 2, 2009, BCC meeting, concerns were raised that firms could continue to violate the CSBE policies and accept another County contract if they agree to an approved make-up plan.

The violations by Budget occurred before the additional parameters above were approved. However, if Budget incurred new violations, the penalties approved would be imposed.

Prepared by: Michael Amador-Gil & Jason T. Smith

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



FISCAL IMPACT ANALYSIS

Agenda Item: 14A17

File Number: 101499

Type of Item: Authorization of SJPA with FDOT for Park & Ride Facility (SW 344 ST, Fl. City)

Committee(s) Board of County Commissioners
 of Reference:

Date of Analysis: 06-14-2010

Funding Request: \$592,551

<p>Operating <input 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 type="checkbox"/></p> <p>_____</p> <p>_____</p>	<p>Capital <input checked="" type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$90,000/yr</p> <p>Capital Funding Source(s):</p> <p>FDOT JPA \$ 1,066,433</p> <p>FDOT SJPA 3,616,281</p> <p>FTA Grant 1,857,500</p> <p>Transit Surtax <u>3,616,281</u> (3,023,730 + 592,551)</p> <p>Total \$10,156,495</p>
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County Match required:

Yes \$ 592,551 50 %

No

ISSUES/COMMENTS None

Fiscal Impact statement in the memorandum says “the total funding provided through FDOT agreements is \$8,298,995, with a total of \$4,682,714 coming from the State.” To clarify this statement County Transit Surtax is providing \$3,616,281 (handwritten pg 7, Agenda Item) of the \$8,298,955.

Prepared by: Keith Connor

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



FISCAL IMPACT ANALYSIS

Agenda Item: 14A19

File Number: 101402

Type of Item: Resolution authorizing Grant Program (CIGP) with FDOT for a bus terminal

Committee(s) Board of County Commissioners
 of Reference:

Date of Analysis: 06-14-2010

Funding Request: \$1,348,442

<p>Operating <input 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 type="checkbox"/></p> <p>_____</p> <p>_____</p>	<p>Capital <input checked="" type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$90,000/year</p> <p>Capital Funding Source(s):</p> <p>FDOT \$ 1,348,442</p> <p>County sources:</p> <p>LOGT, Charter County Transit <u>\$4,750,558</u></p> <p>System Surtax</p> <p style="text-align: right;">Total \$6,009,000</p>
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County Match required:

Yes \$ 1,348,442 % _____

No

ISSUES/COMMENTS None

This project is budgeted in the Capital Improvement Plan (CIP) at \$6.099 million. The funding request for the Resolution is for the County to match FDOT's grant. Besides the \$1,348,442 County match, the remaining funding required to complete this project "will be provided from local funds (LOGT, Charter County Transit System Surtax, or a combination thereof). The construction for this project is **scheduled to begin in fiscal year 2014** and completed in fiscal year 2016." However, construction for this project is scheduled to begin in FY 2012-13 according to the FY 2010-11 Capital Improvement Plan (CIP# 678510). This date is different than the information in the proposed resolution. Also, an updated pro forma for Miami-Dade Transit, which is not scheduled for release until the release of the proposed FY 2010-11 budget, has not been reviewed by the Board for proposed revenue OR expenditure changes that may impact these future Transit capital projects.

Prepared by: Keith Connor

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



FISCAL IMPACT ANALYSIS

Agenda Item: 14A22

File Number: 101417

Type of Item: Resolution authorizing the Mayor or Mayor's designee to execute an agreement on behalf of Miami-Dade County with the Public Health Trust of Miami-Dade County and the University of Miami regarding prepayment of lease agreements and other obligations

Committee(s)

of Reference: Board of County Commissioners

Date of Analysis: 6/8/2010

Funding Request

Operating

Capital CIP page number _____

Operating Funding Source(s):

Recurring Estimated Operating Cost \$ _____

General Fund

Capital Funding Source(s):

