



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners
Legislative Analysis

June 30, 2009
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**

June 30, 2009

Supplemental Item(s)¹

7(K)
8(P)1(F)
8(P)3(B)

New Item(s)

7(G)	8(O)1(A)
8(A)1(J)	8(O)1(B), Supp. & Supp. 2
8(F)1(A)	8(Q)1(A)
8(F)1(H)	8(Q)3(A)
8(K)1(B)	9(A)1
8(K)1(C)	11(A)41

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

Acknowledgements--Analyses prepared by:
Bia Marsellos, Senior Legislative Analyst
Jason Smith, Senior Legislative Analyst
Michael Amador-Gil, Legislative Analyst
Mia Marin, Legislative Analyst
Elizabeth Owens, Legislative Analyst
Tiandra D. Sullivan, Legislative Analyst

¹ The item under the supplemental column reflects additional information to the analysis provided previously by the Office of the Commissioner Auditor-Legislative Division.

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



Legislative Notes

Agenda Item: 7(G)
File Number: 091861
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 26, 2009
Type of Item: Building Code and Unsafe Structures
Prime Sponsor: Senator Javier D. Souto

Summary

This ordinance creates a section of the Code of Miami-Dade County (Code), establishing guidelines for the classification of structures identified as being used for the production or manufacturing of illegal narcotics or drugs as an unsafe structure.

On June 11, 2009, at the Health, Public Safety and Intergovernmental Committee meeting, this item was amended by deleting the requirement that the building official conduct an inspection of the structure within 48 hours and added the following:

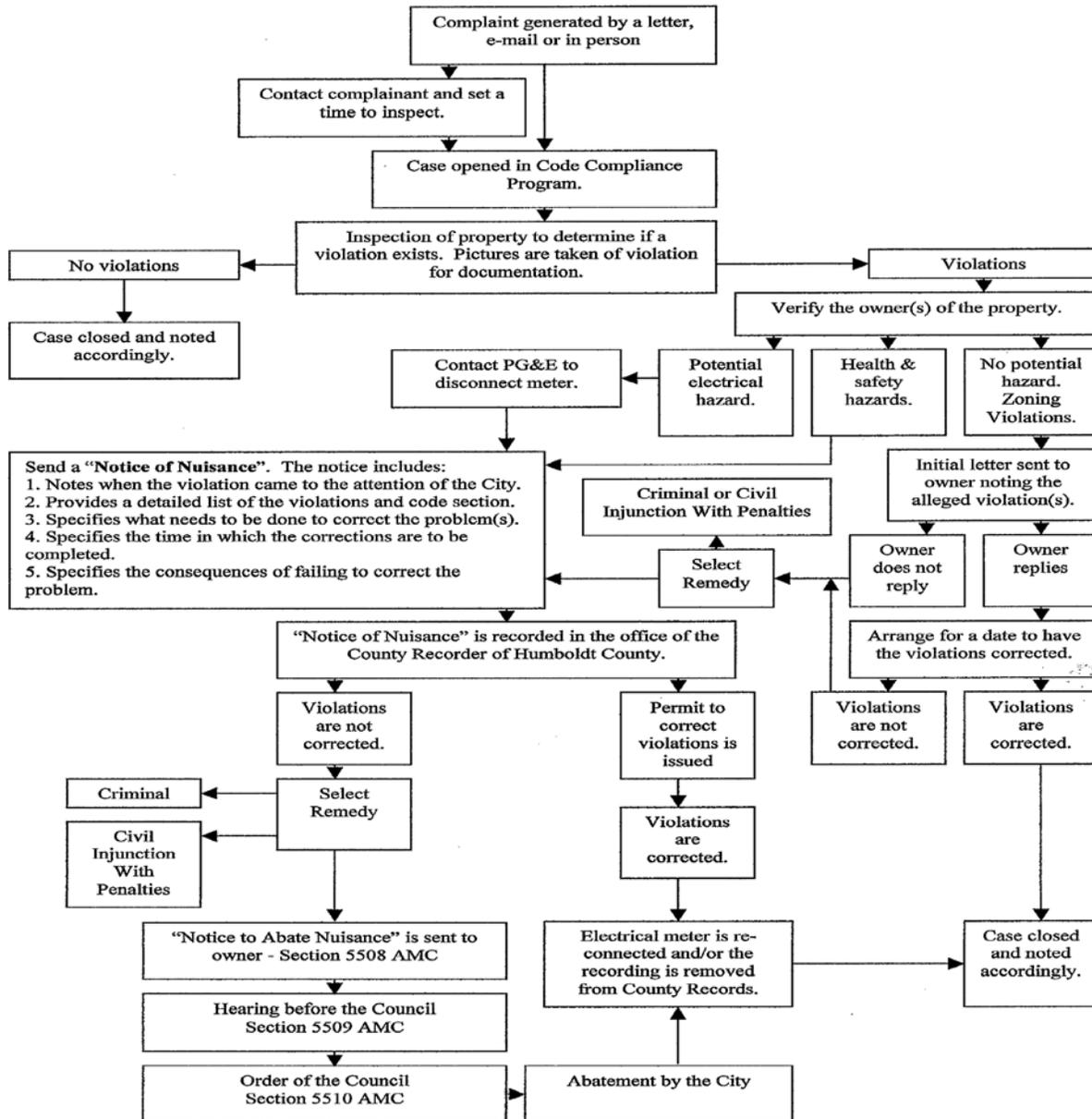
- ***Within 24 hours of law enforcement posting the unsafe building or structure notice, the Miami-Dade Police Department will notify the Building Department of such notice and violations; and***
- ***Upon receiving such notification from the Police Department, the Building Department will immediately send a Notice of Violation within five (5) business days from the Police Department's notification.***

These changes were necessary in order for the County to preserve the owner's due process and to provide the Building Department with a reasonable timeframe to conduct inspection of the structure.

Examples in Other Jurisdictions

The following is Arcata, California's flowchart displaying the Code Compliance process for Marijuana Grow Houses.

Code Compliance - Sequence For Illegal Marijuana Grow Houses Based on Arcata Municipal Code



(Source: City of Arcata Municipal Code)

Background and Relevant Legislation

Marijuana Grow House Eradication Act (Act)

(Source: Attorney General Bill McCollum News Release; May 1, 2008)

Adopted by the State Legislature July 1, 2008, this Act enhances penalties for people who grow marijuana in homes throughout the state. It makes it a second-degree felony to grow 25 or more plants, targeting for-profit growers who exploit Florida's current threshold of 300 plants and the federal limit of

100 plants to avoid prison time. The legislation also makes it a third-degree felony to own a house for the purpose of cultivating, packaging and distributing marijuana and a first-degree felony to grow 25 or more plants in a home with children present. Additionally, the legislation creates a new penalty against those who own a house for the purpose of cultivating marijuana, as well as a new penalty for those who live in or are the caretakers of marijuana grow houses. Furthermore, this Act addresses the requirement to store cumbersome grow house equipment in order to preserve it as evidence by allowing a photograph or video recording of the equipment to be considered as evidence in the prosecution of the crime.

