

Memorandum



Date: March 17, 2016

To: Honorable Chairman Jean Monestime
And Members, Board of County Commissioners

Agenda Item No. 2B3
November 1, 2016

From: Carlos A. Gimenez
Mayor 

Subject: Miami-Dade County Public Private Partnership Task Force Report

Pursuant to Resolution No. R-150-15, adopted by the Board of County Commissioners (Board) on February 3, 2015 and amended on September 1, 2015, establishing the Miami-Dade County Public Private Partnership Task Force (Task Force), attached is the final report of the Task Force findings and recommendations.

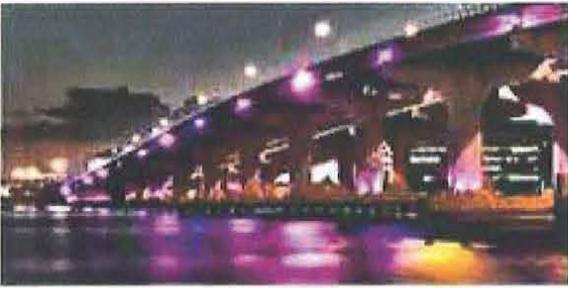
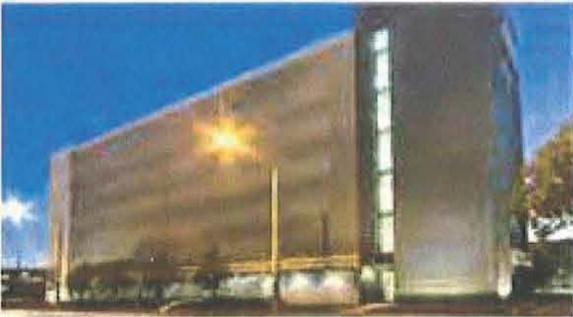
The Task Force was created for the purpose of advising the Board and the County Mayor regarding the County's use of public private partnerships (P3) by making recommendations on changes in the County's ordinances, resolutions, regulations, implementing orders, and administrative practices that will advance P3s; evaluating and making recommendations with respect to the PPPs plan required pursuant to Resolution No. R-1022-13 and any updates to said plan, as well as reviewing and assessing timelines and legislative recommendations or other goals, tasks or deliverables set forth in the County's P3 plan.

The Task Force requested that all exhibits presented during this process be attached to the report.

In accordance with Ordinance No. 14-65, this report will be placed on the next available Board meeting agenda.

Attachment

- c: Abigail Price-Williams, County Attorney
- Edward Marquez, Deputy Mayor
- Mary T. Cagle, Miami-Dade County Inspector General
- Joseph Centorino, Executive Director, Commission on Ethics and Public Trust
- Tara C. Smith, Director, Internal Services Department
- Christopher Agrippa, Director, Clerk of the Board Division
- Department Directors
- Task Force Members



**Miami-Dade County
Public Private Partnership**





Task Force Membership



Chairman
Chris Hodgkins,
Chief Executive Officer, Miami Access Tunnels



Vice Chairman
George Burgess
Chief Operating Officer, Becker and Poliakoff



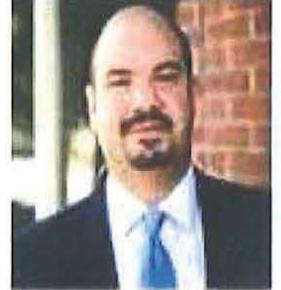
Andy Madtes
President
South Florida AFL-CIO



Bill Ernstrom
Vice President for Major Strategic Projects
Walsh Construction Company



Carlos Diaz-Padron
Secretary General Counsel
Granada Insurance Company



Christian B. Ulvert
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David L. Dixon



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Retired
former President/Chief Executive Officer
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William W. Riley Jr. ESQ.
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Public Private Partnership Task Force

PUBLIC PRIVATE PARTNERSHIP TASK FORCE

Task Members:

February 11, 2016

Christopher Hodgkins -
Chairman

Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
Stephen P. Clark Center
111 NW 1 Street, Suite 320
Miami, FL 33128

George Burgess –
Vice-Chairman

Subject: Miami-Dade County's Public Private Partnership Task Force – Final Report

Andy Madtes
Bill Ernstrom

Carlos Diaz-Padron, Esq.
Christian B. Ulvert

Dear Chairman Monestime:

David L. Dixon
Diana Gonzalez

Enrique "Rick" Crooks
John M. Cal

The Public Private Partnership Task Force (P3-TF) has completed its review of the County's use of Public Private Partnerships (P3) as set forth in Resolution No. R-1022-13. The P3 Task Force started our endeavor with a mission statement that is as follows:

Margaret Cullen
Ralph Rosado, Ph.D.
Richard M. Gomez

Ronald Frazier

William W. Riley Jr., Esq.

"The mission of the P3 Task Force is to offer a commercially and technically reasonable approach for an efficient and transparent process that attracts competition by taking into consideration the interests of all stakeholders, while giving the County confidence that the outcomes will be in the best interest of the public to include best practices, diversity, inclusion and local opportunity."

The attached report comprises this review and recommendations for continued enhancement, modernization and effectiveness of the County's P3 processes. These recommendations represent the collective opinion of the P3 TF members as a Commission appointed task force convened by the Miami-Dade County Commission.

The P3-TF was created by the Board on February 3, 2015 and held 14 meetings, from October 2015 through February 2016. After careful consideration of the legislation and administrative process, input from various industry experts and key County staff, we respectfully submit this report for your consideration. We are proud of the broad representation from industry experts, local and national contractors and trade and employee union leaders.

Public Private Partnership Task Force

Our recommendation comes to you with a unanimous vote of the P3 Task Force. The P3 Task Force has reaffirmed the adherence to all County Rules and Regulations pertaining to the Code of Ethics and Office of the Inspector General. We are all unified in the belief that a P3, done properly can create opportunity, expand diversity and offer substantial savings for the community.

We wish to thank Commissioner Zapata for his leadership in addressing the need to reform the way the County considers P3 projects and Mayor Carlos A. Gimenez for his vision and support of P3 projects.

Please consider including a citizen's presentation at the next available Board meeting agenda where we could have the opportunity to present our recommendations.

Please accept our heartfelt appreciation for the Board's leadership in this important public policy matter.

Sincerely,



Christopher Hodgkins
Chairman

Miami-Dade County's Public Private Partnership Task Force

- c: Public Private Partnership Task Force Members
 Honorable Carlos A. Gimenez, Mayor
 Abigail Price-Williams, County Attorney
 Mary T. Cagle, Inspector General
 Joseph M. Centorino, Executive Director, Ethics and Public Trust
 Tara C. Smith, Director, Internal Services Department

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INTRODUCTION

PURPOSE: In response to the Miami-Dade County (County) Board of County Commissioners (BCC) Resolution No. R-150-15, the Miami-Dade County Public Private Partnership (P3) Task Force (Task Force) has prepared this report to recommend to the BCC how the County can better utilize the P3 delivery method for the creation of public infrastructure. Pursuant to Resolution No. R-150-15 a final report outlining all recommendations must be submitted to the BCC.

The Miami-Dade County Internal Services Department provided staff support, including facilitating special presentations by guest speakers at the request of the Task Force. The Task Force recommendations reflected in the report are pursuant to a majority vote of the membership of the Task Force.

BACKGROUND: BCC Resolution No. R-150-15, dated February 3, 2015 and amended September 1, 2015, created the P3 Task Force to advise the BCC and the County Mayor on the County's use of P3s. The resolution specified the following general powers and duties:

- (1) Recommend to the BCC the ordinances, resolutions, regulations, implementing orders, and administrative practices that will advance P3s.
- (2) Review and assess timelines and legislative recommendations or any other goals, tasks, or deliverables set forth in the County's P3 Plan.
- (3) Evaluate and make recommendations with respect to the P3 plan required pursuant to Resolution No. R-1022-13 and any updates to said plan.
- (4) Focus on improving County practices and policies that would foster P3s as opposed to identifying potential infrastructure projects.
- (5) Concentrate on changes in County ordinances, resolutions, regulations, implementing orders, and administrative practices that will advance P3s; eliminate the identification of specific P3 projects.
- (6) Provide a written report describing the P3 Task Force's findings and recommendations within 364 days of the resolution's effective date.

The BCC's resolutions set a 364 day shelf-life for the P3 Task Force with a sunset date of February 13, 2016. Task Force members were appointed pursuant to Resolution No. R-842-15 on October 06, 2015. Because of severe delays in appointing the members, the Task Force was not able to convene until October 14, 2015. The reduced time period, from 364 days to approximately 130 days obligated the Task Force to reduce the scope of its activity and forced the Task Force to complete its work in an extremely compressed timeframe. While the Task Force would have benefitted from a more realistic amount of time to complete its work, the Task Force is pleased with the quality and content of this report.

MEMBERS: The Task Force was comprised of 15 members with a composition intended to: (a) provide each Commissioner one (1) appointment, (b) diversify the expertise and qualifications represented in the P3 Task Force; and (c) reflect the geographic, gender, racial, ethnic, and cultural makeup representative of the community.

Task Force members were either: (a) executive officers of engineering or architectural firms; (b) executive officers of construction firms; (c) members, partners or officers of financial firms; (d) partners, counsel or executives of law firms; (e) representatives from the Florida Department of Transportation or other federal, state or local government agencies that have worked on successful P3 arrangements; (f) labor representatives; or (g) urban planners.

At the first Task Force meeting, held on October 14, 2015, the members present unanimously elected Mr. Chris Hodgkins to serve as Chairman and Mr. George Burgess to serve as Vice Chairman.

MEETINGS: The Task Force held 14 meetings on: October 14, 2015; October 28, 2015; November 04, 2015; November 18, 2015; December 02, 2015; December 09, 2016; December 16, 2015; December 21, 2016; January 06, 2016; January 21, 2016; January 27, 2016; February 03, 2016; February 11, 2016; and February 12, 2016.

SCOPE: This report attempts to define a recommended P3 procurement process from conceptual development to commercial and financial close by providing a complete process flow template that can be adapted to specific projects as they are conceived and developed. The template seeks to establish a process that is flexible and avoids excessive prescription. County staff will need to evaluate the specific recommendations included in this report and determine which County codes and administrative procedures require modification and to identify current practices that need to be retooled.

The Task Force has articulated a four (4) phased P3 process:

- Phase 1: Preparation & Planning
- Phase 2: Project Screening
- Phase 3: Advertisement of a Two-Step P3 Solicitation:
 - Phase 3a: Request for Qualifications (RFQ)
 - Phase 3b: Request for Proposal (RFP)
- Phase 4: Contracting

MISSION: The mission of the P3 Task Force is to offer a commercially and technically reasonable approach for an efficient and transparent process that attracts competition by taking into consideration the interests of all stakeholders, while giving the County confidence that the outcomes will be in the best interest of the public to include best practices, diversity, inclusion, and local opportunity.

TASK FORCE OBJECTIVES:

- Fulfill the tasks assigned by the BCC to the extent possible given the reduced shelf-life of the Task Force.
- Articulate a comprehensive P3 process flow that establishes the general parameters that County staff can use to determine which existing County legislation and administrative practices and procedures need to be modified.
- Highlight the most significant or potentially contentious changes to County ordinances, resolutions, regulations, implementing orders, or administrative practices that an effective P3 procurement process will require.

PRESENTERS: The Task Force requested several presentations during the course of its meetings to include:

- Miriam Singer, Sr. Assistant Director, Internal Services Department
- Ethics Training – Rhonda Victor-Sibilla, Miami-Dade County Commission on Ethics and Public Trust
- Nick Phillips, John Laing Group, and the Association for the Improvement of American Infrastructure
- Rebecca Brooks, P.E., Vice President, Lochner, representing the National Council for Public Private Partnerships
- Joseph Aiello, Director of Business Development North America, Meridiam
- Les Nicholson, Executive Vice President and Chief Legal Officer, Facchina
- Steve DeWitt, Senior Vice President Business Development, ACS Infrastructure Development, Inc.
- Mark Romoff, President and CEO, Canadian Council for Public Private Partnerships
- Jane Campbell, Director Washington Office, National Development Council
- Erin Hutson, Director, Corporate Affairs Department, LiUNA

- David Damboise, Project Director Construction Management and Operations, Hochtief PPP Solutions North America
- Kate Speir, Vice President, Hochtief PPP Solutions North America

Although public comments were encouraged and welcomed at all meetings, the Task Force held a public hearing on 12/16/2015 to host special presentations and comments from the following members of the public in attendance:

- John Becton, Ironworkers Union, Local 272
- Emilio Azoy, AFSCME Local 121
- Jeanette Smith, South Florida, IWJ
- Chris Simpson, IBEW Local 349
- Cynthia Hernandez, South Florida, AFL-CIO
- Kenny Scott, A/C Pipefitters Local 275
- Carlos Carrillo, Miami-Dade County Associated Builders and Contractors

POLICY STATEMENT AND BASIC DEFINITIONS

RECOMMENDED GUIDING PRINCIPLES

Miami-Dade County respects and adheres to ethical and professional procurement principles and encourages and fosters an environment of integrity, transparency, fairness, diversity, equity, and inclusion in all of its business operations and practices, including P3 contracting activities. Unless otherwise specifically recommended in this report, all existing County policies, practices, procedures, and ordinances shall apply including, but not limited to, oversight from the Office of the Inspector General and the Miami-Dade County Commission on Ethics and Public Trust.

The recommendations of this Task Force are intended to support the County's commitment to ensuring that the rich tapestry of diversity and the inclusion of varying ideas, backgrounds and perspectives, and cultural values are respected and nurtured. The Task Force intent is that all of its recommendations are consistent with the County's commitment to eliminating perceived, artificial, or actual barriers to business engagement with the County. The Task Force recommendations support the County's commitment to fostering an environment in which all businesses are free to participate in business opportunities with the County and flourish without the impediments or barriers of discrimination. In order to accomplish the intent of the policy, the County should embrace the following eight (8) core procurement principles in implementing its P3 delivery method policies; (1) integrity, (2) fairness, (3) equity, (4) transparency, (5) best value competitiveness through an open competitive solicitation process whenever possible, (6) diversity, (7) local and small business inclusion that is representative of the demographics of Miami-Dade County, and (8) fairness in labor and wages.

LABOR CONSIDERATIONS

The County shall fashion substantially similar language for inclusion in the draft P3 agreement to be included in the request for proposals (RFP) documents that will include operations and maintenance (O&M) services performed by the private sector entity which requires:

"Concessionaire shall, exercise good faith efforts to execute and deliver to Owner by Final Completion a Labor Peace Agreement, similar to what is used by the Miami-Dade County Aviation Department, with a labor organization that (a) contacted Concessionaire and the O&M Contractor, in writing, before Financial Close and (b) is actively engaged in representing or attempting to represent individuals as determined by the Mayor or his designee that are to perform the Operations and Maintenance Work for the Project. Concessionaire and each such Contractor shall be bound by the terms of such Labor Peace Agreement, which agreement shall be valid and enforceable under 29 U.S.C. § 158 and shall, at a minimum, prohibit any and all such labor organization(s) and its members from engaging in any picketing, work stoppages, boycotts or other interference, economic or otherwise, affecting the O&M Work or the qualifying project."

The County shall provide displaced employees the right of first refusal for available County positions while not conflicting with existing collective bargaining agreements.

A comparison of the costs of County O&M of the public facility with private O&M will be conducted as part of the value for money (VfM) analysis.

The VfM methodology and assumptions will be made available to the BCC and to the public no later than the release of the VfM.

The public will have at least 30 days to review the VfM and peer review studies prior to consideration by BCC.

Interim and final negotiated agreements are to be made public and presented to the BCC who shall, after reviewing the analysis and holding a public hearing, decide whether to approve the comprehensive agreement.

The County shall utilize existing County policies and ordinances related to local hiring unless prohibited by a grantor agency, in which case the County should use the Nationally Targeted Workers of Social Disadvantage criteria, if available. National Disadvantaged Workers are defined as individuals who face barriers of employment, such as low income, homelessness, being a custodial single parent, receiving public assistance, lacking a GED or high school diploma, having a criminal record, suffering from chronic unemployment, suffering from chronic underemployment, emancipated from the foster care system, being a veteran of the Iraq/Afghanistan war, or being an apprentice with less than 15% of the required graduating apprenticeship hours in a program.

The standards and procedures outlined in this section shall also apply to unsolicited proposals.

Workforce Provisions

Proposers shall comply, and require all Contractors to comply, with the Responsible Wages Ordinance (Miami-Dade Code of Ordinances 2-11.16).

During the life of the comprehensive agreement, all construction work that is not covered by the terms of the O&M agreement and includes altering, repairing, maintaining, improving, or demolishing a project shall require the contractor and all subcontractors to comply with the requirements of the Responsible Wages Ordinance (Miami-Dade Code of Ordinances 2-11.16).

REVIEW BY SMALL BUSINESS DEVELOPMENT

At least 45 days prior to the anticipated advertisement of industry forums for a P3 project, the County shall submit the project scope, along with small business and diversity and inclusion goals and objectives (if allowable under the law based on funding sources) to the Small Business Development Division (SBD) of the Internal Services Department for review committee consideration.

- SBD shall advise eligible County-certified small businesses of the opportunity to attend the industry forums and shall assist small businesses in identifying prospective private entities interested in submitting a P3 proposal.
- SBD shall provide written comments related to the proposed goals and objectives for the project.
- The County may amend the small business and diversity goals and objectives, which are tied to the project, prior to the release of the RFQ.

P3 CONCEPTUAL FRAMEWORK/BASIC DEFINITIONS

A P3 is a contractual arrangement between a public sector entity and a private sector entity to design, build, finance, operate, and maintain (D-B-F-O-M) a public infrastructure facility by the private sector entity with payments made to the private sector entity over the life of the P3 contract either by the public sector entity or by the general public as users of the facility, with the facility remaining in public sector ownership and control, or reverting to public sector control at the end of the P3 contract term. Ownership of the facility is never relinquished by the public sector.

The P3 spectrum covers D-B-F-O-M. As a minimum, a project needs to include "Design-Build-Finance" (D-B-F) to be considered a P3 project. The "Operate-Maintain" (O-M) components will vary with each individual project.

In general terms, the term "public infrastructure" includes facilities or projects that serve a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, public housing facility, recreational facility, sporting or cultural facility, school or educational facility, water, wastewater, or surface water management facility or other related infrastructure, telecommunications facility or system, general government and criminal/civil justice facility, or any other public facility or infrastructure that is used or will be used by the public at-large or in support of an accepted public purpose or activity, or shall be an improvement, including equipment, of a building that will be principally used by a public entity or the public at-large or that supports a service delivery system in the public sector or as designated as qualifying projects by the BCC.

ORGANIZATIONAL AND PROCEDURAL GUIDELINES FOR THE P3 PROJECT DELIVERY METHOD

These procedures and processes shall govern all phases of the P3 delivery method for qualifying projects.

APPLICABILITY

These recommendations apply, as appropriate, to all aspects of planning, procuring, operating, maintaining, and financing all projects procured through the P3 delivery method and should apply to all County departments and agencies. These recommendations also apply to any unsolicited proposals received by the County.

These guidelines are general in nature. Specific details for any given project will be included in the respective project-specific procurement documents. Deviation from these rules shall not constitute grounds for protest by the participants in the affected procurement.

PHASED PROCUREMENT PROCESS

These guidelines envision a four (4) phased process for the development, procurement, and management of P3 projects.

PHASE 1: PREPARATION & PLANNING

The purpose of this phase is to communicate the County's commitment and preparedness to handle P3 projects, and to position the County for success on P3 initiatives.

Organizational Support

It is essential that the management and execution of the County's P3 program be placed in a work unit that reports directly to the Office of the Mayor and that it is not impeded by the traditional constraints of the government procurement process. Specific recommendations include:

- Formation of a P3 cell within the Office of the Mayor comprised of a lean core County staff augmented by subject matter experts from appropriate County departments.
- Competitive selection and contracting of P3 professional service advisors covering the technical, financial, and legal disciplines who would then be available to assist with specific P3 projects on a project by project basis.

The County shall:

- Develop additional administrative directives, processes, programs, best practices, and procedures, based on compilation and analysis of relevant data, to address any artificial, perceived, or actual barrier that may prevent vendors or firms from engaging in business opportunities with the County and may include providing preferences and incentives in the consultant, contractors, and vendors selection processes to the extent allowed by federal, state, and local law, to include, but not be limited to local businesses, small businesses, and underutilized minority/women-owned businesses.
- Provide a system for the implementation of countywide capital improvements policies and procedures related to all aspects of project management and contract compliance depending on the specific needs and contractual requirements of each qualifying project to ensure consistency in documentation, reporting, accountability, and management.
- Be responsible for providing a qualifying project information system to track compliance with the life cycle costs of applicable projects and any payments due to any vendor under this program. Such system shall interface with existing departmental systems whenever possible and allow access to information via a web-enabled application.

PHASE 2: PROJECT SCREENING

The purpose of this phase is to identify specific projects eligible for P3 delivery and to confirm each qualifying project with formal BCC approval.

- County staff, with assistance as needed, screens projects and assesses project feasibility for P3 delivery.
- County staff prepares a statement of need to include a project description and summary, explanation as a critical asset, a rationale for P3 delivery, and an articulation of the public interest underpinning the project.
- County staff may need to prepare preliminary studies, including preliminary environmental studies and analyses to facilitate the feasibility assessment and provide sufficient information for BCC approval as a qualifying project.
- County staff may also begin outreach to the public and to industry to fully vet and understand a specific project and its potential for P3 delivery. This should include identifying key stakeholders for each project who need to be aware of the project. These discussions and outreach are not constrained by confidentiality or sunshine provisions since no specific solicitation will have yet been published.

Designation of a Qualifying Project by the BCC

- The BCC must approve any project recommended to be pursued through the P3 delivery method prior to the development of any solicitation documents.
- Projects to be pursued through the P3 process must be justified based on a favorable initial comparative analysis of the relative benefit-cost of developing the project, utilizing alternative development approaches, with the results of such analysis reflected in financial and economic terms.
- Tangible and intangible costs and benefits need to be presented in terms of impacts on the general public as well as on the County.
- Other variables to be considered include project complexity, schedule and budget challenges, risk shifting, and creative financing opportunities, among others.
- When the BCC approves a qualifying project, the BCC may also provide guidance for special factors to be considered with the specific project, such as criteria for the VFM analysis, design and construction, labor considerations, or any other factor related to the project.
- A website to communicate all relevant information related to County P3 projects should be created.

Cone of Silence and Sunshine Law

The provisions of the County's Cone of Silence ordinance shall be amended to facilitate procurements under the P3 delivery method. The County shall specify by policy, and in the P3 solicitation documents, specifically which meetings and discussions during the P3 solicitation process will not be subject to the Cone of Silence.

The County shall adhere to any temporary State Sunshine law exemptions provided for in state law.

PHASE 3: TWO-STEP P3 SOLICITATION: (3A) REQUEST FOR QUALIFICATIONS (RFQ) FOLLOWED BY (3B) REQUEST FOR PROPOSAL (RFP)

The purpose of this phase with its two step approach is to adequately advertise the qualifying project, attract qualified firms to compete, evaluate their proposals for the specific project, and select the superior proposal.

Phase 3a: Advertisement and Request for Qualifications (RFQ)

Considerations for Pre-Advertisement Due Diligence

Once a project has been designated as a qualifying project by the BCC for study of the P3 delivery method, the County shall arrange for a more formal Value for Money Analysis (VfM) to be developed by a qualified financial advisor working with County staff. This VfM shall include a comprehensive financial review of the project which shall include, at a minimum:

- A quantitative financial model comparing the costs and benefits of the project on a time-adjusted life-cycle basis to determine the best delivery approach for the project;
- A cost-benefit analysis, including an assessment of opportunity costs, a risk matrix, and consideration of the results of all studies and analyses related to the project;
- Assumptions for the cost of labor as may be required by the Comprehensive Agreement and other factors that may increase costs for the private entity.

If the results of these analyses indicate that there is a benefit to the County proceeding with the P3 project, the Mayor may direct the preparation of P3 solicitation documents. If the results indicate that the project is not in the best interest of the public to be delivered as a P3 and the Mayor accepts the findings, a report will be presented to the BCC with details as to the rationale for not proceeding. If the Mayor does not accept VfM, he may order a peer review of the VfM to be conducted by one or more professional service advisors in the County's professional services advisory pool.

All VfM studies and peer reviews, if required, shall be conducted and a report issued to the BCC and the public within 180 days from the date a project is designated as qualifying for the P3 delivery method by the BCC.

In order to provide the greatest opportunity for private sector innovation, the County will make its best effort to limit initial design of any project that has been designated as a P3 project.

After a draft RFQ and the VfM have been completed, the County will host industry review workshops as appropriate to allow interested parties to review the proposed documents and provide feedback to the County. Individual meetings with interested parties are strongly encouraged and should be accommodated prior to the release of the RFQ. All interested parties shall be afforded the same opportunity to attend such meetings.

The RFQ Process

- All RFQs must be approved by the BCC prior to advertisement.
- County staff and P3 professional advisors may also identify a procurement strategy and draft a procurement milestone schedule.
- The method of solicitation shall always include a RFQ followed by a RFP issued to a short list of no more than four (4) and no less than two (2) qualified proposers.
- The evaluation of responses to the RFQ shall be performed by a selection committee consisting of five (5) to nine (9) qualified members depending on the specific project and its requirements, appointed by the Mayor, prior to the receipt of RFQ responses and will be comprised of diverse County experts and members of the community that do not have any business interests in the project. At least one of the members must demonstrate a strong financial background.
- The selection committee should consist of professionals with the requisite and necessary technical and financial analytic skills appropriate for in-depth assessments intended to serve the best interests of the responsible public entity in the evaluation of the procurement submissions.

- Disciplines represented on the selection committee should include; but not be limited to: planning, design, engineering, project management, accounting, public procurement auditing, and financial analysis.
- Prospective respondents to the RFQ may file a letter of concern with the County, related to the qualifications of any member of the selection committee, prior to the due date of the RFQ.
- The Mayor shall act upon such concerns prior to the receipt of RFQ responses.
- The Mayor may amend the composition of the committee or respond to any concerns in writing to justify the proposed membership.
- The RFQ should announce the stipend amount for the unsuccessful shortlisted firms who submit responsive proposals.

Requirements for Public Notice

- The RFQ shall require a statement of qualifications (SOQ) from proposing private entities.
- Notice of the RFQ shall be published, as a minimum, in the Florida Administrative Register (FAR), in a newspaper of general circulation at least once a week for two (2) consecutive weeks, varied publications to reach a wide range of potential participants including businesses that reflect the diverse racial, ethnic, gender, cultural, and geographic demographics of the community, and on the County procurement website.
- Best efforts shall be made to publish notice in publications with broad reach that service the respective industries for a particular type of qualifying project.
- The Mayor shall determine the timeframe within which the County will accept statement of qualifications (SOQs) on a project-by-project basis based upon the complexity of the project and the public benefit.

At the minimum, the RFQ will request information from proposers related to the following categories:

General Proposer Requirements

- Information regarding proposers, equity members, major non-equity members and guarantors.
- A listing of team members, their roles, their expected percentage of work to be performed, and any special designations such as local office, small business, veteran business, and permissible diversity and inclusion information.
- Information related to any prior breach of contract or any default by any member of the team in any capacity.
- The teaming agreement between lead contractor, lead engineering firm, and lead O&M firm, as applicable to the scope of work.
- Statement of joint and several liability.
- Statement of availability of key individuals.

From the Financial Entity

- Financial qualifications for the specific project being pursued.
- References and prior experience related to the specific type of project.
- Audited financial statements demonstrating capacity to undertake the project. If the proposer is a newly formed entity and does not have independent financial statements, financial statements for the equity members shall be sufficient.
- Letter of parent company support.
- Credit ratings for the proposer, including the rating for each equity member (to the extent available).
- Letters of bank support.
- Resumes for key individuals proposed for the project.
- References of the key individuals.

From the Design-Builder

- Technical qualifications of the lead contractor or lead contractor joint venture.
- References for technical qualifications of the lead contractor.
- Technical qualifications of the lead designer.
- References for technical qualifications of the lead designer.
- Completed forms indicating the design team is technically certified in categories as may be required by the project specific RFQ.
- Surety letter demonstrating capability to undertake the project.
- Resume of and references for the proposed superintendent of the lead contractor.
- Resume of and references for the proposed project manager for the lead engineer and/or design firm.
- Plan for inclusion of disadvantaged workers and training and apprenticeship programs.

From the O&M Firm (as applicable to scope of work)

- Technical qualifications of the lead O&M firm.
- References for the technical qualifications of the lead O&M firm.
- Proposed operations manager for the lead O&M firm.
- References for the proposed operations manager.

Approach

- A statement of the proposer's financial approach to the project, including identification of any perceived challenges to financing the project and proposed innovations to meet the challenges.
- A statement of the proposer's technical and subcontracting approach to the project, including identification of any perceived technical challenges and proposed innovations to meet these challenges ("Statement of Technical and Subcontracting Approach"). The Statement of Technical and Subcontracting Approach may, at the proposer's discretion, address any or all of the technical elements of the project to include design and construction, and/or O&M.
- The proposer's approach and experience with respect to stewardship activities will be evaluated in accordance with the following:
 - The extent to which the proposer demonstrates experience with workforce development programs and an understanding of economic empowerment opportunities related to the project, including an approach to training opportunities, such as community workforce partnerships and apprenticeship programs.

Pass/Fail Review

As part of the RFQ evaluation process, the County shall evaluate each SOQ to determine, on a pass/fail basis, if the submission is responsive and meets all mandatory RFQ requirements. A proposer must meet all requirements in order for the County to evaluate its SOQ. Only those submittals that meet the mandatory RFQ requirements, as determined by the County Attorney, will be presented to the selection committee for qualitative review and scoring to determine whether that team is eligible for short-listing.

Evaluation & Scoring of the Statement of Qualifications (SOQ)

The County shall determine the evaluation and scoring methodology for each qualifying project and publish it in the advertisement with the RFQ. Since the BCC approves the RFQ, the BCC also approves the scoring methodology as part of its approval of the RFQ.

Example of Scoring Criteria for the RFQ process

The below recommended sliding scale criteria should be used depending on the type of project. The system may vary from project to project. Bonus points should be made available for what may be considered as "Exceeds Expectations."