Federal

State

Proprietary

Other

County Match required:

Yes \$ _____ % _____

No

ISSUES/COMMENTS None

To reduce the accounts receivable owed to the University of Miami by the PHT, UM plans to fully prepay the "Amedic Lease" which is a 75 year land lease for a property owned by the County entered on October 25, 2005 by UM & the County. Annual rent commencing on year 1 was \$440,000 with a 2.83% annual increase. The total prepayment value has been calculated to be \$14,193,203 as of September 2010, utilizing a discount rate of around 6% to compute the present value of \$14,193,203. If the escalator rate of 2.83% is utilized instead to discount the future payments in Exhibit B, the present value is \$ 35,411,954.

Prepared by: Jewel Johnson

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



Legislative Notes

Agenda Item: 14(A)26
File Number: 101431
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 11, 2010

Summary

This resolution approves the Operations and Maintenance (O&M) Agreement between Miami -Dade County and Crystal Mover Services, Inc. (CMSI) for the North Terminal Automated People Mover (APM) System for an initial term of five (5) years in the amount of \$33,414,783. Additionally, this resolution authorizes the County Mayor or his designee to renew the Agreement for five separate one-year extensions each in the amount of \$6,723,000 or \$33,615,000 for the five extensions. The cumulative total for this contract if all extensions are renewed is \$67,029,783 for ten (10) years.

The memorandum states the following in the project description:

On occasion, CMSI may be required to extend or reduce system operation beyond normal operating hours according to the needs of the Miami-Dade Aviation Department (MDAD).

- What are the normal operating hours? *According to MDAD, the specified operating hours are from 5:00 am to 12:00am, 7 days per week. However, this will be finalized in coordination with American's flight schedules once gates have been opened and assigned.*

The current substantial completion date for Phase 1 work of the North Terminal APM System is September 15, 2010.

- What happens to the Contract if there are additional delays and when is the APM System expected to be fully operational? *According to MDAD, the Notice to Proceed for the O&M Agreement is contingent upon Successful Substantial completion of the Phase 1 work. MDAD plans to place the APM System into full revenue service upon Substantial Completion of the Phase 1 work on September 15, 2010.*

Pursuant to R-735-05, the County has the option to have the contractor train Miami-Dade staff to operate and maintain the APM system in-house. However, the Miami-Dade County Transit Department and the Miami-Dade Aviation Department (MDAD) reviewed this option and determined it is in the best interest of the County to have CMSI operate and maintain the APM system since much of the equipment, controls, components, and the APM cars are out of warranty due to earlier delays.

There is \$240,480 included in the Contract for the Option to Train Owner Designated Personnel. The amount would subsequently be escalated pursuant to Section 4.1 Economic Price Adjustment. According to Form OMP-T of the Contract, this amount covers 13 trainees that would be designated by the Owner.

Section 39 of the Contract states that this Contract is governed by the laws of the State of Texas, unless the Contract is assigned to Miami-Dade County.

- Why is the Contract governed by the laws of the State of Texas and what are the ramifications of utilizing those laws? *According to MDAD, this was language from the American Airlines Contract. Once the contract was assumed by Miami-Dade County the contract is governed by the laws of the State of Florida and Miami-Dade County.*

Budgetary Impact

This agreement provides \$3 million for the General Allowance Account (GAA) to address among other things any repairs to non-warranty items that were originally expected to be under warranty. However, currently nothing remains under warranty.

According to Appendix E, the GAA is for the following purposes: funding portions of the work which are unforeseeable at the time of execution of the Contract; for escalation (Economic Price Adjustment); items no longer covered by any Supply/Installation Contract warranty; payment of bond premiums; and special work deemed desirable by the County to be incorporated into the Contract. Performance of work under GAA will be authorized by written Work Order issued by Owner.