Marijuana Grow Houses

(Source: 2007 Indoor Grow Report (February 2008); Florida Department of Law Enforcement.)

In 2007, the reported seizures of marijuana from Indoor Grow Eradication sites continued to outpace the seizures from Outdoor Grow Eradication sites. Law enforcement detected marijuana grow houses in 45 of Florida's 67 counties, ranking Florida second only to California in the amount of grow houses. Many marijuana growers have moved from rural fields to sophisticated growing operations in the suburbs of Florida. This cultivation shift has been accompanied by new techniques to vastly increase the drug's potency. This extremely potent form of marijuana contains up to 15 times the amount of THC, the addictive chemical found in marijuana. Grow house marijuana has a street value of \$4,000 - \$6,000 per pound.

There were 944 marijuana grow houses found in Florida in 2007, housing 74,698 plants. It was twice the number reported by law enforcement agencies in 2006. These figures do not include 22 counties that did not report their grow house statistics to the Florida Department of Law Enforcement.

In 2006, Miami-Dade County reported the most plants seized and destroyed.

Methamphetamine (Meth) Labs

(Source: nbc6.net - July 8, 2008)

In 2008, there were a rash of small mom and pop drug lab busts in South Florida, causing alarm for the surge of Meth Labs in Florida. Pharmacies now require products containing pseudoephedrine or ephedrine to be placed behind pharmacy counters, limiting the amount that could be purchased and requires buyers to show photo identification.

According to the U.S. Drug Enforcement Administration, Missouri led the nation in meth lab incidents with Mississippi and Michigan following second and third respectively. Concerns regarding these labs include the toxic mix of chemicals and potential fires.

Enforcement Initiatives

Local jurisdictions in Canada seem to be on the forefront of adopting enforcement initiatives as a means to deter people from setting up Marijuana Grow Houses (known as Marijuana Grow Operations or Grow Ops in Canada), for example:

- In 2002, Niagara Regional Police partnered with the region Fire Services and Municipal Building inspectors to enforce building, natural gas, and electrical code infractions. As of January 1, 2009, the addresses of all Marijuana Grow Operations that were dismantled under the authority

of a search warrant are published in an effort to protect future occupants or purchasers of those properties;

- Ontario's Law Enforcement and Forfeited Property Management Statute Law Amendment Act, 2005 allows for a maximum penalty for infractions up to \$50,000 for individuals maintaining a grow house, in addition to requiring that a building is inspected if the local municipality is notified by police that the building houses a grow house.

Budgetary Impact

According to the County Manager's memo, there is an estimated impact of \$17,500 for programming modifications to the current Unsafe Structures automated enforcement system. The modifications to the system are needed to separately track these cases which have different timelines.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 7(K)
File Number: 090907
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: June 26, 2009 (Supplemental to June 15, 2009 analysis)
Commission District: Countywide
Type of Item: Amendment to the Economic Stimulus Plan (ESP) Ordinance 08-92

Summary

This analysis supplements the legislative analysis attached to Item 7(K) regarding the amendment to the Economic Stimulus Plan (ESP) Ordinance 08-92. The supplemental identifies the history of violations for the 53 vendors that received awards through the ESP since its inception.

On July 17, 2008, the Office of Capital Improvements (OCI), through Resolution 851-08, implemented a program that identified \$625.7 million and \$17.3 million respectively in County projects that could be accelerated. Approximately **\$242.4 million** in ESP projects have been awarded to approximately 53 vendors. The \$242 million is the total for projects awarded. The \$330 million mentioned in the resolution is the total for projects expedited which includes projects awarded and projects being advertised. According to OCI staff, the difference between projects expedited (\$330 million) and projects awarded (\$242 million) is \$88 million which is the projects advertised, in the pipeline for award.

Of the 53 vendors, 9 vendors yielded a history of violations. Of the 9 vendors identified, 3 have open violations and 7 have closed violations posted on the June 19, 2009 Violations Report provided by Small Business Development (SBD).

Background and Relevant Information

Section 2-8.2.7 of the ESP Ordinance states that the Mayor or his designee will have the authority to award or reject bids for contracts including professional services agreements and construction contracts and issue a Notice to proceed on each where:

“the contractor or consulting firm receiving the award is in good standing with the County including but not limited to: (1) no outstanding debt; (2) demonstrated acceptable past performance; and (3) has submitted required insurance, bonds, affidavits and documentation provided for the solicitation.”

Status of Violations for Vendors Awarded ESP Projects

Vendors	Date of Violation	Project No.	Amount identified	Amount Makeup	Reason	Closed	Open
Acosta Tractors, Inc.	11/03/06	ML 044533075	\$0.00	\$43,913.28	Prime failed to meet CSBE subcontractor goal	Closed on 10/07/08	N/A
American Earth Movers, Inc.	01/16/07	CCDR2	\$0.00	\$337,836	Utilization of non-certified CSBE	N/A	Open
	05/24/08	VKRP-06-01		\$475,556	Prime failed to meet CSBE subcontractor goal		Open
Leon's Engineering Corp.	05/25/05	S-700B (R2)- 5 ER 47143	\$0.00	\$2,895	Utilization of non-certified CSBE	Closed on 10/24/07	N/A
Pabon Engineering, Inc.	05/24/08	VKRP-06-01	\$0.00	\$0.00	Attempting to comply with the CSBE requirements through fraud and/or misrepresentation	Closed	N/A
Quality Paving Corp.	06/16/06	20050148			Submittal of inaccurate payrolls	Closed on 06/20/06	N/A
	06/16/06	20050149	\$346	\$346	Submittal of inaccurate payrolls	Closed on 06/30/06	
	08/04/06	20030242			Submittal of inaccurate payrolls	Closed on 08/21/06	
	04/23/07	20030243	\$9,009.76	\$9,009.76	Underpayment of employee	Closed on 03/04/08	
	04/23/07	20030241	\$11,225.42	\$11,225.42	Underpayment of employee	Closed on 03/04/08	
Solo Construction Corp.	03/23/07	95087M11	\$0.00	\$0.00	Attempting to comply with the CSBE requirements through fraud and/or misrepresentation	Closed on 05/09/07	Open
	02/04/08	95087M11		\$2,598,742	Prime failed to meet CSBE subcontractor goal		
Solution Construction, Inc.	09/28/07	POPR070105 0	\$0.00	\$175,935	Utilization of non-certified CSBE firm for CSBE/Set Aside work	N/A	Open
Southeastern Engineering Contractors, Inc.	07/24/02	630157Q	\$0.00	\$135,905	Prime failed to meet CSBE subcontractor goal	Closed on 12/01/08	N/A
	10/24/07	S-718-4 ER 15761		\$59,419	Prime failed to meet CSBE subcontractor goal	Closed on 12/01/08	
	02/05/08	20050170		\$0.00	Failure to respond to requests for information	Closed on 03/15/08	
Statewide Electrical Services, Inc.	12/12/06	W20059	\$85,248.36	\$85,248.36	Submittal of inaccurate payrolls	Closed on 04/06/07	N/A

According to SBD staff:

1. American Earth Movers, Inc.

American Earth Movers entered into a compliance agreement with the County in regards to the May 24, 2008 violation (voluntary suspension for a period of 6 months which commenced on December 2, 2008). They have a Community Small Business Enterprise (CSBE) make-up requirement of \$813,392. American Earth Movers has approved make-up plans on two projects valued at \$129,908. Specifically, \$56,892 on Project No. 682501-00-03, Redland Fruit & Spice – Lake Proposed Development Plans, and \$73,016 on Project No. BEAR2-GOB-08 ESP, Beach Erosion and Re-nourishment. **The make-up of the \$683,484 balance will be a condition of any future award.**

2. **Pabon Engineering, Inc.**

On April 21, 2009, Pabon Engineering, Inc. was decertified as a CSBE for six months as a sanction for the violation.

