



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Supplemental Legislative Analysis

Legislative Analysis

Board of County Commissioners

June 3, 2010

9:30 AM

Commission Chamber

Charles Anderson, CPA
Commission Auditor
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Miami, Florida 33128
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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

**Board of County Commissioners
Meeting Agenda**

Supplemental Legislative Analysis

Legislative Analysis

June 3, 2010

Items

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**Fiscal Impact Analysis
Statement**

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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, Senior Legislative Analyst
Jason Smith, Senior Legislative Analyst
Michael Amador-Gil, Senior Legislative Analyst
Mia Marin, Legislative Analyst
Elizabeth Owens, Legislative Analyst

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



Legislative Notes

Agenda Item: 5(E)
File Number: 101237
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 2, 2010
Type of Item: Arcola Fire Rescue Station

Summary

This resolution approves the revised General Plan of the Arcola Fire Rescue Station No. 67, located in District 2, at 1275 N.W. 79th Street, in accordance with §33-303 of the Code of Miami-Dade County (Code).

Section 33-303 of the Code provides for the Board of County Commissioners (BCC) to authorize the erection, construction and operation of government facilities by resolution following public hearing. The BCC may consider, among other factors, the type of function involved, the public need thereof, the existing land use pattern in the area, alternative locations for the facility and the nature of the impact of the facility on the surrounding property.

Background and Relevant Legislation

On March 6, 2007, the BCC approved Resolution No. 209-07, authorizing the erection, construction and operation of the Arcola Fire Station on a 0.68 acre vacant parcel of land located at 1275 N.W. 79th Street. The estimated cost of the 8,000 sq. ft. two-story concrete block structure designed to accommodate up to eight (8) firefighters and paramedics, 24 hours a day, 7 days a week was \$3.126 million. The funding source was Capital Improvement Bonds.

The General Plan has been revised to accommodate a two-story 14,212 sq. ft., three bay facility designed to accommodate up to twelve (12) firefighters/paramedics, 24 hours a day, 7 days a week. The revised construction is almost twice as large as the original proposed construction (6,212 sq. ft. larger).

Budgetary Impact

The funding source for the revised General Plan is Impact Fees and future Capital Improvement Bonds. The estimated cost is \$3.5 million. The revised General Plan is \$374,000 more than the original General Plan which was projected to utilize only Capital Improvement Bonds for its construction.

Comments / Questions

The Resource Allocation Plan for FY 2005-06 provided \$6 million in funding for new fire station construction. This allocation provided funding for Phase II of the new Highland Oaks station, renovation of inactive Station 18 to enable reactivation, and construction of the Arcola Fire Station.

- Have any of the \$6 million construction funds been utilized?

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 5(H)
File Number: 101016
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: May 28, 2010
Type of Item: Resolution Approving Significant Modification

Summary

This resolution approves a significant modification to the Westchester Cultural Arts Center project (WCAC).

Background and Relevant Legislation

The Board of County Commissioners (BCC) approved R-917-04 which allows for the issuance of bonds under Building Better Communities General Obligation Bonds (BBC-GOB) in an amount not to exceed \$255.070 million over a multiyear period to fund improvements to the County's infrastructure and address a number of quality of life issues in the community. This resolution includes an attached list of projects which contains Project #286 Westchester Arts Center Construction (WCAC).

The WCAC project is listed under the Office of Capital Improvements General Obligation Bond Program site (OCI-GOB) as bond site #70443. This project will be funded 100% through General Obligation Bond (GOB) funds. The budget for this project under OCI-GOB is \$4 million; the project's description includes the construction of a studio theatre at Tamiami Park located at 11201 SW 24th Street, Miami, Florida.

Under the OCI-GOB, the project milestones for the WCAC project include the following:

Milestone	Budget
Planning	\$101,839
A/E Selection	\$40,000
Design	\$400,000
Dry Run/Permit	\$25,000
Contractor Selection	\$40,000
Construction	\$3,333,161
Project Administration	\$60,000
Total	\$4,000,000

According to the OCI-GOB, the WCAC project draws funds from GOB Series A, C, D, E, F, G, H and I. The amounts from each GOB Series are as follows:

GOB Series	FY	Budget
A	2005-2006	\$ 72,305
C	2008-2009	\$ 5,038
D	2008-2009	\$ 24,962
E	2009-2010	\$ 55,000
F	2010-2011	\$ 430,000
G	2011-2012	\$ 70,000
H	2012-2013	\$ 2,342,695
I	2013-2014	\$1,000,000
Total		\$4,000,000

According to the Parks and Recreation Department (PRD), the WCAC project is presently on-hold due to funding constraints within the BBC-GOB program. Additionally, funding for this project is not expected to be available until FY2015-2016.

