



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Recreation & Culture Affairs Committee**

July 11, 2011

2:00 PM

Commission Chamber

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**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor**

**Legislative Analysis  
Recreation & Cultural Affairs Committee  
Meeting Agenda**

**July 11, 2011**

Written legislative analyses for the below listed items are attached for your consideration in this Legislative Analysis.

**Item Number(s)**

3(A)
3(B)

**Acknowledgements:**

Bia Marsellos, Legislative Supervisor  
Michael Amador-Gil, Senior Legislative Analyst  
Elizabeth Owens, Legislative Analyst  
Mia Marin, Legislative Analyst

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



Legislative Notes

**Agenda Item:** 3(A)

**File Number:** 111341

**Committee(s)  
of Reference:** Recreation and Cultural Affairs

**Date of Analysis:** July 5, 2011

**Type of Item:** Resolution

**Summary**

This resolution rejects the proposals for Request for Proposals (RFP) No. 630: Water Park Development and Operation with options for a Family Entertainment Center and Vacation Hotel Development to allow the County to re-solicit in order to find an interested developer.

RFP No. 630 was issued to obtain offers from qualified firms to provide the financing, development, promotion, operation, and maintenance of a quality water park on property adjacent to Zoo Miami in southwest Miami-Dade County. The solicitation addressed the development of a water park (WP), but included options for a proposer to provide a family entertainment center (FEC), vacation hotel development (VH).

**RFP No. 630**

The general terms and conditions of RFP No. 630 provides for the following County preferences:

- To issue one award for all three projects (WP, FEC and VH);
- Reserve the right to consider the proposals for FEC and/or VH by the selected proposer for the WP;
- Reserve the right to determine the order of sequence of development of the three projects;
- Will not consider any information submitted to the County for FEC and VH, unless accompanied by a proposal for the WP;
- Contract term for a period of twenty (20) years with option to renew for two additional ten-year periods.

**Background**

On December 23, 2008, RFP No. 630 was issued. However, the Park and Recreation Department staff states that the process did not start until March 2009. The RFP yielded two (2) proposers. The two proposers were as follows:

- PARC Management, LLC (PARC), 7892 Baymeadows Way, Jacksonville, FL 32256
- Recreational Design and Construction, Inc. (RDC), 3990 N. Powerline Road, Oakland Park, FL 33309

The County terminated negotiations with the highest ranked proposer since PARC did not have sufficient financing to develop the AP, FEC and VH. On December 13, 2010, the Evaluation/Selection Committee held a meeting recommending to negotiate with the second proposer, RDC. In April 2011, RDC notified staff they could not negotiate with the County. There are no remaining proposers for RFP No. 630.

## Questions

The following questions were posed by the Office of Commission Auditor to the Park and Recreation Department staff followed by their responses:

- Why did the County take so long to determine to reject and re-solicit this RFP? **The second proposer was given an extraordinary amount of time to determine if they wanted to enter negotiations.**
- What were the reasons for RDC in not negotiating with the County? **They had another site in Broward which they preferred.**
- How much did this solicitation process cost? Will the same amount be needed to re-solicit? **Beyond some advertising costs, there were no direct expenditures.**
- What is the timeline for this project(s)? Do any of the projects (WP, FEC and VH) need to be finished by a certain date? **Pursuant to a request from the Zoological Oversight Board, a new process to find a developer(s) will begin shortly. There is neither a specific timeline nor any certain completion date for the projects.**
- RFP No. 630 includes information that the County has assumed associated costs with deed modifications, land use and zoning in the amount of \$80,000 for each project, are there any additional costs the County has assumed or will assume that will not be reimbursed by the selected proposer? **Parks fully expects to recoup its \$240,000 (3 x \$80,000) in advance planning and zoning expense from the selected proposer. There has been about \$30,000 in additional costs to manage other actions related to this solicitation.**
- The solicitation only yielded two proposers; will the new solicitation be modified in any way to encourage a higher number of proposers? **Yes. The market is improving and we will do advance notification of Entertainment and Recreation developers.**

The following additional questions were posed by the Office of Commission Auditor to the Park and Recreation Department staff but responses were not available at time of printing this analysis:

- When did the proposals for RFP No. 630 come in?
- When did negotiating begin with PARC?

**Prepared by: Mia B. Marin**

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



Legislative Notes

**Agenda Item:** 3(B)

**File Number:** 111448

**Committee(s)  
of Reference:** Recreation & Cultural Affairs Committee

**Date of Analysis:** July 5, 2011

**Prime Sponsor:** Xavier L. Suarez, Commission District 7

**Summary**

This resolution approves an Interlocal Joint Use Agreement between Miami-Dade County (County) and the Village of Key Biscayne (VKB) for the use, improvement and maintenance of certain County lands within Crandon Park (Calusa Mangrove Trail area), including a payment of up to \$300,000 from VKB to fund the County's improvement of the Park.