Operations and Maintenance – General Requirements; Section 4.1 Economic Price Adjustment

Section 4.1 states the following:

“The annual lump sum fixed prices for each year of the Contract shall be adjusted for inflation at the beginning of each year.....The prices for Demobilization and the Option to Train Owner-designated Personnel shall be adjusted for inflation to the date for which these activities are to begin.....The O&M fixed prices shall be adjusted in accordance with the following procedures.

- 1) Labor Prices-shall be adjusted according to the ratio of the latest published Consumer Price Index (CPI) for Miami-Dade County;
- 2) Parts and Materials- shall be adjusted depending on classification either by the Electrical Machinery and Equipment Index (WPI 117), the Metal and Metal Products Index (PPI 10), or CPI, all as published by the U.S. Bureau of Labor Statistics.”

Furthermore, the cumulative amount of Economic Price Adjustment shall not exceed an average of six percent (6%) per year.

The table below illustrates the breakdown of the O&M Contract beginning with the bid amount provided in 1999 as part of the procurement process followed by the updated current day pricing, the General Allowance Account and the amount of the extensions.

Total 5 year Lump Sum Price (1999)	\$22,209,620
Total Escalation Through Substantial Completion Date of 9/15/10	\$8,205,163
Total 5 year Lump Sum Price	\$30,414,783
General Allowance Account (GAA)	\$3,000,000
Total Contract Amount	\$33,414,783
5 separate one-year extensions each	\$6,723,000
Total 5 one-year extensions	\$33,615,000
Cumulative Total for this Agreement if all extensions are renewed for ten (10) years	\$67,029,783

The amount for each of the initial 5 years of the Contract (not inclusive of GAA) is \$6,082,956.60. However, the amount for each year of the extensions is \$6,723,000.

- Why is the amount for each extension substantially higher? *According to MDAD, under the initial contract period the first year of spare parts would be covered by the specified one year warranty period. This is the estimated cost reduction based on covered warranty parts for the first year.*

Beginning with hand written page 125 of the item, calculations of labor pricing are provided for Years 1-5 of the Contract, each year is provided on a separate form with the same total amount, however, it is stipulated that the amount will subsequently be escalated per Section 4.1.

Labor Pricing for Year 1 (p. 125):

Manager (4)	\$670,000
Administrator (1)	\$79,000
Secretary (1)	\$65,000
Total:	\$814,000*

Labor Pricing for Year 1 (p. 130):

Center Control Operator (9)	\$603,000*
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Labor Pricing for Year 1 (Electrical) (p. 135):

Vehicle Maintenance (6)	\$474,000
Wayside Maintenance (2)	\$133,000
Total:	\$607,000*

Labor Pricing for Year 1 (Mechanical) (p.140):

Vehicle Maintenance (6)	\$456,000
Wayside Maintenance (2)	\$126,500
Total:	\$582,500*

**The amounts will subsequently be escalated pursuant to Section 4.1.*

However, on p. 145, the labor pricing slightly decreases in Year 2 and then substantially increases for Years 3, 4 & 5, as illustrated in the table below.

- Will these amounts further increase annually pursuant to Section 4.1? *According to MDAD, yes, these costs, if any (may be negative escalation) are to be covered as part of the General Allowance Account as defined.*

Labor Pricing: Category: Other	Year 1	Year 2	Year 3	Year 4	Year 5
Janitor (1 lot)	\$223,560	\$223,560	\$223,560	\$223,560	\$223,560
Equipment Repair (1 lot)	\$286,400	\$282,000	\$518,200	\$518,200	\$518,200
Total:	\$509,960	\$505,560	\$741,760	\$741,760	\$741,760

Questions

The memorandum states that no information is available in the Capital Improvements Information System (CIIS) database for these contractors.

Pursuant to Administrative Order 3-42, “all contractors and consultants shall be evaluated for their performance at least once on each capital improvements contract or agreement.”