The PRD has updated its project schedule based upon the revised cashflow, and the project is scheduled to be substantially completed in March 2020.

Based on the revised project schedules the PRD plans to advance the following actions that involve policy changes and implications to include:

- General Plan Update for Tropical Park: to reflect the new location of the WCAC;
- GOB Significant Modification: changing the location from Tamiami Park to Tropical Park and transferring \$4 million from GOB Project #292 (Miami Dade County Auditorium Area Wide Improvements budget \$8 million); and
- Programming Partnership: PRD intends to solicit a programming partner through a Request for Proposals for Programming Partnership.

Budgetary Impact

PRD provides the following estimates:

- Projects the annual operating costs of the WCAC to be approximately \$133,000;
- PRD estimates that it would require three (3) full time employees plus two (2) part time employees to run the facility;
- Staff cost to be approximately 63% (\$83,790) of the total estimated operating costs of the facility (\$133,000).

The transfer of \$4 million from GOB project #292 will make the WCAC project budget total \$8 million.

At the BCC Aides Briefing, Manager's staff stated that funding at this time is not available to support the operating costs for such a facility.

Additionally, County staff does not include this project in its list of recommended projects for the upcoming 2010 GOB series sale, due to its operational costs impacting the County's budget.

County staff has developed a series of criteria for the development of the recommended projects list for the 2010 and 2011 GOB bond series sales to include the following:

- Phase of on-going work and "ready to go" status for new projects;
- Legal obligations, commitments and directives from the Board of County Commissioners;
- Projects that can be completed with funding provided through the next two bonds sales, thereby avoiding having projects partially completed during the gap of time between the next bond proceeds (FY2014-2015);
- Projects that have little or no operating costs for the County;
- Projects that reflect the County's strategic plan and other states priorities; and
- Partial funding for large, long term projects, such as the Miami-Art Museum and Miami Science Museum projects to continue planning and developing the Museum Park sites.

According to County staff, an updated list of recommended projects for the upcoming 2010 series sale will be provided to County Commission staff in the next few weeks.

Questions:

Why is County Administration processing this GOB project now if funding is not expected to be available until FY2015-2016 and the completion date estimated for March 2020?

Prepared By: Mia B. Marin

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



Legislative Notes

Agenda Item: 7(H) and 9(A)2
File Number: 100814 and 100795
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 2, 2010
Type of Item: Community Workforce Program

Summary

Item No. 7(H)

This ordinance, pertaining to the Community Workforce Program (CWP), amends §2-1701 of the Code of Miami-Dade County. It implements the following:

- The removal of language relating to the compensation to workforce development organizations (WDOs), workforce recruitment/referral organizations (WROs) for training, and referral and placement of new hires from designated target areas (DTAs); and
- The amendment to the name of the administering department from the Department of Business Development to the Department of Small Business Development (SBD).

Item No. 9(A)2

This resolution, pertaining to the CWP, approves Implementing Order No. 3-37. It authorizes the following:

- The rescinding of Administrative Order No. 3-37;
- The removal of language relating to the compensation to WDOs, WROs for training, and referral and placement of new hires from DTAs; and
- The amendment to the name of the administering department from the Department of Business Development to SBD.

Background and Relevant Legislation

On January 23, 2003, the Board of County Commissioners (BCC) approved Ordinance No. 03-1 and Resolution No. 77-03, establishing the CWP. The objective of the CWP is to increase employment opportunities for residents of traditionally underserved and underdeveloped neighborhoods that have been designated Empowerment and Enterprise Zones, Targeted Urban Areas, and CDBG Block Groups and Focus Areas. The CWP incorporates the requirements of the Clearinghouse Resolution R- 1145-99,

and establishes a workforce utilization requirement for the County's capital improvement projects located in the DTA.