<i>Evaluation Criteria Breakdown Recommendation</i>				
<i>Items</i>	<i>#1</i>	<i>#2</i>	<i>#3</i>	<i>#4</i>
<i>Technical</i>	<i>45</i>	<i>45</i>	<i>50</i>	<i>55</i>
<i>Finance</i>	<i>30</i>	<i>35</i>	<i>35</i>	<i>35</i>
<i>Project Delivery Approach</i>	<i>25</i>	<i>20</i>	<i>15</i>	<i>10</i>
<i>Total</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>
<i>Bonus Points (Exceeds Expectation for Diversity and Inclusion for all categories)</i>	<i>10%</i>	<i>10%</i>	<i>10%</i>	<i>10%</i>

The RFQ selection committee shall meet to review and rank the proposals. The scoring criteria may be as follows:

- ***Technical 45% to 55%***
 - 10% - Lead Contractor Firm Qualifications and Experience
 - 5% - Proposed Lead Contractor Project Manager Qualifications and References
 - 5% - Proposed Lead Contractor Project Superintendent Qualifications and References
 - 10% - Lead Design Firm Qualifications and Experience
 - 5% - Proposed Lead Design Firm Project Manager Qualifications and References
 - 10% - Lead Operations and Maintenance Firm Qualifications and Experience
 - 5% - Lead Operations Project Manager Qualifications and References
 - 5% - Statement of Operations and Maintenance Approach, including plan to coordinate the organized labor (if applicable)
- ***Financial 30% To 35%***
 - 20% to 25% - Financial Qualifications and Capacity of the Proposer Firm and Key Individuals
 - 5% to 10% - Statement of Financial Approach
- ***Project Delivery Approach 15% to 25%***
 - 5% -10% - Project Work Plan
 - 5% - Subcontracting Plan and Workforce Plans for Disadvantaged Workers.

Upon completion of the scoring, the selection committee will immediately forward to the Mayor a memorandum indicating the composite scores of all proposers.

Pursuant to Miami-Dade County Implementing Order 3-34 (Formation and Performance of Selection Committees), the Mayor shall cause a review of the selection committee scores to determine if any member of the selection committee caused the outcome to be unfairly skewed, and if so, may, at his/her sole discretion, choose to disregard the scores from that member. The Mayor shall prepare a memorandum within 30 days advising those companies that are shortlisted that they may participate in the RFP process.

The County shall be expressly authorized to waive any irregularity in any proposal submission which, in its sole discretion is determined to be non-material.

General Provisions

Selection committee meetings where proposals are ranked or scored shall be open to the public.

The provisions of the taping of selection committee and negotiation proceedings in accordance with state law and County Code shall be required, and the release of the tapes shall be made consistent with State Statutes. Any recordings of negotiations meetings with only one proposer, or other protected communications during any phase of the project procurement, will be exempt from public disclosure until a recommendation is presented to the BCC or 30 days after RFP bids are presented, whichever comes first, to the extent permissible by law.

Phase 3(b): The RFP Process

The purpose of this phase is to refine a draft RFP and a draft comprehensive agreement through a consultative process with the short-listed firms and critical stakeholders, and develop a final RFP and final form of the comprehensive agreement that then forms the basis of the proposals prepared by the short-listed firms.

The final RFP must be approved by the BCC.

The timeframe to receive proposals during the RFP stage may be extended at the Mayor's discretion. The County's contracted legal, financial, and technical advisors shall assist the County in the preparation of both the draft RFP and the final RFP.

For each unique qualifying project the County shall:

- Develop specialized factors to be reviewed as part of the RFP selection criteria, consistent with any guidance received from the BCC.
- Include specific deliverables which may be reviewed so as to present all shortlisted proposers an equal opportunity to respond and be fairly evaluated.

The RFP document

The legal, technical, and financial advisors shall assist the County in the preparation of both the draft RFP and the final RFP.

- Outlines the operational functionality required by the qualifying project and any aspirational goals the County hopes to achieve from an ideal project, which may also be referred to as value-added features. The RFP identifies deliverables required in the proposal, but avoids specifying a design that might limit proposer creativity.
- May outline specific project delivery components that are valued by the County. These may include quality of design aesthetics and construction, labor peace agreement and other labor considerations, safety planning, scheduling, budget and cost control, and ownership reversion requirements. However, the Mayor or his designee shall include such factors depending on the specific circumstances or complex considerations surrounding each project.
- Shall describe in detail the current state of any planning, environmental, or design studies that have been conducted along with future planned activities.
- Shall provide an analysis, as prepared by the County and legal, technical, and financial advisors, that sets forth any initial conversation or due diligence that has been conducted with potential sources of debt or credit assistance from federal, state, or local government entities, along with any requirements or prohibitions tied to such funds.

- Shall advise proposers of the specific method of contact that is permitted during the procurement process.
- Shall set forth a specific timeline for each phase of the procurement process including, but not limited to, document review, questions and answers period, one-on-one meetings, and Alternative Technical Concept (ATC) discussions.
- Shall advise that each proposer is responsible for carefully examining the project site and the condition of existing facilities and site conditions before submitting a proposal.
- Should clearly detail the proposal evaluation and scoring methodology.
- Should restate the stipend amount, first announced in the RFQ, for the unsuccessful shortlisted firms who submit responsive proposals.
- Shall also advise proposers that they are responsible for carefully examining the complete RFP package, including all reference documents and relevant, publicly available documents and resources before submitting a proposal.

One-on-One Meetings

- The County may provide for conducting mandatory one-on-one meetings with each proposer on certain specified dates and may hold additional one-on-one meetings as it deems necessary.
- The technical, legal, and financial advisors to the County shall participate in the one-on-one meetings as appropriate for the topics to be discussed.
- No member of the Selection Committee shall attend the one-on-one meetings.
- The purpose of the one-on-one meetings with proposers is for the County to engage in fact finding with the proposers regarding the RFP and the project.
- No negotiation or decision-making is final during the one-on-one meetings.
- The County reserves the right to hold one-on-one meetings on matters it deems appropriate in its sole discretion.
- Nothing stated at any one-on-one meeting will modify the RFP, unless it is incorporated into the RFP by way of an addendum.
- The mandatory one-on-one meetings will be considered "closed-door" confidential sessions consistent with exemptions authorized by applicable law.

Alternate Technical Concept ("ATC")

- The ATC process is intended to allow proposers to incorporate technical innovation and creativity into proposals, subject to the County's written approval.
- The County shall cause RFPs to include allowances for the ATC process. This ATC process is intended to allow proposers to incorporate technical innovation and creativity into their proposals, subject to the Mayor's or the Mayor's designee's written approval, in their sole discretion.
- ATCs submitted by a proposer shall be kept confidential from all parties, regardless of whether it is approved, until such time as the Mayor recommends an award to the BCC.
- To be eligible for consideration, proposed ATCs must result in performance, quality, and utility of the end product that is equal to or better than the performance, quality and utility of the end product that would result from full compliance with the contract documents, as determined by the Mayor, in his/her sole discretion. A proposed ATC may not be approved if, in the Mayor's sole discretion, it would require (a) a reduction in quantities without achieving equal or better performance, quality, and utility; (b) a reduction in performance, quality, utility, or reliability; (c) major changes to the existing planning approvals; (d) a change in law; or (e) would lead to any other unacceptable outcome.
- ATCs that, if implemented, would require further environmental evaluation of the project, but that are not considered major changes to the existing approvals as determined by the Mayor in his sole discretion, may be considered.
- A Mayor approved ATC may be included in the proposal, subject to any conditions set forth as a condition for such approval.

- The RFP will provide for ATC meetings in order to discuss proposed ATCs, answer questions, and address other issues related to ATCs. The Mayor's designee may arrange a minimum number of ATC meetings to discuss proposed ATCs depending on the complexity of the project.
- Five (5) days prior to a proposer's ATC meeting, the proposer shall submit to the Mayor's designee a confidential list of potential ATCs it proposes to discuss at its ATC meeting. The confidential list shall include a brief description of each proposed ATC.
- At the ATC meeting, the Mayor's designee may, in his sole discretion, preliminarily approve, in writing, a proposed ATC without a formal submittal. No proposed ATC will be approved without a formal submittal if that approval requires conditions.
- A specific set of requirements to be submitted as part of a formal ATC process for a qualifying project shall be defined in each RFP.
- If implementation of a proposed ATC requires approval by a third party (e.g., a governmental entity), the County may condition any approval of the proposed ATC with a requirement that the proposer accept full responsibility for, and bear the full cost and schedule risk of, obtaining any such approvals.
- The County may request additional information regarding proposed ATCs at any time. The County will respond to each proposed ATC submission, provided that the County has received all requested information regarding such proposed ATC.
- Approval of an ATC will constitute a change in the specific requirements of the contract documents associated with the approved ATC for that specific proposer. Each proposer will be responsible for ensuring that its proposal complies with the requirements of the contract documents, as modified by any approval of ATCs.
- Each proposer, by submittal of its proposal, acknowledges that the opportunity to submit proposed ATCs was offered to all proposers, and waives any right to object to the ATC process as well as the Mayor's determinations regarding acceptability of ATCs.
- Following award to the highest-ranked proposer, any approved ATC incorporated into the proposal shall be included in the contract documents. If the Mayor approved one or more proposed ATC with conditions, those conditions will become part of the contract documents. Notwithstanding anything to the contrary, if the concessionaire does not comply with one or more County-imposed conditions of approval for an ATC or if the concessionaire fails to obtain a required third party approval for an ATC, the concessionaire will be required, at its own cost, and without entitlement to any relief under the comprehensive agreement, to comply with the original requirements of the contract documents.
- In addition, following execution of the comprehensive agreement, ATCs from unsuccessful proposers who accept a stipend may, in the Mayor's sole discretion, be presented to the concessionaire as a County change in accordance with the comprehensive agreement.
- The County will maintain the submitted ATCs as confidential to the fullest extent allowed under applicable Law. Upon award to the recommended proposer and subject to payment of the stipend (if any) to unsuccessful proposers as set forth in this report, all ATCs from unsuccessful proposers may be shared with the successful proposer at the discretion of the County.

Proposal Security

Each proposer shall submit either a proposal bond or proposal letter(s) of credit, as required by the RFP, on a case-by-case basis.

Conforming Proposals

Proposals shall provide information in accordance with the minimum requirements contained in the RFP. Proposals that do not fully comply, may be deemed non-responsive, in which case the proposer shall be deemed non-responsive and disqualified.

General Guidelines for RFP Scoring

- 1) Scores are weighted partially on technical merits and partially on price. The technical/price ratio may vary from 60/40 to 20/80 depending on the individual project. The scoring ratio is set by the County, and confirmed by the BCC approval of the RFP solicitation.
- 2) Bidders submit technical proposal.
- 3) Technical scores are evaluated by the selection committee based on explicit criteria outlined in the RFP documents.
- 4) Bidders submit financial/price proposals.
- 5) Financial/price proposals are evaluated (e.g., lowest price = 100%; all others are weighted relative to the lowest price proposal).
- 6) Technical and financial/price scores are compiled and weights are applied (e.g., 20% technical, 80% finance as deemed appropriate).
- 7) Successful bidder determined.

Each proposal needs to be evaluated relative to best value over the life of the contract (lowest life cycle cost combined with best design should be incorporated in scoring methodology).

Changes by shortlisted proposers to the makeup of the team, as it relates to the small business program, will be permitted at the County's sole discretion and should result in equal or greater involvement of small business firms certified by the County.

The County shall be expressly authorized to waive any irregularity in any proposal submission which, in its sole discretion, is determined to be non-material.

PHASE 4: CONTRACTING

The purpose of this phase is to finalize a contract with the preferred proposer, or the next highest-ranked firm if the deal cannot be closed, and obtain the BCC's final approval.

Interim Agreements

- Before, or in connection with, the negotiation of a comprehensive agreement, the County may enter into an interim agreement with the successful private entity. An interim agreement does not obligate the County to enter into a comprehensive agreement.
- Interim agreements are discretionary.
- Interim agreements require BCC approval.

An interim agreement shall be limited to provisions that:

- (a) Authorize the private entity to commence activities for which it may be compensated related to the proposed project, including, but not limited to, project planning and development, design, environmental analysis and mitigation, survey, other activities, as well as, efforts to secure ascertaining the availability of financing for the project.
- (b) Establish the process and timing of the negotiation of the comprehensive agreement.
- (c) Contain such other provisions related to an aspect of the development or operation of the project that the County and the private entity deem appropriate.

Final Negotiations of a Comprehensive Agreement

- Upon receipt of a recommendation from the selection committee, the Mayor shall within 60 days determine whether to accept or reject the recommendation.

- Should the Mayor accept the recommendation of the selection committee, the Mayor shall begin the contract negotiation process, in conjunction with the County Attorney's Office (CAO), in order to finalize a comprehensive agreement with the successful bidder as set forth in section 287.05712, Florida Statutes (F.S.).
- If the Mayor is not satisfied with the results of the negotiations, the Mayor may terminate negotiations with the highest-ranked proposer and negotiate with the second-ranked or subsequent-ranked firms, in order of the scoring by the selection committee.
- The form of the comprehensive agreement, having been included in RFP documents, should not be subject to any material changes during the final negotiations of the comprehensive agreement, subject to incorporation of ATC's or other developments from the consultative RFP process.
- Any arbitrary request to reduce the price subsequent receipt of the final proposal shall be construed as a request for a material change by the County and as such the proposer shall have no obligation to comply.
- If only one proposal is received, then the County may negotiate in good faith, and at its sole discretion, may terminate negotiations if not satisfied with the results.
- The County may reject all proposals at any point. Prior to finalizing the comprehensive agreement, the Mayor, at his sole discretion, may elect to present key issues or terms of the comprehensive agreement to the BCC for comment and direction.
- Upon completion of negotiations with recommended proposer, the County shall present recommendations to the BCC based upon a best value evaluation/analysis.
- The written award recommendation from the Mayor to the BCC shall commence the bid protest period. The protest of contract awards shall be made in accordance with the provisions of Section 2-8.4 of the Code of Miami-Dade County.
- Comprehensive agreements must be consistent with the provisions of section 287.05712, F.S.

Stipends

- The County shall have a stipend policy for shortlisted proposers who have submitted compliant proposals that are not recommended for award.
- In any case where an unsuccessful proposer accepts a stipend for its intellectual property as submitted, the County shall have the right to use any ideas, concepts, designs, or approaches submitted by that proposer in any future project.
- The stipend amount shall be specified in the RFQ and RFP, and may be increased at the discretion of the County at any time prior to the submittal of RFP responses.
- The stipend amount that is advertised with the RFQ shall not be reduced at any point in the procurement process.
- Stipend payments are due within 30 days of the latter of the commercial or financial close for the project.
- In the event that the County cancels the project, through no fault of the proposers, a stipend shall be paid to all responsive short listed proposers within 30 days of the cancellation.

BCC Approval of the Comprehensive Agreement

- A recommendation to award the comprehensive agreement must be submitted to the BCC within 45 days of the successful completion of negotiations.
- The award recommendation shall not constitute an executed contract until approved by the BCC or executed by the Mayor under the authority granted by the BCC.

Financing Parameters

- The RFP document and any resulting agreement, shall include a section outlining the policies of the County as it relates to permissible financing tools.
- Private entities may enter into a private-source financing agreement between financing sources and the private entity. A financing agreement and any liens on the property or facility must be paid in full

at the applicable closing that transfers ownership or operation of the facility to the County at the conclusion of the term of the comprehensive agreement.

- The County may lend funds to private entities that construct projects containing facilities that are approved by the BCC as qualified projects for the P3 delivery method. Any loans contemplated must be approved by the BCC.
- The County, at its discretion, may authorize the use of innovative finance techniques associated with a P3 project including, but not limited to, federal loans as provided in Titles 23 and 49 Code of Federal Regulations, commercial bank loans, bonds and other creative financing approaches available from commercial banks, investment bankers, or other private sources.
- The County may provide its own financial resources to support a project. Such resources may be from any legally permissible funding source available to the County, including the proceeds of debt issuances.
- The County may use the model financing agreement provided in section 489.145(6), F.S. Any financing agreement shall not require the County to indemnify the financing source or secure financing by way of a pledge of a security interest by the County.
- The County shall appropriate on a priority basis as required by the comprehensive agreement any contractual payment obligations, annual or otherwise, from the enterprise or other government fund from which the project will be funded.

UNSOLICITED PROPOSALS

The County may receive unsolicited proposals for projects as provided for in section 287.05712, F.S. If such a proposal is presented and the County wishes to accept the proposal, the project must be presented to the BCC and designated as a qualifying project.

The County may only enter into an agreement with a private entity, or a consortium of private entities, for the building, upgrading, operating, ownership, or financing of facilities after the project for which the unsolicited proposal was received is competitively bid pursuant to section 287.05712, F.S.

An unsolicited proposal must be accompanied by an application fee of twenty-five thousand dollars (\$25,000). The County may engage the services of private consultants to assist in the evaluation.

All unsolicited proposals for P3s must be handled as specified in section 287.05712, F.S.

ACKNOWLEDGEMENTS

The Miami-Dade County Public Private Partnership Task Force would like to express its appreciation to the many individuals who contributed the guidance, knowledge, and support required to formulate its recommendations regarding the County's potential use of the P3 delivery method for the creation of public infrastructure. The Task Force would like to thank the Miami-Dade County Mayor, Carlos Gimenez, for the leadership that he has demonstrated in the field P3, Commissioner Juan C. Zapata for his sponsorship of the Task Force creation, and the Miami-Dade County Board of County Commissioners for the opportunity to serve on the Task Force. In particular the Task Force would like to acknowledge the various expert presenters that took the time to share their wisdom and experience, as well as the County staff for their dedicated support throughout this initiative.

Presenters:

Nick Phillips, John Laing Group, and the Association for the Improvement of American Infrastructure

Rebecca Brooks, P.E., Vice President, Lochner, representing the National Council for Public Private Partnerships

Joseph Aiello, Director of Business Development North America, Meridiam,

Les Nicholson, Executive Vice President and Chief Legal Officer, Facchina

Steve DeWitt, Senior Vice President Business Development, ACS Infrastructure Development, Inc.

Mark Romoff, President and CEO, Canadian Council for Public Private Partnerships

Jane Campbell, Director Washington Office, National Development Council

Erin Hutson, Director, Corporate Affairs Department, LiUNA

David Damboise, Project Director Construction Management and Operations, Hochtief PPP Solutions North America

Kate Speir, Vice President, Hochtief PPP Solutions North America

Staff:

Tara C. Smith, Director, Miami-Dade County Internal Services Department

Miriam Singer, Sr. Assistant Director, Miami-Dade County Internal Services Department

Theresa Therilus, Assistant Director, Miami-Dade County Internal Services Department

Jose Galan, Division Director, Real Estate Development Division, Miami-Dade County Internal Services Department

Bianca Caviglia, Strategic Initiatives Manager, Miami-Dade County Internal Services Department

Eduardo Gonzalez, Assistant County Attorney, Miami-Dade County Attorney's Office

Dirk Duval, Real Estate Officer, Miami-Dade County Internal Services Department

Phillip George Edwards, Esq., Intergovernmental Affairs Coordinator, Miami-Dade County Internal Services Department

Niruka Hernandez, Real Estate Analyst, Miami-Dade County Internal Services Department

Andrew Zawoyski, Chief Negotiator, Miami-Dade County Internal Services Department

PROCESS MATRIX

Purpose	Outcome/Deliverables	Suggested Time Parameters	County	P3/Professional Service Advisors	BCC
Communicate MDC intent, preparedness, MDC for success on res.	1. P3 Cell in Mayor's Office. 2. P3/Professional Service Advisors (Financial, Legal, Technical) under contract.	County discretion	1. Directs formation of P3 cell within Office of Mayor. 2. Task organizes to address P3's.		Approves contracts for P3 Advisors.
1. Determine project eligibility every method. 2. Preliminary project individual project t & feasibility studies/analyses.	1. Statement of Need including project description & summary, explanation as critical asset, rationale for P3 delivery, articulation of public interest. 2. Preliminary studies/analyses.	County discretion	1. Accepts Vfm analysis or directs peer review. 2. Forwards individual project for BCC approval as "qualifying project." 3. Identify stakeholders to be involved in process.	1. Assist MDC P3 cell or County staff in development of documents that facilitate determination of qualifying project. 2. Identify procurement strategy & draft procurement milestone schedule.	1. Approves individual proposal as "qualifying project." (BCC Decision #1) 2. Provides guidance for special factors to be considered in proposal including deliverables relevant to that specific "qualifying project."
3. Begin to public & industry.	3. Determination/identification as "qualifying project," eligible to be pursued via P3 delivery method.				
Value for Money analysis, including cost-analysis, opportunity matrix and cost of labor. formal RFQ with project description, access to all available pricing methodology (if bonus points (if)). Advertisement also for Work PWP)/stipend competitive solicitation 2-4 firms who will be eligible to submit	1. Value for Money (VFM) Analysis. 2. Clear description of how Statement of Qualifications (SOQ) is to be presented. 3. Clear description of SOQ evaluation criteria & scoring, and proposal evaluation & scoring. 4. Closed-door meetings with responding firms consistent with confidentiality exemptions authorized by applicable law. 5. Shortlist of 2-4 firms who will then be eligible to submit proposals responding to RFP.	1. Small Business input 45 days prior to anticipated advertisement. 2. RFQ published within 120 days after designation as "qualifying project." 3. SOQ due within 120 days after advertisement. 4. MDC staff & P3 advisers review SOQ's in reasonable time based on project complexity & volume of submissions. 5. Shortlist meeting 3-4 weeks after MDC completes review. 6. Mayor approves/rejects short list within 30 days.	1. Submits project scope with small business diversity & inclusion goals to Small Business Development for review. 2. Submits Advertisement & RFQ to BCC for approval. 3. Advertise widely to enhance local, SMWBE participation. 4. Appoints Selection Committee: 5-9 qualified members depending on specific project & technical requirements prior to receipt of SOQ responses. 5. Sets PWP/Stipend amount; has sole discretion to increase stipend amount prior to publishing RFP. 6. Conducts orientation for Selection Committee members. 7. MDC P3 Cell conducts pass/fail review of all SOQ submissions prior to submission to Selection Committee for evaluation. 8. Approves Selection Committee's evaluation &	1. Conduct pass/fail reviews of SOQ submissions. 2. Provide qualitative evaluations of SOQ submissions.	1. Reviews Vfm analysis. 2. Approves Advertisement & RFQ as first step for two-step P3 solicitation. (BCC Decision #2) • C • A 3. 4. Te
development of RFP set through public workshops.					

Purpose	Outcome/Deliverables	Time Parameters	County	P3/Professional Service Advisors	BCC
<p>Draft RFP & Draft Comprehensive Agreement into citation document. confidential 1-1 with each short-listed also address Confidentiality by exemptions by applicable law. bidders opened when process finalized. me evaluation gy: whether based rce or a combination l merit & prices. price combination rom 60/40 to 20/80, on project. ost responsive firm & sal for project; proposer" pending n & contracting.</p>	<p>1. RFP identifies operational functionality required in project & aspirational goals; specifies deliverables required in proposal; avoids specifying design that might limit proposer creativity; may address considerations for quality of design aesthetics & construction, labor peace agreement, safety planning, scheduling, budget/cost control, & ownership reversion requirements. RFP clearly identifies proposal evaluation & scoring methodology. Also confirms PWP/stipend; identifies all critical requirements for proposal.</p> <p>2. Draft Term Sheet or Draft form of Comprehensive Agreement also published with RFP.</p> <p>3. Selection Committee recommends "preferred proposer" with clear ranking of short-listed firms.</p> <p>4. Mayor accepts/rejects Selection Committee recommendation.</p>	<p>1. RFP may be issued at any time after advertisement, but no later than (nlt) 30 days after Mayor approves shortlist.</p> <p>2. Committee has reasonable period (based on project complexity) to review proposals with input from P3 advisors.</p> <p>3. Mayor accepts/rejects recommendation within 60 days.</p> <p>4. Protest period lasts 7 days after Mayor communicates decision to proposing firms.</p> <p>5. Mayor directs negotiations to begin within 7 days after protest period expires.</p>	<p>1. Issues Draft RFP & Draft Term Sheet or Draft Comprehensive Agreement nlt 30 days after approving shortlist to short-listed firms.</p> <p>2. Conducts public RFI sessions for all short-listed firms; responds to individual RFI's as submitted from short-listed firms.</p> <p>3. Conducts closed-door 1-1 meetings with each short-listed firm under confidentiality exemptions authorized by applicable law.</p> <p>4. Accepts/rejects proposed Alternative Technical Concepts (ATC's).</p> <p>5. Selection Committee evaluates proposals & rank orders proposals. Mayor accepts/rejects Selection Committee recommendation within 60 days of receipt.</p> <p>6. Mayor directs negotiations to begin within 7 days after protest period expires.</p>	<p>1. Assist in finalizing RFQ.</p> <p>2. Evaluate proposals pass/fail on RFP requirements.</p> <p>3. Provide qualitative evaluations of proposals.</p>	<p>Approves final RFP and final form for Comprehensive Agreement. (BCC Decision #3)</p>
<p>ee & contract with proposer/highest n.</p>	<p>1. Interim agreement as deemed necessary. Interim agreement authorizes private entity to begin activities that may be compensated; also establishes process & timeline for Comprehensive Agreement.</p> <p>2. Commercial close followed by Financial Close.</p> <p>3. Comprehensive Agreement to be presented to BCC for approval.</p> <p>4. Pay PWP/stipend after financial close.</p>	<p>1. Complete commercial & financial close within reasonable period.</p> <p>2. Mayor forwards Comprehensive Agreement to BCC within 45 days of commercial & financial closings.</p> <p>3. Submission of final agreement to BCC triggers protest period.</p>	<p>1. Identifies/establishes negotiating team & identifies key parameters.</p> <p>2. Determine need for interim agreement.</p> <p>3. Negotiate consistent with F.S. 287.05712 and Mayor's guidance; terms largely set by RFP.</p>	<p>1. Assist/facilitate negotiations.</p>	<p>BCC approves Interim Agreement and/or Comprehensive Agreement. (BCC Decision #4/5)</p>

EXHIBITS

1. Task Force Meeting Minutes
2. Task Force Meeting Agendas
3. Meeting Sign-in Sheets
4. Meeting Attendance Matrix
5. Presentations Made to the Task Force
6. Legislation Requesting the PPP Plan- Resolution 1022-13
7. Mayor Gimenez' s PPP Plan - Report Addressing 1022-13
8. Resolution Establishing P3 Task Force – Resolution 150-15
9. Amendment to Resolution 150-15, Amending Scope and Time
10. Appointment PPP Task Force Membership - Resolution 150-15
11. Governor Scott's Task Force Report
12. Unsolicited Proposals Ordinance #08-79
13. Florida Statutes 287.05712 – Public Private Partnerships
14. Letter from Unions

EXHIBIT 1
Task Force Meeting Minutes

MIAMI-DADE COUNTY P3 TASKFORCE
October 14, 2015
Meeting #1

The Miami-Dade County P3 Taskforce (Taskforce) convened a meeting at 2:05 p.m. on October 14, 2015 at the Stephen P. Clark Government Center, Floor 21, Conference Room 21C, 111 N.W. 1 Street, Miami, Florida 33128.

The following P3 members were present:

DIANA GONZALEZ, WILLIAM W. RILEY ESQ, CHRIS HODGKINS, BILL ERNSTROM, RONALD FRAZIER, GEORGE BURGESS, ENRIQUE "RICK" CROOKS, CARLOS DIAZ-PADRON, DAVID L. DIXON, RALPH ROSADO PHD, CHRISTIAN B. ULVERT, RICHARD M. GOMEZ

The following P3 members were absent:

JOHN M. CAL, MARGARET CULLEN, ANDY MADTES

The following staff members were in attendance:

Tara C. Smith, Internal Services Department; Miriam Singer, Internal Services Department; Theresa Therilus, Internal Services Department; Jose A. Galan, Internal Services Department; Bianca Caviglia, Internal Services Department; Eddie Gonzalez, County Attorney's Office; Flora Real, Clerk of Courts; Phillip Edwards, Internal Services Department; Robert Warren, Regulatory and Economic Resources Department; Dirk Duval, Internal Services Department

Call to Order & Introductions

1. Tara C. Smith, the Director of the County's Internal Services Department welcomed the Taskforce members, staff, and members of the public.

The Taskforce members introduced themselves, and provided a brief summary of their background and experience.

2. Jose A. Galan, Director, Real Estate Development Division in the Internal Services Department, briefly explained the contents of the binder provided to the Taskforce members, including the timeline and table of contents. Mr. Galan further communicated that the final P3 Taskforce meeting would be scheduled for the end of January 2016 and that the Taskforce report will be due February 2, 2016.
3. Eddie Gonzalez, Assistant County Attorney, County Attorney's Office, explained the rules and procedures governing the Taskforce, including the "Sunshine Law," communications between Taskforce members, and the timeline for submission of the written report setting forth the Taskforce's findings and recommendations to the Board of County Commissioners. Mr. Gonzalez clarified that the deadline for submission of the report to the Board of County Commissioners could not be extended beyond the date approved within the amended resolution.

Election of Chair and Vice Chair

4. William W. Riley nominated Chris Hodgkins to serve as Chairperson for the Taskforce. No other nominations were offered. The motion was seconded by Bill Ernstrom and unanimously adopted.

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Diana Gonzalez nominated George Burgess to serve as Vice Chairperson for the Taskforce. No other nominations were offered. The motion was seconded by Carlos Diaz-Padron and unanimously adopted.

Schedule of Taskforce Meetings

5. Chris Hodgkins proposed that the Taskforce meet bi-weekly on Wednesdays at 2:00 p.m. at the Stephen P. Clark Government Center (meeting room to be determined), and the Taskforce unanimously agreed to the proposed schedule.

The schedule of future P3 Taskforce meetings has been determined as follows:

10/28/2015	9:00 a.m. – 12:00 p.m.
11/04/2015	2:00 p.m. – 5:00 p.m. (Ethics Training will be conducted during the first hour)
11/18/2015	1:00 p.m. – 5:00 p.m. (Public Hearing)
12/02/2015	2:00 p.m. – 5:00 p.m.
12/16/2015	2:00 p.m. – 5:00 p.m.
01/06/2016	2:00 p.m. – 5:00 p.m.
01/20/2016	2:00 p.m. – 5:00 p.m.
01/27/2016	2:00 p.m. – 5:00 p.m. (Meeting scheduled tentatively if needed)

Chris Hodgkins asked that Tara C. Smith have staff reserve time and secure a location for weeks in between each Taskforce meeting for subcommittee meetings.

Ethics Training

6. Jose A. Galan will follow-up with the Ethics Commission to determine if Taskforce members who have previously completed the ethics training were required to re-take the training.

Member Area of Interest/Expertise

7. Chris Hodgkins asked the Taskforce members to identify areas of interest they wished to review in order to create P3-related subcommittees. The members had the following comments:

David L. Dixon – review the financial aspects of the process.