- Why hasn't the CIIS database been updated? *According to MDAD, this would be CMSI's first County contract.*

Additional Information

In an article posted on Forbes.com¹ on June 11, 2010, Miami International Airport (MIA) was listed as one of ten airports to avoid this summer. Among the topics discussed in the article as reasons why summer is the worst time to fly are, thunderstorms and the ripple effects on flights because they shut down critical airspace, congestion and capacity problems, vacationers adding to regular business travelers and construction projects.

The article states that MIA is getting a complete makeover and by 2011 the airport will wrap up a \$6.2 billion, 13-year construction project that will more than double the size of the existing airport. The new mile-long North Terminal partially opened in November, and it will open another 25 gates this August. However, its new passenger train won't be operational until the fall--meaning you'll have to walk through the terminal or catch a ride on an airport cart until then. Thunderstorms were also listed as a reason for delays at MIA.

Other airports on the list included the following:

LaGuardia; John F. Kennedy International; Newark Liberty International; Logan International; Philadelphia International; San Francisco International; Hartsfield-Jackson Atlanta International; Chicago O'Hare International; and Dallas/Fort Worth International .

Prepared by: Bia Marsellos

¹ <http://www.forbes.com/2010/06/10/jfk-laguardia-logan-hartsfield-business-summer-airports.html>

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



Legislative Notes

Agenda Item: 14(A)27

File Number:

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: June 4, 2010

Summary

This resolution approves Change Order No. 1 to the TGSV Enterprises Inc. (TGSV) contract increasing the total contract amount by \$783,583.07, for a new total of \$11,381,915.57, and extends the contract term by 128 days. The resolution lists the following funding sources:

SOURCE	AMOUNT
FAA Grant	\$6,550,000
FDOT Grant 50% of unfunded balance	\$3,013,500*
MDAD Airport Improvement Fund	\$3,013,500
MDAD CIP/Improvement Fund CO #1	\$783,583.07
TOTAL	\$13,360,583.07

**However, R-834-08 ratified a JPA with FDOT in the amount of \$3,871,000, which is not reflected in the item. Additionally, the amounts of the funding sources listed in the current item are not the same as the amounts provided in R-22-09 originally awarding the contract to TGSV.*

- Why are there discrepancies in the funding source amounts?

Background

The Board of County Commissioners (BCC) adopted R-22-09 awarding TGSV the contract for the construction of the Opa-Locka Air Traffic Control Tower (ATCT), Project No. L-085A, **in an amount not to exceed \$10,598,332.50**, for an 18 month term. The funding sources included the following:

SOURCE	AMOUNT
FAA Grant	\$6,700,000
FDOT Grant 50% of unfunded balance	\$2,938,500
MDAD Airport Improvement Fund	\$2,938,500
TOTAL	\$12,577,000*

**According to R-22-09 the amount of the contract award is not to exceed \$10,598,332.50 but the amount of the funding listed in the memorandum totals \$12,577,000.*

- Why is the change order necessary if there is sufficient funding in the original award of the contract?