On June 2, 2009, the BCC approved Resolution No. 724-09, authorizing the County Mayor or his designee to execute a Memorandum of Understanding (MOU) between Miami-Dade County and the South Florida Workforce Investment Board (SFWIB) to provide training, development and referral services to increase the employability of the local workforce on construction contracts as required under the CWP.

The SFWIB is one of twenty-four (24) regional Workforce Boards in Florida. The SFWIB serves as the regional workforce development board, representing Miami-Dade and Monroe counties. Additionally, Workforce Florida, Inc. (WFI), and the Agency for Workforce Innovation (AWI) oversee all regional workforce boards in Florida.

The SFWIB consists of forty-five (45) appointed Directors with a majority of its members from the private sector. According to the Miami-Dade County Boards and Appointment System website, there are currently thirteen (13) vacant positions on the SFWIB. The Directors of SFWIB oversee the largest workforce region in the state with a budget of approximately \$92 million, including staff and resources from AWI.

The SFWIB has local control and the accountability for overseeing workforce programs. Federal fund dollars flow to the State of Florida and is funneled from the state to the regional workforce boards. According to the South Florida Workforce website, prior to 2006, the SFWIB was known as the South Florida Employment and Training Consortium (SFETC). Its functions were, and still are, to oversee federal and state funded workforce programs.

In March of 2006, the BCC adopted Resolution No. 315-06 which approved an Interlocal Agreement between the two chief elected officials of Miami-Dade and Monroe counties. The approval of this Interlocal Agreement, created the SFWIB and its current administrative structure.

The role of SFWIB includes the following:

- Connects human resource managers to qualified workers through a network of One-Stop Career Centers and Youth Opportunity Centers which provide services at no cost to employers and job seekers;
- Provides employer services such as employee recruiting and screening, career advancement programs for existing staff, and facilitating business incentives; and
- Provides job search assistance for all career levels, information on training opportunities, and employment assistance for economically disadvantaged adults, youth, dislocated workers, individuals transitioning from welfare to work and refugees.

Comments / Questions

At the May 11th Budget, Planning and Sustainability Committee (BPS), the commission requested that SBD provide a report on the CWP in response to a Miami Herald article published on May 10, 2020. The article reported that \$20 million was spent by the region's state-sponsored employment agency to train more than 3,000 unemployed local residents and that few jobs have been created.

The Office of Commission Auditor requested a copy of the above-mentioned report by County staff. A copy of the report was not provided prior to the printing of this analysis.

Prepared by: Elizabeth N. Owens and Mia Marin

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



FISCAL IMPACT ANALYSIS

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

File Number: 101060

Type of Item: Resolution to execute coordination of Disadvantaged Services agreements for an FDOT funded program.

Committee(s) Board of County Commissioners
of Reference:

Date of Analysis: 05-28-2010

Funding Request \$ None

<p>Operating <input checked="" type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input checked="" type="checkbox"/></p> <p>Other (explain) <input type="checkbox"/></p> <p>_____</p> <p>_____</p>	<p>Capital <input type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p>
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County Match required:

Yes ☐ \$ _____ % _____

No ☒

ISSUES/COMMENTS None ☐

MPO receives a \$67,000 Section 5310 grant and transfers \$60,000 to MDT. MDT as the "community transportation coordinator" uses funds from the grant as per the Grant Agreement and as examples provides: staff support for the Local Coordinating Board, and assists with development of the Transportation Disadvantaged Service Plan. MPO uses \$7,000 to provide staff assistance to MDT and for training.

Prepared By: Keith Connor

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



FISCAL IMPACT ANALYSIS

Agenda Item: 8 (J) (1) (B)

File Number: 101026

Type of Item: Execution of Agreement for grant funding from the state for Transportation Disadvantaged.

Committee(s) Board of County Commissioners
of Reference:

Date of Analysis: 05-28-2010

Funding Request: \$748,181

<p>Operating <input checked="" type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input checked="" type="checkbox"/></p> <p>_____</p> <p>Blend of revenue sources</p> <p>_____</p>	<p>Capital <input type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p>
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County Match required:

Yes ☒ \$ 748,181 % _____

No ☐

ISSUES/COMMENTS None ☐

County match is for State grant (\$747,566) and for "Voluntary" dollars (\$615). The Voluntary dollars are funds received by the State from persons who donate to disadvantaged transportation at the time they renew their license tags; similar to donations for "Save the Manatees". Since the unification of MDT revenues the County funding for this match comes from a blend of MDT revenue sources (GF, surtax, proprietary).