Enrique “Rick” Crooks – review fairness in selection and compensation as it relates to a stipend for proposers.

Diana Gonzalez – review best practices nationwide and industry outreach.

William L. Riley – review legal aspects, and review successful and unsuccessful P3 initiatives nationwide.

Richard M. Gomez – review local job creation.

Carlos Diaz-Padron – chose not to select an area of interest at this meeting and will choose one as the P3 process evolves.

Ralph Rosado – review local level best practices; Bill Ernstrom recommended looking at State legislation due to limited activity at the local government level.

Ron Frazier – review diversity and inclusion in the selection evaluation criteria.

Christian B. Ulvert – review local job creation from a labor standpoint.

George Burgess – initiate industry outreach to other P3 organizations (e.g., Texas Center for Excellence Concept and Florida Department of Transportation) to encourage an exchange of knowledge. George Burgess suggested that the County’s solicitation of P3 responses is not typical,

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and requires a different approach than that of the private sector, and that the County should concentrate its approach to P3 affairs in one concentrated specialty.

Mission Statement

8. Bill Ernstrom proposed the following language for the establishment of a mission statement:

“To develop an efficient process that attracts competition taking into account the interest of all of the stakeholders while giving the owner confidence that the outcome will be in the best interest of the County. (changed County to people)”

Chris Hodgkins suggested the mission statement language include “diversity and local opportunity and best practices” and that the term County should be replaced by “public.”

Other Business and Public Comment

9. Chris Hodgkins made the following suggestions to the Taskforce:

Advised that Richard M. Gomez include Andy Madtes in the job creation subcommittee.

Advised that the Taskforce sreview other P3 initiatives nationwide to identify best practices and any obstacles that may exist.

Eric Zachella presented a list of recommendations that the Taskforce should address in formulating an Administrative/Implementing Order for how the County goes through the P3 process. Chris Hodgkins asked Eric Zachella to submit in writing to the Taskforce his comprehensive list of recommendations.

Instructions for Taskforce Members and for County Staff

10. Chris Hodgkins instructed Taskforce members to prepare material related to their induvial areas of interest and be prepared to report their findings at the next Taskforce meeting.

Enrique “Rick” Crooks asked Miriam Singer to prepare a package with all existing ordinances relating to the procurement processes.

Miriam Singer will deliver a presentation at the next Taskforce meeting on the County’s procurement policies specifically as they relate to P3s.

ADJOURNED 4:15 P.M.

MIAMI-DADE COUNTY P3 TASKFORCE

October 28, 2015

Meeting #2

The Miami-Dade County P3 Taskforce (Taskforce) convened a meeting at 9:10 a.m., October 28, 2015, at the Children's Courthouse, Fourth Floor, Conference Room B, 155 NW 3rd Street, Miami, Florida 33128,

The following P3 members were present:

ANDY MADTES, DIANA GONZALEZ, BILL ERNSTROM, DAVID L. DIXON, RICHARD M. GOMEZ, JOHN M. CAL, MAGARET CULLEN, CHRIS HODGKINS, RALPH ROSADO, PHD, GEORGE BURGESS, RONALD FRAZIER, CARLOS DIAZ-PADRON, CHRISTIAN B. ULVERT, WILLIAM W. RILEY, ESQ

The following P3 members were absent:

ENRIQUE "RICK" CROOKS

The following staff members and member of the public were in attendance:

Tara C. Smith, Internal Services Department, Miriam Singer, Internal Services Department, Theresa Therilus, Internal Services Department, Jose A. Galan, Internal Services Department, Amos Roundtree, Internal Services Department, Andrew Zawoyski, Internal Services, Department, Bianca Caviglia, Internal Services Department, Eddie Gonzalez, County Attorney's Office, Robert Warren, Regulatory and Economic Resources, Patricia Gomez, Regulatory and Economic Resources, Frank Hinton, Finance, Dirk Duval, Internal Services Department, David Alvarez, CPM NA

Call to Order Roll Call

1. Taskforce members, staff, and members of the public introduced themselves.
2. **Meeting Minutes from October 14, 2015**

Chris Hodgkins, Chairman, presented to the Taskforce the minutes from the October 14, 2015 P3 Taskforce meeting for review. A motion was forwarded by the Margaret Cullen and seconded by Bill Ernstrom, and the minutes were unanimously approved.

3. **Procurement**

Miriam Singer, Sr. Assistant Director, Internal Services Department, conducted a presentation to the Taskforce of the Miami-Dade County procurement process as it relates to P3.

Each Taskforce member was presented a handout with links to requirements and legislative guidance applicable to the County Code or Administrative/Implementing order of Miami-Dade County.

Bill Ernstrom asked Miriam Singer if the referenced materials would be applicable to the P3 procurement process, or would there be special exemptions that would be allowed.

Eddie Gonzalez, Assistant County Attorney, explained that there certain aspects that must remain in place, i.e. cone of silence, other elements would have to be evaluated depending on the scope of the project.

George Burgess, Vice Chairman, asked for a listing of the ten Capital Departments.

Miriam Singer, Sr. Assistant Director, Internal Services Department, listed the following Capital Departments that manage their own decentralized procurement process as it relates to construction within Miami-Dade County:

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1. Seaport
2. Airport
3. Water and Sewer
4. Internal Services Department
5. Parks
6. Solid Waste
7. Corrections
8. Public Works
9. Transit
10. Housing

Bill Ernstrom asked Miriam Singer to explain the greatest obstacle the Taskforce would have to overcome in order to have an effective P3 process in view of the different procurement requirements.

George Burgess, Vice Chairman, explained that educating the Taskforce of the various administrative processes that the Taskforce will encounter, and the gravity of all that has to be accomplished before the January deadline.

Ronald Frazier asked for a detailed explanation of a typical P3 process.

Bill Ernstrom explained to the Taskforce an example of a typical P3 process.

Ronald Frazier reiterated the importance that an inclusive environment be established in the selection process for P3 projects, and the need for the County to present to the Taskforce, which of the procurement requirements could be adjusted to suit the needs of the Taskforce.

George Burgess, Vice Chairman, reiterated that P3 projects are more so financial arrangements with a construction component at the front end of the project, and also involves operation and maintenance, which consumes much of the resource involved in a project. George Burgess advised that the Taskforce's policies should not be so heavily focused on construction overlooking other critical elements.

4. Discussion of Future Presentations

John Cal proposed that an official from the Florida Department of Transportation (FDOT) and the Florida University System come to a future P3 meeting, and address the Taskforce explaining their experience in past P3 projects.

Bill Ernstrom suggested that an official from Meridiam, and Rodney Moss, Texas Center for Excellence come and address the Taskforce.

Chris Hodgkins, Chairman, advised in the construction of the Miami Tunnel the prevailing authority was the State of Florida, which superseded the authority of the County, and despite not having to follow County requirements the tunnel project sought to follow and exceed local requirements.

Chris Hodgkins, Chairman, suggested that the Taskforce should establish a model and measure which County requirements must be included in the final P3 Taskforce document to be approved by the Miami-Dade County Board of County Commissioners.

John Cal asked Miriam Singer if there are any other elements that must be included in the procurement process which are integrity, fairness, transparency, best value and competitiveness.

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Miriam Singer explained that there are other elements which must be addressed in any procurement process. Those other elements are diversity; local and small business inclusion, and fairness in labor and wages. Miriam Singer provided an example of a current ongoing procurement process that allows for flexibility and modification in meeting County requirements. Additionally, the need for flexibility in documents and terms and conditions, as well as the confidentiality of documents and Cone of Silence requirements were discussed in regard to establishing a viable P3 procurement process

George Burgess, Vice Chairman, endorsed Chris Hodgkins, Chairman, suggestion to formulate a model to measure the County's procurement requirements against, and volunteered to reach out to FDOT to have a P3 expert come and address the Taskforce.

Diana Gonzalez asked that the Taskforce specifically detail what information it would like to gather from those individuals coming to present at the upcoming public hearing.

Chris Hodgkins asked that the Taskforce develop a model by the November 4, 2015 Taskforce meeting.

Bill Ernstrom suggested Chris Hodgkins, Chairman, and George Burgess, Vice Chairman create a model document based upon the P3 solicitation used in the construction of the Miami Tunnel.

Andy Madtes requested that the model should include the examination of the displacement of workers that may occur in the P3 process.

Ronald Frazier volunteered to be a part of the committee to create the P3 model document.

Chris Hodgkins, Chairman, asked for clarification as to who in the County would be the primary points of contact involving P3 projects.

Miriam Singer explained that she, Tara Smith, Director, Internal Services Department, and Andrew Zawoyski, Chief Negotiator, Internal Services Department, in addition to technical expert support from County staff in various departments, would be the current points of contact.

County staff was instructed by the Taskforce to prepare for the November 4, 2015, Taskforce meeting, a draft of County policies and procedures as they relate to P3.

5. Discussion on Committee Dates

Chris Hodgkins, Chairman, motioned to move the Public Hearing from November 18, 2015 to December 2, 2015, and that the model P3 document will be presented at the November 18, 2015 meeting.

6. New Business

Eddy Gonzalez, Assistant County Attorney, asked that in the drafting of the model P3 document that the Taskforce adhere to State statute 287.057.12

Ronald Frazier asked that the P3 Taskforce mission statement be modified by County staff to reflect the language as suggested from the October 14, 2015 Taskforce meeting minutes.

Adjourned 10:20 A.M.

MIAMI-DADE COUNTY P3 TASKFORCE

November 4, 2015

Meeting #3

The Miami-Dade County P3 Taskforce (Taskforce) convened a meeting at 2:10 p.m., November 4, 2015, at the Children's Courthouse, Fifth Floor, Conference Room B, 155 NW 3rd Street, Miami, Florida 33128.

The following P3 members were present:

ANDY MADTES, DIANA GONZALEZ, DAVID L. DIXON, RICHARD M. GOMEZ, ENRIQUE "RICK" CROOKS, JOHN M. CAL, CHRIS HODGKINS, RALPH ROSADO PHD, GEORGE BURGESS, RONALD FRAZIER, CARLOS DIAZ-PADRON, CHRISTIAN B. ULVERT, WILLIAM W. RILEY JR. ESQ

The following P3 members were absent:

BILL ERNSTROM, MAGARET CULLEN

The following staff members and members of the public were in attendance:

Edward Marquez, Office of the Mayor; Miriam Singer, Internal Services Department; Amos Roundtree, Internal Services Department; Andrew Zawoyski, Internal Services Department; Bianca Caviglia, Internal Services Department; Phillip Edwards, Internal Services Department; Eddie Gonzalez, County Attorney's Office; Robert Warren, Regulatory and Economic Resources Department; Patricia Gomez, Regulatory and Economic Resources Department; Frank Hinton, Finance Department; Dirk Duval, Internal Services Department; Rhonda Victor-Sibilla, Miami-Dade Commission on Ethics and Public Trust; Peter Liu, Miami-Dade Office of the Inspector General; Eric Zichella, P3 Management; Erick Valderama, MCM

Introductions and Call to Order

1. Taskforce members, County staff and members of the public introduced themselves
2. Ethics Training – Rhonda Victor-Sibilla, Miami-Dade Commission on Ethics and Public Trust, conducted Advisory Board training, highlighting relevant sections of Miami-Dade County's ethics code
3. **New Business: Discussion on P3 Model and Process**

Roll Call 3:00 p.m.

- a) Chris Hodgkins, Chairman, provided a summary of the materials distributed to the Taskforce related to the Request for Qualifications (RFQ) issued for the Miami Tunnel Project.

Andy Madtes requested clarification as to whether it would be possible for him to share the RFQ materials with his employees that are experienced with P3s. Mr. Madtes was advised that the sharing of materials with his employees would be allowed and is encouraged.

Carlos Diaz-Padron asked for a clarification as to the decision-making process that determined that the Miami Tunnel Project would proceed as a P3 as opposed to a traditional government build and operated tunnel.

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Chris Hodgkins, Chairman, explained that there is greater risk involved in P3 projects that are not exclusively assumed by the participating government entity. In addition, certain guarantees are assured to the participating private parties in exchange for their assumption of risk.

- b) Chris Hodgkins, Chairman, discussed specific elements that should be considered for the development of the P3 procurement structure and asked the Taskforce members for feedback on how to proceed with developing that structure.

John M. Cal advised that the P3 structure should be inclusive of all of the necessary steps to achieve a “P3 in a box” – P3 project.

- c) Diana Gonzalez advised that in addition to the development of a P3 processing structure, the Taskforce should put forth a recommendation for the creation of a P3 administrative/implementing order that explains the steps required, consistent with the County’s Code relating to procurement processes.
- d) George Burgess advised that the timeframe to develop legislation and/or an implementing order would be limited, and that alternatively, an outline could be developed that would take into consideration the County policies and legislation that may need to be amended to facilitate a successful P3 procurement.
- e) Ronald Frazier asked how the recommendation that is forwarded by the Taskforce would correlate with potential bid participants who are already formed entities.
- f) Chris Hodgkins, Chairman, explained that the policies and procedures advanced by the Taskforce would still apply, and that any entity that would seek to respond to a P3 bid issuance would have to comply with the procedures and requirements as recommended by the Taskforce.
- g) Diana Gonzalez suggested that the Taskforce re-examine the Resolution that formed it and focus upon the tasks that were specifically listed therein, i.e., make recommendations to the Board on changes to ordinances, resolutions, regulations, implementing orders, and administrative practices that would advance public private partnerships.
- h) George Burgess explained that both the development of a process structure and the recommendation of legislative changes are needed to develop a comprehensive P3 program for the County.
- i) Enrique “Rick” Crooks asked Miriam Singer, Sr. Assistant Director, Internal Services Department, about the procurement presentation conducted at the October 28, 2015, Taskforce Meeting. Specifically, Crooks asked what County legislative items are directly applicable to P3s and whether the County has a P3 procurement.

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Meeting #3

j) Miriam Singer, Sr. Assistant Director, Internal Services Department, explained that the County has issued a solicitation for the procurement of a compressed natural gas program that is very much aligned with and contains many elements of a P3 project. Singer explained that the solicitation was specifically tailored to suit the complexity of the project, and that the County does not currently have legislation that specifically addresses P3 procurement.

k) Carlos Diaz-Padron asked about the feasibility of adopting the State of Florida's P3 procurement model.

Enrique "Rick" Crooks explained that State of Florida P3 projects are mostly transportation focused, and while some elements may be useful, the County would not be able to wholly adopt the State's model due to the diversity of the projects (e.g., social infrastructure) anticipated to be undertaken by the County.

l) George Burgess, Vice Chairman, advised that in formulating its recommendations and findings that the Taskforce consider as many elements – County staff recommendations, feedback from the public, and P3 models from other agencies.

m) Miriam Singer, Sr. Assistant Director, Internal Services Department, presented to the Taskforce for discussion a working draft/outline of P3 legislation for the County based on the Taskforce's discussions from previous meetings.

n) George Burges, Vice Chairman, advised that the Taskforce members apply their research from their areas of interest and/or expertise to supplement the content of the outline, and reiterated the importance of industry feedback.

o) Chris Hodgkins, Chairman, asked that the Taskforce review the outline in preparation for developing a draft of the processing structure at the next meeting.

p) Chris Hodgkins, Chairman, asked that the Taskforce members distribute the outline to their peers within the industry for review and feedback.

q) Chris Hodgkins, Chairman, asked Miriam Singer, Sr. Assistant Director, Internal Services Department, to discuss how the Taskforce's recommendations would be presented to the Board.

r) Miriam Singer, Sr. Assistant Director, Internal Services Department, explained the following steps: a recommendation forwarded by the Taskforce to amend the County's procurements process; the establishment of the County's P3 Program; and an Implementing Order detailing procedures would be presented to the Board for consideration.

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- s) Singer advised more specifically that County Code Section 2-8.1, which governs the procurement of goods and services, would be amended.
- t) Eddie Gonzalez, Assistant County Attorney, advised that it is up to the discretion of the Taskforce as to how much detail they would like to include in the recommendation, as the Taskforce's recommendation will impact a number of County ordinances.
- u) Chris Hodgkins, Chairman and Diana Gonzalez expressed a desire to draft the most comprehensive recommendation as possible.
- v) John Cal and Enrique "Rick" Crooks asked Miriam Singer, Sr. Assistant Director, Internal Services Department, what would be the recommendation of County staff for creating a processing structure.
- w) Miriam Singer, Sr. Assistant Director, Internal Services Department, explained that County staff would be willing to tailor a processing structure within the parameters of the County Code and regulations; however, whatever processing structure is created would have to be based upon those policies that the Taskforce would like to present in its recommendation to the Board.
- x) Eddy Gonzalez, Assistant County Attorney, recommended that the Taskforce provide comments based upon the review of the conceptual outline to County staff, and at the November 18, 2015 Taskforce meeting those comments can be shared amongst everyone for discussion. Gonzalez reiterated that Taskforce members are not permitted to communicate amongst themselves regarding P3 matters outside of official Taskforce meetings.
- y) County staff will gather for distribution the comments of the Taskforce members based upon the review of the conceptual outline. County staff will distribute all of the comments to each of the Taskforce members by November 16, 2015 for review.
- z) Chris Hodgkins, Chairman, asked that conceptual outline be sent to the list of experts within the industry (specifically representatives from: Star America, Meridiam, Aon, AIAI, and FDOT), and that the responses be returned by November 16, 2015 for review at the November 18, 2015 Taskforce meeting.

Chris Hodgkins, Chairman, will contact Joseph Aiello of Meridiam, Inc. to determine his availability to attend the November 18, 2015 Taskforce meeting.

4. Meeting Minutes from October 28, 2015

Bianca Caviglia, Strategic Initiatives Manager, Internal Services Department, presented to the Taskforce the minutes from the October 28, 2015 P3 Taskforce meeting for review. A motion was forwarded by Diana Gonzalez, and seconded by Ralph Rosado, and the minutes were unanimously approved.

5. Approval of Mission Statement

Bianca Caviglia, Strategic Initiatives Manager, Internal Services Department, presented to the Taskforce the mission statement as revised based upon the request of the Taskforce at the October 28,

MIAMI-DADE COUNTY P3 TASKFORCE
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2015 Taskforce meeting. A motion was forwarded by the Ronald Frazier, and seconded by George Burgess, Vice Chairman, and the mission statement was unanimously approved.

Adjourned 4:35 P.M.

MIAMI-DADE COUNTY P3 TASKFORCE
November 18, 2015
Meeting #4

The Miami-Dade County P3 Taskforce (Taskforce) convened a meeting at 2:10 p.m., November 18, 2015, at the Children's Courthouse, Fifth Floor, Conference Room B, 155 NW 3rd Street, Miami, Florida 33128.

The following P3 members were present:

BILL ERNSTROM, MAGARET CULLEN, RICHARD M. GOMEZ, ENRIQUE "RICK" CROOKS, JOHN M. CAL, CHRIS HODGKINS, GEORGE BURGESS, RONALD FRAZIER, CARLOS DIAZ-PADRON, CHRISTIAN B. ULVERT, WILLIAM W. RILEY JR. ESQ

The following P3 members were absent:

ANDY MADTES, DIANA GONZALEZ, DAVID L. DIXON, RALPH ROSADO PHD

The following staff members and members of the public were in attendance:

Miriam Singer, Internal Services Department; Theresa Therilus, Internal Services Department; Jose A. Galan, Internal Services Department; Amos Roundtree, Internal Services Department; Andrew Zawoyski, Internal Services Department; Bianca Caviglia, Internal Services Department; Eddie Gonzalez, County Attorney's Office; Robert Warren, Regulatory and Economic Resources Department; Patricia Gomez, Regulatory and Economic Resources Department; Susannah Troner, Regulatory and Economic Resources Department; Frank Hinton, Finance Department; Dirk Duval, Internal Services Department; Peter Liu, Miami-Dade Office of the Inspector General; Terry Murphy, Board of County Commissioners, Office of the Chairman; David Alvarez, CPM NA; Eric Zichella, P3 Management; Nick Phillips, John Laing Group/AIAI; Jay Fraser, Turner Construction Company; Scott Kilpatrick, IUPAT; Nathanael Aburto, IUPAT

1. Introductions and Call to Order

- a. Jose A. Galan, Director, Internal Services Department, Real Estate Development Division, welcomed the Taskforce members, County staff, and members of the public.
- b. Roll call: 3:07 p.m. quorum established

2. Presentation

Nick Phillips of the John Laing Group and representing the Association for the Improvement of American Infrastructure conducted a presentation on the benefits and potential pitfalls associated with P3 projects.

3. Approval of Minutes of the November 4, 2015 Taskforce Meeting

Chris Hodgkins, Chairman, presented to the Taskforce the minutes from the November 4, 2015 P3 Taskforce meeting for review. A motion was forwarded to approve by Chis Hodgkins, Chairman, and seconded by Ronald Frazier, and the minutes were unanimously approved.

4. Discussion on Working Outline

- a. Bill Ernstrom shall present to the Taskforce, for review and discussion, a draft of an AO at the December 2, 2015 Taskforce meeting.

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- b. The “Request for Qualifications to Design, Build, Finance, Operate, and Maintain the Ultimate Project Financial Management #432193-1-52-01, Through a Concession Agreement, Florida Department of Transportation, Issued March 8, 2013” will be used as the working template by the Taskforce in the drafting of a RFQ.
- c. Chris Hodgkins, Chairman, requested that County staff review the I-4 Request for Qualifications to determine if the document is aligned with the County’s ordinances and regulations.
- d. John Cal requested that a flow chart outlining the various tasks required of the Taskforce in developing a recommendation to the Board of County Commissioners be drafted.
- e. Chris Hodgkins, Chairman, requested that George Burgess, Vice Chairman, draft the outline. Mr. Burgess will draft the outline and send it to Jose A. Galan or Bianca Caviglia, Internal Services Department staff members, prior the December 2, 2015 Taskforce meeting. The Taskforce will discuss and present feedback of the outline at the December 2, 2015 Taskforce meeting.
- f. Nick Phillips of John Laing Group and representing the Association for the Improvement of American Infrastructure, will research outlines that may have been created by other governmental entities, and forward to Jose A. Galan of Internal Services Department, those findings.

5. Discussion on Future Presentations

Chris Hodgkins, Chairman, requested that the working materials be distributed to the scheduled presenters, prior to the December 2, 2015 Taskforce meeting, for their review and feedback.

6. New Business

Jose A. Galan of the Internal Services Department established that new materials received from the Taskforce members and the general public will be distributed to all of the Taskforce members on the Friday prior to the following Taskforce meeting, and that Taskforce members will receive the official agenda and associated materials for the upcoming meeting on the Monday prior to the Taskforce meeting.

Adjourned 3:57 P.M.

MIAMI-DADE COUNTY P3 TASKFORCE
December 2, 2015
Meeting #5

The Miami-Dade County P3 Taskforce (Taskforce) convened a meeting at 9:05 a.m., December 2, 2015, at the Children's Courthouse, Fifth Floor, Conference Room B, 155 NW 3rd Street, Miami, Florida 33128.

The following P3 members were present:

BILL ERNSTROM, DIANA GONZALEZ, DAVID L. DIXON, MAGARET CULLEN, RALPH ROSADO PHD, RICHARD M. GOMEZ, JOHN M. CAL, CHRIS HODGKINS, GEORGE BURGESS, RONALD FRAZIER, CARLOS DIAZ-PADRON, WILLIAM W. RILEY JR. ESQ

The following P3 members were absent:

ANDY MADTES, ENRIQUE "RICK" CROOKS, CHRISTIAN B. ULVERT

The following staff members and members of the public were in attendance:

Jose A. Galan, Internal Services Department; Andrew Zawoyski, Internal Services Department; Bianca Caviglia, Internal Services Department; Oren Rosenthal, County Attorney's Office; Robert Warren, Regulatory and Economic Resources Department; Dirk Duval, Internal Services Department; Peter Liu, Miami-Dade Office of the Inspector General; Eric Zichella, P3 Management; Nick Serianni, Ernst and Young; Manuel Otero, AFSME Local 121; Edwin F. Mojena, Lochner; Rebecca Brooks, Lochner; Carlos Carvillo, Associated Builders and Contractors; Joseph Aiello, Meridiam; Eric Valderama, MCM

1. Introductions and Call to Order

- a. Jose A. Galan, Director, Internal Services Department, Real Estate Development Division, welcomed the Taskforce members, County staff, and members of the public.
- b. Roll call: 2:05 p.m. and quorum established

2. Presentation

Rebecca Brooks P.E., Vice President, Lochner, representing the National Council for Public Private Partnerships, conducted a presentation on considerations for establishing a P3 program.

- a. At the request of John Cal, Rebecca Brooks will provide to the Taskforce a process flow chart detailing P3 processes.
- b. Jose Galan, Director, Internal Services Department, Real Estate Development Division, will distribute to the Taskforce a copy of the slides associated with the presentation.

3. Presentation

Joseph Aiello, Director of Business Development North America, Meridiam, conducted a presentation on considerations for establishing a P3 program.

MIAMI-DADE COUNTY P3 TASKFORCE
December 2, 2015
Meeting #5

4. Approval of Minutes from the November 18, 2015 P3 Taskforce Meeting

Chris Hodgkins, Chairman, presented to the Taskforce the minutes from the November 18, 2015 P3 Taskforce meeting, for review. A motion was forwarded to approve by Bill Ernstrom, and seconded by Ralph Rosado Ph.D., and the minutes were unanimously approved.

5. Discussion on Draft Report Outline

- a. George Burgess, Vice Chairman presented for discussion, a draft outline of "Recommended Guidelines and Policies for the Public Private Partnership Delivery Method for Miami-Dade County".
- b. Bill Ernstrom, will forward to staff the working draft of the AO for review and feedback.
- c. John Cal presented for discussion a draft outline of the actions the Taskforce has taken to date.

6. New Business

- a. Discussion of the upcoming Public Hearing to be held December 16, 2015.
- b. Bill Ernstrom nominated George Burgess, Vice Chairman, to chair a drafting subcommittee. The subcommittee members will be George Burgess, Vice Chairman; Ronald Frazier, Bill Ernstrom, and Margaret Cullen.
- c. Chris Hodgkins, Chairman, requested that all comments and feedback of working documents be submitted by Tuesday, December 8, 2015 to Bianca Caviglia, and those comments will be presented at a public meeting at 2 p.m. on December 9, 2015, for discussion by the drafting subcommittee.
- d. Chris Hodgkins, Chairman, established that the Taskforce shall complete a rough draft of the recommendation to the Board of County Commissioners by January 6, 2016, and a final draft by January 20, 2015.

Adjourned 12:13 P.M.

**MIAMI-DADE COUNTY P3 TASKFORCE
DRAFTING SUBCOMMITTEE
December 9, 2015
Meeting #1**

The Miami-Dade County P3 Taskforce, Drafting Subcommittee (Subcommittee), convened a meeting at 2:20 p.m., December 9, 2015, at the Stephen P. Clark Center, Eighteenth Floor, Conference Room 18-4, 111 NW 1st Street, Miami, Florida 33128.

The following P3 members were present:

BILL ERNSTROM, ANDY MADTES, ENRIQUE "RICK" CROOKS, MAGARET CULLEN, JOHN M. CAL, CHRIS HODGKINS, GEORGE BURGESS, RONALD FRAZIER

The following P3 members were absent:

WILLIAM W. RILEY JR. ESQ, CARLOS DIAZ-PADRON, RICHARD M. GOMEZ, RALPH ROSADO, PhD, DAVID L. DIXON, DIANA GONZALEZ, CHRISTIAN B. ULVERT

The following staff members and members of the public were in attendance:

Jose A. Galan, Internal Services Department; Andrew Zawoyski, Internal Services Department; Bianca Caviglia, Internal Services Department; Eduardo W. Gonzalez, County Attorney's Office; Dirk Duval, Internal Services Department; Peter Liu, Miami-Dade Office of the Inspector General; Eric Zichella, P3 Management; Eric Valderama, MCM; Fernando Castro, SACYR Concessions;

1. Introductions and Call to Order

- a. Jose A. Galan, Director, Internal Services Department, Real Estate Development Division, welcomed the Taskforce members, County staff, and members of the public.
- b. Roll call: 2:20 p.m.

2. Discussion on Administrative Order and Draft Report Outline

- a. Administrative Order submitted by Bill Ernstrom for discussion.
- b. George Burgess, Vice Chairman, advised that a summary, in bullet form, accompany the Administrative Order when submitted to the Board of County Commissioners as the final recommendation.
- c. Bill Ernstrom will work with Bianca Caviglia to summarize the Administrative Order
- d. George Burgess, Vice Chairman, advised that the P3 Taskforce members review the administrative order thoroughly in order to provide feedback to the summary.
- e. George Burgess, Vice Chairman, requested that the Administrative Order be provided to the speakers attending the December 16, 2015, Public Hearing, in order to gain feedback from the presenters.
- f. Chris Hodgkins, Chairman, requested that a follow-up Subcommittee meeting be scheduled for December 21, 2015 to review the summary of the Administrative Order.

Adjourned 3:25 P.M.

MIAMI-DADE COUNTY P3 TASKFORCE
December 16, 2015
Meeting #6 Public Hearing

The Miami-Dade County P3 Taskforce (Taskforce) convened a meeting at 1:14 p.m., December 16, 2015, at the Lawson E. Thomas Courthouse Center, Eleventh Floor, Room 1155, 175 N.W. First Street, Miami, Florida 33128.

The following P3 members were present:

DIANA GONZALEZ, DAVID L. DIXON, MAGARET CULLEN, RICHARD M. GOMEZ, JOHN M. CAL, CHRIS HODGKINS, GEORGE BURGESS, RONALD FRAZIER, CHRISTIAN B. ULVERT, ENRIQUE "RICK" CROOKS

The following P3 members were absent:

ANDY MADTES, CARLOS DIAZ-PADRON, BILL ERNSTROM, WILLIAM W. RILEY JR. ESQ, RALPH ROSADO, Ph.D.

