

Memorandum



Date: July 8, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 8(K)(1)(A)

From: Carlos Alvarez
Mayor

George M. Burgess
County Manager

Subject: Resolution Approving the Selection of Developers for the Building Better Communities General Obligation Bond (GOB) Invitation to Negotiate for the Northside Station and Caribbean Boulevard Sites and Waiving the Requirements of Section 2-8.4, of the Miami-Dade County Code, Pertaining to Bid Protest Procedures and Section 5.03 (D) of the Home Rule Charter and Section 2-8.1 of the Miami-Dade County Code Pertaining to Competitive Bid Procedures

This substitute item differs from the original by requesting the Board to waive the requirements of Section 2-8.4, of the Miami-Dade County Code, Pertaining to Bid Protest Procedures and Section 5.03 (D) of the Home Rule Charter and Section 2-8.1 of the Miami-Dade County Code Pertaining to Competitive Bid Procedures.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution approving the selection of the developers for the Building Better Communities General Obligation Bond (GOB) Northside Metrorail Station (Northside) and Caribbean Boulevard sites and waive Sections 2-8.1 and 2-8.4 of the Miami-Dade County Code and Section 5.03 (D) of the Home Rule Charter pertaining to competitive bid procedures and bid protest procedures, by a two-thirds vote of the Board members present. This resolution authorizes the County Mayor and or the Mayor's designee to develop contracts, leases and other necessary agreements for the approved GOB allocations with the selected developers to build multi-family, mixed income and mixed use affordable rental housing on two County-owned sites:

1. Carlisle Development Group, LLC, for the Northside Station site; and
2. Caribbean Village, Ltd., (Pinnacle Housing Group) for the Caribbean Boulevard site.

Scope

The Northside site, located in Commission District 2, is on the south side of NW 79 Street, between NW 32 Avenue, in the north central area of Miami-Dade County. This parcel is part of the Miami-Dade County Metro-Rail rapid transit system consisting of a station, train guide-way, parking lot, and bus bays.

The Caribbean Boulevard site is located between SW 110 Court and SW 200 Drive, on the north side of SW 200 Street and is in Commission District 9. It is in the southwestern area of Miami-Dade County and is adjacent to the Busway transit system.

Fiscal Impact / Funding Source

There is no fiscal impact as a result of this item, which selects the developer for two separate projects. Pursuant to Resolution R-745-09, sponsored by Commissioner Dorrin D. Rolle and adopted by the Board on June 2, 2009, \$2.5 million from the Building Better Communities GOB Program Project No. 249 – “Preservation of Affordable Housing Units and Expansion of Homeownership” was allocated for the housing component of the Northside site. With respect to the Caribbean Boulevard site, based on the discussion at the Board during passage of Resolution R-678-09 on June 2, 2009, it is anticipated that the District Commissioner, in whose district the project will be located, will make an allocation to the Caribbean Boulevard project from the commission district’s \$10.592 million share of GOB affordable housing funds.

Any allocation of GOB funds is subject to funding availability; more specifically, the issuance of bonds to generate the proceeds for these affordable housing projects. The awarded GOB funds will only be used as “gap” financing and wherein the project will be subject to formal underwriting conducted by an independent underwriter on behalf of the County. The selected developer(s) will be responsible for securing Low Income Housing Tax Credits, (LIHTC), housing bonds equity and any/all other financing required for the project. The County will maintain title to the grant sites; however, the selected developer(s) will be awarded site control through a 55-year lease, plus two (2) fifteen (15) year options to renew or such other term, sufficient to satisfy Florida Housing Finance Corporation (FHFC) LIHTC and any other County program requirements.

Monitoring

Upon Board approval of this resolution, the County will contract with the selected developer(s) for each GOB award. Final negotiations on all agreements, including the grant agreement and lease, as well as all monitoring, compliance and evaluation will be performed by Miami-Dade County General Services Administration (GSA). The final, negotiated agreements will be brought back to the BCC for approval prior to execution.

Background

On January 15, 2008, the Department of Housing and Community Development (DHCD), formerly the Office of Community and Economic Development, advertised the Miami-Dade County GOB Multi-Family Affordable Housing Development Program Request for Proposals (RFP) for Housing Development on these two County-owned sites (Northside and Caribbean Boulevard) pursuant to Resolution R-872-08.

Eight proposals were received on February 15, 2008, pursuant to RFP #249. A Selection Committee was appointed by the County Manager to evaluate and rank the proposals received based on the scope and criteria set forth in the solicitation. The results of the final evaluations could not be supported or depicted as a true open competitive solicitation due to inconsistencies in the criteria with the required scope of services. Due to these circumstances, on June 2, 2009, the Board adopted Resolution R-678-09 that authorized the Board to: 1) reject all proposals received in response to RFP #249 for the Building Better Communities GOB Project for the Construction of Multi-Family Housing on Caribbean Boulevard and Northside Metrorail Station Sites; 2) waive the competitive bidding and bid protest processes as required in Sections 2-8.1 and 2-8.4, respectively, of the Miami-Dade County Code; and 3) authorize the County Mayor or the Mayor’s designee to conduct competitive negotiations with all of the responsible bidders for construction of two multi-family developments utilizing GOB funds as “gap” funding only, subject to terms, including but not limited to, scope of work, schedule and price.