Prepared by: Keith Connor

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



FISCAL IMPACT ANALYSIS

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

File Number: 100800

Type of Item: Resolution

Committee(s) Health, Public Safety & Intergovernmental
of Reference:

Date of Analysis: 05-28-2010

Funding Request: Undetermined

<p>Operating <input checked="" type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input checked="" 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 type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$_____</p> <p>Capital Funding Source(s):</p>
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County Match required:

Yes ☐ \$ _____ % _____

No ☐

ISSUES/COMMENTS None ☐

- Islandia, created in 1960, had a population of 6 residents and a tax roll of \$374,763 in July 2009. (This would generate an additional \$715.00 revenue if added to the UMSA roll with FY 2009-10 millage.)
- 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 ($1,200,000 \times 60\% = 720,000 \times .44 = 316,800$).

Prepared by: Charles Queen

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



FISCAL IMPACT ANALYSIS

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

File Number: 100800

Type of Item: Resolution

Committee(s) Health, Public Safety & Intergovernmental
of Reference:

Date of Analysis: 05-28-2010

Funding Request: Undetermined

<p>Operating <input checked="" type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input checked="" 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>Capital <input type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p>
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County Match required:

Yes ☐ \$ _____ % _____

No ☐

ISSUES/COMMENTS 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 ($1,200,000 \times 60\% = 720,000 \times .44 = 316,800$).

Prepared by: Charles Queen

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



FISCAL IMPACT ANALYSIS

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

File Number: 101121

Type of Item: Resolution – authorizing a Cooperative Agreement with the AARP Foundation for Implementation of the Senior Community Service Employment Program

Committee(s) of Reference: Recreation, Cultural & Tourism Committee

Date of Analysis: 05-27-2010

Funding Request: N/A

<p>Operating <input type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input checked="" 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 type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$_____</p> <p>Capital Funding Source(s):</p>
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County Match required:

Yes ☐ \$ _____ % _____

No ☒

ISSUES/COMMENTS None ☐

1. The agenda attachment (handwritten page 33) refers to staff who will supervise the volunteers as an in-kind match. How many Park personnel will this require for this workload? What is the approximate cost to the department?
2. The attachment (handwritten page 30-31) indicates that all volunteers must pass a background check. Who is absorbing the cost of the background screening and fingerprinting? And what is the approximate cost of the fees charged to Park's index code?
3. The attachment (handwritten page 35) refers to Recognition and Incentive benefits for volunteers. What is the estimated cost of the incentives?

Prepared by: Carolyn Martin

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



Legislative Notes

Agenda Item: 8(O)1(C)

File Number: 101047

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: June 1, 2010

Type of Item: Procurement Package for Bid Waivers

Summary

This resolution waives formal bid procedures for specified purchases, authorizing the County Mayor or his designee to award such contracts, with authority to exercise subsequent options-to-renew (OTR). This Bid Waiver Package includes one (1) contract.

Background and Relevant Legislation

Pursuant to § 2-8.1 of the Miami-Dade County Code and § 5.03(D) of the Home Rule Charter, the Board of County Commissioner's (BCC) approval is required to award these contracts.

Policy Change and Implication / Budgetary Impact

- **One (1) Non-Competitive Contract Modification:**

Item No.	Contract Title and Modification Reason	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
4.1	<p>CA IDMS Software Licensing and Maintenance Support Services</p> <p><u>Reason:</u> Additional time and spending authority to yield cost savings and price protection against future price increases during the renewal periods.</p>	\$7,000,000 for 3 years with 2, one-year OTRs.	3 years.	\$2,900,000	There are no compliance / performance issues reported for CA, Inc.

Questions / Comments

This item amends the initial term of the contract by adding three (3) years beyond the June 2010 expiration date, and modifies the existing OTR periods from two to three, one-year periods. If approved, the cumulative term of this contract will be for six years, with three, one-year OTR periods.