The violation will be recorded as closed as of that date.

3. **Solo Construction Company**

On February 4, 2008, Solo Construction Company (Solo) was issued a Notice of Violation for not meeting the CSBE goal on Project No. MDAD 95087M11 which required a CSBE make-up of \$2,712,742 as a condition of any new award. The make-up amount was later reduced to \$2,598,742 after payments to the CSBE of \$114,000 were made after approval of a settlement. On March 5, 2008, Solo appealed the violation. During the appeal period Solo received two awards that were not subject to the CSBE make-up requirements, Project Nos. 2007.013, Construction Services for Oleta River State Park Mitigation and 2008.008, POM Seaboard Marine Cargo Yard Improvements.

The appeal was officially recorded as withdrawn on January 28, 2009 and appeared on the February 2009 Goal Deficit Make-Up Report. On February 6, 2009, the SBD issued a letter to Solo advising the firm that the \$2,598,742 make-up was officially recorded and recommended that Solo review remaining scopes of work on the two new projects for possible CSBE participation. **In correspondence dated March 11, 2009, Solo reported he was discussing opportunities with CSBEs on Project No. 2007.013 and 2008.008, and that it would submit a make-up plan if these discussions were successfully concluded.**

4. **Solution Construction, Inc.**

On September 28, 2007, SBD issued a Notice of Violation to Solution Construction, Inc. (Solution) on Project No. POPR070105-46440 which resulted in a make-up amount of \$175,935.10. Solution has received eight (8) awards since the September 28, 2007 Notice of Violation was issued. Six (6) projects were 100% set-asides and had no opportunity for additional CSBE participation since all dollars on those projects were already committed to CSBEs. Of the remaining two (2), Project No. 61533 (7360), County Club of Miami Golf Course Green Regrassing was awarded as a no measure and had no opportunities for CSBE participation based on the scope of work of the project. The other Project No. 20020729 (PWD-E #08-03), Joint Participation Agreement City of Coral Gables Roundabouts was awarded with a 29% CSBE goal. **Solution was excused from submitting a make-up plan for this project because the sub-trade categories were maxed out based on the established 29% CSBE goal.**

According to SBD staff, all violations that require make-ups remain open until the make-ups are achieved.

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



Legislative Notes

Agenda Item: 8(A)1(J)

File Number: 091771

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: June 25, 2009

Type of Item: First Amendment to Development Lease Agreement

Summary

This resolution approves the First Amendment to the Development Lease Agreement (Lease) between Miami-Dade County and Centurion Air Cargo, Inc. (Centurion) and its assignee Aero Miami III, LLC (Aeroterm) at Miami International Airport (MIA).

This Amendment extends the Lease's development provisions commencement date from September 2007 to January 2010 and extends the option date for deleting Phase II and/or Building 5A to December 31, 2012. It also clarifies insurance requirements and the leasing of a portion of Building 5A at MIA to a third party.

Additionally, the amendment replaces Section 2.7 of the original Agreement, regarding the existing tenant, Wings, with a new Section 2.7. The Wings Lease expired on October 31, 2007. Centurion has permitted Wings to remain in Building 906. **The County and the Lessee, Centurion, waive any and all claims for damages against the other for the failure of Wings to vacate the Wings space in the manner required by Lessee.**

- *What is the status of Wings leaving the space?*
- *Why has Centurion allowed Wings to stay on a month-to-month basis?*
 - *According to Miami Dade Aviation Department (MDAD), Wings has been litigious toward Miami- Dade County in reference to relocating its operations. Wings employs 100 people, therefore Centurion and MDAD felt it in the best interest of the community to be accommodating.*
- *The amendment waives any and all claims for damages as it relates to Wings vacating its premises.*

Background and Relevant Legislation

On September 4, 2007, R-955-07, approved a 30-year Development Lease, with two 5-year renewal options, for Centurion's construction of a cargo warehouse facility at MIA. The Lease provided for the assignment to Aeroterm to construct the facility and then lease the completed facility back to Centurion

for its use and occupancy. According to the Lease, all Phase I improvements should have been completed within 30 months from the Lease Commencement Date or 36 months if subject to a development of regional impact requirement (DRI) and Phase II was to be completed within 60 months from the Commencement Date.

In 2007, when this Lease was approved, MIA was experiencing a 4.30% growth in the total cargo handled at the airport and a growth of 6% in international cargo. The Lease was necessary for MDAD to keep up with the growth in cargo.

However, according to the County Manager's memorandum, cargo traffic has fallen nearly 30% over the last several months.

- *With the recent decline in cargo should the Lease be modified?*

Additionally, the Lease required a \$110 million investment for Phase I. Included in Phase I, Centurion was to complete the Taxiway "K" project for safety reasons associated with aircraft operations. They would be entitled to a credit of up to \$6.4 million based on an audit of the costs associated with the project. The Lease also provides for Centurion to purchase and pay the County for Buildings 890 and 891 based on the current fair market value (FMV) of \$6.4 million (FMV in 2007). If they purchase prior to the completion of the Taxiway "K" Project, the proceeds will be held in escrow pending the release to Centurion of the eligible project costs of the Taxiway "K" project, up to \$6.4 million.

- *What is the status of the Taxiway "K" project?*

Policy Change and Implication

In July 2007, MDAD demanded a personal guarantee by the principal Alfonso Rey, due to a history of outstanding balances. According to the County Manager's memorandum, cargo traffic has fallen nearly 30% over the last several months and the delinquency has risen to approximately \$1.1 million. Centurion is disputing \$600,000 of those charges. MDAD feels that its exposure is adequately secured by the security deposit, equal to twice its monthly rent, and the personal guarantee.

Budgetary Impact

- *What is Centurion's payment history under this development lease?*

Prepared by: Bia Marsellos

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



Legislative Notes

Agenda Item: 8(F)1(A)

File Number: 091466

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

Date of Analysis: June 26, 2009

Type of Item: General Services Administration to Act as General Contractor

Summary

This resolution authorizes the General Services Administration (GSA) to act as general contractor and waive Resolution 120-83 requiring that construction of public improvements be provided by private industry through competitive bidding. GSA will utilize existing County workforce and trade contractors through the CICC 70400-09/07 Miscellaneous Construction Contract.