The following staff members and members of the public were in attendance:

Jose A. Galan, Internal Services Department; Bianca Caviglia, Internal Services Department; Eduardo W. Gonzalez, County Attorney's Office; Robert Warren, Regulatory and Economic Resources Department; Dirk Duval, Internal Services Department; Peter Liu, Miami-Dade Office of the Inspector General; Eric Zichella, P3 Management; Nick Serianni, Ernst and Young; Manuel Otero, AFSME Local 121; Eric Valderama, MCM, Martin E. Montesano, Local 272; Sergio Gonzalez, Local 272; Jose A. Rodriguez, Local 272; Chris Simpson, IBEW Local 349; Jane Campbell, National Development Council; KC George, National Development Council; John Becton, Ironworkers Union Local 272; Angel Dominguez; Ironworkers International; Eduardo De Leon, Ironworkers Union Local 272; Alex Vargas, IUPAT, FL DC78; Manuel Otero, AFSCME Local 121; Emilio Azoy, AFSCME Local 121; Cynthia Hernandez, South Florida AFL-CIO; Mark Schaunaman, International Union of Operating Engineers; Terrance Thompson, IUPAT DC78; Nathanael Aburto, IUPAT DC78; Kenny Scott, A/C Pipefitters Local 275; Isabella Ballestas, Suez Environment; Steve DeWitt, ACS Infrastructure; Les Nicholson, Fachina; Jeanette Smith, South Florida, IWJ; Father Frank Corbishley, South Florida IWJ; Reverend Gail Topscott; South Florida IWJ; Patrick Quiring, South Florida, IWJ; Mishell Warner, ACSME Local 1363; Vivienne Dixon-Shim; ACSME Local 1363

1. Introductions and Call to Order

- a. Jose A. Galan, Director, Internal Services Department, Real Estate Development Division, welcomed the Taskforce members, County staff, and members of the public.
- b. Chris Hodgkins, Chairman, opening statement

2. Special Presentations

- I. Les Nicholson, Executive Vice President and Chief Legal Officer, Fachina
 - a. Chris Hodgkins, Chairman, request that Mr. Nicholson provide the point of contact within the State of Maryland P3 office.
 - b. George Burgess, Vice Chairman, requested that Mr. Nicholson review and provide feedback to the Administrative Order drafted by the Taskforce

MIAMI-DADE COUNTY P3 TASKFORCE
December 16, 2015
Meeting #6 Public Hearing

- II. Steve DeWitt, Senior Vice President Business Development, ACS Infrastructure Development, Inc.
 - a. Christian B. Ulvert requested that Mr. DeWitt review and provide feedback to the Administrative Order Drafted by the Taskforce.
- III. Mark Romoff, President and CEO, Canadian Council for Public Private Partnerships
- IV. Jane Campbell, Director Washington Office, National Development Council
- V. Erin Hutson, Director, Corporate Affairs Department, LiUNA

3. Public Comments

Comments were provided by the following members of the public:

- I. John Becton, Ironworkers Union, Local 272
- II. Emilio Azoy, AFSCME Local 121
- III. Jeanette Smith, South Florida, IWJ
- IV. Chris Simpson, IBEW Local 349
- V. Cynthia Hernandez, South Florida, AFL-CIO
- VI. Kenny Scott, A/C Pipefitters Local 275
- VII. Carlos Carrillo, Miami-Dade County Associated Builders and Contractors

4. Approval of Minutes from the December 2, 2015, 2015 P3 Taskforce Meeting, and the December 9, 2015 Drafting Subcommittee Meeting

Chris Hodgkins, Chairman, presented to the Taskforce the minutes from the December 2, 2015 P3 Taskforce meeting, and the December 9, 2015 Drafting Subcommittee meeting for review. A motion was forwarded to approve by Diana Gonzalez, and seconded by Ronald Frazier, and the minutes were unanimously approved.

5. Discussion on Draft Report Outline

- a. An abridged version of the Administrative Order will be forwarded to the presenters for review and feedback.

6. New Business

- a. The slides accompanying the special presentations will be distributed to the members of the Taskforce.

Adjourned 3:45 P.M.

**MIAMI-DADE COUNTY P3 TASKFORCE
DRAFTING SUBCOMMITTEE
December 21, 2015
Meeting #2**

The Miami-Dade County P3 Taskforce, Drafting Subcommittee (Subcommittee), convened a meeting at 2:16 p.m., December 21, 2015, at the Children's Courthouse, Fifth Floor, Conference Room B, 155 NW 3rd Street, Miami, Florida 33128.

The following P3 members were present:

BILL ERNSTROM, MAGARET CULLEN, JOHN M. CAL, CHRIS HODGKINS, GEORGE BURGESS, RONALD FRAZIER, RALPH ROSADO, PhD, CHRISTIAN B. ULVERT

The following P3 members were absent:

ENRIQUE "RICK" CROOKS, ANDY MADTES, WILLIAM W. RILEY JR. ESQ, CARLOS DIAZ-PADRON, RICHARD M. GOMEZ, DAVID L. DIXON, DIANA GONZALEZ,

The following staff members and members of the public were in attendance:

Jose A. Galan, Internal Services Department; Bianca Caviglia, Internal Services Department; Eduardo W. Gonzalez, County Attorney's Office; Dirk Duval, Internal Services Department; Robert Warren, Regulatory and Economic Resources Department Eric Zichella, P3 Management; Matthew Laird, LiUNA/SELDC; Michael S. Weise, Miami-Dade County, Office of the Mayor; Carlos Carrillo, Miami Dade County Associated Builders and Contractors; Nick Serianni, Ernst and Young

1. Introductions and Call to Order

- a. Jose A. Galan, Director, Internal Services Department, Real Estate Development Division, welcomed the Taskforce members, County staff, and members of the public.
- b. Roll call: 2:16 p.m.

2. Discussion on Administrative Order and Draft Report Outline

- a. Discussion of roadmap to complete the Taskforce's recommendation to the Board of County Commissioners.
- b. John Cal presented to the Taskforce for discussion an outline of the process flow that would be necessary to bring a P3 project from proposal, to approval, to award.
- c. Ronald Frazier volunteered to collect all of the working documents that have been drafted thus far, and organize them into one single document.
- d. George Burgess, Vice Chairman, nominated by the Drafting Subcommittee to act as the lead drafter, to finalize the draft of the recommendation to the Board of County Commissioners. The first draft of the final document shall be presented for review at the January 6, 2016 P3 Taskforce meeting.
- e. John Cal will develop the visual documents to accompany the recommendation to the Board of County Commissioners.

Adjourned 3:42 P.M.

MIAMI-DADE COUNTY P3 TASKFORCE

January 6, 2015

Meeting #7

The Miami-Dade County P3 Taskforce (Taskforce) convened a meeting at 2:06 p.m., January 6, 2016, at the Children's Courthouse, Fifth Floor, Conference Room B, 155 NW 3rd Street, Miami, Florida 33128.

The following P3 members were present:

BILL ERNSTROM, DIANA GONZALEZ, DAVID L. DIXON, MAGARET CULLEN, RALPH ROSADO PHD, RICHARD M. GOMEZ, JOHN M. CAL, CHRIS HODGKINS, GEORGE BURGESS, RONALD FRAZIER, CHRISTIAN B. ULVERT, WILLIAM W. RILEY JR. ESQ

The following P3 members were absent:

ANDY MADTES, ENRIQUE "RICK" CROOKS, CARLOS DIAZ-PADRON

The following staff members and members of the public were in attendance:

Jose A. Galan, Internal Services Department; Bianca Caviglia, Internal Services Department; Eduardo W. Gonzalez, County Attorney's Office; Robert Warren, Regulatory and Economic Resources Department; Dirk Duval, Internal Services Department; Peter Liu, Miami-Dade Office of the Inspector General; Frank Hinton, Finance Department; Michael J. Weiss, Miami-Dade County Office of the Mayor; Eric Zichella, P3 Management; Matthew Land, LIUANA/SELDC; Indira Marin, Gazitua Letelier; David Alvarez, CPM, North America; Cynthia Hernandez, AFL-CIO; Natanael Aburto, IUPAT

1. Introductions and Call to Order

- a. Jose A. Galan, Director, Internal Services Department, Real Estate Development Division, welcomed the Taskforce members, County staff, and members of the public.
- b. Roll call: 2:06 p.m. quorum established

2. Approval of Minutes from the December 16, 2015, P3 Taskforce Meeting, and the December 21, 2015, P3 Drafting Subcommittee Meeting

Chris Hodgkins, Chairman, presented to the Taskforce the minutes from the December 16, 2015 P3 Taskforce meeting, and the minutes from the December 21, 2015 P3 Drafting Subcommittee meeting for review. A motion was forwarded to approve by Bill Ernstrom, and seconded by Diana Gonzalez, and the minutes were unanimously approved.

3. Discussion on Draft Report and Matrix

- a. George Burgess, Vice Chairman presented for discussion, a draft of the Final Report of the Miami-Dade County P3 Taskforce.
- b. George Burgess, Vice Chairman, presented a question to the County Attorney's Office as to the legality of specifically using the terms minority or gender-based businesses within the draft of the Final Report of the Miami-Dade County P3 Taskforce. The County Attorney's Office will further review and report back its analysis.

MIAMI-DADE COUNTY P3 TASKFORCE

January 6, 2015

Meeting #7

- c. Bill Ernstrom, requested clarification as to how the Cone of Silence will be applied in the County's P3 process. Eduardo W. Gonzalez, County Attorney's Office, advised that the Cone of Silence cannot be waived in its entirety, but rather an amendment would be required to be put forth to specifically address various scenarios of the P3 process in which the Cone of Silence would not apply.
- d. George Burgess, Vice Chairman, stated that all references to Mayor within the draft of the Final Report of the Miami-Dade County P3 Task Force will be replaced with the term "County".
- e. Chris Hodgkins, Chairman, will seek an opinion from industry peers regarding language describing the recommended timeframe for the procurement of a Value for Money (VFM) analysis.
- f. Staff will seek the Internal Services Department Procurement Management Services Division's opinion on the number of selection committees that should exist in the analysis and award of the Request for Qualifications (RFQ) and Request for Proposals (RFP) P3 competitive selection processes.
- g. Andy Madtes requested to have his comments added into draft of the Final Report of the Miami-Dade County P3 Taskforce, in regard to labor peace agreements. Those comments shall be forwarded to Bianca Caviglia for distribution to the Taskforce members.
- h. George Burgess, Vice Chairman, requested that the scoring criteria, for the selection of the most qualified proposer, be evaluated at the upcoming P3 Task force meeting, to be held January 21, 2016.
- i. Chris Hodgkins, Chairman, put forth a motion to combine both the RFQ and the RFP to create one solicitation document. The proposed solicitation document would be presented to the Board of County Commissioners based upon the recommendation of the Mayor and consist of a shortlist of the most qualified proposers. The Board of County Commissioner based upon the recommendation of the County Mayor, shall approve the award of the project to the most qualified shortlisted proposer. A motion was forwarded to approve by Diana Gonzalez and seconded by George Burgess, and the motion was unanimously approved.
- j. Bill Ernstrom will make the revisions, addressed at the January 6, 2016, P3 Taskforce meeting, and present a revised draft of the Final Report of the Miami-Dade County P3 Taskforce for discussion at the January 21, 2016 P3 Taskforce meeting.
- k. Chris Hodgkins, Chairman, requested that the labor relations language be removed from the current draft of the Final Report of the Miami-Dade County P3 Taskforce, and that the various labor unions revise the removed language, and present for consideration and discussion the revised labor relations language at the January 21, 2016 P3 Taskforce meeting.

MIAMI-DADE COUNTY P3 TASKFORCE

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Meeting #7

4. New Business

- a. Chris Hodgkins, Chairman, requested that the January 20, 2016 P3 Taskforce Meeting be rescheduled to January 21, 2016 at 1:00 pm.
- b. Chris Hodgkins, Chairman, established that the draft of the Final Report of the Miami-Dade County P3 Taskforce presented at the January 6, 2016 P3 Taskforce meeting is the final draft that will be used to prepare the report to be submitted to the Board of the County Commissioners, and that there will be no more submissions of material, other than language from the various labor unions, that will be accepted for consideration.
- c. George Burgess, Vice Chairman, requested that the Internal Services Department staff assist in finalizing draft of the Final Report of the Miami-Dade County P3 Task Force.

Adjourned 5:08 P.M.

MIAMI-DADE COUNTY P3 TASKFORCE
January 21, 2016
Meeting #8

The Miami-Dade County P3 Taskforce (Taskforce) convened a meeting at 1:10 p.m., January 21, 2016, at the Children's Courthouse, Fifth Floor, Conference Room B, 155 N.W. 3rd Street, Miami, Florida 33128.

The following P3 members were present:

BILL ERNSTROM, DIANA GONZALEZ, ANDY MADTES, CARLOS DIAZ-PADRON, RICHARD M. GOMEZ, JOHN M. CAL, CHRIS HODGKINS, GEORGE BURGESS, RONALD FRAZIER, CHRISTIAN B. ULVERT, WILLIAM W. RILEY JR. ESQ

The following P3 members were absent:

DAVID L. DIXON, ENRIQUE "RICK" CROOKS, RALPH ROSADO Ph.D., MAGARET CULLEN

The following staff members and members of the public were in attendance:

Theresa Therilus, Internal Services Department; Jose A. Galan, Internal Services Department; Bianca Caviglia, Internal Services Department; Oren Rosenthal, County Attorney's Office; Robert Warren, Regulatory and Economic Resources Department; Dirk Duval, Internal Services Department; Andrew Zawoyski, Internal Services Department; Amos Roundtree, Internal Services Department; David Racine, Internal Services Department; Michael J. Weiss, Miami-Dade County Office of the Mayor; Eric Zichella, P3 Management; Matthew Land, LIUANA/SELDC; Victor Herrera, Wade Trim; David Alvarez, CPM, North America; Cynthia Hernández, AFL-CIO; Dennis Houlihan, AFSCME; David Damboise, Hochtief PPP Solutions North America; Kate Speir, Hochtief PPP Solutions North America; Humberto Alonso, Atkins; Fernando Craveiro, PCL Construction; Jay Fraser, Turner Construction Company; Osi Rind, AFSCME 121; Manuel Otero, AFSCME 121; Irela Bague, Bague Group; Gabino Cuevas, Cherokee Enterprise, Inc.; Isabella Ballestas, Suez Environment; Nick Serianni, Ernst and Young

1. Introductions and Call to Order

- a. Jose A. Galan, Director, Internal Services Department, Real Estate Development Division, welcomed the Taskforce members, County staff, and members of the public.
- b. Roll call: 1:10 p.m. quorum established

2. Approval of Minutes from the January 2, 2016, P3 Taskforce Meeting

Chris Hodgkins, Chairman, presented for approval the minutes from the January 2, 2016, P3 Taskforce meeting. A motion was forwarded to approve by Bill Ernstrom, and seconded by Diana Gonzalez, and the minutes were unanimously approved.

3. Discussion on Draft Report Outline

- a. Bill Ernstrom presented for review and discussion his revisions to the Draft Report of the Miami-Dade County P3 Taskforce.
- b. Bill Ernstrom, requested that the County Attorney's Office provide revisions to the section titled Cone of Silence, on page 6, of the Draft Report of the Miami-Dade County P3 Taskforce, Draft #1, and provide those revisions to Bianca Caviglia prior to the next P3 Taskforce meeting to be held

MIAMI-DADE COUNTY P3 TASKFORCE
January 21, 2016
Meeting #8

January 27, 2016. The revisions will ensure that the recommendation to the Board of County Commissioners by the Taskforce regarding the Cone of Silence is in alignment with the State of Florida's Sunshine law provisions as they apply to P3s.

- c. The Taskforce will adopt the language from the Miami-Dade County Concession Agreement at the Miami International Airport as it relates to labor peace agreements.
- d. Ronald Frazier recommended that those sections describing selection committees and the evaluation process be separate sections within the Final Report of the Miami-Dade County P3 Taskforce Draft #1.
- e. Andy Mates requested clarifications as to why the labor provision that were forwarded for review was not incorporated in the Draft Report of the Miami-Dade County P3 Taskforce, Draft #1. Jose Galan, Director, Internal Services Department, Real Estate Development Division, explained that the comments were received on January 20, 2016 and the agenda was sent out on January 15, 2016, which did not allow enough time to incorporate the labor provisions into the Draft Report of the Miami-Dade County P3 Taskforce, Draft #1, and that the labor provisions were provided the day of the meeting as a supplemental document for review.
- f. Bill Ernstrom will revise Draft Report of the Miami-Dade County P3 Taskforce, Draft #1, based upon the discussion from the January 21, 2016 meeting, and provide those changes at the January 27, 2016 P3 Taskforce meeting for review and discussion.
- g. Cynthia Hernández, AFL/CIO, asked the Taskforce if the revised version of the Draft Report of the Miami-Dade County P3 Taskforce, Draft #1, to be presented by Bill Ernstrom at the January 27, 2016 P3 Taskforce meeting will include the labor provisions that were distributed for review as a supplemental document. Jose Galan, Director, Internal Services Department, Real Estate Development Division, explained that a request was made to Andy Madtes to review the Draft Report and incorporate any necessary changes to the labor language for review and discussion at the January 27, 2016 P3 Taskforce meeting.
- h. Christian B. Ulvert requested that County staff assist in reviewing the labor provisions that have been provided to ensure that those provisions are aligned with County ordinances and regulations. William W. Riley requested that the review be extended to the entire Draft Report of the Miami-Dade County P3 Taskforce, Draft #1. The Taskforce will dedicate 45 minutes at the January 27, 2016 meeting to discuss the changes made to the labor provisions within the Draft Report of the Miami-Dade County P3 Taskforce, Draft #1

4. Presentation

David Damboise, Project Director Construction Management and Operations, Hochtief PPP Solutions North America, and Kate Speir, Vice President, Hochtief PPP Solutions North America

- a. P3 Life Cycle Benefits using real examples: The Facilities Management Story

MIAMI-DADE COUNTY P3 TASKFORCE
January 21, 2016
Meeting #8

5. New Business

- a. Chris Hodgkins, Chairman, requested that an additional P3 Taskforce meeting be scheduled for February 8, 2016 at 1:00 p.m., and tentatively for February 11, 2016, time to be determined.
- b. George Burgess, Vice Chairman, requested County staff's assistance in finalizing the report to be presented to the Miami-Dade County Board of County Commissioners.

Adjourned 4:50 P.M.

MIAMI-DADE COUNTY P3 TASKFORCE

January 27, 2016

Meeting #9

The Miami-Dade County P3 Taskforce (Taskforce) convened a meeting at 1:10 p.m., January 27, 2016, at the Children's Courthouse, Fifth Floor, Conference Room B, 155 N.W. 3rd Street, Miami, Florida 33128.

The following P3 members were present:

BILL ERNSTROM, DIANA GONZALEZ, RALPH ROSADO Ph.D, ENRIQUE "RICK" CROOKS, RICHARD M. GOMEZ, JOHN M. CAL, CHRIS HODGKINS, GEORGE BURGESS, RONALD FRAZIER, CHRISTIAN B. ULVERT, WILLIAM W. RILEY JR. ESQ, MAGARET CULLEN

The following P3 members were absent:

DAVID L. DIXON, CARLOS DIAZ-PADRON, ANDY MADTES

The following staff members and members of the public were in attendance:

Jose A. Galan, Internal Services Department; Bianca Caviglia, Internal Services Department; Eduardo W. Gonzalez, County Attorney's Office; Robert Warren, Regulatory and Economic Resources Department; Dirk Duval, Internal Services Department; Michael J. Weiss, Miami-Dade County Office of the Mayor; Dan Chatlos, Office of Commissioner Juan C. Zapata; Eric Zichella, P3 Management; Matthew Land, LIUANA/SELDC; Alan Eichenbaum, South Florida Building and Construction Trades Council; Roce Simpson, South Florida Building and Construction Trades Council; David Alvarez, CPM, North America; Cynthia Hernández, AFL-CIO; Angel J. Dominguez, Ironworkers International; Isabella Ballestas, Suez Environment; Nick Serianni, Ernst and Young; Indira Marin, Gazitua Letelier

1. Introductions and Call to Order

- a. Jose A. Galan, Director, Internal Services Department, Real Estate Development Division, welcomed the Taskforce members, County staff, and members of the public.
- b. Roll call: 1:10 p.m. quorum established

2. Approval of Minutes from the January 21, 2016, P3 Taskforce Meeting

Chris Hodgkins, Chairman, presented for approval the minutes from the January 21, 2016, P3 Taskforce meeting. A motion was forwarded to approve by Bill Ernstrom, and seconded by Diana Gonzalez, and the minutes were unanimously approved.

3. Discussion on Organized Labor Comments

- a. Jose Galan, Director, Internal Services Department, Real Estate Development Division and Christian B. Ulvert presented for review and discussion comments and revisions to the Draft Report of the Miami-Dade County P3 Taskforce forwarded by the various labor organizations. The comments and revisions were reviewed prior to the meeting by County Staff to assure that the revisions are consistent with County rules and regulations.
- b. Bill Ernstrom requested that the Staff draft language reflecting the Taskforce's recommendation related to Miami-Dade County employees right of first refusal.

MIAMI-DADE COUNTY P3 TASKFORCE

January 27, 2016

Meeting #9

- c. Chris Hodgkins, Chairman, requested that Matthew Land, LIUANA/SELDC provide to Jose A. Galan, Director, Internal Services Department, Real Estate Development Division, labor language used in the P3 projects “Purple Line”, and “Los Angeles”, that pertains to National Targeted Workers of Social Disadvantage.
 - d. Richard M. Gomez advised that the Taskforce adopt labor language to the Draft Report of the Miami-Dade County P3 Taskforce that is applied in the appropriate scenarios. Should federal funds be used on a P3 project then federal guidelines are applied, and if local funds are exclusively used on a P3 project the local labor rules shall be the governing guidelines.
 - e. Eduardo W. Gonzalez, County Attorney’s Office advised that the Social Equity Statement is not a requirement of resolutions by which P3 projects will be presented to the Board of County Commissioners. A Social Equity Statement is required in situations that enact policy change involving Ordinances. The Taskforce at its discretion can put forth a recommendation, within the Draft Report of the Miami-Dade County P3 Taskforce, to require a Social Equity Statement for P3 projects.
 - f. Chris Hodgkins, Chairman, requested that Taskforce will put forth recommendation that a website is established to promote transparency, and that P3 procuring documents are posted to the website.
 - g. Jose Galan, Director, Internal Services Department, Real Estate Development Division will work with Christian B. Ulvert, and Chris Hodgkins, Chairman, to implement the recommended revisions to the labor section of the Draft Report of the Miami-Dade County P3 Taskforce.
- 4. Discussion on Draft Report Outline**
- a. Bill Ernstrom presented for review and discussion his revisions to the Draft Report of the Miami-Dade County P3 Taskforce.
- 5. Discussion on the P3 Process Matrix**
- a. John Cal presented for review and discussion his revisions to the P3 Process Matrix.
- 6. New Business**
- a. Chris Hodgkins, Chairman, requested that the P3 Taskforce meeting scheduled for February 8, 2016 at 1:00 p.m., be rescheduled to February 3, 2016 at 2:30 p.m., and confirmed that a P3 Taskforce meeting will be held on February 11, 2016, to be held at 1:00 p.m.

Adjourned 4:50 P.M.

MIAMI-DADE COUNTY P3 TASKFORCE

February 3, 2016

Meeting #10

The Miami-Dade County P3 Taskforce (Taskforce) convened a meeting at 2:45 p.m., February 3, 2016, at the Children's Courthouse, Fifth Floor, Conference Room B, 155 N.W. 3rd Street, Miami, Florida 33128.

The following P3 members were present:

DIANA GONZALEZ, ENRIQUE "RICK" CROOKS, JOHN M. CAL, CHRIS HODGKINS, GEORGE BURGESS, RONALD FRAZIER, CHRISTIAN B. ULVERT, MAGARET CULLEN, CARLOS DIAZ-PADRON, ANDY MADTES

The following P3 members were absent:

DAVID L. DIXON, WILLIAM W. RILEY JR. ESQ, RICHARD M. GOMEZ, RALPH ROSADO Ph.D., BILL ERNSTROM

The following staff members and members of the public were in attendance:

Jose A. Galan, Internal Services Department; Bianca Caviglia, Internal Services Department; Eduardo W. Gonzalez, County Attorney's Office; Robert Warren, Regulatory and Economic Resources Department; Dirk Duval, Internal Services Department; Michael J. Weiss, Miami-Dade County Office of the Mayor; Peter Liu, Miami-Dade Office of the Inspector General; Eric Zichella, P3 Management; Matthew Land, LIUANA/SELDC; Alex Sarandrea, The Sarandrea Group; Cynthia Hernández, AFL-CIO; Isabella Ballestas, Suez Environment; Nick Serianni, Ernst and Young; Maritza Ramos, Bea Architects

1. Introductions and Call to Order

- a. Jose A. Galan, Director, Internal Services Department, Real Estate Development Division, welcomed the Taskforce members, County staff, and members of the public.
- b. Roll call: 2:45 p.m. quorum established

2. Approval of Minutes from P3 Taskforce Meeting held January 27, 2016

Chris Hodgkins, Chairman, presented for approval the minutes from P3 Taskforce meeting held January 27, 2016. A motion was forwarded to approve by Andy Madtes, and seconded by George Burgess, and the minutes were unanimously approved.

3. Discussion on Draft Report and Matrix

- a. Ron Frazier commended County staff on behalf of the Taskforce for their assistance in the preparation of the Draft Report of the Miami-Dade County P3 Taskforce.
- b. Chris Hodgkins, Chairman, presented for review and discussion the revisions to the Draft Report of the Miami-Dade County P3 Taskforce.
- c. John Cal stated that contract management within the operation and maintenance phase is not addressed comprehensively within the Draft Report of the Miami-Dade County P3 Taskforce. Chris

MIAMI-DADE COUNTY P3 TASKFORCE
February 3, 2016
Meeting #10

Hodgkins, Chairman, requested that County staff review the Florida Department of Transportation (FDOT) language for standards regarding operation and maintenance of P3 projects.

- d. George Burgess, Vice Chairman, requested the inclusion of language stating that all sections of the Draft Report of the Miami-Dade County P3 Taskforce shall be subject to various oversight bodies, such as the Office of the Inspector General.
- e. Chris Hodgkins, Chairman, requested, in reference to Nationally Targeted Workers of Social Disadvantage, the term apprenticeship be more clearly defined within the Draft Report of the Miami-Dade County P3 Taskforce. A restated definition will be provided at the February 11, 2016, P3 Taskforce meeting.
- f. Chris Hodgkins, Chairman, requested that staff and Margaret Cullen research language used by other public entities in regards to the formation of selection committees for P3 projects.
- g. Payment for Work Product language will be based on a responsive bid submissions, and be duplicated in both the Request For Qualifications (RFQ) and the Request for Proposals (RFP). Chris Hodgkins requested that Enrique "Rick" Crooks research the language for the standards used by FDOT for the application of stipends.
- h. The term "Comprehensive Agreement" shall be used throughout Draft Report of the Miami-Dade County P3 Taskforce replacing all references to contract or contractual documents.

4. Approval of Revisions to the Draft Report of the Miami-Dade County P3 Taskforce

Chris Hodgkins, Chairman, presented for approval the revisions to the Draft Report of the Miami-Dade County P3 Taskforce. A motion was forwarded to approve by Diane Gonzalez and seconded by Christian B. Ulvert and the motion was unanimously approved.

5. New Business

- a. Next P3 Taskforce meeting scheduled for February 11, 2016, to be held at 12:00 p.m.

Adjourned 4:45 P.M.

MIAMI-DADE COUNTY P3 TASKFORCE
February 11, 2016
Meeting #11

The Miami-Dade County P3 Taskforce (Taskforce) convened a meeting at 12:17 p.m., February 11, 2016, at the Children's Courthouse, Fifth Floor, Conference Room B, 155 N.W. 3rd Street, Miami, Florida 33128.

The following P3 members were present:

DIANA GONZALEZ, ENRIQUE "RICK" CROOKS, JOHN M. CAL, CHRIS HODGKINS, GEORGE BURGESS, RONALD FRAZIER, CHRISTIAN B. ULVERT, DAVID L. DIXON, RICHARD M. GOMEZ, BILL ERNSTROM

The following P3 members were absent:

CARLOS DIAZ-PADRON, MAGARET CULLEN, WILLIAM W. RILEY JR. ESQ, RALPH ROSADO Ph.D., ANDY MADTES

The following staff members and members of the public were in attendance:

Jose A. Galan, Internal Services Department; Bianca Caviglia, Internal Services Department; Eduardo W. Gonzalez, County Attorney's Office; Robert Warren, Regulatory and Economic Resources Department; Dirk Duval, Internal Services Department; Michael J. Weiss, Miami-Dade County Office of the Mayor; Peter Liu, Miami-Dade Office of the Inspector General; Eric Zichella, P3 Management; Matthew Land, LIUANA/SELDC; Alan Eichenbaum, South Florida Building Trades Council; Cynthia Hernández, AFL-CIO; Erick Valderrama, MCM; Nick Serianni, Ernst and Young;

1. Introductions and Call to Order

- a. Jose A. Galan, Director, Internal Services Department, Real Estate Development Division, welcomed the Taskforce members, County staff, and members of the public.
- b. Roll call: 12:17 p.m.

2. Approval of Minutes from P3 Taskforce Meeting held February 3, 2016

Chris Hodgkins, Chairman, presented for approval the minutes from P3 Taskforce meeting held February 3, 2016. A motion was forwarded to approve by Diana Gonzalez, and seconded by Bill Ernststrom, and the minutes were unanimously approved.

3. Discussion on Draft Report and Matrix

- a. Chris Hodgkins, Chairman, presented for review and discussion the revisions to the Draft Report of the Miami-Dade County P3 Taskforce.
- b. Chris Hodgkins, Chairman proposed conducting a citizen's presentation summarizing the P3 process and showing real-world examples of successful P3 project such as the Miami Tunnel.
- c. The term Payment for Work Product (PWP) will be replaced with the term "stipend".

MIAMI-DADE COUNTY P3 TASKFORCE
February 11, 2016
Meeting #11

d. The Process Matrix will be included within the body of the Draft Report of the Miami-Dade County P3 Taskforce, and not as an addendum.

4. Approval of Revisions to the Draft Report of the Miami-Dade County P3 Taskforce, and Formation of the Contract Review Subcommittee

Bill Ernstrom proposed a motion to approve the revisions to the Draft Report of the Miami-Dade County P3 Taskforce and put forth a motion form the Contract Review Subcommittee to review and finalize the Draft Report of the Miami-Dade County P3 Taskforce as revised on February 11, 2016. The motion was seconded by Diane Gonzalez and the motion was unanimously approved.

5. New Business

a. The Contract Review Subcommittee will meet on February 12, 2016, at 2:00 p.m. to review the revisions to the Draft Report of the Miami-Dade County P3 Taskforce as revised on February 11, 2016.

Adjourned 2:40 P.M.

MIAMI-DADE COUNTY P3 TASKFORCE
Contract Review Subcommittee
February 12, 2016

The Miami-Dade County P3 Taskforce, Contract Review Subcommittee (Subcommittee) convened a meeting at 2:00 p.m., February 12, 2016, at the Stephen P. Clark Center, Twenty-fourth Floor, Design and Construction Services Division Conference Room, 111 N.W. First Street, Miami, Florida 33128.