Pursuant to Resolution R-678-09, on July 31, 2009, DHCD advertised the GOB Invitation To Negotiate (ITN) for the Northside and Caribbean Boulevard sites. The GOB ITN was only open to the original developers that responded to GOB Project RFP #249 and the submission deadline date was August 31, 2009. GOB ITN respondents were as follows:

Northside Site

- The Phoenix at Northside Station, Ltd. – Joint Venture between Pinnacle Housing Group and the South Miami Heights, CDC
- Northside Green I, LLC – Joint Venture between Biscayne Housing Group and the 79th Street Corridor Initiative
- Carlisle Development Group, LLC – Joint Venture between Carlisle Development Group and the Carrie P. Meek Foundation

Caribbean Boulevard Site

- Caribbean Village, Ltd. – Joint Venture between Pinnacle Housing Group and the South Miami Heights Community Development Corporation
- Tapestry Apartments, LLC – Joint Venture between Biscayne Housing Group, LLC and The 100 Black Men of South Florida, Inc.
- Carlisle Development Group, LLC – Joint Venture between Carlisle Development Group and the Carrie P. Meek Foundation
- RCDG I, LLC

In accordance with Resolution R-678-09 to reject RFP #249 and to commence negotiations with the GOB ITN responsive proposers, the County Manager appointed the Negotiation Committee.

The Negotiation Committee subsequently met with all responsible proposers to conduct competitive negotiations, including but not limited to, scope of work, design, not-for-profit partnership, scheduling, unit mix and financing. After completing competitive negotiations with all developers, the Negotiation Committee ranked all proposals. The Negotiation Committee produced the following final evaluation/rankings of all the proposals for both sites:

**Northside Station Site
Evaluation/Ranking**

1. Carlisle Development Group, LLC (Carlisle Development Group)
2. (tie) The Phoenix at Northside Station, Ltd (Pinnacle Housing Group)
2. (tie) Northside Green I, LLC (Biscayne Housing Group)

**Caribbean Boulevard Site
Evaluation/Ranking**

1. Caribbean Village, Ltd. (Pinnacle Housing Group)
2. RCDG I, LLC
3. Tapestry Apartments, LLC (Biscayne Housing Group)
4. Carlisle Development Group, LLC (Carlisle Development Group)

The selected development at the Northside Station site is a four phase development with two family and two senior developments consisting of approximately 438 total units of 1, 2, 3 and 4 bedroom units and approximately 20,000 square feet of retail/commercial space for a total development cost of \$88,150,000. Twenty percent of the units will house residents at 33 percent and below of area median income (AMI) and the remaining 80 percent of the units will house residents at 60 percent AMI and below. A total of 848 parking spaces will be available on site, 250 parking spaces for transit daily riders and 598 parking spaces for residents.

The selected development at the Caribbean Boulevard site is a multi-phased mixed-use development of approximately 170 affordable housing units. It is a mid and high rise configuration with approximately 12,500 square feet of retail/commercial space for a total development cost of \$46,089,771. The development will emphasize larger bedroom sizes with 24 percent as 3-bedroom units and 12 percent as 4-

Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
Page 4

bedroom units. Twenty percent of the units will serve residents at 33 percent and below of AMI the remaining 80 percent of the units will house residents at 60 percent AMI and below. The development will utilize a shared parking structure with 255 parking spaces for both the Busway customers and the residents.



 Irene Taylor-Wooten
Special Assistant for Social Services



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: July 8, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(K)(1)(A)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's , 3/5's , unanimous) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required.

Approved _____ Mayor

Agenda Item No. 8(K)(1)(A)
7-8-10

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING THE SELECTION OF DEVELOPERS FOR THE NORTHSIDE STATION AND CARIBBEAN BOULEVARD GENERAL OBLIGATION BOND (GOB) AFFORDABLE HOUSING PROJECTS; WAIVING FORMAL COMPETITIVE BID AND BID PROTEST PROCEDURES; AND AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO NEGOTIATE ALL NECESSARY AGREEMENTS, IN CONSULTATION WITH COUNTY ATTORNEY'S OFFICE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves: 1) subject to funding availability, the Carlisle Development Group, LLC and Caribbean Village, Ltd., or their wholly owned subsidiaries, as the developers for the Northside Station and Caribbean Boulevard affordable housing projects, respectively, subject to a determination of the developments' and the developers' financial viability following underwriting and subsidy layering review; the Board authorizes the County Mayor or Mayor's designee, in consultation with the County Attorney's Office, to negotiate agreements, contracts, leases and amendments on behalf of Miami-Dade County to accomplish the purposes of this resolution and to bring such negotiated agreements and leases to this Board for final approval; and 2) waiving by a two-thirds vote of the majority of members present the requirements of Section 5.03 (D) of the Home

Rule Charter and Sections 2-8.1 and 2-8.4 of the Miami-Dade County Code pertaining to formal bid procedures and bid protest procedures.