Background and Relevant Information

The Design and Construction Services is handled by GSA. The Design and Construction Services houses the Division Director's Office; Construction Management; Architecture and Engineering; Design Services; and Renovation Services.

Design and Construction Services Full Time Employees (FTEs), General Services Administration				
Fiscal Year / Division Area	FY 2005-06 Actual	FY2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Budget
Director's Office	5	6	6	6
Project Management	16	21	30	35
Architectural and Engineering	15	21	22	26
Design	17	17	17	19
Renovation Services	69	68	66	71
Total FTEs	122	133	141	157 ¹

Revenues and Expenditures Activity

¹ From FY 2005-06 to FY 2008-09, the Design and Construction Services realized a 29% increase in FTEs.

Design & Construction Services (Director's Office)

Activity	FY 2007-08 Actual	FY 2008-09 Budget	FY 2009-10 Projection
Carryover	\$361	\$168	\$95
Interagency Transfers	\$0	\$0	\$0
Intradepartmental Transfers Revenues	\$3,649	\$6,954	\$7,189
Debt Service (Expenditure)	\$1,290	\$1,285	\$1,345
Reserves (Expenditure)	\$0	\$904	\$0
Intradepartmental Transfers (Expenditure)	\$449	\$500	\$906

Revenues and Expenditures Activity

Design & Construction Services (Project Management)

Activity	FY 2007-08 Actual	FY 2008-09 Budget	FY 2009-10 Projection
Carryover	\$-213	\$-678	\$-948
Intradepartmental Transfers Revenues	\$0	\$0	\$0
Debt Service (Expenditure)	\$0	\$0	\$0
Reserves (Expenditure)	\$0	\$22	\$0
Intradepartmental Transfers (Expenditure)	\$400	\$1,695	\$0

Revenues and Expenditures Activity

Design & Construction Services (Architectural & Engineering)

Activity	FY 2007-08 Actual	FY 2008-09 Budget	FY 2009-10 Projection
Carryover	\$1,224	\$1,610	\$923
Intradepartmental Transfers Revenues	\$0	\$132	\$0
Debt Service (Expenditure)	\$0	\$0	\$0
Reserves (Expenditure)	\$0	\$30	\$0
Intradepartmental Transfers (Expenditure)	\$500	\$2,132	\$3,783

Revenues and Expenditures Activity

Design & Construction Services (Design & Construction)

Activity	FY 2007-08 Actual	FY 2008-09 Budget	FY 2009-10 Projection
Carryover	\$1,932	\$990	\$1,507
Intradepartmental Transfers Revenues	\$0	\$0	\$0
Debt Service (Expenditure)	\$0	\$0	\$0
Reserves (Expenditure)	\$0	\$11	\$0
Intradepartmental	\$1,800	\$2,509	\$2,500

Transfers (Expenditure)			
--------------------------------	--	--	--

Revenues and Expenditures Activity
 Design & Construction Services (Renovation Services)

Activity	FY 2007-08 Actual	FY 2008-09 Budget	FY 2009-10 Projection
Carryover	\$-714	\$-627	\$-2,822
Intradepartmental Transfers Revenues	\$0	\$274	\$0
Debt Service (Expenditure)	\$0	\$0	\$0
Reserves (Expenditure)	\$0	\$69	\$0
Intradepartmental Transfers (Expenditure)	\$500	\$524	\$0

Trends and Issues

In January 2006, the Office of Strategic Business Management conducted a survey² on Construction Management and Renovation Services Charges and Billing (CMRS) Practices. Twelve jurisdictions were contacted to compare how CMRS-type functions are funded. According to the survey, seven responded, two from Florida. The major highlights illustrate:

- There was no established industry standard ratio of number of project assignments or project dollars per employee however;
 - All jurisdictions contacted indicated project managers oversee multiple projects ranging from four to ten and,
 - A 2005 nationwide survey of 74 private industry project managers by Zweigwhite Consulting revealed a median of six projects per project manager range from \$53,000 to \$3 million per contract.
- While some jurisdictions provide construction management and renovation services in-house, others outsource;
- Some jurisdictions operate CMRS-type functions as an “enterprise” entity while others are funded through capital/general funds, or a combination of both;
- Hillsborough County can hire employees to work on specific projects without granting tenure rights to their positions; and
 - Open to county and non-county employees but county employees have return rights at project end.

Prepared by: Michael Amador-Gil

² General Services Administration Construction Management and Renovation Services Charges and Billing Practice Report submitted to the Office of the Commission Auditor’s Office

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



Legislative Notes

Agenda Item: 091521
File Number: 8(F)1(H)
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 26, 2009
Type of Item: Renewal Lease Agreement

Summary

This resolution authorizes the execution of a Lease Agreement between Miami-Dade County and AOA Office, LLC, a Delaware limited liability company, for premises to be utilized by Miami-Dade Department of Corrections and Rehabilitation for administrative offices.

The property is located at 7855 N.W. 12 Street, Suite 114, Miami, Florida, in District 12. The Agreement includes the lease of 8,400 square feet of air-conditioned office space, along with parking. Miami-Dade Department of Corrections and Rehabilitation has been in this facility since 1997.

Budgetary Impact

The lease Agreement is for a five (5) year term. The total cost to the County in the first year is \$205,792, which includes the annual base rent of \$184,800 and other indirect expenses (Systems furniture removal and replacement - \$13,600 and 4% lease management fee - \$7,392). The total fiscal impact to Miami-Dade County is estimated not to exceed \$1,089,372.03 for the five (5) year term.

This expense has been budgeted by the Department of Corrections and Rehabilitation. The funding source is General Funds.

Question / Comment:

This lease renewal is for a non-county facility. There is no legal mandate for Internal Affairs to be in a facility separate from its headquarters. Fire Rescue houses its Internal Affairs in its headquarters building at 9300 N.W. 41st Street. Whereas, the Miami-Dade Police Department has its Internal Affairs and other offices related to the Professional Compliance Bureau located at 9690 N.W. 41st Street in Doral separate from Police Headquarters.

As a cost savings initiative, could space at any of the County owned buildings meet the needs of Corrections and Rehabilitation's Internal Affairs? For example, to utilize space at the Overtown II building which currently has space available.

Note: Moving costs would need to be factored in to determine if this option would be cost-effective.

This item states that the Lease Agreement is to commence on June 1, 2009; however, the current lease includes a holdover provision whereby the terms of the current lease are still active on a month to month basis.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 8(K)1(B)
File Number: 091820
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 26, 2009
Type of Item: Resolution Authorizing Allocation of Funds

Summary

The resolution authorizes the allocation of FY 2009 Empowerment Zone funds in the amount of \$3.5 million to 26 eligible economic development projects.

Background and Relevant Legislation

On July 26, 2007, a report was presented to the Board of County Commissioners (Board) that detailed the termination of the Memorandum of Understanding between Miami-Dade County and the Miami-Dade Empowerment Trust, Inc. (MDET). During this meeting, the Board was notified that the County Mayor exercised the delegated authority to terminate the MOU agreement prior to the Board meeting.

