MEMORANDUM

Agenda Item No. 7(A)(1)(B)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed. D. and Members, Board of County Commissioners

DATE: **April 13, 2004**

FROM: George M. Burgess
County Manager

SUBJECT: Request for Advertisement Request for Proposals for General Aeronautical Services at MIA

THE ACCOMPANYING ITEM WAS CONSIDERED BY THE TRANSPORTATION COMMITTEE AT ITS MARCH 11, 2004 MEETING AND FORWARDED TO THE FULL BOARD, AS AMENDED, WITH A FAVORABLE RECOMMENDATION. THIS SUBSTITUTE ITEM INCORPORATES, AND RESPONDS TO, THE DIRECTIVES OF THE COMMITTEE MADE DURING THAT MEETING AND OTHER REQUIRED CHANGES DESCRIBED IN THIS MEMORANDUM.

RECOMMENDATION

It is recommended that the Board approve the attached resolution that will (i) authorize the County Manager to advertise the attached Request for Proposals ("RFP") for up to five (5) general aeronautical services permits (GASPs) at Miami International Airport (MIA) to be effective October 1, 2004 for a five (5) year period and authorize the Miami-Dade Aviation Department to extend the permits for up to an additional five years and (ii) approve the revised LDB Program and proposed contract measures.

BACKGROUND

Currently, there are five general aeronautical services providers operating at MIA under permits, which became effective November 1, 1992 for a five-year period. Subsequently, the County exercised the option to extend the permits for five years for the period November 1, 1997 – October 31, 2002. During the July 23, 2002 Board of County Commissioners meeting, the previous County Manager recommended that the Board approve a resolution that would have (i) authorized the advertisement of bids for up to five (5) general aeronautical services permits at MIA to become effective November 1, 2002 for a five (5) year period with the Miami-Dade Aviation Department authorized to extend the permits for up to five years in incremental terms of one year, and (ii) approved a Local Developing Business Program ("LDB") and delegated to the County Manager the authority to approve the LDB contract measures for the general aeronautical services permits. After considerable discussion, the Board deferred the proposed resolution for a period of 12 months. Considering that the existing permits were to expire on October 31, 2002, the Board, at its October 8, 2002 meeting, adopted Resolution No. R-1126-02, which extended the term of the permits for a period of twelve (12) months. In addition, R-1126-02 directed the County Manager to prepare a Request for Proposals (RFP) instead of advertising an Invitation to Bid (ITB) for these permits.

In accordance with Section 2-8.9 of the Miami-Dade County Code, general aeronautical services are subject to the Living Wage Ordinance. The procurement process for these services had been delayed, however, because it was not readily known how the impact of the statewide living wage preemption law, which was adopted June 2003, would impact this procurement. The Aviation Department was advised by the County Attorney's Office that the state preemption law does not abolish the living wage requirements of Miami-Dade County and any solicitation issued for these services should include these provisions. Based on this, the Board, at its November 6, 2003 meeting, by its adoption of Resolution No. R-1263-03, approved the Fourth Amendment which extended the term of the existing permits for an initial six (6) month term with six (6) one-month renewal periods that will allow the Department to maintain service until such time as the Board can consider the award of the new permits and would also allow the incoming providers an adequate transition period.

Request for Proposal Documents

The permittees provide a wide range of services to the airlines at MIA including ramp services, porter assistance, passenger services, dispatching and communications, and meteorological navigation services. Proposers will be required to propose to the County a Minimum Annual Guarantee ("MAG") for each applicable year of the term of the permit. One of the requirements of the RFP is that each Proposer must submit a minimum MAG of $280,000. As additional consideration for the rights and privileges granted permittees, each permittee will also be required to pay the County the amount by which seven percent (7%) of the gross revenues derived from its operations of the permit exceed the MAG. In conformance with Resolution No. R-101-01, a survey of airline service provider fees shows that a 7% fee is comparable to the charges found at other airports. Any increase in percentage would also probably be met with strong objection from the airlines that ultimately pay the fee in charges received from the permittees.

The Aviation Department has reviewed the proposed scope of required services and developed minimum qualifications to ensure that the successful permittees are qualified service providers and are able to furnish the required services to their airline customers. Their services have been particularly beneficial to the smaller airlines that maintain a minimum number of employees in MIA. Five permittees have proven to be an appropriate number of companies for MIA. The number provides for competition among the permittees while offering the airlines a choice of service providers. A major obstacle to the entry of even one additional permittee at MIA is the heavy traffic congestion and lack of parking space on the airfield. An additional company, with its requisite handling equipment, would add an unacceptable density to airfield traffic. The problem will become more acute as airfield construction grows.

Recommended LDB Contract Measures: 15%

During its meeting of November 19, 2002, the Board approved the Local Developing Business Program for general aeronautical service permits by its adoption of Resolution No. R-1302-02. The Aviation Department has reviewed the associated participation provisions for this program, which is included in the RFP document, and has, among other things, revised the policy statement it contained to reflect the information from "The Local and Regional Economic Impacts of Miami International Airport and the Miami-Dade County GA Airports 2002" Study.

The Transportation Committee requested the following changes to the LDB Program, during its March 11, 2004 meeting, in order to ensure that there would be sufficient time to allow for interested parties to complete the certification process by which applicants are determined to be a bona fide LDB:

(a) The Proposers must be certified or have applied for certification as of the Proposal Due Date; and
(b) The Successful Proposers must be certified prior to the County Manager filing his recommendation for award.

This substitute item includes the revised LDB provision that incorporates these changes.

Other changes included in this Substitute Item

In addition, since the time this item had been submitted for Committee and Board consideration, the Living Wage Supplemental General Conditions have been updated to incorporate legislative changes. This substitute item includes this change. Finally, the resolution and contract specifications have been changed to incorporate the reconsideration language required by Resolution No. R-377-04.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: April 13, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(A)(1)(B)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Y

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)(1)(B)
4-13-04

RESOLUTION NO. _____

RESOLUTION AUTHORIZING COUNTY MANAGER TO ADVERTISE REQUEST FOR PROPOSALS FOR GENERAL AERONAUTICAL SERVICE PERMITS AT MIAMI INTERNATIONAL AIRPORT; APPROVING REVISED LOCAL DEVELOPING BUSINESS PROGRAM FOR GENERAL AERONAUTICAL SERVICE PERMITS; AND APPROVING CONTRACT MEASURES APPLICABLE TO SUCH PERMITS

WHEREAS, this Board desires to approve the revised Local Development Business Program (the "LDB Program") for the General Aeronautical Services Permit (the "GASP"); and

WHEREAS, this Board desires to authorize the County Manager to advertise the Request for Proposals for Non-Exclusive Permits to provide general aeronautical services to commercial aircraft operators and airlines at Miami International Airport and to approve the contract measures applicable to the GASP,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby authorizes the County Manager to advertise the Request for Proposals for Non-Exclusive Permits to provide general aeronautical services to commercial aircraft operators and airlines at Miami International Airport, in substantially the form attached hereto as Exhibit "A" (Request for Proposals RFP No. 0004) and made a part hereof; approves the revised LDB Program for GASP in the form attached to the Request for Proposal; and approves the contract measures applicable to the GASP.

The foregoing resolution was offered by ,

who moved its adoption. The motion was seconded by Commissioner

and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 13th day of April, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. GBK

Geri Bonzon-Keenan