On June 5, 2007, Resolution No. 684-07 approved this contract for 3 years with 2 OTRs during the OTR period an additional savings in the amount of \$679,000 in annual recurring costs would occur.

- **How are these cost related to the \$879,174 cost savings for this item?**

According to ETSD, the agreement in 2007 negotiated a pricing structure that enabled the County to operate a second site within the State of Florida, without incurring the costs normally associated with operating a second site. It was actually a cost avoidance of \$679,000 not a direct savings. The amendment that we are doing in 2010 retains that provision, which would yield its benefits in the event that the County decided to operate a second site. The savings that are mentioned now over the next two years (which will be taken beginning with the annual period that begins in July), are actual savings in addition to the previously negotiated cost avoidance of \$679,000 mentioned in 2007.

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 101049
File Number: 8(O)1(D)
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 1, 2010
Type of Item: Competitive Contract Package

Summary

This Competitive Contracts Package includes a total of five (5) procurement actions.

Policy Change and Implication / Budgetary Impact

- **One (1) Competitive Contract:**

Item 1.1 – Cryogenic Oxygen Plant Facilities Maintenance and Technical Support Services

This contract is to award maintenance support services of cryogenic oxygen plant facilities to Mixing and Mass Transfer Technologies LLC for Miami-Dade Water and Sewer Department (WASD). The cumulative contract total, including the four (4) subsequent options to renew (OTRs) is \$2,135,000.

Questions / Comments

The current contract was approved by the Board of County Commissioners (BCC) on July 18, 2006, through Resolution No. 909-06. The current contract's initial expiration date was April 30, 2010. The Department of Procurement Management (DPM) extended the expiration date to July 31, 2010 with no additional spending authority.

The initial amount allocated under Resolution No. 909-06 for this contract was \$450,000 per year. However, the County Manager's memo and the DPM's Bid Tracking System provide the allocated amount as \$594,000. No explanation is provided for the discrepancy in the amounts. Furthermore, a search in the Legistar system did not find any contract modifications approved by the BCC. The chart below utilizes the amount reflected under Resolution No. 909-06 for the previous contract amount.

Item No.	Contract Term & Cumulative Amount	Amount per year	Previous Contract Term & Cumulative Amount	Previous Contract Amount per year
1.1	\$2,135,000 for 1 year with 4, one-year OTRs.	\$427,000	\$2,250,000 for 1 year with 4, one-year OTRs.	\$450,000

- **Four (4) Contract Modifications:**

Item No.	Contract Title and Modification Reason	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.1	Voter Registration System <u>Reason:</u> Additional spending authority for the Elections Department to purchase maintenance and support services for the Voter Registration System.	\$1,000,000 for 3 years.	No change.	\$45,000	There are no compliance / performance issues reported for VR Systems, Inc.
	<u>Comments:</u> According to the County Manager's Memo, there was a time gap between the contract start date and the software maintenance and support start date, resulting in the expiration dates being on different schedules. The increased allocation prevents a lapse in maintenance and support services.				
3.2	GOEM Parts/Repairs/Transit Revenue Vehicles (pre-qualified pool) <u>Reason:</u> Additional time and spending authority for ongoing parts and repair services for Metrorail and Metromover systems until a successor contract is awarded.	\$11,500,000 for 1 year.	5 months.	\$3,000,000.	There is no compliance / performance Issues reported for the 25 awarded vendors.
	<u>Questions:</u> What is the status of the successor contract's solicitation?				
3.3	Dor-o-matic Automatic Door Repairs and Maintenance <u>Reason:</u> Additional time and spending authority for ongoing parts and repair	\$2,693,000 for 18 months.	6 months.	\$797,000.	There is no compliance / performance Issues reported for Dash Door & Closer Services, Inc.

	services for Metrorail and Metromover systems until a successor contract is awarded.				
	<u>Questions:</u> <i>What is the status of the successor contract's solicitation?</i>				
3.4	Tire Leasing and Vehicle Tire Services <u>Reason:</u> Additional time and spending authority for Miami-Dade Transit to continue the lease of tires and purchase of related tire services for the bus fleet until a successor contract is awarded.	\$25,600,000 for 5 years.	5 months.	\$1,940,000.	There is no compliance / performance Issues reported for Goodyear Tire and Rubber Company.
	<u>Comments:</u> <i>The initial allocation authorized by Resolution No. 1261-03 totaled \$19 million. Subsequently, under Resolution No. 568-08, this contract was modified for additional spending authority in the amount of \$6.6 million increasing the current contract amount to \$25.6 million.</i>				