The following P3 members were present:

DIANA GONZALEZ, CHRIS HODGKINS, GEORGE BURGESS

The following P3 members were absent:

CARLOS DIAZ-PADRON, MAGARET CULLEN, WILLIAM W. RILEY JR. ESQ, RALPH ROSADO Ph.D., ANDY MADTES, ENRIQUE "RICK" CROOKS, JOHN M. CAL, RONALD FRAZIER, CHRISTIAN B. ULVERT, DAVID L. DIXON, RICHARD M. GOMEZ, BILL ERNSTROM

The following staff members and members of the public were in attendance:

Jose A. Galan, Internal Services Department; Bianca Caviglia, Robert Warren, Regulatory and Economic Resources Department; Dirk Duval, Internal Services Department; Michael J. Weiss, Miami-Dade County Office of the Mayor

1. Review of Draft Report of the Miami-Dade County P3 Taskforce
 - a. The Subcommittee convened a meeting to review the revisions presented at the February 11, 2016, P3 Taskforce meeting to the Draft Report of the Miami-Dade County P3 Taskforce. No further actions were taken.

Adjourned 2:30 P.M.

EXHIBIT 2
Task Force Meeting Agendas

Miami-Dade County P3 Task Force
December 2, 2015 at 9 am
Miami Dade County Children's Courthouse
155 NW 3rd Street Miami, Florida 33128, Conference Room B

AGENDA

Roll Call	Jose Galan Internal Services Department
Approval of Minutes of the 11/18/2015 Task Force Meeting	Task Force
Presentation	Joe Aiello, Meridiam
Presentation	Rebecca Brooks National Council for Public Private Partnerships
Discussion on Draft Report Outline	Task Force
New Business	Task Force
Adjournment	



Miami-Dade County P3 Task Force
December 16, 2015 at 1 pm
Lawson E. Thomas Courthouse Center (11th floor, room 1155)
175 NW First Avenue Miami, Florida 33128.

AGENDA

Roll Call

Jose A. Galan
Internal Services Department

Special Presentations:

Mark Romoff, President and CEO,
Canadian Council for PPP

Les Nicholson,
Executive Vice President and Chief Legal Officer
Facchina

Jane Campbell, Director Washington Office
National Development Council
Office of Public Policy & Advocacy

Erin Hutson, Director, Corporate Affairs Department
LiUNA

Steve DeWitt, Senior Vice President Business Development
ACS

Public Comments

Review of the outline AO draft

Approval of Minutes of the 12/02/2015 and
12/09/2015 Task Force Meeting

Task Force

New Business

Task Force

Next meeting: 12/21/2015, 2pm to 5pm, Children's Courthouse



Miami-Dade County P3 Task Force
February 3, 2016 at 2:30 pm
Miami Dade County Children's Courthouse
155 NW 3rd Street Miami, Florida 33128, Conference Room B

AGENDA

Roll Call

Jose Galan
Internal Services Department

Approval of Minutes of the
01/27/2016 Task Force Meeting

Task Force

Discussion on Draft Report and Matrix

Task Force

Adjournment



Miami-Dade County P3 Task Force
February 11, 2016 at 12:00 pm
Miami Dade County Children's Courthouse
155 NW 3rd Street Miami, Florida 33128, Conference Room B

PRELIMINARY AGENDA

Roll Call

Jose Galan
Internal Services Department

Discussion on Draft Report and Matrix

Task Force

Discussion on Draft Attachments to the Report

Task Force

Adjournment



Miami-Dade County P3 Task Force
January 27, 2016 at 1 pm
Miami Dade County Children's Courthouse
155 NW 3rd Street Miami, Florida 33128, Conference Room B

AGENDA

Roll Call

Jose Galan
Internal Services Department

Approval of Minutes of the
01/21/2016 Task Force Meeting

Task Force

Discussion on Organized Labor Comments

Task Force

Discussion on Draft Report Outline

Task Force

Adjournment



Miami-Dade County P3 Task Force
November 4, 2015 at 2 pm
Miami Dade County Children's Courthouse
155 NW 3rd Street Miami, Florida 33128, Conference Room B

AGENDA

Roll Call	Bianca Caviglia Strategic Initiatives Manager Internal Services Department
Ethics Training	Robert Thompson Miami-Dade County Commission on Ethics and Public Trust
Approval of Minutes of the 10/28/2015 Task Force Meeting	Task Force
Approval of Mission Statement	Task Force
Discussion on Task Force Model Document and Policy	Task Force Miriam Singer, Sr. Assistant Director Internal Services Department
Discussion on Future Presentations	Task Force
New Business	Task Force
Adjournment	



Miami-Dade County P3 Task Force
October 28, 2015 at 9 am
Miami Dade County Children's Courthouse
155 NW 3rd Street Miami, Florida 33128, Conference Room B

AGENDA

Roll Call	Jose A. Galan Division Director Internal Services Department
Approval of Minutes of the 10/14/2015 Task Force Meeting	Task Force
Presentation on Miami Dade County Procurement Practices	Miriam Singer Sr. Assistant Director Internal Services Department
Discussion on Future Presentations	Task Force
Discussion on Committee Dates	Task Force
New Business	Task Force
Adjournment	

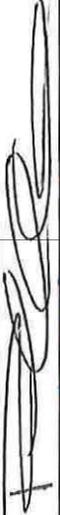
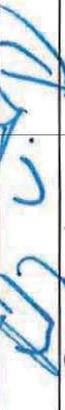
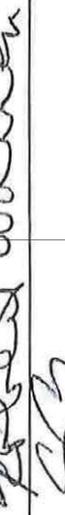


EXHIBIT 3
Meeting Sign-in Sheets

Sign-In Sheet

Miami-Dade County P3 Task Force

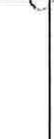
October 14, 2015, 2:00 P.M., SPCC Conference Room 21C

Name - Print	Organization	Signature
RICHARD GOMEZ	TGSU ENTERPRISES, INC.	
Rick Crooks	EAC CONSULTING, INC.	
Bill Ailey	GUY ROBINSON	
DEAWA M. BONTALUZ	ENTERPRISE FLORIDA	
DAVID L. DIXON	Bank of America - Retired	
Chris Hodgkins	Miami Tunnel	
George Burgess	Beck & Poliakoff, P.A.	
Bill Ernstrom	The Walsh Group	
CHRISTIAN WERT	EDGE COMMUNICATIONS	
RONALD FRAZIER	RFA + ASSOCIATES P.A.	
Ralph Posada	Posada Associates	
CARLOS DIAZ-PADRON	GRANADA INS CO.	
Phillip Edwards	MDC - ISD	
ROBERT WARREN	MDC - RER	
ERIC ZICHELLA	P3 MANAGEMENT	

Sign-In Sheet

Miami-Dade County P3 Task Force

October 14, 2015, 2:00 P.M., SPCC Conference Room 21C

Name - Print	Organization	Signature
David Alvarez	CPM NA	
Andrew Zawoyski	MDC ISD	
Theresa Therilus	MDC ISD	
Eduardo W Gonzalez	MDC CAD	
Bianca Caviglia	MDC ISD	

Sign-In Sheet

Miami-Dade County P3 Task Force

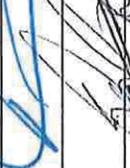
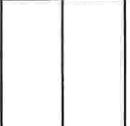
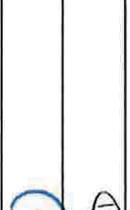
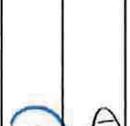
October 28, 2015, 9:00 A.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
Andy Macthes	AFSCME	Andy Macthes
DIANA M. GONZALEZ	ENTERPRISE FLORIDA	Diana Macthes
Bill Emstrom	The Walsh Group	Bill Emstrom
DAVID L. DIXON	Retired Banker	David M. Dixon
RICHARD GOMEZ	TGSN ENTERPRISES	R. Gomez
John M. Cal	FIU	John M. Cal
Eduardo W. Gonzalez	CAO (County Attorney's office)	Eduardo W. Gonzalez
Margaret Calla	Consulate General of Canada	Margaret Calla
Chris Hodgkins	MIAMI Tunnell	Chris Hodgkins
Ralph Rosado	Posado & Associates	Ralph Rosado
George Bongess	Becker & Polinsky	George Bongess
ROBERT USHEREN	MDK - RBR	Robert Usher
Tara Smith	ISD	Tara Smith
Theresa Therilus	ISD	Theresa Therilus

Sign-In Sheet

Miami-Dade County P3 Task Force

October 28, 2015, 9:00 A.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
Ann Ramirez	ISD	
Dick David	ISD	
CARLOS DIAZ-PADRIN	FINANCE -	
FRANK HEWTON	RER - OOS	
Patricia Gomez	CPM NA	
DAVID ALVAREZ	Greg Robinson	
William Piley		

Sign-In Sheet

Miami-Dade County P3 Task Force

November 4, 2015, 2:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
REBANDA VICTOR SIBILCA	MD ETHICS COMMISSION	
DAVID L. DIXON		
CARLOS DIAZ-PADRON		
CHRISTIAN UIVERA	P3 task force	
Andy Madres	P3 task force	
Diak David	Miami Dade County ISD	
Phillip Edwards	MDC- ISD	
George Burgess	Becker + Rinkoff	
CHRISTOPHER HOGGINS	MIAMI TURNER	
John M. Cal	FIU	
Bianca Caviglia	ISD	
Ralph Rosado	P3 Task Force	
Peter Liu	OLG	
Patricia Gomez	PER/OOS	

Sign-In Sheet

Miami-Dade County P3 Task Force

November 4, 2015, 2:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

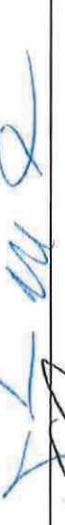
Name - Print	Organization	Signature
Andrew Zawojtski	MDC ISO	
Diana M. Gonzalez	INTERPRETE FLORIDA	
Rick Crookes	EAC CONSULTING, INC	
RONALD FRAZIER	ARCHITECT PAE FUNDING CORP / RETIRED	
RUNDO GOMEZ	TGSN ENTERPRISES, INC.	
John H. Cal	FIV	
Miriam Singer	MDC JSD	
ROBERT WARREN	MDC - RER	
Jim Zabolka	P3 MANAGEMENT	
Ann Zanetti	MDC - JSD	
Frank P. Hanson	MDC - Finance	
Erick Valderama	MCM	
Eduardo W. Gonzalez	CAD (counsel for P3 Task Force)	
Eduardo Martinez	Mary's office	



Sign-In Sheet

Miami-Dade County P3 Task Force

November 18, 2015, 2:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
RONALD FRAZIER	PRIVATE CITIZEN/ARCHITECT	
Bill Ernstrom	The Walsh Group	
Chris Hopkins	MIAMI TUNNEL	
CHRISTIAN WINEY	EDGE COMMUNICATIONS	
NICK PHILLIPS	JOHN LANG / AIAI	
JAY FRASER	TURNER CONST. CO.	
ERIL ZICHELLA	P3 MANAGEMENT	
PETER LIU	OLG	
CHRIS DUNN	CLC - South FL	
ROBERT WARREN	MISC. PER	
Andrew Ewowski	MDC-150	
Margaret Cullen	Consultate Group/land	
RICHARD GOMEZ	TGSN ENT. INC.	
Terry Murphy	Roll Chair	

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PRESENTER

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M-members

Sign-In Sheet

Miami-Dade County P3 Task Force

November 18, 2015, 2:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
FRANK HIGHTON	MDC FINANCE	
JOSE A. TAJAN	MDC-ISO/REDD	
Rich Crooks	EAC CONSULTING INC	
Patricia Gomez	MDC - OOS/Planning	
Sarahannah Troner	MDC - OOS	
John M. Cal	FIU	
CARLOS DIAZ-PADRON		
JUAN CURA	SEIU	
George Burgess	Becker & Frickhoff	
Bill Riley	Gry Robinson	
Amos Hamatre	ISO Tech	
SCOTT KILPATRICK	IUPAT	
Nataniel Abanto	IUPAT	
DAVID ALVAREZ	CPM NA	

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M-members

Sign-In Sheet

Miami-Dade County P3 Task Force

November 18, 2015, 2:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
Theresa Therilus	FSD	
Derek Duval	JSD	

Sign-In Sheet

Miami-Dade County P3 Task Force

December 2, 2015, 9:00 A.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
Bill Ernstson	The Walsh Group	<i>[Signature]</i>
DEANA SIONZAUZ	ENTERPRISE FLORIDA	<i>[Signature]</i>
DAVID L. DIXON	Banker	<i>[Signature]</i>
RICHARD GOMEZ	TGSN ENTERPRISES, INC.	<i>[Signature]</i>
Craig Rosenhaft	County Atty	<i>[Signature]</i>
JOHN M. CAL	FIU	<i>[Signature]</i>
NICK BÉRIANDI	GRUBER & YOUNG	<i>[Signature]</i>
MANUEL OTERO	AFSOME LOCAL (A)	<i>[Signature]</i>
PETER LIU	OLG.	<i>[Signature]</i>
EDWIN F. MOJENA	LOCHNER	<i>[Signature]</i>
Rebecca Brooks	Lochner	Rebecca Brown
Oris Morikini	Miami Tunnel	<i>[Signature]</i>
Margaret Cullen	Consulate General of Canada	<i>[Signature]</i>
George Burgess	Becker & Poliakoff	<i>[Signature]</i>

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M-Task Force Members
P-Presenter

Sign-In Sheet

Miami-Dade County P3 Task Force

December 2, 2015, 9:00 A.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
Bianca Caviglia	ISD Miami-Dade County	
Andrew Zawoyshi	ISD " " "	
ROBERT WARREN	WDC-RER	
Carlos Carrillo	Assoc Builders & Contractors	
I.C. Arielle	Mesidcom	
RONNIE E. FRAZIER	ARCHITECT	
Bill Aile	Gen Robinson	
JOE A. EHLAN	MOE/ISD/REDD	
ERIC ZICHIELLA	P3 MANAGEMENT	
CARLOS DIAZ-PADRON		
Ralph Posado	POSADO & ASSOCIATES	
Erick Valderama	MCM	ev@mcm-us.com

P M M

M M

M-task member
P-presenter

Sign-In Sheet

Miami-Dade County P3 Task Force

Drafting Subcommittee

December 9, 2015, 2:00 P.M., Stephen P. Clark Center, 111 NW 1st Street, Room 18-4

Name - Print	Organization	Signature
Bill Emstrom	The Walsh Group	
Jose A. Solari	ISO/REDO	
William Stewart	Afi - CID	
Andry Maithe	AFSCME	
PETER LIU	OIG	
Bianca Caviglia	FSD	
Chris Rodriguez	Miami Tanel	
Margaret Cella	Consulate General of Canada	
Andrew Zawoycki	ISD	
FERNANDO CASTRO	SACIR CONCESSIONS	
Erick Valdiviana	MCM	
ERIC ZICHELLA	P3 MANAGEMENT	
RONARD FRAZIER	ARCHITECT	
John M. Cal	FIU	

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M - Member

Sign-In Sheet

Miami-Dade County P3 Task Force

Drafting Subcommittee

December 9, 2015, 2:00 P.M., Stephen P. Clark Center, 111 NW 1st Street, Room 18-4

Name - Print	Organization	Signature
Rick Crooks	RHC Consulting, Inc.	
George Gargano	Seaman & Poliakoff	
Eduardo W. Gonzalez	CAO	

Sign-In Sheet

Miami-Dade County P3 Task Force

December 16, 2015, 2:00 P.M., Lawson E. Thomas Courthouse Center,

(11th Floor, Room 1155) 175 NW First Avenue, Miami, Florida 33128

Name - Print	Organization	Signature
Martin E. Montesano	Local 272	
Sequoia Coover	Local 272	
Jose A Rodriguez	ORGANISM local 272	
Chuk Simpson	IBEW CU 349	
Jane Campbell	National Development Council	
KC Geary	National Development Council	
John Becton	Ironworkers Union 272	John J. Becton
Angel J Dominguez	Iron Workers International	Angel J Dominguez
Eduardo U. Leal	IRON WORKERS UNION 272	
Alex Vargas	IMPACTO FL. CAREER REP.	
MANUEL OTERO	AFSCME LOCAL 121	
Emilio Azar	"	
Cynthia Steinhilber	South FL AFL-CIO	
Mark Schramm	Int. Union of Operating Engineers	

Sign-In Sheet

Miami-Dade County P3 Task Force

December 16, 2015, 2:00 P.M., Lawson E. Thomas Courthouse Center,

(11th Floor, Room 1155) 175 NW First Avenue, Miami, Florida 33128

Name - Print	Organization	Signature
TERRANCE THOMPSON	IUPAT DC 78	<i>Terrance Thompson</i>
Nathaniel Abouf	FOPAT DC 78	<i>Nathaniel Abouf</i>
Kenny Scott	A/C Pipefitters 725	<i>Kenny Scott</i>
Isabella Baluatoa	Suez-North America	<i>Isabella Baluatoa</i>
NICK SERIANNI	GRIST & Young	<i>Nick Seriani</i>
Steve Dewitt	ACS Infrastructure	<i>Steve Dewitt</i>
Les Nicholson	FACHINA	<i>Les Nicholson</i>
ROBERT WARREN	MDC-RER	<i>Robert Warren</i>
Jeanette Smith	South Florida FUEL	<i>Jeanette Smith</i>
Father Frank Carbisley	South FL FUEL	<i>Father Frank Carbisley</i>
Rev. Gail Tapscott	South FL FUEL	<i>Rev. Gail Tapscott</i>
Patrick Quiring	South FL FUEL	<i>Patrick Quiring</i>
Frank		

Sign-In Sheet

Miami-Dade County P3 Task Force

December 16, 2015, 2:00 P.M., Lawson E. Thomas Courthouse Center,
 (11th Floor, Room 1155) 175 NW First Avenue, Miami, Florida 33128

Name - Print	Organization	Signature
Margaret Cullen	Consulate General of Canada	Margaret Cullen
DAVID DIXON	BOA	David Dixon
Chris Frohman	Miami Tunnel	Chris Frohman
RICHARD GOMEZ	TGSN ENTERPRISES, INC.	Richard Gomez
John M. Cal	FIU	John M. Cal
CHRISTIAN WUOT	Edge Communications	Christian Wuot
Dick Duval	ISD	Dick Duval
Edwado W. Gonzalez	County Attorney's Office	Edwado W. Gonzalez
Bianca Caviglia	ISD	Bianca Caviglia

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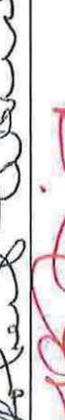
M - Member

Sign-In Sheet

Miami-Dade County P3 Task Force

Drafting Subcommittee

December 21, 2015, 2:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
Bill Ernstson	The Wahl Group	
Matthew Land	LUNA/SELDC	 12/16/15 MSL
Michael S. Weiss	Office of the Mayor	
George Burgess	Beech & Polinsky	
Christian Vincent	Edge Communications	
John M. Cal	FID	
Charles Carrillo	ABC	
Eric Zichena	P3 MANAGEMENT	
ROBERT WARKEN	MDC- RFR	
Bianca Caviglia	ISD	
Ralph Rosado	Rosado & Associates	
Eduardo W. Gonzalez	County Attorney's Office	
NICK SERIANNI	ERNST & YOUNG	

M-task force members

Sign-In Sheet

Miami-Dade County P3 Task Force

January 6, 2016, 2:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

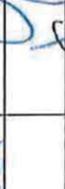
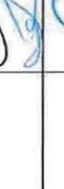
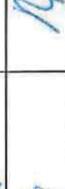
Name - Print	Organization	Signature
JUDIRA MARIN	Organization	
Bill Emstrom	The Walsh Group	
RONALD FRAZIER	ARCHITECT/BAC FINA	
DEANA MORALES	ENTERPRISE FLORIDA	
John M. Cal	FIU - E	
George Borges	Dechun & Polickoy	
Margaret Cullen	Consulate General of Canada	
William W. Riley	Gray Robinson	
Eduardo W. Gonzalez	County Attorney's Office	
ROBERT WARREN	MD C - RER	
PETER LIU	OLG	
Michael S. Weiss	Office of the Mayor	
Matthew Lend	LIUNA/SELDC	
Bianca Caviglia	FSD	

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Sign-In Sheet

Miami-Dade County P3 Task Force

January 6, 2016, 2:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
Jose A. Galan	ISO/REDO	
DAVID ALVAREZ	CPM North America	
David Dixon	MAT	
Charles Robinson	MAT	
FRANK HEINTON	LENANCE	
Cynthia Hernandez	AFC-CID	
ERIC ZICHNER	P3 MANAGEMENT	
Mylene Riquelme/Hernandez	LEADERS FOUND	
Antonio Rosado	TUDPAT	
Ralph Rosado	Rosado & Assoc.	

P3 1 of 3

Sign-In Sheet

Miami-Dade County P3 Task Force

January 21, 2016, 1:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
Bill Erstrom	The Work Group	[Signature]
DIANA GONZALEZ	ENTERPRISE FLORIDA	[Signature]
VICTOR HERRERA	WADE TRIM	[Signature]
Matthew Land	LILIANA/SELDC	[Signature]
CHRIS HODDENES	MIAMI TUNNEL	[Signature]
George Burgess	Books + Political	[Signature]
Dennis Houlihan	AFSCME	[Signature]
Cynthia Hernandez	SF AFL-CIO, CLC	[Signature]
David Dambrose	HOSPITALITY PPP SNA	[Signature]
Kate Speir	HOSPITALITY PPP SOLUTIONS	[Signature]
Michael J. Weiss	Office of the Mayor	[Signature]
David Racine	ISD/FUAD	[Signature]
Humberto Alonso	ATKINS	[Signature]
CARLOS DIAZ-PADRON		[Signature]

Task force member = M

Page 3

Sign-In Sheet

Miami-Dade County P3 Task Force

January 21, 2016, 1:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
RICHARD GUTER	TGSU FEAT. INC.	
Andy Madtes	AFScene	
Fernando Craveiro	PCL Construction	
Andrew Z Anwoyski	MD ISD	
JAY FLASER	TURKLE CONSTRUCTION COMPANY	
RONAN E. FARREN	Retired Agent	
OSI RIND	AFSCME 121	
MAURICE OTTEO	AFSCME 121	
Irela Bague	Bague Group	
Gabino Cuevas	Cherokee Enterprises, Inc.	
David Alvarez	CPM NA	
Andres Lora	(ISD)	
ROBERT WARREN	MD-RER	
Theresa Therilus	MD-ISD	

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Task Force Member = M

Sign-In Sheet

P3FB

Miami-Dade County P3 Task Force

January 21, 2016, 1:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
RAMON CASTELLA	STANTEC	
ERIC ZICHELLA	P3 MGMT	
CHRISTIAN WILKINSON	Edge Communications	
John M. Cal	OFIU	
Bill Riley	Gray Robinson	
Jose A. Galan	MCC-FSD	
Isabella Ballester	SUEZ North America	
NICK SEBIANNI	EZY	
Rae-Anne	IBSV	

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Task Force Member = M

2 of 2
2015

Sign-In Sheet

Miami-Dade County P3 Task Force

January 27, 2016, 1:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
Alan Eichenbaum	So Fla Bldg + Construction Trades	
Rose Simpson	So Fla Bldg Trades	
Indira Maria	Gazitua	
DIANA MORALES	ENTERPRISE PAPER	Diana Morales
Bill Erstrom	The Walsh Group	Bill Erstrom
Dan Chatlos	Commissioner Juan Zapata	Dan Chatlos
Angel S Dominguez	Iron Workers International	
Matthew Lind	SEUOC/LIUNA	
Michael S. Weiss	OPBA or the Mayor	
MARGARET CULLEN	Consulate General of Canada	Margaret Cullen
George Burgess	Becker + Tolakoff	
Rich Crooks	ETA CONSULTING INC	
John M. Cull	FIU	
EDUARDO GOMEZ	IGSV	

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M - Member

Pg 2 of 2

Sign-In Sheet

Miami-Dade County P3 Task Force

January 27, 2016, 1:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
Bill Riley	Greg Robinson	
Chris Anderson	MAMI TURNER	
DANIEL ALVAREZ	CPM North America	
ISABELLA BAULESTAS	SUEZ NOEHA AMERICA	
ROBERT WARREN	MDC-REER	
NICK SERIANNI	E&Y	
RONALD FRAZIER	Retired ARCHITECT	
Ralph Posado	Posado & Associates	

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Sign-In Sheet

Miami-Dade County P3 Task Force

February 3, 2016, 2:30 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

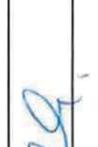
Name - Print	Organization	Signature
Michael S. Weiss	Officer of the Mayor	
Rich Crooks	EAH Consulting Law	
George Bossess	Becker & Poliakoff	
John M. Cal	FIU	
Judy Wright	Afscme	
Peter Liu	OIG	
Matthew Land	SELDC/LIUNA	
Alex Sarandrea	The Sarandrea Group	
Bianca Chris (ia)	MDC FSD	
Isabella Ballesmas	SUEZ NORTH AMERICA	
Christian Ubert	Edge Communications	
CHRIS HODGKINS	Miami Tunnel	
Eduardo W. Gonzalez	County Attorney's Office	
RONALD FRAZIER	Retired Architect	

M- Member

Sign-In Sheet

Miami-Dade County P3 Task Force

February 3, 2016, 2:30 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
CARLOS DIAZ-PADRON		
Margaret En la	Censalabe beauty center	
ROBERT WARREN	MD-REP	
ERIC ZICHEVA	P3 MANAGEMENT	
Cynthia Hernandez	AFL-CIO	
Maritza Ramos	BEA Architects	
NICK SERIANI	FRIST & YOUNG	
DANA GONZALEZ	ENTERPRISE PA.	

M-Members

Sign-In Sheet

Miami-Dade County P3 Task Force

February 11, 2016, 12:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
M David L Dixon		
M Bill Ernstrom	The Walsh Group (Architectural Western)	
Michael J. Weiss	Office of the Mayor	
Jek Dval	ISD	
Bianca Caviglia	FSD	
PETER LIU	OIG	
M DEANA M. BLOMBERG	EFT	
Han Eichenbaum	So Fla Bldg Trades	
Eduardo W. Gonzalez	CAO (County Attorneys)	
M CHRIS HOOGKAMP	MIAMI TOWER	
NICK SERAPHINI	E&Y	
Frick Valderama	MCM	
M FERRAN GOMEZ	RESV	
ROBERT WARREN	MDC-RER	

M-Members

Sign-In Sheet

Miami-Dade County P3 Task Force

February 11, 2016, 12:00 P.M., Children's Courthouse, 155 NW 3 Street, Conference Room B

Name - Print	Organization	Signature
Matthew Land	LILWA/SELDC	
CHRISTIAN LEVET	EDGE COMM	
George Burgess	Becker & Polikoff	
RONARD FRAZER	Retired Architect	
ERIC ZEBEL	P3 MANAGEMENT	
Rob Grooms	ETC CONSULTING, INC	
John M. Cal	FIU	
Cynthia J. Hernandez	AFL-CIO	
Jose A. Galan	MDD-ISO	

M- members

Sign-In Sheet

Miami-Dade County P3 Task Force

February 12, 2016, 2:00 P.M., Stephen P. Clark Center, 111 NW 1 Street, 24th Floor DCSD
Conference Room

Name – Print	Organization	Signature
George Burgess	P3 Task Force Member	
Diana Gonzalez	P3 Task Force Member	
Chris Hodgkins	P3 Task Force Member	

EXHIBIT 4
Meeting Attendance Matrix

Attendance Matrix

Members	10/14/2015		10/28/2015		11/4/2015		11/18/2015		12/2/2015		12/9/2015		12/16/2015	
	2:00 PM - 5:00 PM	Full Task Force	9:00 AM - 12:00 PM	Full Task Force	2:00 PM - 5:00 PM	Full Task Force	2:00 PM - 5:00 PM	Full Task Force	9:00 AM - 12:00 PM	Full Task Force	2:00 PM - 5:00 PM	Sub-Committee	2:00 PM - 5:00 PM	Full Task Force
1 Andy Madtes				✓		✓						✓		
2 Bill Ernstrom	✓		✓				✓		✓			✓		
3 Carlos Diaz-Padron	✓		✓			✓		✓		✓				
4 Chris Hodgkins	✓		✓			✓		✓		✓				
5 Christian B. Ulvert	✓		✓			✓		✓		✓				✓
6 David L. Dixon	✓		✓			✓		✓		✓				✓
7 Diana Gonzalez	✓		✓			✓		✓		✓				✓
8 Enrique "Rick" Crooks	✓		✓			✓		✓		✓				✓
9 George Burgess	✓		✓			✓		✓		✓				✓
10 John M. Cal				✓		✓		✓		✓				✓
11 Margaret Cullen				✓		✓		✓		✓				✓
12 Ralph Rosado PhD	✓		✓			✓		✓		✓				✓
13 Richard M. Gomez	✓		✓			✓		✓		✓				✓
14 Ronald Frazier	✓		✓			✓		✓		✓				✓
15 William W. Riley Jr. ESQ.	✓		✓			✓		✓		✓				✓
TOTAL	12	12	14	13	11	11	11	11	12	10	8	10	10	10

Attendance Matrix

Members	12/21/2015		1/6/2015		1/21/2015		1/27/2015		2/3/2016		2/11/2016		2/12/2016	
	2:00 PM - 5:00 PM	Sub-Committee	2:00 PM - 5:00 PM	Full Task Force	1:00 PM - 4:00 PM	Full Task Force	1:00 PM - 4:00 PM	Full Task Force	2:30PM - 4:30 PM	Full Task Force	12:00PM - 4:00 PM	Full Task Force	2:00PM - 3:00PM	Sub-Committee
1 Andy Madtes						✓				✓				
2 Bill Ernstrom	✓		✓			✓		✓		✓				
3 Carlos Diaz-Padron						✓			✓					
4 Chris Hodgkins	✓		✓			✓		✓		✓				✓
5 Christian B. Ulvert	✓		✓			✓		✓		✓				✓
6 David L. Dixon			✓			✓		✓		✓				✓
7 Diana Gonzalez			✓			✓		✓		✓				✓
8 Enrique "Rick" Crooks	✓		✓			✓		✓		✓				✓
9 George Burgess	✓		✓			✓		✓		✓				✓
10 John M. Cal	✓		✓			✓		✓		✓				✓
11 Margaret Cullen	✓		✓			✓		✓		✓				✓
12 Ralph Rosado PhD	✓		✓			✓		✓		✓				✓
13 Richard M. Gomez	✓		✓			✓		✓		✓				✓
14 Ronald Frazier	✓		✓			✓		✓		✓				✓
15 William W. Riley Jr. ESQ.	✓		✓			✓		✓		✓				✓
TOTAL	8	8	12	11	12	11	12	12	10	10	10	3	3	3

EXHIBIT 5
Presentations Made to the Task Force

Rebecca Brooks

National Council for Public Private Partnerships

Considerations for Establishing a Successful P3 Program

Dec. 2, 2015

**CONSIDERATIONS FOR ESTABLISHING
A SUCCESSFUL P3 PROGRAM**

REBECCA BROOKS, PE
rbrooks@hwlochner.com
 on behalf of NCPPP

LOCHNER

OVERVIEW

- P3 Program Considerations
- Characteristics of Successful P3 Programs
- Legal Framework Considerations
- Other Considerations
- Questions?