On May 6, 2008, the Board through Ordinance 08-56 designated the Office of Community and Economic Development (OCED) as the implementing arm for all MDET ongoing activities. Ordinance 08-56 created the Empowerment Zone Strategic Alliances (EZSA) to review OCED staff funding recommendations and make final recommendations on the funding of all projects and programs with EZ federal funds and program income to the Board for final approval. The remaining EZ grant funding totaled \$3,929,930.

On March 17, 2009, the Board approved Resolution R-309-09 authorizing the reimbursement of \$357,766 to several organizations that provided services in connection with the EZ program. The Board also approved Resolution R-311-09 which authorized the issuance of the remainder of the FY 2009 EZ Request for Applications (RFA) in the amount of to \$3.5 million to eligible economic development projects that serve EZ residents.

The categories for the Empowerment Zone Priorities are as follows:

- Business Expansion
- Business Expansion and Retention
- Business Start Up

- Apprenticeship/Job Training
- Job Creation/Employment
- Job Training in the Security field
- Economic Development
- Public Facilities and Improvements: Street Lighting
- Child Care

Policy Change and Implication

N/A

Budgetary Impact

N/A

Prepared By:

Tiandra D. Sullivan

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



Legislative Notes

Agenda Item: 8(K)1(C)
File Number: 091819
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 26, 2009
Type of Item: Resolution Authorizing Submission of the Competitive Application

Summary

The resolution authorizes the Mayor or his designee to submit an application on behalf of Miami-Dade County for \$162 million to the U.S. Department of Housing and Urban Development (USHUD) in response to the Notice of Fund Availability (NOFA) for the Neighborhood Stabilization Program 2 (NSP2) funds under the American Recovery and Reinvestment Act (ARRA) of 2009.

Background and Relevant Legislation

On November 20, 2008, the Board of County Commissioners (Board) approved Resolution 1151-08 which authorized the Mayor or his designee to submit the County's application for an award of \$62,207,200 under Title III of the Housing and Economic Recovery Act of 2008.

On March 17, 2009, the Board approved an Implementing Order (IO) establishing a process to govern the programs outlined in the Miami-Dade County Neighborhood Stabilization Program (NSP) Substantial Amendment to the 2008 Action Plan (NSP Plan).

The Office of Community and Economic Development (OCED) is serving as the lead agency responsible for the management of the County's NSP program. The first round of NSP funding focuses on six strategies:

1. Second mortgages,
2. Acquisition of single-family homes and rehabilitation
3. Acquisition of multi-family properties and rehabilitation
4. Demolition
5. Redevelopment activity on the HOPE VI project and
6. Redevelopment in the expanded HOPE VI area

On March 17, 2009, the Board accepted a report detailing supplemental information on the NSP. The report detailed that the second round of NSP funds are to be allocated through a competitive process. The report also stated that the selection of grantees will be based on the grantee's demonstrated capacity to execute projects, expend at least 50 percent of their allocated funding within two years and 100 percent within three years, the potential to draw in additional funding (leveraging), and plan to concentrate investments to achieve neighborhood stabilization. The report states that the County's performance with its current NSP allocation will be measured to determine future NSP allocations. Agenda item 12(B)2 details the progress of the NSP1 activities.

Questions

Will the IO that was approved by the Board on March 17, 2009 govern the implementation of the NSP2 funds?

According to the OCED staff, the IO that governs the NSP1 funds will also govern the implementation of the NSP2 funds.

The cover memorandum to the IO that was approved in March stated that OCED will be issuing a Request for Qualifications from qualified contractors to assist OCED with funding agency coordination, sub-recipient monitoring, environmental review, financial management monitoring and program management.

According to the OCED staff, the RFQ was issued in April. The process is still under the Cone of Silence however, the department can report that the Selection Committee has made selection recommendations, pending Manager's signature

Policy Change and Implication

N/A

Budgetary Impact

N/A

Prepared By:

Tiandra D. Sullivan

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



Legislative Notes

Agenda Item: 8(O)1(A)
File Number: 091289
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 26, 2009
Type of Item: Contract Award

Summary

The proposed resolution authorizes award of a competitive contract to Professional Protection & Investigations Agency, Inc / Security Alliance (a joint venture), and 50 State Security Service, Inc. for security guard services for Miami-Dade Transit (MDT) Metromover, Metrorail and MDT facilities, including public parking areas.

This contract is for \$36,300,000 for two years. Should the County Mayor or his representative exercise the two, one-year options-to-renew (OTR) at \$18,150,000 per year, the total contract value will be \$72,600,000 for a total of four years. The funding source is Miami-Dade Transit operating funds which includes People's Transportation Plan (PTP) funds.

Background and Relevant Legislation

Currently, security guard services for Miami-Dade Transit Metromover, Metrorail and Facilities are provided by Wackenhut. The current contract was awarded on July 13, 2004 as a bid waiver without competition and expires on November 2, 2009.

Audit and Management Services (AMS) Audit of Wackenhut Corporation

On April 20, 2008, AMS issued an audit of MDT's contract with Wackenhut for security guard services. The audit found that Wackenhut over-billed the County for services not rendered, and security posts required to be covered were not appropriately staffed.

These concerns have led to specific safeguards being integrated into the contract to hold the recommended firms accountable for appropriate staffing and accurate billing. According to the County Manager's memo dated April 10, 2009, tools have been incorporated in the contracts to assist the MDT security chief and contract managers to monitor and evaluate vendor performance. Specific changes to the contract from the current contract are:

- Structured automated invoicing verification;
- Defined infraction schedules; and
- Biometric system to identify (armed and unarmed) personnel at each security location.

This contract is awarded as an invitation to Bid (ITB). Both vendors are local companies. The solicitation includes a biometric identification system for security officers which allows for attendance verification of the guards at their designated posts. This contract is divided into two groups:

AWARD	VENDOR	DESCRIPTION	BID AMOUNT	CONTRACT MEASURES
Group 1	Professional Protection & Investigations Agency, Inc / Security Alliance (a joint venture)	Unarmed security guard services for Transit facilities such as bus and rail maintenance shops.	\$2,771,440	Small Business Enterprise (SBE) set-aside
Group 2	50 State Security Service, Inc.	Armed security guard services for Metrorail, Metromover, and Metrorail parking facilities	\$28,754,608.56	14% SBE Subcontractor Goal

Policy Change and Implication

Questions and Comments

- Provide the number of employees under this contract for both Professional Protection & Investigations Agency, Inc / Security Alliance (a joint venture), and 50 State Security Service, Inc.
- Provide the certifications for both Professional Protection & Investigations Agency, Inc / Security Alliance (a joint venture), and 50 State Security Service, Inc.
 - Florida Department of Agriculture and Consumer Services class “B” license is attached in file for both firms compiling the joint venture and for 50 State Security.
- Contract includes a full-time, on-site Trainer/Quality Control Monitor who is licensed and has been certified through Florida Division of Licensing and American Red Cross.
- Professional Protection & Investigations Agency, Inc / Security Alliance intends to hire a large percentage of the work force currently providing services for the incumbent vendor, Wackenhut.
- Provide the previous history with the County for Professional Protection & Investigations Agency, Inc / Security Alliance (a joint venture), and 50 State Security Service, Inc.