Relevant Legislation

5/9/2006	R-496-06	BCC authorized the execution of an Other Transportation Agreement (OTA) between the County and the FAA to develop specifications, design, construct and equip a new Airport Traffic Control Tower at Opa-Locka Airport. FAA will contribute \$2.35 million as its total share of the \$2.5 million appropriated for the project and reserves \$150,000 for costs associated with the purchase and installation of telecommunications circuits, lines and equipment and related work, and for other FAA provided equipment as required. FDOT funding is anticipated at the maximum level of \$3,463,181. The remaining funding of approximately \$4,962,489 to be provided by Aviation Improvement Funds.
11/6/2007	R-1205-07	BCC approved the Supplemental Agreement No. 1 to the OTA between the County and the FAA for additional federal funding in the amount of \$4.2 million bringing the total federal funding for the project to \$6.7 million. FDOT funding at the anticipated maximum level of \$3,871,000. The remaining funding of approximately \$354,000 will be provided by Aviation Improvement Funds. Construction completion and occupancy is scheduled in 2009.
7/17/2008	R-834-08	BCC ratifies the execution of a Joint Participation Agreement (JPA) with FDOT in the amount of \$3,871,000.
5/5/2009	R-480-09	First Amendment to Project Specific Services Agreement (PSA) with Kimley-Horn and Associates, increases contract amount by \$300,000 for a new total of \$2,305,000 and corrects a scrivener's error in the scope of work description. The PSA awarded through R-543-04 did not include General Aviation Airports (GAA) in the scope of work description in the final agreement. This first amendment corrects the scrivener's error by including GAA in the scope of work description and by including the Air Traffic Control Tower Project L-085A, this amendment allowed for Kimley-Horn to meet the 18% DBE goal that was established when the PSA was originally awarded as they had only met 4.88%.
5/11/2004	R-543-04	Authorized PSA with Kimley-Horn and Associates for MIA Airfield Security Project No. E02-MDAD-04 at Miami International Airport in a contract amount of up to \$2,005,000 with an 18% DBE goal and a contract term of five (5) years or until all service orders had been completed.

Questions

On May 5, 2009 the BCC requested the MDAD Director to provide the County Commission with monthly reports regarding Kimley-Horn's efforts to achieve the 18% DBE goal.

- Have these reports been provided? *The County Manager provided a Kimley-Horn DBE Achievement Report in a Memorandum dated February 12, 2010 stating that 11% of the 18% goal had been met and that Minority Affairs will continue monitoring this project.*
 - What is the current DBE goal status?

Prepared by: Bia Marsellos

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



Legislative Notes

Agenda Item: 14(A)28
File Number: 101439
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 8, 2010
Type of Item: Seaboard Cargo Yard Repairs Phase I - Change Order No. 1 (Final)

Summary

This resolution approves Change Order No. 1 (Final) to Project No. 2008.008 ESP, Seaboard Cargo Yard Repairs Phase I, between Miami-Dade County and Solo Construction Corporation (Solo), re-allocating funds within the contract and reducing the total contract sum in the amount of \$22,489.89.

Change Order No. 1 (Final) is required to authorize the project financial reconciliation and close out the contract. No additional funds are requested.

Background and Relevant Legislation

July 17, 2008	Ordinance No. 08-92	This ordinance established the Economic Stimulus Plan (ESP), a process to expedite certain capital development projects identified to stimulate the local economy. This ordinance authorized the Mayor or his designee to issue change orders as long as the change order does not increase the contract amount (§2-8.2.7).
July 17, 2008	Resolution No. 851-08	This resolution approved projects subject to the ESP, including Project No. 2008.008, Seaboard Cargo Yard Repairs Phase I, 2007-08 Capital Budget Book.
Dec. 16, 2008	Resolution No. 1427-08	This resolution ratified the County Manager's actions, as authorized by §2-8.2.7 of the Code of Miami-Dade County (Code), expediting the three (3) capital improvement projects including Project No. 2008.008, Seaboard Cargo Yard Repairs Phase I.

Project No. 2008.008 is awarded to Solo Construction Corporation in the amount of \$2,907,696.29.

Budgetary Impact

Change Order No. 1 will decrease the contract sum from \$2,907,696.29 to \$2,885,206.40, crediting the remaining contract balance of \$22,489.89 back to the County. This amount will be re-allocated to line items listed on handwritten pages 3 and 4 of the County Manager's memo.

Performance Record

Solo Construction Corporation has one (1) open violation for failing to meet the CSBE subcontractor goal on a previous Aviation project. In October 2008, Solo submitted a make-up plan, increasing the CSBE goal on this contract from 8% to 13.5%, in the amount of \$147,186.04. The remaining make-up balance for Solo is \$2,451,555.96.