LOCHNER

P3 PROGRAM CONSIDERATIONS

Is the legal framework in place?

- Enabling legislation?
- Rules and policies (existing or P3-specific)?

How will the program be structured?

- Dedicated vs non-dedicated staff?
- Roles of other agency staff?
- Outside support?

What processes will be used?

- Program processes?
- Project processes (identification, evaluation, development, procurement, & implementation)?
- Stakeholder involvement?

LOCHNER

**CHARACTERISTICS OF
SUCCESSFUL P3 PROGRAMS**

Legal Framework

- Provides a statutory foundation for each P3
- Establishes transparency
- Establishes a competitive proposal process
- May or may not include an unsolicited proposal process

Organizational Structure

- Strong leadership
- Dedicated P3 program/project staff who are involved from conceptualization through execution and monitoring of the P3
- Assigned project champions
- Supported by other agency staff as needed
- Supported by technical, legal, & financial P3 experts

LOCHNER

CHARACTERISTICS OF SUCCESSFUL P3 PROGRAMS

Processes

- Established program procedures/policies/guidelines
- Established project procedures/policies/guidelines
- Provide transparency
- Provide consistency
- Actively involve stakeholders (early & often)
- Provide ample opportunities for private sector input on projects through industry forums and one-on-one meetings with proposers
- Utilize best value selection

LOCHNER

CHARACTERISTICS OF SUCCESSFUL P3 PROGRAMS

Processes (continued)

- Seek to design partnerships that are both in the public interest and attractive to private investors. Leverage the different perspectives to create value for both parties.

Public sector Perspective	Private sector Perspective
Seeks to address needs by developing projects	Sees the process in terms of negotiated transactions
Seeks to address the concern of stakeholders	Seeks to generate dividends for its stockholders
Applies and complies with prescriptive, standard operating procedures designed to provide uniformity, minimize risk, and build consensus among stakeholders (process driven)	Demands greater flexibility and expediency to arrive at the final objective (outcome driven)
Develops projects to achieve policy goals	Interested in competitive return on investment
Seeks to share information with the public to ensure public participation and accountability (transparency)	Protects intellectual property and the competitive advantages derived from innovations (confidentiality)

Source: Establishing A Public-Private Partnership Program: A Primer, US DOT FHWA, November 2012

LOCHNER

LEGAL FRAMEWORK CONSIDERATIONS

Legal issues addressed through statute, policy, or contract

Issue Type	Description
Primary statutory issues, which are typically addressed through state legislation	<ul style="list-style-type: none"> • Types of P3 agreements permitted • Authority to enter into P3 agreements • Authority to approve or review P3 agreements • Types of projects permitted • Types of financing/subsidies permitted • Public uses of proceeds • Ability to hire external advisors • Types of procurement permitted • Whether unsolicited proposals are permitted • Whether bidder spends are permitted • Whether administrative fees are permitted • Whether to require performance security • Criteria to select P3 projects • Criteria to select bidders • Length of contract term • Rates and rate setting mechanisms • Allocation of risks • Revenue sharing • Dispute resolution • Buy back provisions • Refinancing provisions • Ongoing performance audits or reports
Issues typically addressed through policy and/or statute (May be addressed in legislation to authorize or clarify specific capabilities, but the details are typically addressed through program policy)	
Issues typically addressed through contract and/or statute (Typically addressed in contracts, although general parameters may be set by statute or policy)	

Source: Establishing A Public-Private Partnership Program: A Primer, US DOT FHWA, November 2012

LOCHNER

LEGAL FRAMEWORK CONSIDERATIONS

AO working draft dated 11/03/15

- Identifies the types of P3s permitted
- Identifies the types of P3 projects permitted
- Provides for encouraging competition and best value selection
- Describes a process for establishing "qualifying projects"
 - Consider establishing what constitutes a qualifying project or how the designation is determined

Qualifier: I have not had the opportunity to review the AO working draft in detail, and, therefore, cannot provide specific comments. The observations noted above are based on a brief scan of the document and are subject to change based on further review. **LOCHNER**

LEGAL FRAMEWORK CONSIDERATIONS

AO working draft dated 11/03/15 (continued)

- Establishes a process for evaluating qualifying projects to determine if the projects should advance to P3 procurement
 - Consider including a risk assessment as part of the evaluation.
- Permits the engagement of qualified professionals, including technical, legal, and financial advisors
 - The language appears to be specific to project evaluations, development, and procurement. Consider addressing implementation support.

Qualifier: I have not had the opportunity to review the AO working draft in detail, and, therefore, cannot provide specific comments. The observations noted above are based on a brief scan of the document and are subject to change based on further review. **LOCHNER**

LEGAL FRAMEWORK CONSIDERATIONS

AO working draft dated 11/03/15 (continued)

- Establishes various provisions to be included in the P3 agreement
 - A number of existing statutes are incorporated by reference. These statutes should be carefully reviewed to determine their impact on P3 projects. Some provisions may need to be modified to meet the unique needs of the P3 program.
 - Consider addressing stipends.

Qualifier: I have not had the opportunity to review the AO working draft in detail, and, therefore, cannot provide specific comments. The observations noted above are based on a brief scan of the document and are subject to change based on further review. **LOCHNER**

OTHER CONSIDERATIONS

Consider the need for additional policies/guidelines to describe the P3 program processes

- Consider program functions as well as all phases of a P3 project (identification and evaluation, development, procurement, & implementation)
- Seek out input on draft policies/guidelines from the industry, stakeholders, and the public

Consider P3 program staffing needs

- Tailor to meet the specific needs of the program
 - Dedicated staffing needs could include a P3 program director, one or more project managers/coordinators, administrative staff or other support staff
 - Support staff could also be provided by other agency departments and/or consultants
 - Consider retaining program consultants with a broad scope of services to address all of the potential project types that are permitted

LOCHNER

OTHER CONSIDERATIONS

Consider the need for training for P3 program/project staff and key stakeholders

- Training needs may include:
 - An introduction to P3s
 - The P3 procurement process
 - P3 Implementation: (the agency roles under a P3 are very different than under traditional delivery)
 - Evaluation and selection training
 - ATC evaluation training (if applicable)
 - Risk assessment overview

LOCHNER

QUESTIONS?

Rebecca Brooks, PE
Vice President
Lochner
Rbrooks@hwlochner.com

LOCHNER

Mark Romoff, President and CEO

Canadian Council for PPP

The Canadian P3 Experience

Dec. 16, 2015

The Canadian Council for Public-Private Partnerships

The Canadian P3 Experience

Mark Romoff
President & Chief Executive Officer

Miami-Dade P3 Task Force
December 16, 2015




Infrastructure Investment The Global Challenge

2



Infrastructure Investment

- Drives Jobs
- Drives Growth + Prosperity
- Drives Global Competitiveness

But some realities....

3



Infrastructure Challenge

Infrastructure Deficit
+
Fiscal Reality
+
Faster, Cheaper, Better
≈
Innovative Approaches

4



Canadian P3 Market

5



P3 Projects by Sector

Sector	Number*	Value (\$B) **
Transportation	54	49.6
Hospitals & Healthcare	88	24.7
Justice/Corrections	19	5.9
Energy	7	5.5
Education	14	1.9
Recreation & Culture	19	1.7
Environmental	24	1.2
Real Estate	4	0.9
Defence	2	0.9
Government Services	4	0.5
IT Infrastructure	2	0.0
Total	237	92.8+

* 205 projects in operation or under construction; 32 in procurement.
 ** Includes only actual cost figures released after financial close.

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P3 Projects by Jurisdiction

Provincial	172
Municipal	50
Federal	11
Aboriginal	4
Total	237

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Canada's P3 Model

8

Canadian P3 Models

Model	Number
Build Finance	35
Design Build Finance	20
Design Build Finance Maintain	74
Design Build Finance Maintain Operate	62
Design Build Finance Operate	21
Other	25
Total	237

Canada's P3 Results

Canadian P3 Results

- **On Time**
- **On Budget**

Economic Impact (2003 - 2012)

- **290,680 Direct Jobs**
- **\$25.1B Contribution to Direct GDP**
- **\$9.9B Cost Savings**
- **\$7.5B Tax Revenue**

Success Factors: Canadian P3 Model

- **Committed Governments**
 - P3 Champions
 - Consistent Deal Flow
- **Strong Legal Framework**
- **Value for Money**
 - Performance-based Contracts
 - Appropriate Risk Transfer
 - Built-in Lifecycle Maintenance

**Success Factors:
Canadian P3 Model**

- **Deep Financing Markets**
- **Public sector expertise**
 - Institutionalized through dedicated agencies
 - Standardized Documentation
- **Procurement**
 - Competitive
 - Efficient
 - Transparent and fair

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Le Conseil canadien pour les Partenariats Public-Privé

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**Success Factors:
Canadian P3 Model**

Labour Transition Best Practices

- **Early, Open & Honest Dialogue**
- **Meaningful Engagement**
- **Successor Rights Protocol**
- **Local Knowledge Criteria**

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Canadian P3 Agencies

- **Provincial**
 - Infrastructure Ontario
 - Partnerships BC
 - Alberta Infrastructure
 - Infrastructure Québec
 - Partnerships New Brunswick
 - SaskBuilds
- **Federal**
 - PPP Canada

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Public perception of P3s

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2013 P3 Pulse

National Survey

- 62% support of P3s
- Broad support across sectors

Community Surveys

Project	Support
Moncton Water Treatment Plant	73%
Winnipeg Disraeli Bridges	66%
Sault Area Hospital	63%



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Cross Canada Focus Groups: Results

- **New infrastructure is critically needed**
- **Positive view of P3s:**
 - Fast delivery
 - Innovation
 - Managing Risks
- **Governments viewed as inefficient in delivering infrastructure**
- **Communication, communication, communication**

18

Elite Consultations: What decision makers think

- **People do not care how it is procured, they want it built and they want it built today**
- **It is difficult at times to explain P3 benefits until the project is built**
- **Jobs! Jobs! Jobs!**

19

Top Ten P3 Myths

- 1. P3s mean privatisation**
- 2. P3s mean loss of public control**
- 3. P3s are more expensive**
- 4. P3s are bad for small contractors**
- 5. P3s are bad for local contractors**

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 In Infrastructure and Public Works

Top Ten P3 Myths

- 6.** P3s are secretive
- 7.** P3s maximise private sector profits
- 8.** The public sector is on the hook if things go wrong
- 9.** Unions do not like P3s
- 10.** The general public does not like P3s

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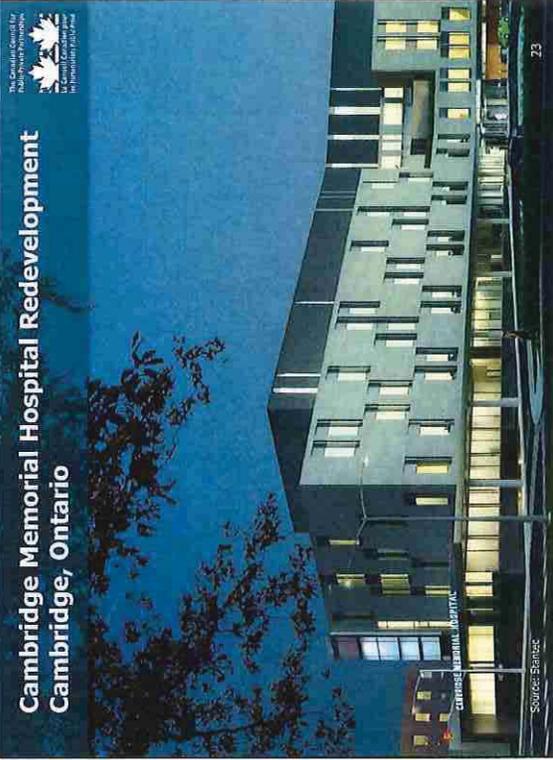
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 In Infrastructure and Public Works

Canadian P3 Projects

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The Ontario Council for Public-Private Partnerships
 In Infrastructure and Public Works

Cambridge Memorial Hospital Redevelopment Cambridge, Ontario

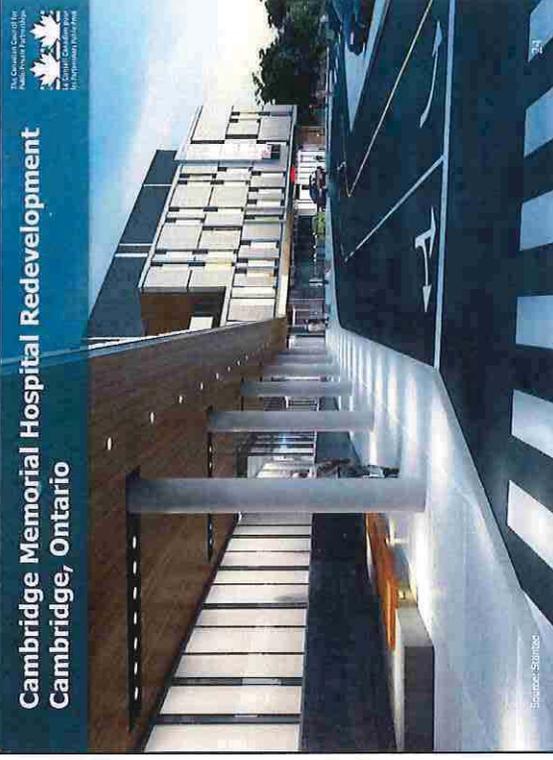


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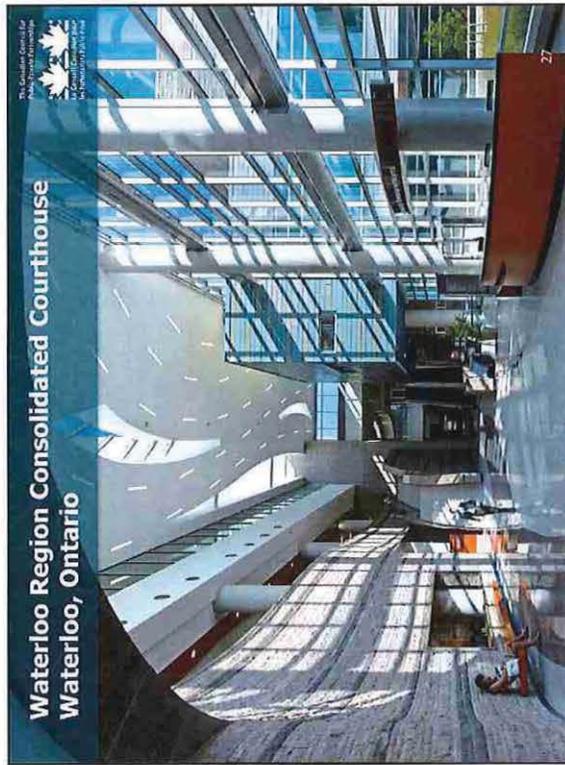
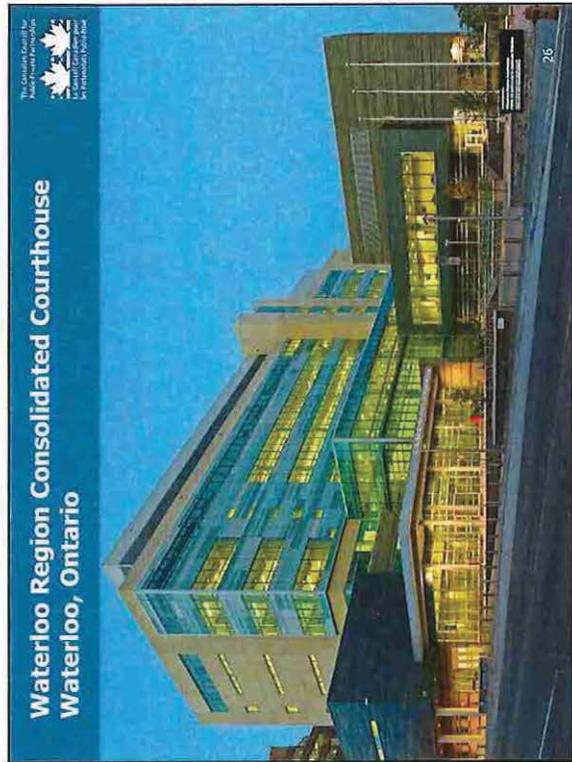
The Ontario Council for Public-Private Partnerships
 In Infrastructure and Public Works

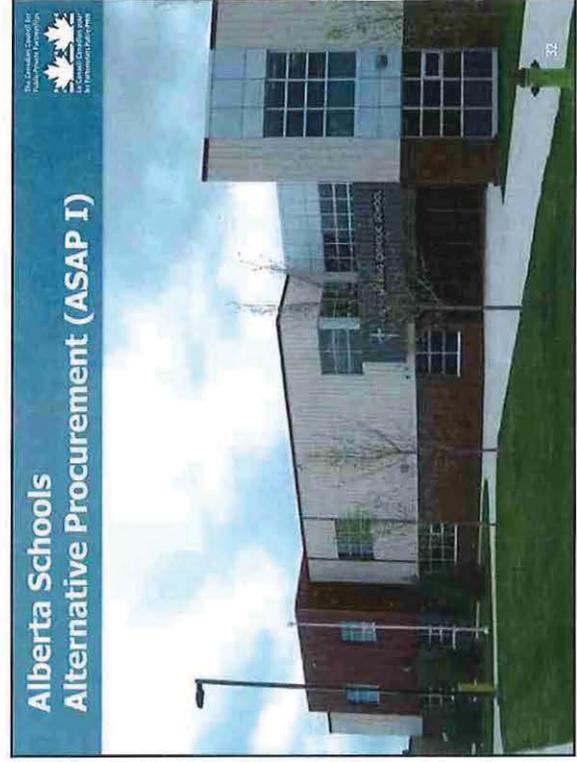
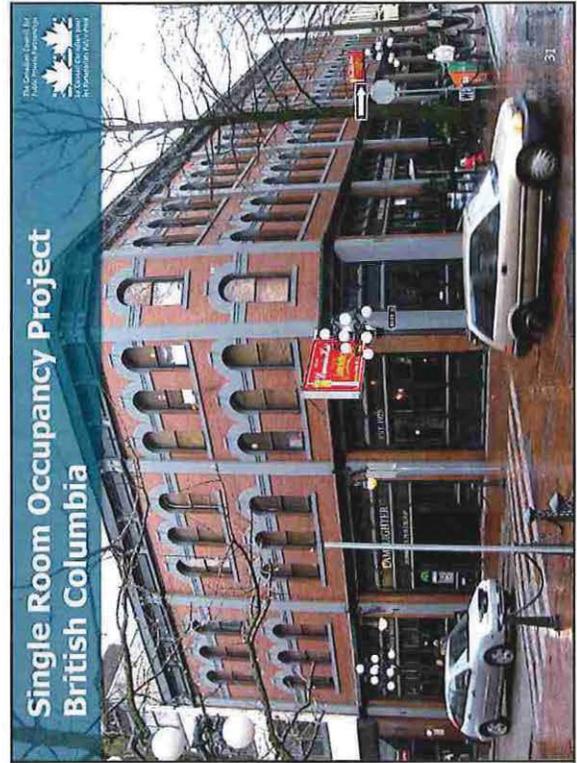
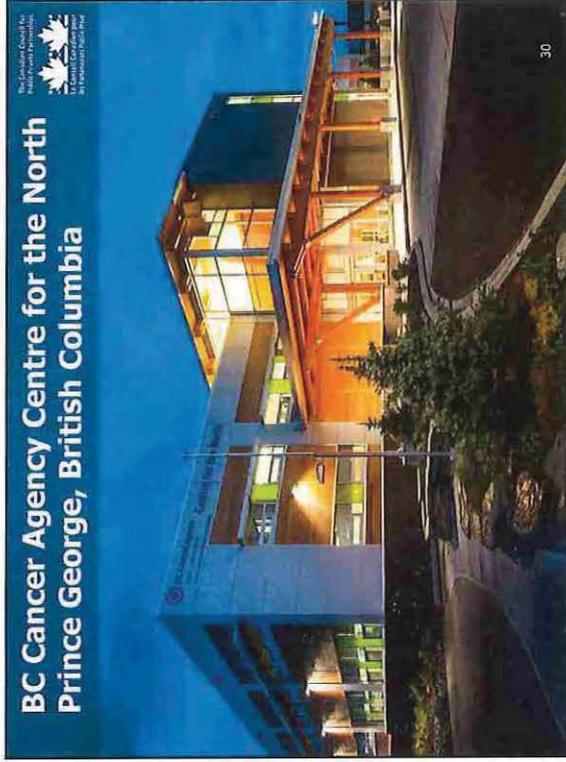
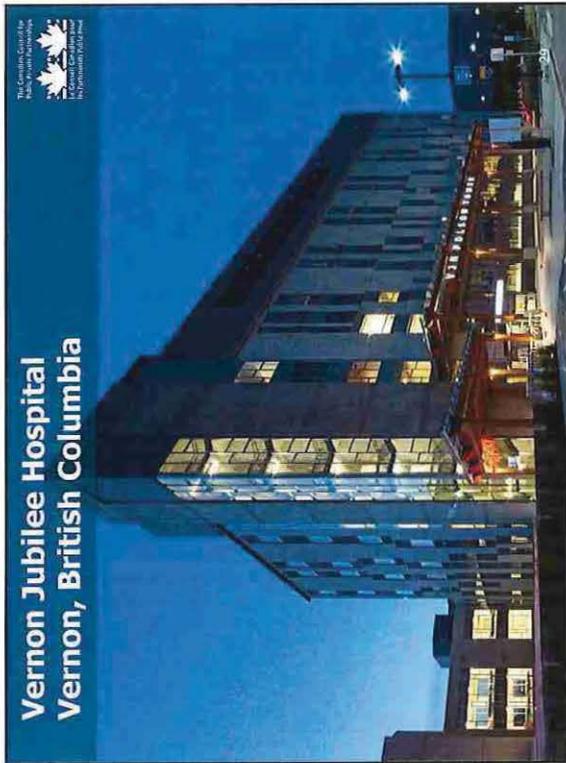
Cambridge Memorial Hospital Redevelopment Cambridge, Ontario

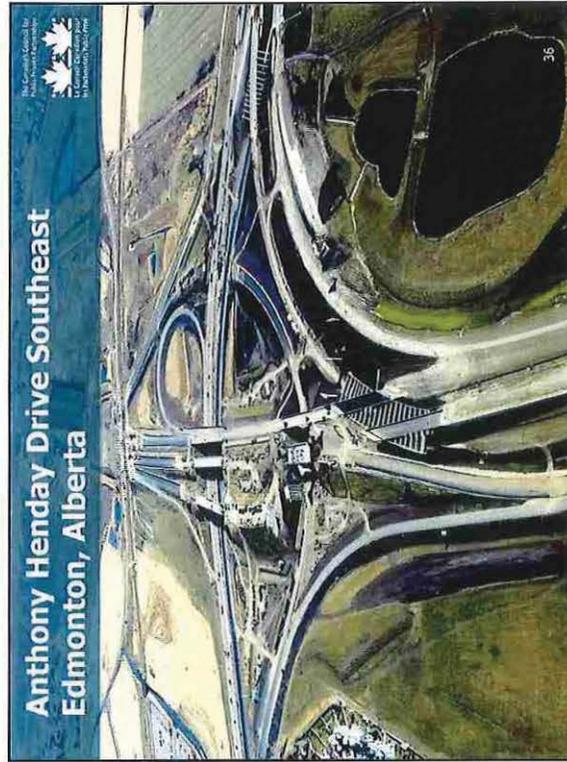
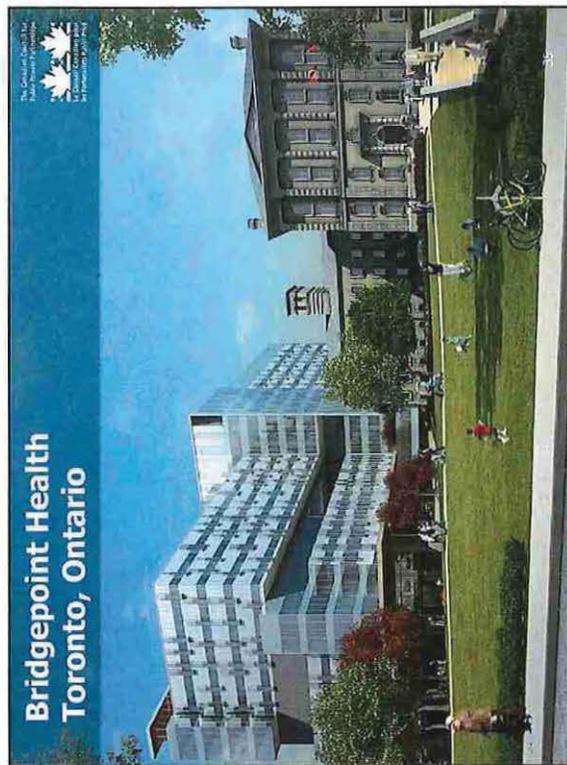
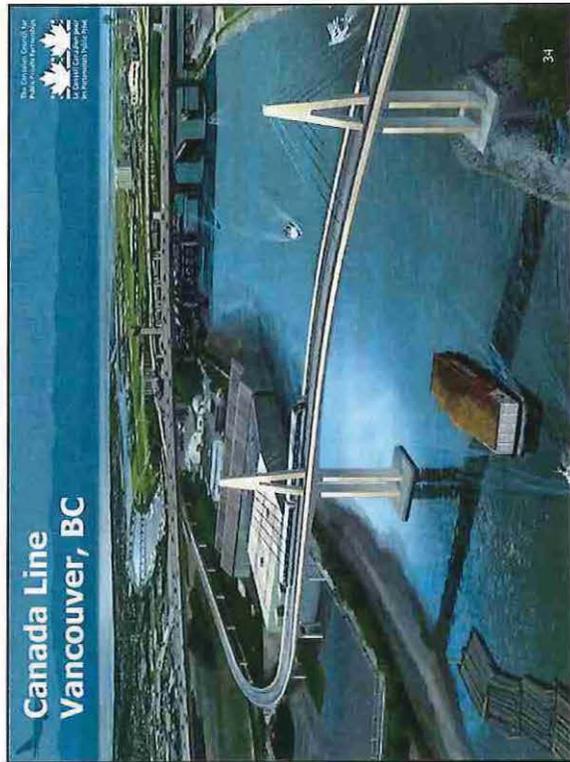
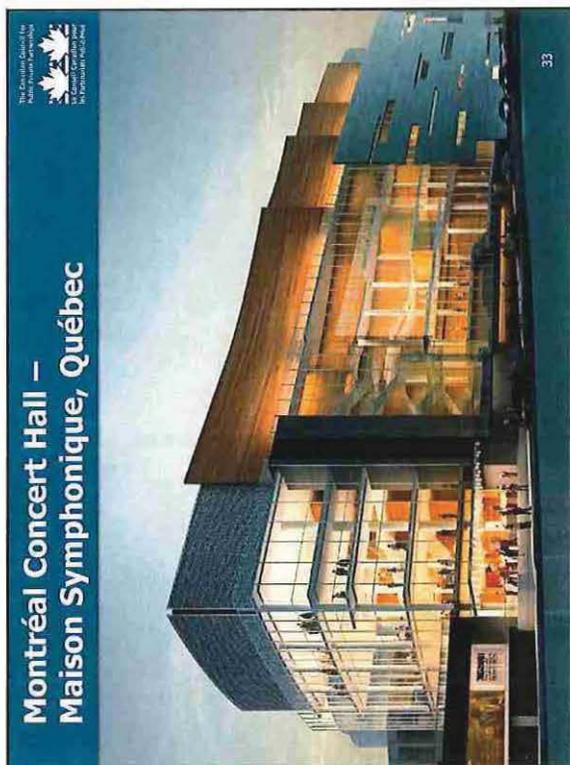