The Joint Use Agreement between the County and VKB provide for the following:

- Legally establishes how VKB can jointly use, improve and maintain the County land;
- Establishes Joint Use Agreement term for ten (10) years with three (3) ten-year options to renew;
- Timeline and disbursement payment amounts by VKB to the County for the improvements as required by the Crandon Park Master Plan;
- VKB to assume security, operations, maintenance and service responsibilities for Calusa Mangrove Trail area;
- Includes insurance and indemnification requirements to County GSA Risk Management specifications.

**Background and Relevant Legislation**

On July 21, 1992, the Board of County Commissioners (BCC) through R-970-92, approved an Interlocal Agreement with the VKB to allow VKB to use and provide park and recreation services within the Calusa Mangrove Trail area of Crandon Park.

On July 18, 1996, the BCC through R-900-96 approved the Crandon Park master Plan (CPMP) which requires the County to complete several capital projects within a specified time period along with specifying the allowed and appropriate uses of Crandon Park to include Calusa Mangrove Trail.

In 2007, the Crandon Park Master Plan Amendment Committee agreed to a request by the VKB to delay the removal of lighted ballfields within Crandon Park, as required by the Crandon Park Master Plan, if VKB paid the estimated \$250,000 - \$300,000 cost to make required park improvements to the Calusa Mangrove Trail.

On May 18, 2010, the BCC through R-581-10 authorized the execution of a Settlement Agreement between Bruce C. Matheson (Matheson) and Miami-Dade County to remedy claims raised in the lawsuit filed in 2004 by Matheson against the County for violation of the Crandon Park Master Plan. Per the Settlement Agreement, the

County agreed to make specific improvements to the Calusa Mangrove Trail recreation building within two years, of the effective date of the agreement, by May 2012.

### **Fiscal Impact**

The proposed Interlocal Agreement between the County and VKB will require VKB to pay the County, in an amount not to exceed \$300,000 to the County to complete Calusa Mangrove Trail improvements. Payments from VKB will be provided in two installments: \$100,000 within ten (10) days of approval of the agreement by the BCC and the balance to be paid within thirty (30) days of final completion of Calusa Mangrove Trail improvements. In the proposed Interlocal Agreement, the County agrees to complete the improvements, at the sole cost of the VKB, inclusive of County design, bidding, project management, construction supervision and project close out by May 31, 2012.

### **Additional Information**

The Crandon Park Master Plan provides for the following design objectives of the Calusa Mangrove Trail:

- Provide vehicular access from the Crandon Boulevard Rotary;
- Provide for pedestrian and bicycle access to the Calusa Mangrove Trail from the new pedestrian/bike trail westward of Crandon Boulevard;
- Retain and modify existing shelter and restrooms;
- Retain existing parking for access to the new Calusa Mangrove Trail;
- Restore the Calusa area with flowering trees and native vegetation and provide 300 square feet of picnic shelters;
- Provide a pedestrian mangrove experience for pedestrians through a 3,500 linear foot elevated boardwalk loop into the West Point Preserve with interpretive signage;
- Restore habitats for native and migratory fauna; and
- Provide limited visual and sensory interpretation of flora and fauna.

### **Questions**

The following questions were posed by the Office of Commission Auditor to the Park and Recreation Department Staff followed by their responses:

- Has VKB made the necessary improvements to the Calusa Mangrove Trail? If so, what was the final cost of the improvements? If not, at what stage are the improvements? **No physical improvements by VKB can commence until an agreement is in place to allow it. In the meantime, VKB has provided design plans for required improvements. Parks has reviewed and approved the plans. VKB is now permitting them and will reimburse Parks for their construction. As soon as the agreement is approved by the BCC, construction can commence.**
- In addition to the ball fields, what improvements did the County agree to do, per the Settlement Agreement? **The County has agreed to a multitude of improvements to Crandon Park per the Settlement Agreement. The actions associated with VKB were agreed to by the Crandon Park Master Plan Amendment Committee, as a means of allowing VKB to complete work the County is otherwise required to complete as consideration for extending the term for the ballfield lighting.**
- What is the County's current operating and maintenance costs for the Trail? **Although VKB has no legal basis for occupying the Calusa portion of Crandon Park, they have assumed all operating and maintenance costs for the area since 1994 as consideration for the County allowing them to occupy the area.**

**Prepared by: Mia B. Marin**