Prepared by: Elizabeth Owens

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



Legislative Notes

Agenda Item: 14(A)29
File Number: 101529
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 11, 2010
Type of Item: Amendment No. 1 to Cruise Terminal Agreement- Carnival

Summary

This resolution approves Amendment No. 1 to the Cruise Terminal Agreement between Miami-Dade County and Carnival Corporation. The Amendment exercises the five (5) year renewal option in the current Agreement. The term of the Amended Agreement is effective October 1, 2010 through September 30, 2018 with the renewal option having been exercised. On October 20, 1998, the Board of County Commissioners (BCC) approved R-1196-98 authorizing the Agreement with Carnival for a fifteen (15) year term with one five (5) year renewal period.

The County provided the following financial incentives to Carnival in this Amendment:

- **Free Office Space**-The office space to which Carnival currently holds a lease agreement with the County will be provided free of charge. This space consists of a maximum of 1,800 square feet. The current office lease agreement terminates effective October 1, 2010.
 - *The memorandum states 1,800 sq ft but the Amendment states 2,000 sq ft.*
- **Free Warehouse Space**- The warehouse space Carnival currently holds a lease agreement with the County will be provided free of charge. The space consists of a maximum of 2,000 square feet. The current warehouse lease agreement terminates effective October 1, 2010.
 - *The Norwegian Cruise Line (NCL) Cruise Terminal Agreement (R-1442-08) also provides warehouse space free of charge.*
- **Marketing Incentive**-The County will pay Carnival a marketing incentive to be dedicated towards the promotion of cruises from Miami. The marketing incentive will be based on the parking revenue collected by the County for vehicles parked at the Port. The Market Incentive will be determined by Carnival's total embarkations to the Port's overall passenger embarkations. For Fiscal Year 2010-2011, the Port has budgeted \$10,400,000 in Parking Revenue based on 3,954,000 anticipated cruise passenger movements and an overnight parking rate of \$20.

- ***What type of marketing will be done? What mechanism is in place to ensure that Carnival uses the marketing incentive fee to only promote the Port of Miami and not other ports?***
- Carnival has the right, directly or through third party auditors, to inspect and audit the County's books and records relating to the parking revenues collected at the Port.
 - ***Is this standard contract language provided in other County contracts? According to the County Attorney's Office, this information would be a public record, if Carnival wanted to see this information, they could simply make a public records request, they wouldn't actually need to invoke this contractual provision. This language arises in this particular contract out of the fact that the County is giving Carnival a portion of parking revenue as part of the incentive package, so Carnival wants a right to review the records. The County also gave the same parking incentive to Norwegian Cruise Lines in their 2008 agreement.***

Additionally, the Amendment provides for the following:

- A Unitary Fee of \$13.60 per embarking and \$13.60 per disembarking passenger beginning on October 1, 2010, this includes a (\$.25) net revenue increase per passenger charge over the current fiscal year and escalates up to \$16.73 in fiscal year 2018. The County may increase the Unitary Fee by no more than 3% each fiscal year beginning on October 1, 2011.
- The water component of the Unitary Fee is capped at \$1,150,000 for FY 2011 and will increase by 3% each fiscal year. If the Seaport Department's costs for water usage by Carnival exceed the Water Usage Cap during any fiscal year, Carnival will pay the County the then prevailing rate for the excess water used.
 - ***What has the water consumption by Carnival been for the last five years?***
- Section 5(ii) states that "The County shall not increase the Unitary Fee unless the increase is equally imposed on all other multiple night cruise operators at the Port.
 - ***Why "night cruise operators"? What is the difference between "night cruise operators" and "multi-day passenger cruise lines"?***
- If after this Amendment is approved a new fee or security charge is imposed by any federal, state or local governmental authority, excluding Miami-Dade County, on Carnival and all other multi-day passenger cruise lines at the Seaport then the Unitary Fee will be increased to include the new charge. However, the Unitary Fee increase is subject to the 3% annual cap in Section 5(ii). When the County is contemplating a new fee that may impact Carnival, the Seaport Department will provide Carnival written notice in advance of any public meeting of the BCC when the fee will be considered.
- If the new fee increases the then current Unitary Fee by five million dollars (\$5,000,000) or more in any fiscal year, Carnival will have the right to terminate the Agreement by giving the County twelve (12) months prior written notice.
- If during any fiscal year the Unitary Fee fails to equal the Minimum Annual Guaranteed (MAG) Payment, Carnival shall pay the difference to the County within sixty (60) days of notice by the County. However, surplus amounts shall accrue each fiscal year when the MAG is exceeded for