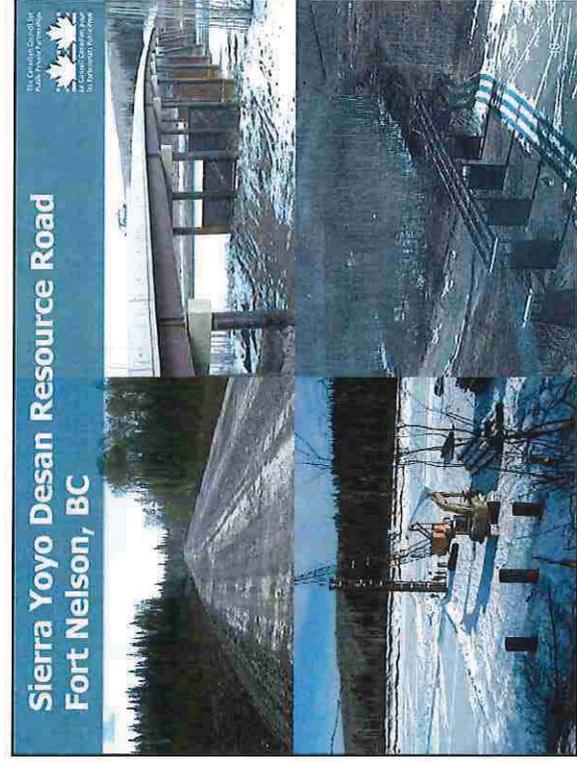
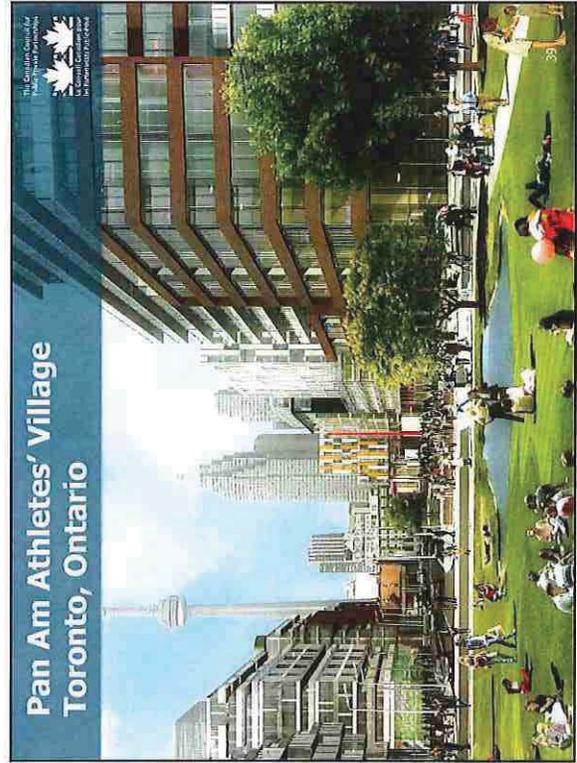
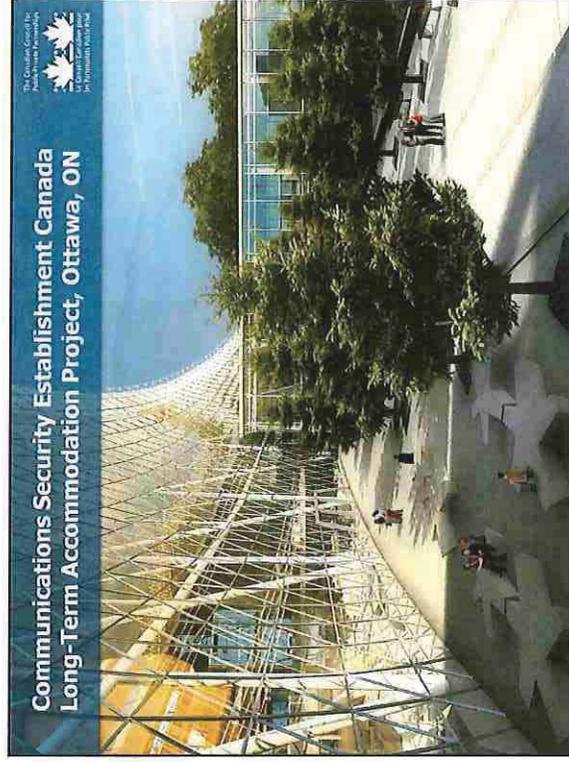
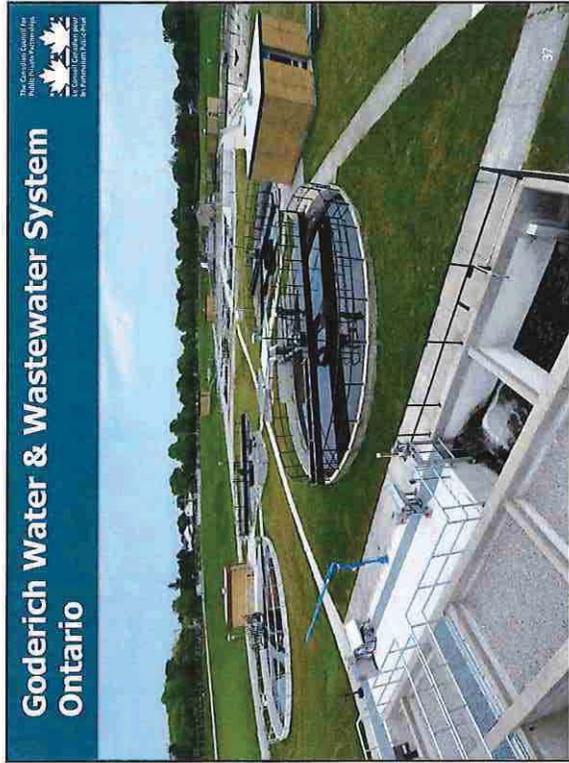
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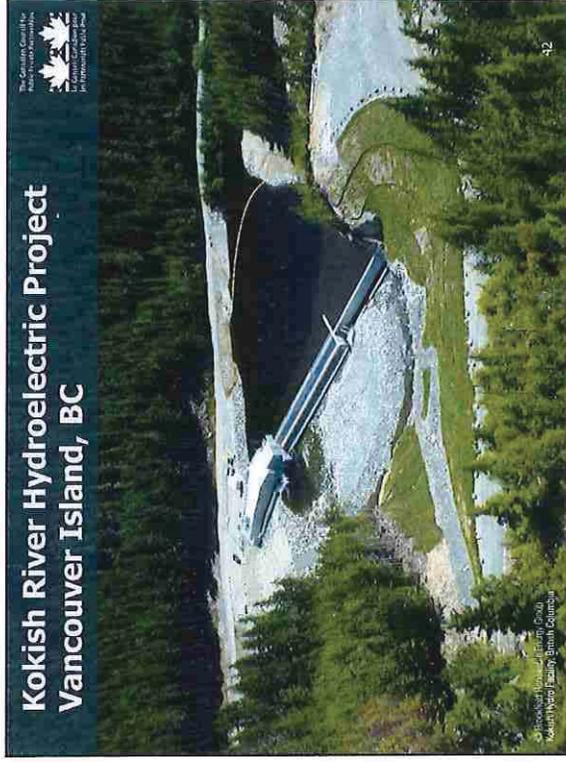
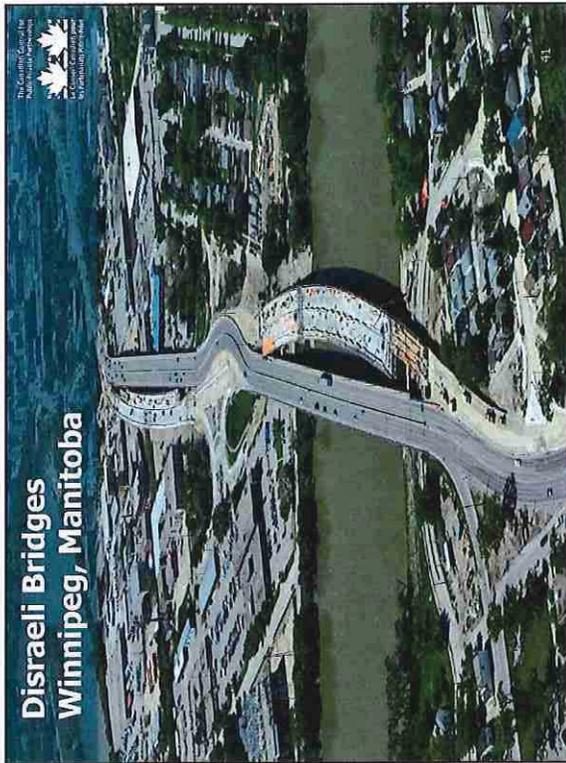
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Next Generation of Canadian P3

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The Next Generation of P3 in Canada

Sectors

- **Urban Transit**
- **Water/Wastewater**
- **Affordable Housing**
- **Sustainable Infrastructure**
- **Broadband**
- **Government Services**

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The Council for Public-Private Partnerships
Le Conseil Canadien des Partenariats Public-Privé

About CCPPP

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The Council for Public-Private Partnerships
Le Conseil Canadien des Partenariats Public-Privé

CCPPP Mission

To promote innovative approaches to infrastructure development and service delivery through public-private partnerships with all levels of government

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The Council for Public-Private Partnerships
Le Conseil Canadien des Partenariats Public-Privé

Who We Are

- **Founded in 1993**
- **Non-profit**
- **Member-sponsored**
- **Non-partisan**
- **National Representation**
- **International Members**

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The Council for Public-Private Partnerships
Le Conseil Canadien des Partenariats Public-Privé

What We Do

- **Promote collaborative partnerships between public sector agencies/departments and industry**
- **Educate stakeholders and the community on the economic and social benefits of P3s**
- **Advocate for evidence-based public policy in support of P3s**
- **Facilitate the adoption of international best practices**
- **Promote Canada's P3 model and expertise globally**

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The Canadian Council for Public-Private Partnerships
 Home | Help | Register | Contact Us | CCPP3 Website | User Login

Project Database

THE CANADIAN COUNCIL FOR PUBLIC-PRIVATE PARTNERSHIPS
 CANADIAN PPP PROJECT DATABASE

Market Snapshot: 419

PROJECT SEARCH

Province:

Sector:

Current Stage:

Government Level:

Project Name:

MISSION SEARCH

Keywords:

Date Range:

ALL PROVINCES

- Canada - 2
- Education - 18
- Environ - 7
- Environment - 24
- Government Services - 4
- Hospitals & Healthcare - 06
- IT Infrastructure - 2
- Infrastructure - 10
- Rail Estate - 4
- Recreation & Culture - 19
- Transportation - 24
- Total - 227

The Canadian Council for Public-Private Partnerships

2014 National Awards Case Studies

MODERN MEETS HISTORIC: LANDMARK COURTHOUSE

POWER P3 - FINANCING A NEW ASSET CLASS IN CANADA

DELIVERING CLEAN AND SAFE WASTEWATER FOR A GROWING CITY

50

24th Annual P3 Conference

November 14th and 15th
 Sheraton Hotel and Conference Centre
 Toronto, ON

www.p3-2016.ca

The Canadian Council for Public-Private Partnerships
 Le Conseil Canadien pour les Partenariats Public-Privé

Mark Romoff
 President and CEO

55 University Avenue, Suite 608
 Toronto, ON M5J 2H7

Direct Tel: 416.861.9917
 Tel: 416.861.0000
 Email: romoff@pppcouncil.ca
 @markromoff

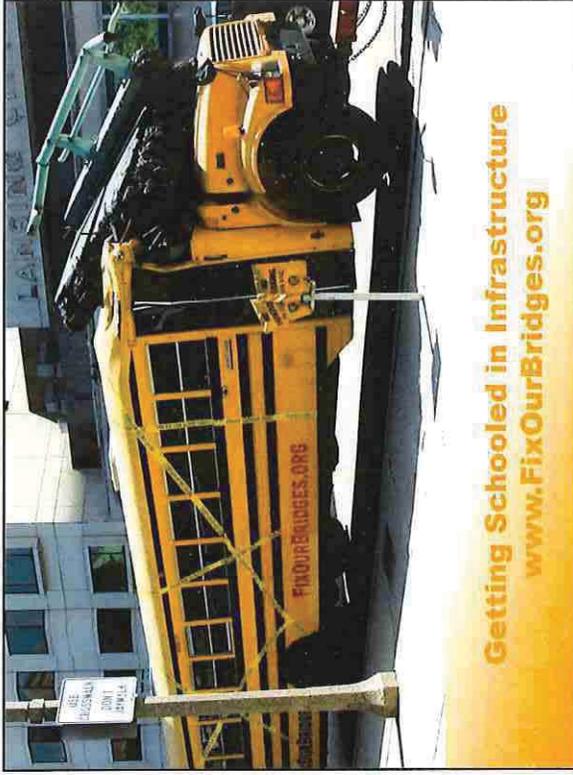
www.pppcouncil.ca @pppcouncil

Erin Hutson, Director Corporate Affairs Department

LIUNA

Getting Schooled in Infrastructure Tour

Dec. 16, 2015



And Finally, I want to share a bit about the messaging and advocacy campaign that LIUNA is working on to push Congress for full investment long term highway bill.. And investment in the fund will actually run dry in August if Congress doesn't do anything. That means any future project that use federal dollars are canceled or don't move forward.

It also means our roads and bridges continue to decline. Nearly 1 in 4 bridges are deficient now and poor road conditions contribute to fatalities – that's 10,000 lives lost needlessly every year.

Letting the Highway Trust Fund dry is a serious issue. The US House passed a short-term patch which is actually a huge problem because they pushed out the deadline to May – and given that it's an election year there will be no ability for Congress to deal with this in a serious way. So the heat is on the Senate right now to get a better proposal.

That's the legislative issue. Our campaign was meant to really raise the heat on members of Congress who have left things to the last minute and really don't want to address the issue by saying look at this bus – this could happen in almost every city in America – there are that many deficient bridges.

Getting Schooled in Infrastructure Tour

- Tour to raise awareness and push Congress on Highway Bill
- 6,000+ miles, 70+ Congressional Districts
- Media coverage in papers, tv, radio
- Billboards, radio ads, online ads
- Member calls and emails to Congress

www.FixOurBridges.org **LiUNA!**

So the tour has stopped in Ohio, Pennsylvania, Missouri, Indiana, Illinois, Georgia, Tenn, Kentucky, and Virginia,

We have parked in front Members of Congress’s office. We have staged events in all of the major cities – and our locals in the field have been amazing in lining up elected leaders and contractors to stand with us at press conferences – to call on Congress to do something.

Senators, state reps, mayors, county commissioners – that complete gamut of elected officials have stood with us in this effort.

We also have billboards up in several cities and are running radio ads and online ads in target areas.

What’s amazing is that in areas where we have paid ads in addition to the free media – everyone knows about the crushed school bus. When we were in Dayton Ohio – I was handing out flyers at a concert with the bus – several people oh yeah I heard about it last night.

So the fight isn’t over and the International to try and raise public awareness and pressure congress but if a short term patch goes through Senate – the immediate push will likely be in May 2015

Jane Campbell, Director Washington Office
National Development Council
Office of Public Policy & Advocacy

Dec. 16, 2015



MIAMI-DADE COUNTY
Public Private Partnership Task Force

Public – Private Partnerships: The American Model

Presented by National Development Council
December 16th, 2015

Who We Are



NATIONAL DEVELOPMENT COUNCIL

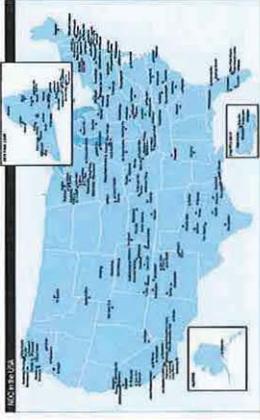
The National Development Council's (NDC's) mission is to increase the flow of capital to distressed urban and rural communities for investment, jobs and community development.

<p>CAPACITY</p> <p>Technical Assistance</p>  <p>Technical Assistance – NDC field directors and business finance initiatives</p> <p>Training & Certification</p>  <p>Training – NDC instructors teach skills and knowledge needed to successfully facilitate housing and economic development projects</p>	<p>Corporate Equity Fund</p>  <p>Corporate Equity Fund – NDC serves as a development partner as well as providing syndicated investments in low income and historic tax credits on LMI as well as WINBIE businesses</p>	<p>Grow America Fund</p>  <p>Grow America Fund – NDC creates jobs through SBA lending that focuses on LMI as well as WINBIE businesses</p>	<p>FINANCING & DEVELOPMENT</p> <p>HEDC</p>  <p>Homeownership & Economic Development Corporation (HEDC) – NDC finances affordable housing and job training on behalf of rural communities through public-private partnerships and new markets tax credits</p>
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NATIONAL DEVELOPMENT COUNCIL
Advancing the Community Development Sector's Role

Where we work



Community Impact

- Assisted hundreds of client communities design financing packages for critical development projects
- Trained more than 60,000 practitioners in the art and science of economic and housing development through local training programs and a national NDC Training Academy
- Raised over \$50 million in equity for affordable housing and historic preservation projects
- Developed and financed over \$2.5 billion in tax-exempt bond financed projects
- Landed more than \$201 million to over 514 small businesses (of which 49 percent are minority or women-owned businesses), creating and retaining nearly 13,000 permanent jobs and underserved neighborhoods
- Financed 87 projects using NMTCs, leveraging an additional \$1.7 billion in financing for public facilities, mixed-use real estate projects and growing businesses

NDC is America's most experienced national non-profit community development organization.



NATIONAL DEVELOPMENT COUNCIL
Advancing the Community Development Sector's Role

Technical Assistance & Training

<p>IMPACT CAPACITY</p> <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; padding: 5px; background-color: #e0f0ff;"> <p>Affordable Housing</p> <ul style="list-style-type: none"> COBG and HUD 108 New Markets Tax Credits Public Private Partnership Administration Programs Historic Rehabilitation Tax Credits Renewable Energy Tax Credits Low Income Housing Tax Credits Affordable Housing Strategies </div> <div style="border: 1px solid black; padding: 5px; background-color: #e0f0ff;"> <p>Community Investment</p> <ul style="list-style-type: none"> U.S Department of Agriculture Rural Development State and Local Programs SBA Lending HOME Investment Partnerships Program (HOME) CDFI and Revolving Loan Fund </div> <div style="border: 1px solid black; padding: 5px; background-color: #e0f0ff;"> <p>Small Business Development</p> <ul style="list-style-type: none"> U.S Department of Agriculture Rural Development State and Local Programs SBA Lending HOME Investment Partnerships Program (HOME) CDFI and Revolving Loan Fund </div> </div>	<p>SUSTAINING CAPACITY</p> <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; padding: 5px; background-color: #e0f0ff;"> <p>Certification</p> <ul style="list-style-type: none"> Asset Management Webinar Economic Development Finance Mixed Use Real Estate Finance Business Credit Analysis The Art of Deal Structuring The Art of Problem Recognition New Markets Tax Credits Webinar </div> <div style="border: 1px solid black; padding: 5px; background-color: #e0f0ff;"> <p>Local Training</p> <ul style="list-style-type: none"> Home Ownership Finance Rental Housing Development Finance Computer Spread Sheet Analysis for Housing Development Financial Problem Solving and Deal Structuring Low-Income Housing Tax Credits New Markets Tax Credits Seminar New Markets Tax Credits Webinar </div> </div>
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NATIONAL DEVELOPMENT COUNCIL
Advancing the Community Development Sector's Role

Impact Capital for NDC Client Communities

SMALL BUSINESS LENDING
NDC Grow America Fund (GAF) provides financing to growing small businesses throughout the country

- NDC is the first non-profit Small Business Lending Company certified by the Small Business Administration
- Loan Amounts \$150,000 – \$3,500,000
- NDC Grow America Fund has loaned more than \$201 million to over 514 small businesses across 36 United States with a special focus on minority and women-owned companies.
- 7(a) loan program can provide funds for a variety of needs such as working capital, real estate purchases, tenant improvements and building expansions, machinery and equipment, inventory and the acquisition of owner-occupied real estate
- The program has created or retained more than 13,300 permanent jobs while increasing investment in underserved communities.

COMMUNITY INVESTMENT
NDC tax credit programs include proprietary funds and allocations of NMTCs, historic RTCs, and LIHTCs

- NDC received \$704 million in NMTC allocation in 11 separate awards allowing over \$1.7 billion in total investment across 25 states while creating or retaining 14,341 jobs
- Focus on projects that are needed most in urban and rural communities where NDC works
- Strong track record supporting operating businesses with NMTC allocation


NATIONAL DEVELOPMENT COUNCIL
Supporting Community Development Since 1966

An Alternative Approach to Infrastructure Delivery

Many communities face one or more of the following obstacles when considering new infrastructure approaches...

- Costly and time consuming procurement processes
- Statutory debt limitations or costly referendum requirements
- Minimal institutional knowledge of development

Much heralded public-private partnerships (P3s) offer an alternative method of project delivery and finance...but, at what cost?

- Private investors demand returns on equity that exceeds the public sector's cost of capital
- In most cases, private entities must forgo use of America's greatest infrastructure advantage—tax exempt debt

NDC's approach to P3s combines public sector financing advantages with private sector construction and operating advantages

- Tax-exempt for 100% of projects costs
- Competitively bid private contracts to build and maintain the project


NATIONAL DEVELOPMENT COUNCIL
Supporting Community Development Since 1966

An Alternative Approach to Infrastructure Delivery

	<i>The International Model</i>	<i>The American Model</i>
Ownership	Public Ownership / Private Control	Through an "on-behalf-of" not-for-profit
Financing	Equity and taxable debt	100% tax exempt debt
Development	Private Build-to-Suit Integrated Delivery Incentives to perform	Private Build-to-Suit Integrated Delivery Incentives to perform
Operations	Private Availability Based	Private Cost-based & subject to performance
Maintenance	Privately delivered funded through long-term public obligations	Privately contracted, Dedicated repair and replacement reserves, sponsoring governmental entity can require special provisions for existing employees
Occupancy Costs	Generally higher to cover private guarantees	lowest in the industry
Property Tax	Usually subject to property	usually exempt


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Supporting Community Development Since 1966

Keeping the "Public" in P3 with NDC's "American" Model

NDC's P3 model combines the relative strengths of tax-exempt financing and private sector efficiencies with the following advantages:

- Governing structure can incorporate public representation
- Risk is transferred to the private sector while ability to finance with tax-exempt debt is preserved
- Project cost and completion is guaranteed with savings and cash flow accruing to public partner
- NDC model provides the community with greater input in key decisions versus other P3 models
- Can help avoid the need for special legislation to develop project
- Long term benefit to the community is ensured with transfer of asset to the public after retiring debt
- Allows provisions for local social concerns (i.e. minority, women and local business participation, employee protection, local residents hiring, etc.) to be included in the lease


NATIONAL DEVELOPMENT COUNCIL
Supporting Community Development Since 1966

Ninth and Jefferson Building Seattle, Washington



- 440,000 sq. ft. medical office building
- LEED Gold
- Erased a \$30 million project overrun on previous GCCM process
- The BOMA 2011 Outstanding Building of the Year award for excellence in the medical office category
- Bond issue: \$189,720,000

NDC's American Model of public/private partnerships keeps the best interest of the public at the forefront by incorporating the efficiencies of the private sector when appropriate while also preserving access to tax exempt financing

The Harborview Medical Center's Ninth and Jefferson Building was initially structured as a King County bond-funded General Contractor/Construction Manager (GCCM) project to be delivered by the University of Washington, operator of Harborview Medical Center. By the time the University of Washington's GCCM construction group finished excavating the site, they were facing a \$75 million budget overrun. The University's construction team of \$15 million from the Ninth and Jefferson Building to fill the gap on the IES. This set two N.J.B. with a \$30 million budget gap, effectively killing the N.J.B. project.

After hiring the National Development Council to assist with financing, King County, NDC, and the development team were able to make the building happen by securing a \$189,720,000 bond issue. Without NDC's approach to public-private partnerships, the project would not have been developed. The Ninth and Jefferson Building provides medical office space for Harborview's expansion of subspecialty plus offices for various UW Medicine departments and King County agencies. The building includes a below-grade 650-space parking garage.

NATIONAL DEVELOPMENT COUNCIL
Advancing Community Development Since 1969

Riverside County Law Building Indio, California



- 90,363 Square foot, three-story office building
- LEED Gold designed
- Solar power covered parking lot will supply building with 30% of its electrical requirements
- Bond Issue: \$44.38 million
- 65-20 tax-exempt lease revenue bonds

When California passed an assembly bill that realigned criminal justice services between the State and counties, Riverside County, CA was required to increase its responsibilities. Their current Criminal Justice Center, the Larson Justice Center, needed to be revitalized and expanded. The Riverside County Law Building was prepared and through a rigorous RFP process, the County selected NDC and developer Trammell Crow to design, permit and construct the project.

The Riverside County Law Building is a LEED Gold designed, 90,363 square foot, three-story office building that will provide office space for the county's District Attorney, Public Defender, and County Counsel. The project also includes a parking lot with surface parking for 369 spaces. A portion of those spaces will be covered with solar power generation, but have a capacity to provide up to 30% of the building's anticipated electrical usage.

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Yonkers Public Library Yonkers, New York



- 209,000 square-feet of Municipal offices and public library facility
- Project includes a loading dock and 450 seat auditorium
- \$53,260,000 Bond Issue

NDC's American Model of public/private partnerships keeps the best interest of the public at the forefront by incorporating the efficiencies of the private sector when appropriate while also preserving access to tax exempt financing

The City of Yonkers partnered with NDC to renovate an abandoned industrial building, formerly occupied by Old Ebbetts, to be the Yonkers Board of Education and the Yonkers Public Library. The building was built in 1923, and is a landmark location in the city on the waterfront, and across from the Yonkers' central train station.

The project divided the 209,000 square-foot building vertically, providing the Yonkers Board of Education with new and renovated office space and closer proximity to public parking. The Yonkers Public Library is located in the other half of the building and is across from the train station and Larkin Plaza. Larkin Plaza is an urban park that has become a national model for reclaiming abandoned urban waterfronts for public use.

The offices and the library will share a loading dock, lobby, and a 450 seat auditorium. The fourth floor has a special room designated as the Yonkers Heritage Room and is devoted to the study and display of original and archival materials pertaining to local history.

NATIONAL DEVELOPMENT COUNCIL
Advancing Community Development Since 1969

Volusia County Inter-Model Parking Facility Daytona Beach, Florida



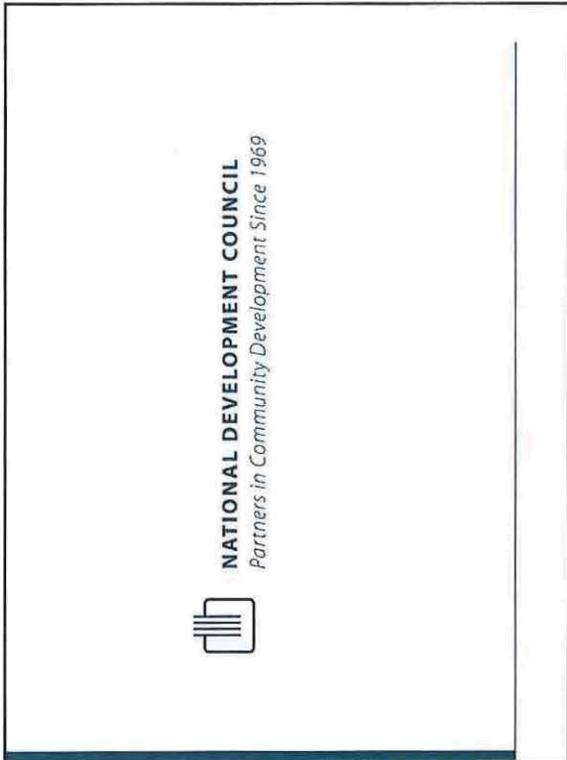
- 1,500 car, three-story parking structure with adjoining surface lot
- Volusia County's Inter-Model Transit Facility on the first floor
- \$13,160,000 Bond Issue

NDC's American Model of public/private partnerships keeps the best interest of the public at the forefront by incorporating the efficiencies of the private sector when appropriate while also preserving access to tax exempt financing

The County of Volusia, Florida issued bonds on behalf of Community Development Properties, Inc., which were used to construct a parking and transit facility in Daytona Beach, Florida.

The garage was the result of a public-private partnership between the County, the City of Daytona Beach, NDC, and HaskellPeak. The County and the City needed structured parking spaces to support the elimination of an on-beach parking lot for environmental reasons, the expansion of the Ocean Center, the County's meeting and convention center, to support the relocation of Ocean Center's high school and to support the construction of a new school. The school is located on the waterfront, adjacent to the County's major transit agency and to support existing businesses like East Street, a family water and amusement park.

NATIONAL DEVELOPMENT COUNCIL
Advancing Community Development Since 1969



**David Damboise, Project Director, Construction
Management & Operations
and
Melanie Vander Valk, Vice President for HOCHTIEF PPP
Solutions North America**

LIFE CYCLE

Dec. 16, 2015

HOCHTIEF
CONSTRUCTION SERVICES

3/17/2016 1

PUBLIC PRIVATE PARTNERSHIPS

LIFE CYCLE
JANUARY 21, 2016



Because today's world needs tomorrow's solutions.

HOCHTIEF
CONSTRUCTION SERVICES

3/17/2016 2

Outline

- Introduction
- What is Life Cycle
- Main Benefits to Life Cycle Planning
- Typical Life Cycle Costs
- Project Examples
 - ✓ Ontario Provincial Police Modernization
 - ✓ Alberta Schools II

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HOCHTIEF
CONSTRUCTION SERVICES

3/17/2016 3

Introduction



Kate Speir
Vice President, HOCHTIEF PPP Solutions North America

Over 15 years experience working in the North American PPP Industry

Involved in successfully delivering over \$3.5bn PPP Projects

Experience working as: Bid Manager, Transition Manager, Project Director, and SPV Representative

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HOCHTIEF
CONSTRUCTION SERVICES

3/17/2016 4

HOCHTIEF PPP Solutions

HOCHTIEF PPP Solutions North America (HOCHTIEF) is the US subsidiary of HOCHTIEF AG, one of the largest providers of construction-related services in the world, responsible for the development, investment and long-term asset management of privately financed social and transportation infrastructure projects, with:

- Overall annual sales volume \$27 billion
- An average of 68,000 employees worldwide (10,000 in North America)
- Developed more than 55 PPPs globally

HOCHTIEF AG is one of the world's largest providers of integrated construction services and one of very few companies with integrated experience across design, planning, finance, construction, and subsequent facilities management

Examples of Highways / Roads / Bridges in portfolio		Share	Country	Status	Miles	Total Investment (\$ million)	NP Investment (\$ million)
North American Investments							
New Bridge for the St. Lawrence	Canada	25%	Canada	Priv/FC	7	-2,400	-21
Northwest Anthony Highway	Canada	25%	Canada	Construction	17	1,538	16
Pescado Parkway	USA	50%	USA	Construction	1.5	805	28.5
Global Investments							
A6 Highway	Germany	50%	Germany	Construction/ Operation	36	-400	-43
Elbingerhain-Hallein	Germany	17%	Germany	Construction/ Operation	226	-2,165	-24
Malabar-Lodi	Chennai	35%	Chennai	Operation	152	-1,500	-8
Venezuela Norte Express	Chile	50%	Chile	Operation	18.6	-59*	-8

Because today's world needs tomorrow's solutions.