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 9(A)4
File Number: 101296
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: May 26, 2010
Commission District: 2, 4, 5 and 6
Type of Item: Ratification

Summary

This resolution ratifies the County Mayor's or designee's actions taken from January 1, 2010 through March 31, 2010, with the exception of two (2) items on the attached Exhibit B which were awarded during the first (1st) quarter of FY 2009-2010, in expediting the capital improvement projects identified on the attached schedules (Exhibits A and B) as authorized by Ordinance No. 09-60 extending the "Economic Stimulus Plan" (ESP). During this period, the following six (6) projects totaling \$33,587,091.15 were awarded:

- Munilla Construction Management, LLC dba MCM in the amount of \$15,697,704.00 for the General Services Administration; Project Name: Design-Build Services for the West Lot Multi-Use Facility (Project part of original July 2008 ESP list)
- Comtech Engineering, Inc. in the amount of \$2,202,568.66 for the Miami-Dade Aviation Department; Project Name: MIA Westside Booster Pump Station (Project part of original July 2008 ESP list)
- Zurqui Construction Service, Inc. in the amount of \$2,127,043.72 for the Miami-Dade Fire Rescue Department; Project Name: Sunny Isles Beach Fire Rescue Station No. 10 (Project part of original July 2008 ESP list)
- American Engineering & Development Corp. in the amount of \$5,955,819.70 for the Miami-Dade Seaport Department; Project Name: Seaport Marine Cargo Terminal Redevelopment Phase II (2 of 5) (Project part of original July 2008 ESP list)
- Miami Skyline Construction Corp. in the amount of \$6,416,842.00 for the General Services Administration; Project Name: Construction of the new Northside Police Station at Arcola Lakes (Project added to the ESP via Resolution No. R-380-09)
- Marks Brothers, Inc. in the amount of \$1,187,113.07 for the Miami-Dade Aviation Department; Project Name: North Terminal A-B Apron Completion (Project part of original July 2008 ESP list)

According to Small Business Development staff, there are no violations and outstanding issues with the firms mentioned above.

Background and Relevant Information

In May 2008, more than 500 industry representatives attended a meeting with the Office of Capital Improvements (OCI), the Directors of the County's 16 capital departments, and the Departments of Procurement and Small Business Development to discuss how the County can accelerate its capital projects.

On July 17, 2008, the Board of County Commissioners (BCC), through Ordinance 08-92, authorized the Mayor or his designee the following responsibilities in order to expedite capital projects under the ESP:

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

Also, on July 17, 2008, a fiscal impact statement accompanied the item mentioned above (Ordinance 08-92). The fiscal Impact statement issued by the Office of Economic Development Coordination (OEDC) provided the following projected employment figures: 2,619 additional employment positions in year one (1); 4,225 positions in year two (2); and 1,695 positions in year three (3).

Questions:

1. Did the ESP achieve the 2,619 projected additional employment positions for year one (1)? (See File No. 082232 BCC 7A Supp No. 2-Fiscal Impact)
2. What are the actual ESP expenditures for FY 2008-09, as well as the expected ESP expenditures for FY 2009-10?
3. How is Office of Capital Improvements (OCI) staff measuring the ESPs impact on the local workforce?

American Recovery and Reinvestment Act (ARRA)

The BCC adopted Ordinance No. 09-60 amending the ESP Ordinance to include in the list of projects capital projects funded through the American Recovery and Reinvestment Act (ARRA) and extending the sunset provision until July 2011.

On March 1, 2010, the administration released an *ARRA Update* showing that during the first year of ARRA, the County submitted 63 major grant applications and requests for ARRA funding requesting a total of approximately \$596.8 million. The update indicated that the County had received 25 major grant awards and over \$254.8 million in ARRA funding and support. Of the 63 applications, \$135.5 million in requests were still pending formal determination and federal announcements of grant awards.