that year, should Carnival fail to meet the MAG the surplus account may be used. At the end of the term, the County shall be entitled to retain any surplus amounts.

Budgetary Impact

This Amendment provides for a MAG of \$20,400,000 for fiscal year 2011 beginning on October 1, 2010, and escalates up to \$25,095,000 in fiscal year 2018, for a minimum guaranteed revenue of \$181,425,000 throughout the eight (8) year term. Carnival revenues to the County throughout the last five (5) years have exceeded \$82 million.

This Amendment provides approximately 4,000 square feet of office and warehouse space currently leased by Carnival free of charge beginning on October 1, 2010.

- ***What is the total amount of revenue currently being collected through the current Office and Warehouse Leases?***

This Amendment provides a Marketing Incentive payable to Carnival and according to p. 7 (hand written p. 23), it states that for Fiscal Year 2010-2011, the Port has budgeted \$10,400,000 in Parking Revenue based on 3,954,000 anticipated cruise passenger movements and an overnight parking rate of \$20.

- ***How much of the FY 2010-11 budgeted parking revenue (\$10,400,000) remains with the County and how much would be paid to Carnival?***

The Port's Business Initiatives Division, is responsible for Port trade development, advertising, marketing and tariff development. There is \$1,219,000 budgeted as part of the FY 2009-10 adopted budget.

Additional Comments/Information

On April 6, 2010, Carnival Corporation signed one of its largest passenger terminal use agreements with the Broward County Board of County Commissioners, committing that 25.5 million cruise guests will sail to and from Broward County's Port Everglades over the next 15 years. It is projected the 15 year agreement will generate nearly \$425 million in revenues for Port Everglades. The new agreement is effective October 1, 2010, and replaces the company's previous 10 year agreement. In return for this new long-term agreement, Port Everglades is committed to making significant improvements to four existing cruise terminals at Port Everglades to accommodate Carnival's fleet. Improvements to the terminals will be fully funded by the Port through a new Port User Charge. An Economic Impact Study conducted by Martin and Associates details an estimated average annual economic impact of 6,602 local jobs, related personal income of \$293.6 million and \$21.7 million of state and local taxes from homeporting Carnival's ships in Port Everglades. Additionally, over 621 new jobs will be generated during improvements planned at the four terminals.

Listed below are some of the provisions from Carnival's Agreement with Port Everglades:

- Carnival will pay a Port User Charge (PUC) of between \$12.42 and \$12.85 per passenger ship move, depending on the increase in the tariff adopted by the Board in FY 2011. The new PUC will be in lieu of previous itemized Tariff fees for harbormaster, line handling, water, terminal

electricity, terminal overtime, and discounted wharfage and dockage as well as BSO terminal security fees for MARSEC 1 levels which are currently passed onto Carnival as separate charges.

- The PUC will be increased annually each contract year by the lower of 3.5% or the simple average annual Tariff increase for wharfage and dockage.
- Revenues generated in excess of the guarantee annually will be available to offset any subsequent shortfalls in billable passenger ship moves. At the end of the term all surplus funds will be retained by the County.
- Payments for shortfalls from annual guarantees are due annually within 60 days of notification by the County regarding the shortfall.
- Carnival may elect to extend the Term for one additional five year period with reopeners for rates and guarantees to be negotiated within 120 days after extension request.
- Carnival is eligible for equality of terms within 30 days of cruise lines at Port Everglades being awarded a contract with more favorable terms.

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