- Security Alliance provides services to Miami-Dade General Services Administration in the geographic Sector known as 1B for armed and unarmed services at several County facilities including Miami-Dade Fire Rescue Headquarters/Emergency Operations Center, Elections Headquarters, Water and Sewer Department (WASD) Water Treatment Plants, Solid Waste Department Headquarters and Animal Services. This Contract expired in September 2008, was it renewed?

- Sub-contractors under 50 State Security Service, Inc. include Delad Security Corporation, Feick Security Corporation, and Navarro Security Group, Inc. Feick's Micro/SBE expired 8/31/08, has this been renewed?

Prepared By: Elizabeth N. Owens

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



Legislative Notes

Agenda Items: 8(O)1(B), Supplement, and Supplement No. 2

File Numbers: 091338, 091682, and 091928

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: June 26, 2009

Type of Item: Agreement Execution

Summary

This resolution authorizes the County Mayor or his designee to execute the following Agreements with the Miami-Dade County Public Library System (MDPLS) for a total cumulative value of \$11,572,856:

- GIS Information Systems, Inc., D/B/A Polaris Library Systems, in the amount of \$4,750,000 to obtain an integrated library system (ILS), with a renewal provision of up to \$6,130,721 for a total value of \$10,880,721; and
- R.R. Bowker LLC in the amount of \$250,000 to obtain an online public access catalog discovery/overlay product, with a renewal provision of up to \$442,135 for a total value of \$692,135.

This contract replaces the existing Legacy SirsiDynix Horizon and Horizon Information Portal Systems.

On April 29, 2009, the current vendor, Sirsi/Dynix filed a bid protest but subsequently withdrew the protest on May 27, 2009.

Background and Relevant Legislation

The current system is supported Legacy SirsiDynix Horizon and Horizon Information Portal System with a cumulative value over a thirteen year term for \$8,453,061.

Other Jurisdictions

On January 14, 2009, Polaris Library System announced that in 2008, 56 library systems selected the Polaris ILS System (source: Library Technology Guide website):

- Appellate Division 4th Department, Law Library, NY
- Black Gold Cooperative Library System, CA
- Boyd County Public Library, KY
- Brampton Library, ON, Canada
- Bryan + College Station Public Library System, TX

- Cape May County Library, NJ
- Central Library Consortium, OH
- Chatham County Public Libraries, NC
- Clearwater Public Library System, FL
- Cornwall Public Library, ON, Canada
- Cushing Public Library, OK
- Douglas County Public Library, NV
- Dunedin Public Library, FL
- East Lake Community Library, FL
- East Parker County Library, TX
- East Morgan County Library District, CO
- Eastern Shores Library System, WI
- Evangeline Parish Library, LA
- Floyd County Public Library, KY
- Fort Morgan Public Library, CO
- Fort Smith Public Library, AR
- GMILCS, Inc., NH
- Gulf Beaches Public Library, FL
- Gulfport Public Library, FL
- Haysville Community Library, KS
- Henderson County Public Library, KY
- Highland City Library, UT
- Hutchinson Public Library, KS
- Iolani School, HI
- Josephine Community Libraries, Inc., OR
- Kamehameha Schools, HI
- Largo Public Library, FL
- Lee County Library System, FL
- McKinney Memorial Public Library, TX
- Manhattan Public Library, KS
- Michener Institute, ON, Canada
- Newton Public Library, KS
- Ocean County Library, NJ
- Oldsmar Public Library, FL
- Ouachita Parish Public Library, LA
- Palm Harbor Library, FL
- Pinellas Park Public Library, FL
- Pinellas Public Library Cooperative, FL
- Prince George's County Memorial - Library System, MD
- St. Pete Beach Library, FL
- St. Petersburg Public Library System, FL
- Safety Harbor Public Library, FL
- Schertz Public Library, TX
- Seminole Community Library, FL
- Springtown Public Library, TX
- Sterling Public Library, CO
- Stormont, Dundas and Glengarry County Library, ON, Canada
- Tarpon Springs Public Library, FL

- TRAC, AB, Canada
- Wichita Public Library, KS
- Wickenburg Public Library, AZ

Budgetary Impact

This contract is for an initial five-year term with five, three-year options-to review. Under the initial term of the contract, the contract amount is for \$5,000,000. The initial term of this contract will be funded by the Library District Operating Funds.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 8(P)1(F)

File Number: 091711

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

Date of Analysis: June 26, 2009 (Supplemental to June 15, 2009 analysis)

Type of Item: Engineering Agreement

Summary

This analysis supplements the legislative analysis attached to Item 8(P)1(F) regarding the Railroad Engineering Agreement. The supplemental identifies the proposed railroad crossing projects.

Proposed Railroad Crossing Projects for the next 5 years

Commission Districts	Location/Project	Crossing Devices
2	N.W. 37 Avenue from N.W. North River Drive to N.W. 79 Street MDCPWD Project No. 20040330 (PTP)	3 CSX Crossings & 1 FEC Crossing
3	N.E. Second Avenue, from N.E. 62 St. to West Little River Canal (PTP)	1 FEC Crossing
8	S.W. 312 Street from S.W. 187 Avenue to S.W. 177 Avenue MDCPWD Project No. 20040342 (PTP)	1 CSX Crossing
9	S.W. 136 Street from S.W. 127 Avenue to Florida Turnpike MDCPWD Project No. 20040346 (PTP)	1 CSX Crossing

According to PWD staff, the number of crossings anticipated to be improved over the next five years is a total of 7 crossings.

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 8(P)3(B)

File Number: 091755

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: June 26, 2009 (Supplemental to June 15, 2009 analysis)

Commission District: 8

Type of Item: Reject all Proposals

Summary

This analysis supplements the legislative analysis attached to Item 8(P)3(B) regarding the rejection of all proposals for Contract No. 20080029. Contract No. 20080029 establishes one non-exclusive Professional Services Agreement to provide planning, design, and post design services for drainage improvements to Caribbean Blvd. at the C-1N Canal Crossing. **The supplemental identifies Addendum No. 1 issued to the consultants to clarify the previously issued Notice to Professional Consultants (NTPC).**

Background and Relevant Information

Addendum No. 1 was not included in Item 8(P)3(B). The addendum clarifies that Project No E08-PW-01 has a 100% CBE Set-Aside established as a measure: as a result, only 1 Tier CBEs can propose on the solicitation. Furthermore, the addendum clarified that only 1st Tier CBEs can participate on this solicitation. Non-CBEs and 2nd Tier CBEs cannot propose Set-Asides are exclusively for 1st Tier CBEs.