The foregoing resolution was 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:

- | | |
|---------------------------------|--------------------|
| Dennis C. Moss, Chairman | |
| Jose "Pepe" Diaz, Vice-Chairman | |
| Bruno A. Barreiro | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

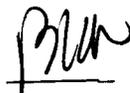
The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of July, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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.



Brenda Kuhns Neuman

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



Legislative Notes

Agenda Item: 8(K)1(A) and 11(A)9

File Number: 101468 and 093408

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: June 7, 2010

Type of Item: 8(K)1(A)- Resolution Approving the Selection of Developers for the Building Better Communities General Obligation Bond (GOB) Invitation to Negotiate for Northside Station and Caribbean Boulevard Sites

11(A)9-Resolution Approving GOB Program 249 Allocation for District 9 for Caribbean Boulevard Project

Summary

This resolution, once again, waives the Competitive Bidding and Bid Protest procedures and approves the selection of the developers Carlisle Development Group, LLC (Carlisle) for Northside Station and Caribbean Village Ltd. for the Caribbean Boulevard site.

Item 11(A)9 relates to the approval of GOB Program 249 Allocation for District for the Caribbean Boulevard Project.

Background and Relevant Legislation

Below is a timeline for the Northside & Caribbean Boulevard Programs:

- On January 15, 2008, a Request for Proposals for Northside Station and Caribbean Projects was advertised pursuant to R-872-08;
- On February 15, 2008, eight (8) proposals were received through RFP#249 and the Evaluation Criteria of the RFP caused the selection Committee to score applicants more than once. Subsequently, the County Attorney's Office along with technical staff determined that inconsistencies in the criteria does not allow for a true and open competitive process and that all bids be rejected, competitive bid and bid protest be waived and negotiations be authorized with all eight proposers;
- On June 2, 2009, Pursuant to R-678-09, the Board of County Commissioners authorized rejections of all eight bids received in RFP#249, waive competitive bidding and bid protest

procedures and for the Mayor (or designee) to conduct and Invitation to Negotiate (ITN) with the responsive bidders;

- On July 31, 2009, the Department of Housing and Community Development (DHCD) advertised the ITN only to the original bidders, there were only 7 respondents (RCDG I, LLC not included);
- On January 25, 2010, the Negotiation Committee conducting the ITN selected Carlisle for the Northside Stations and Caribbean Village, Ltd for the Caribbean Boulevard site;
- A bid protest was filed by one of the original bid respondents, Biscayne Holding Group (BHG) before the final recommendation was presented to the Housing Community Development Committee on March 25, 2010.
- A final recommendation to award Carlisle and Caribbean Village, Ltd was deferred at the March 25, 2010 Committee.

Claims Addressed by the County Attorney's Office

According to the County Attorney's Office (CAO), the claims that have been addressed by BHG and RCDG-I, have been reviewed and are provided in 3(A) Substitute supplement for full disclosure. The claims and CAO responses to those claims include the following:

- Primary objections by BHG were related to the original process and improper notification of the ITN. According to the CAO, these claims carry no legal effect since the first objection was based on the old bidding process which was thrown out pursuant to R-678-09 and an improper notification claim is not substantiated since DHCD has provided sufficient evidence demonstrating it was compliant with the sunshine law;
- Primary objections raised by RCDG-I involve the exclusion from the original ITN process only to be invited to a subsequent presentation and negotiation process months later with one (1) of the four (4) committee members absent. Additionally, RCDG-I objects to not being properly notified in a timely fashion when final scores were distributed;
- The CAO maintains that the missing committee member reviewed the RCDG-I proposal, listened to audio tapes of the RCDG-I presentation, ranked all the projects and proper demonstration of due diligence was performed prior to submittal of final recommendation on January 25, 2010, which was advertised and conducted in the "sunshine";
- The CAO further maintains that both BHG and RCDG-I bid protest does not constitute a "real" bid protest since both have not formally filed a bid protest with the Clerk of the Board nor have they paid a filing fee as required by County Code.

Fiscal Impact

The developers selected for the respective sites have been awarded GOB funds but will only be used as "gap financing". The selected developers will be responsible for securing Low Income Housing Tax Credits (LIHTC), housing bond equity and other required financing for the projects.

Prepared By: Mia B. Marin