Memorandum

MIAMI-DADE COUNTY

Date: May 3, 2011

Agenda Item No. 9(A)(5)

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

From: George M. Burgess
County Manager

Subject: Resolution replenishing the Overall Program Expenditure Limit (OPEL) for the Miscellaneous Construction Contracts Program (MCC)

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution approving a new Overall Program Expenditure Limit (OPEL) of $450 million for the Miscellaneous Construction Contracts Program (MCC). The Board approved Ordinance No. 09-101 on November 3, 2009 establishing the MCC Program subject to an OPEL which is set by the Board. The MCC Program is widely used by capital departments for small projects including renovations, repairs and maintenance.

Scope

The MCC program has a direct beneficial impact on all Commission Districts by accelerating small construction projects, facility repairs and neighborhood improvements throughout Miami-Dade County. The MCC process provides opportunities for Community Small Business Enterprises (CSBE) to participate on County construction projects in an efficient and meaningful manner. Approximately 80% of all MCC contracts are issued to certified CSBE firms.

Fiscal Impact/Funding Source

There is no direct funding provided to this Program in that each work issuance identifies the appropriate capital funding source for the project and is consistent with each department's capital project budgets. Attachment "A" details the anticipated projected utilization by department for the next two years. Any ongoing fiscal impacts from any resulting capital expansion and or repairs will be included as part of individual departments' future annual operating budgets.

Track Record/Monitor

The Office of Capital Improvements (OCI), George Navarrete, Director, administers and monitors the MCC Program. The Board is advised of the progress of the MCC Program through quarterly reports.

Delegation of Authority

Ordinance No. 09-101 previously approved by the Board, grants the Mayor or Mayor's designee the authority to award and reject bids or proposals for contracts for public improvements (construction) costing $2.5 million or less without the need for action by the Board. There is no further delegation of authority related to this item.

Background

Recognizing that small businesses are critical to the County's economic recovery and strength, this resolution proposes to continue providing opportunities for Community Small Business Enterprises (CSBE) through the MCC program. The MCC program is a consistent and effective means of competitively distributing work to the construction trades for small projects including renovations, repairs and maintenance. The first OPEL was the unexpended balance of the amount which was previously authorized by the Board by Resolution R-597-08 ($200 million), which is now nearly exhausted. A balance of approximately $29 million is expected to be completely exhausted within the next two months. This

resolution would authorize the program to seamlessly continue with a new expenditure limit when the previous allocation is depleted. Capital departments have estimated that they will need an estimated $450 million in capacity through FY 2012 as indicated on Attachment A.

The MCC Program is administered using two separate plans, the 7040 Plan and 7360 Plan. The 7040 Plan is administered as a 100% CSBE set aside. The 7360 Plan is only utilized whenever the funding source prohibits the use of CSBE set asides or when the Department of Small Business Development determines that there is insufficient availability for a CSBE set aside within the 7040 Plan to accomplish the proposed work.

In Fiscal Year 2009/10, 741 work orders, valued at $47.8 million were issued through the 7040 Plan. The 7360 Plan issued 147 work orders, valued at $76.5 million.

This recommendation will allow the County Mayor or Mayor's designee to continue utilizing the existing processes for the expenditure of the authorized OPEL allocation.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: May 3, 2011

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

SUBJECT: Agenda Item No. 9(A)(5)

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

3

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 9(A)(5)
5-3-11

RESOLUTION NO. _____

RESOLUTION APPROVING THE NEW OVERALL PROGRAM EXPENDITURE LIMIT FOR THE MISCELLANEOUS CONSTRUCTION CONTRACTS PROGRAM

WHEREAS, this Board desires to provide opportunities for Community Small Business Enterprises (CSBE) to participate on County construction projects in an efficient and meaningful manner; and

WHEREAS, the Board approved Ordinance No. 09-101 on November 3, 2009 establishing the Miscellaneous Construction Contracts (MCC) Program; and

WHEREAS, Ordinance No. 09-101 calls for the program to be subject to an Overall Program Expenditure Limit (OPEL) which is to be set by the Board; and

WHEREAS, the 7040 Plan is a 100% Community Small Business Enterprise Set Aside program; and

WHEREAS, the 7360 Plan is only utilized whenever the funding source prohibits the use of CSBE set asides or when the Department of Small Business Development determines that there is insufficient availability for a CSBE set aside within the 7040 Plan to accomplish the proposed work; and

WHEREAS, the Mayor or Mayor's designee reports to the Board on a quarterly basis all awards made under this program, including the name of the contractor receiving the award, the value of the award, and CSBE utilization; and

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 the new Overall Program Expenditure Limit (OPEL) for the Miscellaneous Construction Contracts in the amount of $450 million.

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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Jean Monestime
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2011. 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. HB

Hugo Benitez

Office of Capital Improvements
Miscellaneous Construction Contracts Program (MCC)
Overall Program Expenditure Limit (OPEL) Restoration

User Department	Projected MCC capacity required by Department FY 2010-11 thru FY 2011-12
Aviation (Miami International Airport)	$ 28,800,000.00
Building and Neighborhood Compliance	$ 625,000.00
Community Action Agency	$ 200,000.00
Corrections and Rehabilitation	$ 8,000,000.00
Environmental Resources Management	$ 12,000,000.00
Fire Rescue	$ 5,380,000.00
General Services Administration	$ 25,000,000.00
Housing and Community Development	$ 1,348,000.00
Public Housing Agency	$ 55,000,000.00
Jackson Memorial Hospital	$ 2,000,000.00
Park and Recreation	$ 64,000,000.00
Planning and Zoning	$ 500,000.00
Police	$ 500,000.00
Public Works	$ 70,000,000.00
Seaport (Port of Miami)	$ 34,000,000.00
Solid Waste Management	$ 7,640,000.00
Transit	$ 19,000,000.00
Vizcaya Museum and Gardens	$ 180,000.00
Water and Sewer	$ 74,000,000.00
Sub-total of all Departments	$ 408,173,000.00
Plus 10% Contingency	$ 40,817,300.00
Total Allocation	$ 448,990,300.00