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

On June 8, 2010, the Government Operations Committee will be taking action on an item that ratifies the execution of a Subsidized Employment Agreement with the South Florida Workforce Investment

Board and confirming Miami-Dade County's participation in the Florida Back to Work Program. The agreement would provide temporary employment to participants (for up to 828 positions) under the Temporary Assistance to Needy Families guidelines through September 2010.¹ Funds payable under this agreement are one-time payments as required by the ARRA. The net cost of the program will be absorbed by the participating departments' current FY 2009-10 budgets.

- Miami-Dade County's unemployment rate for April 2010 was 11.3 percent. This was a decrease of 0.7 percent compared to March 2010 (12.0%) and an increase of 1.2 percent compared to April 2009. Despite this drop in the unemployment rate, it remains high over the last few months. It is too early to determine if this decline will be a trend, especially since the unemployment rate is considered to be a lagging indicator for economic activity. The April 2010 unemployment rate for the State of Florida was 11.2 percent. This was a decrease of 0.8 percent compared to March 2010. The United States unemployment rate was 9.5 percent in April 2010 and decreased by 0.7 percent from March 2010.
- The overall unemployment rate for the tri-county area in April 2010 was 10.9 percent. The South Florida region (Miami-Ft. Lauderdale-Pompano Beach MSA) experienced a loss of 42,300 non-agricultural jobs between April 2009 and April 2010, or a decrease of 1.9 percent. At the same time, between March 2010 and April 2010, South Florida created 600 new jobs.²

Additional Requirements for the ESP

On March 2, 2010, the BCC, through Resolution 258-10, established additional requirements for ratification of ESP projects. Resolution 258-10 directed the Mayor to present certain information on Economic Stimulus Plan (ESP) contracts, including details of solicitation processes and job estimates, to the Office of the Commission Auditor (OCA) and the BCC prior to contract ratification by the BCC. The June 3, 2010 BCC Agenda Item 9(A)(4) Exhibit A provides a list ESP contracts recommended by the County Manager for ratification and was provided in the June 3, 2010 BCC agenda kit. The Item includes job creation estimates for each contract.

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

¹All County departments that have program-eligible jobs will participate in the program. To date, 698 positions from the following 17 departments have been submitted to South Florida Workforce (SFW) for recruitment: Animal Services, Community Action Agency, Citizens Independent Transportation Trust, Clerk of Courts, Elections, Finance, Libraries, Office of Americans with Disabilities Act Coordination, Office of Grants Coordination, Park and Recreation, Planning and Zoning, Procurement Management, Public Housing Agency, Seaport, Solid Waste, Transit and Vizcaya. Many of these positions, such as those in Community Action Agency and Park and Recreation, will provide staff for summer programs. Additional positions will be included as departments identify other program-eligible jobs.

