MEMORANDUM

RTC
AGENDA ITEM NO. 2(A)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 15, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution directing County Manager to develop a process for reviewing and resolving claims of CSBE contractors for work performed on the North Terminal at MIA

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Barbara J. Jordan.

Murray A. Greenberg
County Attorney

MAG/bw

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: January 24, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
1-24-06

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MANAGER TO DEVELOP A PROCESS FOR REVIEWING AND RESOLVING CLAIMS OF CSBE CONTRACTORS FOR WORK PERFORMED ON THE NORTH TERMINAL DEVELOPMENT ("NTD") PROJECT AT MIAMI INTERNATIONAL AIRPORT ("MIA") ON AN EXPEDITED BASIS, AND FURTHER PROVIDING THAT NON-CSBE CONTRACTORS SUBMITTING CLAIMS FOR WORK PERFORMED ON THE NTD PROJECT BE REQUIRED TO CERTIFY THAT ANY UNPAID CLAIMS OF LOWER TIER CSBE SUBCONTRACTORS PERFORMING ANY PORTION OF THE WORK THAT IS THE SUBJECT OF SUCH CLAIM ARE INCLUDED THEREIN

WHEREAS, the North Terminal Development ("NTD") Project at Miami International Airport was intended, in part, to have been an economic engine to benefit Community Small Business Enterprises ("CSBE"s); and

WHEREAS, numerous CSBEs have asserted outstanding claims as a result of their participation in the construction of the NTD Project, whether as prime contractors, or as first, second, third or fourth tier subcontractors on the Project; and

WHEREAS, it is in the best interests of the citizens of Miami Dade County that CSBEs who participated in the construction of the NTD Project and have valid, unpaid claims should be paid therefor,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Manager to develop a process for reviewing and resolving claims of CSBE contractors for work performed on the NTD Project on an expedited basis, and further providing that non-CSBE

contractors submitting claims arising out of the NTD project be required to certify that all unpaid claims of lower tier CSBE subcontractors performing any portion of the work that is the subject of such claim are included therein. The County Manager shall submit the proposed process to this Board within 45 days from the date of adoption of this Resolution.

The County Manager is further instructed to provide in any recommended settlement of a non-CSBE contractor claim arising out of the NTD Project that payment of the settlement amount be conditioned upon the claimant paying such portion of the pass through claims of CSBE subcontractors at any tier, determined by the County to be due to such CSBEs.

The foregoing resolution was sponsored by Commissioner Barbara J. Jordan and offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner , and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of January, 2006. This Resolution, if not vetoed, shall become effective in 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.

R.A. Cuevas, Jr.