Addendum No. 1 revised the following deadlines: pre-submittal project briefing date; receipt of questions; receipt of proposals; and First-Tier and Second-Tier meetings.

Original NTPC	Addendum No. 1
Pre-Submittal Project Briefing 12/15/08	Pre-Submittal Project Briefing 01/12/09
Deadline for receipt of questions 12/18/08	Deadline for receipt of questions 01/14/09
Deadline for receipt of proposals 01/07/09	Deadline for receipt of proposals 01/26/09
First-Tier & Second Tier Meeting 01/26/09 and 02/09/09	First-Tier & Second Tier Meeting 02/09/09 and 02/23/09

Of the 6 firms evaluated by the Competitive Selection Committee (CSC), BCC Engineering, Inc. was the top ranked. However, 5 of the 6 firms, including BCC Engineering, were found to be non-compliant with the Community Business Enterprise (CBE) Participation Provisions pursuant to the Notice to Professional

Consultants (NTPC). Subsequently, the First-Tier ranking report indicates that only one (1) firm is in compliance, Sanchez-Zeinali & Associates, Inc., ranked third by the CSC.

Prepared by: Michael Amador-Gil

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



Legislative Notes

Agenda Item: 8(Q)1(A)
File Number: 091762
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 25, 2009
Type of Item: Resolution
Sponsor: Seaport Department

Summary

This resolution does the following:

- Approves a security services agreement between Miami-Dade County and Royal Caribbean Cruise Lines, Inc., which will allow the County to provide security services to the cruise line through a contractor hired by the County.
- Approves a security contract between Miami-Dade County and McRoberts Protective Agency, Inc. Under this contract award, McRoberts will provide security services to Royal Caribbean Cruise Lines, Inc.
- Waives the County policy of a conducting a competitive bidding process for contracts as it relates to the McRoberts security contract. Note: A 2/3's vote of the Board of County Commissioners present is required to waive competitive bidding procedures, pursuant to Section 5.03(D) of the County Charter, and Section 2-8.1 of the County Code.

Background and Relevant Legislation

This item represents the second phase in a three-phase process to implement a unitary fee for Royal Caribbean Cruise Lines (RCCL). The Board approved the phased-in implementation of the unitary fee model for RCCL when it approved Resolution **R-1345-08**, on Dec. 2, 2008.

As noted in the Manager's memo accompanying the item, Phase 1 of the unitary fee was implemented in Jan. 2009, and included the bundling of dockage, wharfage, harbor fee, and water into a single rate of \$9.86 per embarking and disembarking passenger.

Phase 2 includes adding security services to the fee. Under the proposed agreement, the County will provide security services and RCCL will pay the County for the security services and an additional administrative fee.

Phase 3 of this unitary fee model will add stevedoring to the services provided by the County through a contractor.

Unitary Fee

The unitary fee model is relatively new to the cruise line industry, yet it is a trend that is being pursued by the select cruise lines at varying ports, according to officials at the Port of Miami and Port Everglades.

Benefits of bundling service charges into a single fee paid to the port include the simplified financial transaction between the port and the cruise line. A single fee per embarking and disembarking passenger which is paid to one vendor (in this case the Port of Miami) also allows the cruise line to cut down on back office staff, and may decrease financial computation errors. Unitary fees also allow a port to lock in guaranteed rate from cruise lines.

A potential pit fall of static unitary fees may occur when unanticipated costs are incurred by the port which are not covered in the unitary fee, such as costs for new programs or procedures mandated by the federal government which were not expected. In such a scenario, the port may have to shoulder the added costs until negotiations with a cruise line can be reopened. Such a scenario could be avoided with a clause that addresses unforeseen costs, according to Alan Hill, who handles business development for Port Everglades.

Currently, RCCL appears to be leading the push for unitary fees. RCCL currently has similar unitary fee arrangements with the following ports: Everglades, Galveston and Southampton.

The unitary fee model approved by the Miami-Dade County Board of County Commissioners (R-1345-08) applies to RCCL only. According to Port of Miami staff, other cruise lines may request a unitary fee. Cruise lines at the Port of Miami are not mandated to adopt the unitary fee model.

Unitary Fee Amount

Currently, the unitary fee for RCCL is \$9.86. The Unitary Fee will remain at \$9.86, upon the enactment of Phase 2 (security component) of the unitary fee. However, the effective date of Phase 2 of the unitary fee is October 1, 2009 — the same date that Phase I of the Unitary Fee is expected to increase to \$10.16 as a result of the new fiscal year. According to Seaport staff, the increase is not related to Phase 2, but rather, the start of the new fiscal year.

McRoberts Protective Agency, Inc.

McRoberts Protective Agency, Inc., currently provides security services to RCCL through a contract between the firm and RCCL. McRoberts is a registered company with the Florida Department of State, Division of Corporations, and is listed as in good standing.

The company's principal agent is Meridith McRoberts, 87 Nassau Street, 2nd Floor, New York, NY. The company does not have a record of violations with Miami-Dade County, according to the June 19, 2009, Violations report provided by the Department of Small Business Development

Policy Change and Implication

This item represents Phase 2 in the implementation of a unitary fee service provided by Port of Miami to RCCL, pursuant to R-1345-08. The unitary fee is a new fee model at the Port of Miami. Based on the success of this fee model, other cruise lines at the Port of Miami may opt for similar arrangements.

Budgetary Impact

According to the Manager's memo, the cost of the security services will be \$4 million, with a \$150,000 per year administrative fee. RCCL will reimburse the County for the provision of the security services, and pay the administrative fee in quarterly installments of \$37,500.

The Seaport staff reports that the security component of the unitary fee will be billed as follows: Upon receipt of invoices from the Security Provider, the County will send an invoice to RCCL for the amount invoiced by the Security Provider to the County. The County's invoice to RCCL will detail total security charges on a per vessel, per call basis and will include a passenger count on a per vessel basis. The county's invoice to the cruise line will be the same dollar amount as the Security Provider's invoice to the county.

Prepared By: Jason T. Smith

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



Legislative Notes

Agenda Item: 8(Q)3(A)
File Number: 091894
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 26, 2009
Type of Item: Change Order

Summary

This item approves the first retroactive change order to a contract between Miami-Dade County and Solo Construction Corporation for the mitigation work being performed by the firm at the Oleta State Park, located in District 4.

This retroactive change order would make the following changes to the contract:

- Increase the contract time by 30 days (non-compensable).
- Increase the contract amount by \$629,525.42 which would bring the total contract award to \$2,851,269.52. This change order represents a 28% increase over the original contract award.

Background and Relevant Legislation

The Oleta River State Park mitigation, which includes the mitigation of 62.5 acres with red mangroves within the park, was necessitated by a consent order between the County and the Florida Department of Environmental Protection (approved by the Board of County Commissioners through Resolution **R-367-02**). The contract to perform the work outlined in the consent order was first awarded to U.S. Bridge and Dredge, Inc. on March 4, 2008. That award was rescinded by **R-761-08**, after U.S. Bridge failed to submit a performance bond which met the requirements of the contract. Resolution R-761-08 awarded the contract to perform the mitigation work to Solo Construction, the second-lowest bidder on the project.