² The Beacon Council April 2010 Unemployment Figures

Solicitation Process for the Six (6) Firms

Department	GSA*	GSA	Aviation	Aviation	Fire-Rescue	Seaport
Contract Number	W80052	Z00044C	H032A	B732M	MDFRD-T-20	2008-032.02
Contract name	Design-Build Services for the West-Lot Multi-Use Facility	Construction of the New Northside Police Station	MIA Westside Booster Pump Station	North Terminal A-B Apron Completion	Sunny Isles Beach Fire Rescue Station No. 10	Seaport Marina Cargo Terminal Redevelopment
Firm Awarded	Munilla Construction Management (MCM)	Miami Skyline Construction Corp.	Comtech Engineering Inc.	Marks Brothers Inc.	Zurqui Construction Services Inc.	American Engineering & Development Corp.
Contract Amount	\$15,697,704.00	\$6,416,842.00	\$2,202,568.66	\$1,187,113.07	\$2,127,043.72	\$5,955,819.70
Project Advertise Date	5/29/2009	9/4/2009	7/29/2009	10/26/2009	10/16/2009	11/12/2009
Number of Bids Received	13	27	12	12	27	14
Bid Opening Date	7/17/2009	11/17/2009	10/19/2009	12/2/2009	11/23/2009	12/23/2009
Award Date	2/8/2010	2/25/2010	3/10/2010	2/16/2010	3/11/2010	3/18/2010
Bids Reviewed and Tabulated By	GSA	GSA	Aviation	Aviation	Fire-Rescue	Seaport
No. of Previous Awards Under ESP	2	1	0	0	0	0
Lowest Bidder	Munilla Construction Management (MCM)	Miami Skyline Construction Corp. \$6,043,000.00	Comtech Engineering Inc. \$2,202,568.66	Marks Brothers Inc. \$1,187,113.07	Zurqui Construction Services Inc. \$2,097,087.00	American Engineering & Development Corp. \$5,955,819.70
2nd Lowest Bidder	Balfour Beatty Construction LLC	Merkury Development \$6,295,000.00 4% higher	ABC Construction Inc. \$2,247,781.41 2% higher	Construct Group Corp. \$1,258,254.80 6% higher	Boran Craig Barber Eng. \$2,139,100.00 2% higher	Horizon Contractors Inc. \$6,034,199.99 1% higher
3rd Lowest Bidder	Coastal Construction of Monroe	Trans Construction Inc. \$6,582,031.00 9% higher	Gonzalez and Sons Equipment \$2,338,781.57 6% higher	ABC Construction Inc. \$1,617,000.00 36% higher	Link Construction Group \$2,397,250.00 13% higher	Marks Brothers Inc. \$6,284,170.80 5% higher
Community Notification	Still gathering information	Still gathering information	Still gathering information	Still gathering information	Still gathering information	Still gathering information
Sources Used to Advertise Project	<ul style="list-style-type: none"> • Daily Business Review • e-solicitation • Miami Times • Haiti en Marche 	<ul style="list-style-type: none"> • Daily Business Review 	<ul style="list-style-type: none"> • Daily Business Review • Miami Times • Diario de Las Americas • Haiti en Marche 	<ul style="list-style-type: none"> • Daily Business Review • Miami Times • Diario de Las Americas • Haiti en Marche 	<ul style="list-style-type: none"> • Daily Business Review 	<ul style="list-style-type: none"> • Daily Business Review

Department	GSA*	GSA	Aviation	Aviation	Fire-Rescue	Seaport
Contract Number	W80052	Z00044C	H032A	B732M	MDFRD-T-20	2008-032.02
Contract name	Design-Build Services for the West-Lot Multi-Use Facility	Construction of the New Northside Police Station	MIA Westside Booster Pump Station	North Terminal A-B Apron Completion	Sunny Isles Beach Fire Rescue Station No. 10	Seaport Marina Cargo Terminal Redevelopment

Source: OCI

*Design-build selection based on multiple factors including price.

Prepared By: Michael Amador-Gil

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



FISCAL IMPACT ANALYSIS

Agenda Item: 9 (A) (4)

File Number: 101296

Type of Item: Resolution

Committee(s) N/A
of Reference:

Date of Analysis: 05-28-2010

Funding Request: \$44,232,264.15

<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 <u>Various</u></p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p> <p>Aviation Revenue Bonds Sold, FDOT Funds, Seaport Bonds/Loans, Police Impact Fees, Building Better Communities GOB Program, Capital Asset Acquisition Bond 2009, Fire Impact Fees, Developer Fees/Donations, Sunshine State Financing, Capital Asset Acquisition Bond 2004A Proceeds</p>
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County Match required:

Yes ☐ \$ _____ % _____

No ☐

ISSUES/COMMENTS None ☐

• Aviation Revenue Bonds Sold	\$3,389,681.73
• FDOT Funds (Seaport)	\$2,714,378.00
• Seaport Bonds/Loans	\$3,241,441.70
• Police Impact Fees	\$2,000,000.00
• Building Better Communities GOB Program	\$4,416,842.00
• Capital Asset Acquisition Bond 2009	\$15,697,704.00
• Sunshine State Financing Sunshine St. Series 2006	<u>\$2,127,043.72</u>
	\$33,587,091.15

*Fire Impact Fees will not be utilized, per FRD.

Alternate Contracting:

• ARRA	\$10,355,415
• Sunshine State Financing	\$29,236
• Wastewater Renewal Fund	<u>\$260,522</u>
	\$10,645,173
• Grand Total:	\$10,645,173
	<u>\$33,587,091.15</u>
	\$44,232,264.15

Total number of jobs generated from ESP status report is 545 (364 through regular projects and 181 through alternate methods).

Prepared by: Charles Queen