This item **did not** receive committee review. According to Seaport Staff, the time sensitive nature of this item required that it be heard by the full Board of County Commissioners at the June 30, meeting. According to the Consent Order authorized by the Board (R-367-02), the County was to complete the mitigation work at Oleta River State Park within 3 years, and also notify the Florida Department of Environmental Protection (FDEP) within 24-hours of any delay. According to Seaport staff, the Florida

Department of Environmental Protection has authorized the County to proceed with this project for a period of 18 months starting in April 2008. Therefore, with the Board of County Commissioners recess period in August, approval of this change order now will ensure timely completion of the project by October 2009.

- Why wasn't the work completed in three (3) years?

Although the original expiration of this contract was September 5, 2009, the project consent order calls for completion in October 2009 (18 months from project initiation). Seaport staff reports that representatives from Oleta Park, DERM and FDEP are monitoring the progress of this project.

Currently, 74% of this project is completed.

This change order also seeks use a portion of the \$629,525.42 in change order funds (\$102,858.52) to replenish the contingency account of this contract. The contractor has already been paid \$102,858.52 from this contingency account for part of the work it performed as a result of change orders. The remaining change order funds will be paid to contractor for work detailed on handwritten pages 2, 3 of the Manager's memo.

According to Seaport staff additional charges for work such as shoreline stabilization will be adequately covered by the replenished contingency account and there will not be a need for an additional change order.

Solo Construction

The Manager's memo states that Solo Construction Corporation has one open violation listed on the History of Violations Report compiled by the Department of Small Business Development (SBD).

According to SBD, on February 4, 2008, Solo Construction Company (Solo) was issued a Notice of Violation for not meeting the CSBE goal on Project No. MDAD 95087M11 which required a CSBE make-up of \$2,712,742 as a condition of any new award. The make-up amount was later reduced to \$2,598,742 after payments to the CSBE of \$114,000 were made after approval of a settlement. On March 5, 2008, Solo appealed the violation. During the appeal period Solo received two awards that were not subject to the CSBE make-up requirements, Project Nos. 2007.013 (the Oleta River State Park Mitigation project) and 2008.008 (Port of Miami Seaboard Marine Cargo Yard Improvements).

The appeal was officially recorded as withdrawn on January 28, 2009 and appeared on the February 2009 Goal Deficit Make-Up Report. On February 6, 2009, the SBD issued a letter to Solo advising the firm that the \$2,598,742 make-up was officially recorded and recommended that Solo review remaining scopes of work on the two new projects for possible CSBE participation. In correspondence dated March 11, 2009, Solo reported to SBD that it was discussing opportunities with CSBEs on the two Seaport projects, and that it would submit a make-up plan if these discussions were successfully concluded.

- **Question: Has a make-up plan been submitted by Solo for this open violation?**

Policy Change and Implication

This item does not present any change in County policy.

Budgetary Impact

This change order increases the contract award by \$629,525.42 which would bring the total contract amount to \$2,851,269.52. The Seaport Department seeks to fund this contract through Special Obligation Bonds Series 2009. The Board of County Commissioners would need to approve the issuance of these bonds through the approval of items 5(l) and 8(E)1(B) on the June 30, 2009, BCC agenda. If the Board does not approve the issuance of the Special Obligation Bonds Series 2009, the Seaport would need to seek other funding sources such as the County's General Fund to fund this project.

Prepared By: Jason T. Smith

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



Legislative Notes

Agenda Item: 9(A)1

File Number: 091562

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: June 25, 2009

Type of Item: Grant Approval

Summary

This resolution approves thirty-two (32) grant awards for a total of \$142,943 from the FY2008-09 Community Grants Program (CGP)-Fourth Quarter.

Background and Relevant Legislation

The CGP is a quarterly program that provides funding to non-profit organizations that develop small to medium scale community based arts programs, projects and event (fairs, parades, neighborhood festivals, conferences and publications). This program is particularly appropriate for projects which encourage the preservation of heritage and cultural traditions, social service organizations and cultural groups developing collaborative intervention projects.

Policy Change and Implication

Of the thirty-two (32) grant awards for this program, the following are first time recipients:

- American International Relief, Inc.
- Art Forever Miami, Inc.
- Artoconecto, Inc.
- Association of Exchange and Development of Activities and Partnership, AEDAP, Inc.
- City of Miami Community Relations Board (CRB)
- Communities United, Inc.
- Dade Community Foundation, Inc., Living Arts Trust, Inc. d/b/a O Cinema
- Hispanic-American Lyric Theatre A/F/A for Opera/Ballet Workshop of Miami
- Hispanic-American Lyric Theatre, Inc. A/F/A Art At The Chapel
- Liberty City Community Revitalization Trust
- MARS Community Development Corporation

- Miami Beach Arts Trust, Inc. a/f/a Lavender Footlights
- Miami Youth Ballet, Inc.
- Missionary Society John Paul II, Inc.
- Pink H. Foundation, Inc.
- Temple Judea
- University of Miami - Center for the Humanities

Budgetary Impact

The CGP is funded from the Department of Cultural Affairs proprietary revenues approved in the FY2008-2009 budget.

Prepared by: Mia B. Marin

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



Legislative Notes

Agenda Item: 11(A)41

File Number: 091375

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: June 25, 2009

Type of Item: General Obligation Bond Program Allocation

Summary

This resolution approves the allocation of \$3 million dollars from the Building Better Communities General Obligation Bond Program (BBC) Project No. 219 - To Acquire or Construct Multipurpose Facility. The \$3 million allocation is to fund development of a multipurpose facility owned by Little Havana Activities & Nutrition Center of Dade County, Inc. (a not for profit).

Background and Relevant Legislation

Resolution 917-04 provides a list of projects eligible for funding from the BBC to construct and improve public services and outreach facilities in an amount not to exceed \$242 million over a multi-year period. This list includes 29 projects categorized by project number, municipal project location, BCC district, project name, project description, street address and allocation.

Of the 29 projects listed, only five (5) projects were allocated for the purposes of acquiring or constructing multi-purpose facility and they include the following:

Project No.	BCC District	Allocation
219	5	\$3 M
220	6	\$15 M
232	Countywide	\$39 M
241	UMSA	\$5.49 M
221	9	\$4.5 M

Of the five (5) above-mentioned projects only two projects (#220 and #232) have used funds from the original allocation to initiate the acquisition and/or construction of such facilities. Project #220 includes the disbursement of \$3.5 M authorized through Resolutions #303-08 (\$1.5 M) and #1381-08 (\$2 M) for multi-purpose facilities located in Hialeah and Miami Springs leaving a fund balance of \$11.5 M from this project. Project #232 includes disbursement funds for future multi-use facilities that include Lightspeed

Center located at 11500 NW 25th Street (R-361-08) and the Miami-Dade County's Northwest Domestic Violence Center (R-1053-08). The balance of funds for project #232 was not available at time of print.

Prepared by: Mia B. Marin