P3 Capabilities

Developed more than 50 P3 projects globally:

- 125 Schools in 400+ buildings and 95,000 students
- 3 Administration/Community Centers
- 18 Police Facilities
- 2 Military Installations
- 2 Hospitals
- 6 Airports with almost 100 million passengers
- 500+ miles of Highways (2,000 + lane miles)
- 55+ miles of Tunnels
- 880+ miles of Rail
- 1 Desalination Plant

HOCHTIEF INFRASTRUCTURE SOLUTIONS

31/7/2016 5

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Social Infrastructure P3s

Projects	Contract Value	Financial close	Construction period	Operation period
Schools Offenbach (D)	582.0	2004	2005 - 2010	2005 - 2019
North Ayrshire Schools (GB)	689.7	2006	2006 - 2007	2007 - 2037
Bangor & Nendrum Schools (GB)	296.7	2006	2006 - 2008	2008 - 2038
East Ayrshire Schools (GB)	546.6	2006	2006 - 2008	2007 - 2038
Salford Schools (GB)	299.5	2005	2006 - 2009	2009 - 2033
Salford BSF (GB)	346.9	2009	2009 - 2011	2011 - 2036
Ontario Provincial Police (CAN)	418.3	2010	2010 - 2012	2012 - 2041
Alberta Schools II (CAN)	332.0	2010	2010 - 2012	2012 - 2042
Hellon BSF (GB)	247.6	2011	2011 - 2013	2013 - 2038
Schools Cagne (D)	172.5	2005	2005 - 2007	2005 - 2029
Salford BSF Phase 2 (GB)	438.8	2011	2011 - 2013	2013 - 2038
Alberta Schools III (CAN)	377.6	2012	2012 - 2014	2014 - 2044
Dormunder U (D)	125.4	2013	2013/2015	-
Schools Frankfurt (D)	340.7	2007	2007 - 2009	2007 - 2029
Comprehensive School Cologne-Rodenkirchen (D)	173.5	2007	2007 - 2010	2009 - 2034
First/Wrede Bernacki Munich (D)	220.2	2008	2009 - 2009	2009 - 2028
Schools Braunschweig (D)	382.2	2011	2011 - 2014	2011 - 2036
Five Schools (IRL)	385.4	2001	-	2005 - 2027
Sports College Manchester (GB)	232.2	2005	2005 - 2007	2007 - 2032
Cock School of Music (IRL)	312.8	2005	2005 - 2007	2007 - 2032
Total (20) Social Infrastructure	6,881.3			

HOCHTIEF INFRASTRUCTURE SOLUTIONS

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Introduction

David Damboise
Project Director, HOCHTIEF PPP Solutions North America

Over 8 years experience working in the Canadian PPP Industry

Involved in over 20 PPP Social Infrastructure Projects in Canada

Experience working as: Bid Manager, Transition Manager, Facility Manager, Project Director, and SPV Representative

HOCHTIEF INFRASTRUCTURE SOLUTIONS

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PPP LIFE CYCLE

What is PPP Life Cycle - Lifecycle Replacement and Refurbishment Services?

- "Scheduled Maintenance Plan which considers the anticipated Replacement (Life Cycle) of the Facility in order to enable the safe and proper use and operation of the Facility during the Operational Term in accordance with the technical output specification"
- What assets are included?
- Risk Allocation
 - Allocating risk to the entity best suited to manage it.

HOCHTIEF INFRASTRUCTURE SOLUTIONS

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HOCHTIEF
PPP SOLUTIONS

PPP LIFE CYCLE

What is PPP Life Cycle - Lifecycle Replacement and Refurbishment Services?

- **Hand Back**
 - To define and complete the works required to rehabilitate the facility to its "near new" condition (as specified in the Project Agreement)
- **Performance base contract and life cycle**
 - Service Failures / Availability Failures
 - Self Monitor
 - Reducing client's involvement

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HOCHTIEF
PPP SOLUTIONS

PPP LIFE CYCLE

What are the main benefits to Life Cycle Planning?

- **Asset Management Implementation (for 30 years)**
 - Increase in asset data
 - Increase in technology to support the service operators
 - Therefore increasing service efficiency
- **Long term guaranty on service and maintenance**
 - Maintenance and Life Cycle Risk
- **Fiscal Security**
 - Restricted access to change or reallocate the renewal budget (Life Cycle)

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HOCHTIEF
PPP SOLUTIONS

PPP LIFE CYCLE

What are the main benefits to Life Cycle Planning?

- **Integrating facility management (O&M service provider) into design & construction, resulting in optimizing maintenance and life-cycle costs**
 - Accountability "Skin in the game" & "Design and Build to Last"
 - Promotes innovations which reduces Life Cycle cost
 - Whole life analysis when selecting assets, service agreements, and warranties
- **Whole life perspective in all decision making**
 - Initial Capital costs
 - Ongoing Maintenance for the contract term
 - Energy Consumption
 - Long term replacement/refurbishment
 - Availability Risk / redundancy requirements

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HOCHTIEF
PPP SOLUTIONS

PPP LIFE CYCLE

What are typical Life Cycle total project value?

- 15% to 20% of total capital cost (construction cost)
- 10% to 14% of total project cost

Total Project Cost Breakdown
Example from Health Care Facility

Category	Percentage
Construction Cost	63.3%
O&M Cost	8.4%
Planning Cost	10.2%
Lifecycle Costs	11.8%
SPV Costs	1.1%
Return	6.2%

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Examples :

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Ontario Provincial Police



- ❖ DBFOM
- ❖ Contract volume = \$USD 400M (\$532M CAD)
- ❖ Concession period: 30 years
- ❖ Financial Close in 2010
- ❖ HOCHTIEF invested 50% equity
- ❖ HOCHTIEF sold its share in 2015

HOCHTIEF was contracted to DBFOM 13 facilities across the province of Ontario. HOCHTIEF partnered with four regional contractors to enhance delivery certainty and optimize pricing for the province. All facilities were LEED Silver certified and delivered on time and on budget.

Live Cycle Benefits and Innovation:

- ❑ Design decisions are forced to consider the impact to maintenance, renewal, and energy costs
- ❑ Increased durability
- ❑ Increased warranty periods
- ❑ Design and maintenance plans are focused on reducing operational downtime risk, eliminating impact to client operations.
- ❑ Equipment and material standardization where possible
- ❑ Increase equipment accessibility

HOCHTIEF provided standardized design models for 3 building types to lower cost and optimize logistics for the project.

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Alberta Schools II



- ❖ DBFM
- ❖ Contract volume = \$USD 263M (\$253M CAD)
- ❖ Concession period: 30 years
- ❖ HOCHTIEF invested 50% equity
- ❖ HOCHTIEF successfully sold its stake in 2013

HOCHTIEF was contracted to DBFM a total of 10 schools across the province of Alberta, Canada. The schools are based on a Modified School Design and LEED Silver certified. From development to implementation, HOCHTIEF is integrated and involved in the whole life of the project.

Life Cycle Benefits and Innovation:

- ❑ Design decisions are forced to consider the impact to maintenance, renewal, and energy costs.
- ❑ Increased durability
- ❑ Increased warranty periods
- ❑ Design and maintenance plans are focused on reducing operational downtime risk, eliminating impact to client operations.
- ❑ Equipment and material standardization where possible.
- ❑ Increase equipment accessibility.

For the schools - due to high volumes/traffic the various architectural finishes needed to be upgraded in order to increase their life expectancy.

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Other Benefits

1. Accessibility – reduce maintenance & replacement cost
2. Access location - strategically locate devices in areas to reduce or eliminate operational interruptions
3. Standardize parts – a good example is fan arrays on AHU
4. Material quality – roofing, flooring, windows, M&E, wall protection...
5. Custom design (innovation) to meet unique requirements (Client unique vision)
6. 30 YEAR PARTNERSHIP




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CONTACT US

<p>Kate Speir Vice President, US Development HOCHTIEF PPP SOLUTIONS NORTH AMERICA INC. 100 West 42nd Street New York, NY 10018-1156 Tel: 212.239.4641 kspeir@hochtiefpp.com</p>	<p>David Damboise Project Director HOCHTIEF PPP SOLUTIONS NORTH AMERICA INC. HOCHTIEF PPP SOLUTIONS NORTH AMERICA INC. 2 Bloor St. East, Suite 705 Toronto, ON M4W 1A8 Tel: 647-925-0586 ddamboise@hochtiefpp.com</p>
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Because today's world needs tomorrow's solutions.

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EXHIBIT 6
Legislation Requesting the
PPP Plan-Resolution 1022-13

MEMORANDUM

Non-Agenda Item No.15(F)(1)

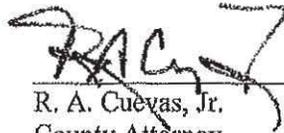
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 2, 2013

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

SUBJECT: Resolution creating the
Miami-Dade County Public
Private Partnership Program;
establishing policy; requiring
the preparation and periodic
update of a plan
Resolution No. R-1022-13

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata and Co-Sponsor Vice Chair Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 2, 2013

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

SUBJECT: Non-Agenda Item No. 15(F)(1)

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 Mayor'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
Veto _____
Override _____

Non-Agenda Item No. 15(F)(1)
7-2-13

RESOLUTION NO. R-1022-13

RESOLUTION CREATING THE MIAMI-DADE COUNTY
PUBLIC PRIVATE PARTNERSHIP PROGRAM;
ESTABLISHING POLICY; REQUIRING THE PREPARATION
AND PERIODIC UPDATE OF A PLAN

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Purpose and Policy. Infrastructure is a vital and foundational element in the future of Miami-Dade County and the County's infrastructure including its mass transit facilities, airport and seaport, fuel supply facilities, medical or nursing care facilities, recreational facilities, sporting facilities and water and wastewater facilities require significant and on-going improvements and upgrades. Infrastructure funding from traditional sources, including State and Federal are often unavailing, inconsistent and unpredictable, with demand for funding clearly exceeding the resources available. A range of private investors and organizations have demonstrated a growing interest throughout the country in long-term infrastructure investments. It is in the best interest of the County to work collaboratively with such investors, to provide a structure and simplify its procurement policies and practices to allow for such alternative financing for appropriate projects in order to meet the County's infrastructure needs, all consistent with the protection of the transparency and integrity of public contracting. To give effect to this intent, the Public Private Partnership Program of Miami-Dade County is hereby created.

Section 2. Public Private Partnership Plan. The Mayor shall develop, and deliver to the Board of County Commissioners within ninety days following the effective date of this resolution a written plan to maximize the use of public private partnerships in County projects (the "Plan"). The Plan shall contain, at a minimum, a ¹ list of projects considered suitable for public private partnerships arrangements, a ² timeline for their completion, and an identification of ³ potential advantages and disadvantages of the delivery method in connection with each project. The Plan shall contain ⁴ proposed legislative recommendations to simplify the County processes utilized to identify, solicit, evaluate, and contract for private investment opportunities consistent with applicable law. In particular, and without limitation to the foregoing, the Plan shall propose ⁵ an amendment to the provisions of this Code governing unsolicited proposals, to simplify them, conform them to additional authorizations that may have resulted from amendments to the State law, and make them more effective. The Plan shall also ⁶ contain a description of similar projects in other communities in the United States which may be used as a model. The Plan shall be ⁷ updated and reported to the Board of County Commissioners, through its Infrastructure Committee, every six months. The Plan shall be subject to Board approval.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata and the Co-Sponsor is Vice Chair Lynda Bell. It was offered by Commissioner Juan C. Zapata, who moved its adoption. The motion was seconded by Commissioner Lynda Bell and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	aye	
	Lynda Bell, Vice Chair	aye	
Bruno A. Barreiro	absent	Esteban L. Bovo, Jr.	absent
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Sally A. Heyman	aye	Barbara J. Jordan	absent
Jean Monestime	aye	Dennis C. Moss	aye
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
Juan C. Zapata	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of July, 2013. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "Hugo Benitez", is written over a horizontal line.

Hugo Benitez

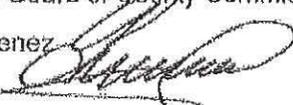
EXHIBIT 7
Mayor Gimenez's PPP
Plan - Report Addressing 1022-13

Memorandum



Date: August 12, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Update on the Status of Public Private Partnership Program Plan

Introduction

On July 2, 2013, the Board of County Commissioners (Board) approved Resolution No. R-1022-13, which created the Miami-Dade County (County) Public Private Partnership (P3) Program. As the Board is aware, a P3 is a government service or private business venture funded and operated through a contractual agreement among government(s) and one or more private sector entity. More specifically, Resolution No. R-1022-13 required the P3 Program Plan to contain: (a) a list of projects suitable for public private partnerships and a timeline for their completion; (b) identification of potential advantages and disadvantages of delivery methods in connection with each project; (c) legislative recommendations to simplify County processes; (d) proposed amendments to the provision of the County Code governing unsolicited proposals; and (e) a description of similar projects in other communities in the United States.

Legislation

At the national level, the Performance Based Building Coalition has been working with the Ways and Means Committee of the U.S. House of Representatives to encourage the creation of a new category of Private Activity Bonds for public buildings. Private Activity Bonds are tax-exempt bonds issued by, or on behalf of local or state governments to provide special financing benefits for qualified projects. Most often, such financing is intended for private use projects, where the government generally does not pledge its own credit. Many attribute the expanded use of P3s in transportation to the passage of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users in 2005, which added highway and freight transfer facilities to the types of privately developed and operated projects for which certain qualified Private Activity Bonds may be issued.

In 2013, the Florida Legislature passed and Governor Scott signed, House Bill 85, which authorizes local governments to utilize P3s when citing the public need to construct and upgrade facilities predominantly used for public purposes. The intent of House Bill 85 is to encourage greater private sector participation in the delivery and financing of public buildings and infrastructure projects.

In 2015, Florida State Representative Greg Steube presented House Bill 65, which did not pass, to exempt unsolicited proposals from the State Sunshine requirements. This legislation would have protected unsolicited proposals from becoming public record the moment the proposals were submitted to an agency, which would encourage firms to consider P3 frameworks to help address community needs.

At the local level, County staff is working to identify applicable County Code sections, procedures and policies to determine what amendments are necessary to move P3 projects forward. At the very least, modifications to the Code of Silence legislation could allow: (a) closed meetings for discussions with proposers regarding their offers during the evaluation process, and (b) the submission of confidential information to be considered by a selection committee. These measures protect the interests of both the County and the participating competitors. Legislation is also necessary to allow more flexibility in regard to the County's traditional terms, conditions and limitations of liability as well as to include the use of the State of Florida model for Invitations to Negotiate as one of the contracting processes available to County staff.

County P3 Projects

In response to Resolution No. R-151-15, which directed the County Mayor to issue solicitations for a financial consultant and legal services to provide specialized expertise regarding the P3 to design, build, finance, operate, and maintain the County's Court Facilities and Jail Facilities, the first two (2) solicitations referenced below are underway. Additional P3 related initiatives are also described below:

1. RFP-00198: Legal Services for Implementation of P3 to Develop County Civil and Criminal Court Facilities and Other Projects as Determined by the Board of County Commissioners

Following a two-week posting of the draft solicitation for industry comment, a Request for Proposals (RFP) was issued on April 29, 2015. A Pre-Proposal Conference was held and 15 proposals were received on May 29, 2015. Evaluations and negotiations will take place in June/July 2015 with a recommendation to award presented to the Board thereafter. The process remains under the Cone of Silence.

2. RFP-00199: Financial and P3 Advisory Services

Following a two-week posting of the draft solicitation for industry comment, the Request for Proposal (RFP) was issued on April 30, 2015. A Pre-Proposal Conference was held and nine (9) proposals were received on June 2, 2015. Evaluations and negotiations will take place in June/July 2015 with a recommendation to award presented to the Board thereafter. The process remains under the Cone of Silence.

3. RFQ-00241: Financial and P3 Advisory Support Services Pool for County Water and Sewer and Other County P3 Initiatives

The draft scope of services was placed for a two-week period on the Internal Services Department's website for industry comment on May 22, 2015. A Request for Qualifications will be issued following approval for legal sufficiency, and a review of insurance and small business requirements.

4. Request for Proposal-00085: Compressed Natural Gas Program
5. Request for Proposal-00096: Compressed Natural Gas Program for Miami-Dade Transit

The Board approved Resolution Nos. R-419-14 and R-420-14, which authorized the advertisement of two (2) solicitations seeking firms to design, finance, construct, maintain, and operate Compressed Natural Gas (CNG) compliant facilities and infrastructure, and offer CNG fuel for: 1) the Internal Services, Public Works and Waste Management, and the Water and Sewer departments, and 2) Miami-Dade Transit, respectively. The Miami-Dade Transit solicitation also includes the delivery of CNG buses. The objective of the solicitations and any resulting contracts is to provide energy and fuel savings solutions for the County's heavy vehicle fleet. The County intends to form a P3 with the selected proposer(s) to take advantage of the savings associated with the use of CNG for its fleet and generate revenue to the County through the sale of CNG to third parties. Three (3) proposals were received for each project. The proposals are currently under review by an Evaluation/Selection Committee and the process remains under the Cone of Silence.

6. South Miami Heights Water Treatment Plant

In 2006, an Interim Consumptive Use Authorization and Agreement was reached between the Water and Sewer Department and the South Florida Water Management District (SFWMD). As part of this Agreement, Water and Sewer Department agreed to incorporate the use of the Upper Floridian Aquifer raw water into Miami-Dade County's water supply portfolio. On July 16, 2012, SFWMD issued a modification to the Water and Sewer Department's Water Use Permit, which limits the raw

water withdrawal rate from the Biscayne Aquifer to three million gallons per day with the balance of the raw water being drawn from the Upper Floridian Aquifer.

The South Miami Heights Water Treatment Plant will improve reliability in water service and quality by allowing for the decommissioning of satellite plants that are over 40 years old into one (1) service sub-area. Construction of the plant will benefit the consumers in the south Miami-Dade area and will bolster water treatment production capacity. The Water and Sewer Department is looking for a partner to design, build, finance, operate, and maintain the plant located at 11800 SW 208 Street.

Currently, staff is performing a Value for Money analysis of this project. The preliminary project schedule has the solicitation being advertised by November 2015, with the plant operational by the end of 2019, at a total projected cost of \$150 million. Also over the last several months, staff from the Water and Sewer Department and Office of Management and Budget have been meeting with staff from the Florida Governmental Utility Authority for briefings on their experience and potential benefits to local governments in Florida.

The procurement process is being conducted pursuant to state law, Section 287.05712, Florida Statutes, Public-Private Partnerships, and is intended to conclude after an evaluation of proposals by a Competitive Selection Committee with a recommendation to award to be presented to the Board of an Interim Agreement (Phase 1) for certain planning, development, design, and financing services for the project. The company awarded the Interim Agreement would be required to submit certain cost, schedule, and other information for the negotiation and possible award of a Comprehensive Agreement (Phase 2) that may include the final design, permitting, construction, financing, operation, and maintenance of the project. The Interim and Comprehensive Agreements may include a Progressive Design-Build approach.

Potential P3 County Projects

Exhibit A (attached) lists capital projects identified by various County departments that may benefit from a P3 delivery method. These departments continue to work on identifying opportunities and needs. The list includes 51 projects that need to be vetted for suitability for this methodology. At this time, County staff does not have a timeline for these projects. A Value for Money analysis for each project needs to be performed to determine if the project best fits the P3 delivery method, or if it should follow the County's traditional project delivery method. The analysis will assist in identifying the financial advantages and disadvantages of using the P3 delivery method.

Outreach

My Office has scheduled an Industry Day to offer the private sector the opportunity to learn about upcoming projects and to discuss other available projects. The event is sponsored by The P3 Institute and will be held on September 24-25, 2015 at Florida International University's Biscayne Bay Campus. The Board will be invited to the event and provided program information beforehand.

P3 Task Forces

On February 3, 2015, the Board approved Resolution No. R-144-15, which created the Miami-Dade Court Capital Infrastructure Task Force. The Court Capital Infrastructure Task Force is charged with providing a comprehensive assessment of the County trial court infrastructure, including repair of existing facilities and the acquisition or construction of additional court facilities, solicitation of proposals to address identified needs, and financing recommendations.

Also on February 3, 2015, the Board approved Resolution No. R-150-15, which created the Miami-Dade County P3 Task Force. An item recommending nominees for the P3 Task Force will be presented to the Board for approval. The P3 Task Force will serve in an advisory role to the Board and will

Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
Page 4

recommend changes to current County rules and procedures, evaluate and make recommendations regarding the P3 Program, and identify potential projects that would benefit from a P3 delivery method.

Other Projects in the United States

Exhibit B (attached) is a list of completed and ongoing P3 projects throughout the US. This list includes water and sewer, airport, seaport, judicial, and civic center projects.

Next Update

While roadway and bridge infrastructure projects have used the P3 delivery method for some time, vertical infrastructure projects have been slow in materializing. For example, the vertical construction projects underway such as the Long Beach Civic Center has taken over a year to procure and have experienced some delays due to budgetary and financial considerations and projections. The County continues to carefully identify appropriate projects that meet the County's operational needs and the available options to address those needs. While P3s have been used for years, the recent global economic slowdown has brought this type of project delivery method to the forefront. Our next update of the P3 Program Plan will take place in early 2016.

If you have any questions or concerns, please feel free to contact Deputy Mayor Edward Marquez at 305-375-1451, or me directly.

Attachments

- c: Robert A. Cuevas, Jr., County Attorney
- Office of the Mayor Senior Staff
- Department Directors
- Charles Anderson, Commission Auditor

Exhibit "A"

Potential P3 Projects In Miami-Dade County

1	WASD	Project Name:	SDWWTP-Class AA Biosolids Processing Plant
		Estimated Cost:	\$200 Million
		Project Description:	New Facility to treat biosolids at the South District Wastewater Treatment Plant.
		Other Information:	Design Build Finance Operate and maintain (DBFOM) a New Facility to treat biosolids to Class AA level to Improve quality biosolids disposed of and to increase the number of disposal sites available.
2	WASD	Project Name:	Northwest Wellfield Water Treatment Plant - GWUDI
		Estimated Cost:	\$450 Million
		Project Description:	New 50 MGD Water Treatment Plant.
		Other Information:	Design Build Finance Operate and Maintain (DBFOM) a new 50 MGD Water Treatment Plant to serve the Miami Dade Northwest area and replace the Hialeah Water Treatment Plant. 25 MGD of the plant will be nanofiltration treatment; and 25 MGD will be Reverse Osmosis (RO) membrane treatment.
3	WASD	Project Name:	AMR/AMI Automatic Meter Reading (AMR) System
		Estimated Cost:	\$150 Million
		Project Description:	Provide and install AMR/AMI throughout Miami Dade County.
		Other Information:	Design Build Finance Operate and Maintain (DBFOM) in order to implement AMR, enabling meter readers to read meters remotely via wireless radio transmitters, and then transfers the data into the billing system that will enable the implementation of monthly billing and electronic monitoring.
4	WASD	Project Name:	West District Wastewater Treatment Plant
		Estimated Cost:	\$2.1 Billion
		Project Description:	New Wastewater Treatment Plant.
		Other Information:	Design Build Finance Operate and Maintain (DBFOM) the new wastewater treatment plant which is required to process future flows and provide reuse in accordance with the WASD Ocean Outfall Legislation Compliance Plan. Project also consists of biosolids project and the system to dispose of effluent into the Floridian Aquifer to meet reuse requirements in accordance with the WASD Ocean Outfall Legislation Compliance Plan.

Exhibit "A"

Potential P3 Projects in Miami-Dade County

5	WASD	Project Name:	General Maintenance and Office Facilities
		Estimated Cost:	\$120 Million
		Project Description:	New Maintenance and Office Facilities at the North, Central and South Districts.
		Other Information:	Design Build and Finance (DBF) of new maintenance and operations facilities in Miami Dade County, one each at the North, Central and South Districts.
6	WASD	Project Name:	Peak Flow Management Facilities
		Estimated Cost:	\$310 Million
		Project Description:	Six projects to properly assist and deal with peak flow management.
		Other Information:	Design Build and Finance (DBF) of new district-wide facilities and improvements for the wastewater transmission system based on the future flow allocations to existing wastewater treatment plants and the future district wastewater treatment plant's needs and demands.
7	WASD	Project Name:	East/West 84 inch Force Main
		Estimated Cost:	\$180 Million
		Project Description:	Installation of a new wastewater FM.
		Other Information:	Design Build Finance (DBF) a new wastewater influent force main from the Central District to the new West District Wastewater Treatment Plant. Includes the possibility of enhancing it to provide as storage to manage peak flows.
8	WASD	Project Name:	Water Distribution System Storage Tank & Main replacements
		Estimated Cost:	\$70 Million
		Project Description:	Installation of a new 2.5 MG storage tank and related appurtenances.
		Other Information:	Design Build Finance (DBF) Replacement and renewal of treatment plant facilities, water and sewer pipelines, and pumps
9	MDAD	Project Name:	Concourse D Extensions
		Estimated Cost:	\$700 Million
		Project Description:	Extend Concourse D on the east and west side of the existing concourse with 20-27 aircraft gates and holdrooms (depending on configuration) along with the apron and fueling infrastructure required for these gates.
		Other Information:	American Airlines' future growth at MIA requires expansion of the concourse facilities in the North Terminal. American has stated that it is willing to construct and finance this project.

Exhibit "A"

Potential P3 Projects in Miami-Dade County

10	MDAD	Project Name:	Cargo Buildings Development
		Estimated Cost:	Varies
		Project Description:	Construct cargo buildings at MIA.
		Other Information:	Cargo facilities are leased based on appraisal rates, which may or may not be equal to cost recovery rates. Therefore, MDAD generally loses money on these facilities annually (or, at best, breaks even). Improving them using borrowed money would reduce debt capacity for more urgent capital projects involving the terminal, landside and airfield. Equity funding sources (such as grants or PFC revenues) are also not available. Private development would have a negligible impact on existing revenue streams.
11	MDAD	Project Name:	General Aviation Facilities Development
		Estimated Cost:	Varies
		Project Description:	Hangars and other aviation support facilities at the four MDAD general aviation airports.
		Other Information:	Demand for more, larger, modern facilities, especially hangars, at the general aviation airports is increasing. However, significant investment of Aviation Department funds (equity or borrowed) is not a current option. Private development at the general aviation airports would address this need and have a negligible impact on existing revenue streams.
12	Cultural Affairs	Project:	African Heritage Cultural Arts Center
		Estimated Cost:	\$20 million
		Project Description:	Construction of a new, "replacement" neighborhood cultural center in Liberty City.
		Other Information:	The African Heritage Cultural Arts Center will celebrate the fortieth anniversary of the building in 2015.
13	Cultural Affairs	Project:	Coconut Grove Playhouse
		Estimated Cost:	\$15 million
		Description:	Renovation and construction of a new theater facility.
		Other Information:	There is currently \$15 million available from the BBC-DOB program and \$5 million available from CDT funds.
14	Cultural Affairs	Project:	HistoryMiami
		Estimated Cost:	\$40 million
		Description:	Expansion of museum and reconfiguration of downtown cultural center complex to achieve greater pedestrian access.
		Other Information:	There is currently \$6 million available from the BBC-DOB program.

Exhibit "A"

Potential P3 Projects in Miami-Dade County

15	Cultural Affairs	Project:	Improvements - South Miami-Dade Cultural Arts Center
		Estimated Cost:	\$30 million
		Description:	Construction of a new parking garage and outdoor concert stage in southern Miami-Dade County.
		Other Information:	More comprehensive plans continue to be discussed regarding redevelopment of county properties adjacent to the center.
16	Cultural Affairs	Project:	Miami-Dade County Auditorium
		Estimated Cost:	\$40 million
		Description:	Building expansion and parking garage.
		Other Information:	There is currently \$9 million available from the BBC-GOB program.
17	Cultural Affairs	Project:	Westchester Arts Center
		Estimated Cost:	\$20 million
		Description:	Construction of a new cultural facility in Tropical Park.
		Other Information:	There is currently \$8 million from the BBC-GOB program available.
18	PWWM	Project	Venetian Causeway
		Estimated Cost	\$130 million
		Description	Project consists of the replacement of the existing bridges on the Venetian Causeway and the maintenance of the entire Causeway.
		Other Information	The Venetian Causeway is a tolled facility. The Florida Department of Transportation (FDOT) is currently conducting a Project Development and Environment Study which could potentially lead to Federal/State funding for the project. Additionally, the County is currently securing a design-build contract to effectuate the replacement of the westernmost 730' of the West Venetian Bascule Bridge. There are no funds currently assigned to the balance of the project.
19	PWWM	Project	Rickenbacker Causeway
		Estimated Cost	\$95 million
		Description	Project consists of replacing the existing Bear Cut and West Bridges along the Rickenbacker Causeway, and the maintenance of the entire Causeway excluding the East and West Fishing Pier as included below.
		Other Information	The Rickenbacker Causeway is a tolled facility. These bridges were recently rehabilitated by the County, providing a twenty year life span. There are no funds currently assigned to the Project.

Exhibit "A"

Potential P3 Projects in Miami-Dade County

20	PWWM	Project	East Fishing Pier Replacement - Rickenbacker Causeway
		Estimated Cost	\$5 to \$10 million
		Description	Project consists of demolishing the remaining old Bay Bridge on the Rickenbacker Causeway currently being used as a Fishing pier. Potential improvements could include additional amenities (i.e., restaurant).
		Other Information	The Rickenbacker Causeway is a tolled facility. These bridges were recently rehabilitated by the County, providing a twenty-year life span. There are no funds currently assigned to the Project.
21	PWWM	Project	West Fishing Pier Replacement - Rickenbacker Causeway
		Estimated Cost	\$5 to \$10 million
		Description	Project consists of the construction and operation of a public fishing pier with restaurant and bait shop facilities on the Rickenbacker Causeway to replace the fishing pier demolished in 2007.
		Other Information	The Department is interested in the private sector designing, building, and operating the project with annual royalties or fees going to the Rickenbacker Fund. This project is in an initial market research stage.
22	PWWM	Project	Convert Toll Plaza Office to Restaurant or other use - Venetian Causeway
		Estimated Cost	\$500,000 to \$1 million
		Description	Project consists of converting the existing surplus Venetian Toll Plaza Office to a restaurant or other facility.
		Other Information	With the conversion to SunPass, the toll plaza office has little usage and can be converted to a restaurant or other facility. The property is waterfront and offers views of the Miami skyline.
23	PWWM	Project	Repair and/or replacement of County maintained Sonovold Bridges
		Estimated Cost	\$40 to \$100 million depending on a rehabilitation versus replacement option.
		Description	Project consists of 84 Sonovold bridges throughout the County that are in need of structural repairs or replacement. Most are functionally obsolete and lack basic safety features.
		Other Information	The bridges are located throughout the County. Currently, there is only minimal funding available.

Exhibit "A"

Potential P3 Projects in Miami-Dade County

24	PWWM	Project	New TSS Facility including new Traffic Control Center
		Estimated Cost	\$45 million
		Description	Project consists of the purchasing of land, or developing existing County land (>5 Acres), to design and construct a new building and traffic control center. Project should include office furniture, warehouse, work areas, IT equipment, backup power, storage yard, fiber optic communication infrastructure, fueling facility and the relocation of the existing operations.
		Other Information	TSS is responsible for the operation and maintenance of all traffic control devices, traffic signs, and arterial roadway lights throughout the County. The Traffic Control Center monitors traffic operations and traffic signals on the surface roads throughout the County.
25	PWWM	Project	Traffic Signal Support System Upgrades
		Estimated Cost	\$73 million
		Description	Project consists of upgrading 274 traffic signals from spanwire support systems to mast arm support systems.
		Other Information	This project will require the surveying of the existing traffic signals, acquiring right-of-way, and the reconstruction of the intersection to meet all current and applicable standards.
26	PWWM	Project	Upgrade of County Traffic Signage
		Estimated Cost	\$100 million
		Description	Project consists of replacing all County maintained traffic signs with new decorative signage and hardware.
		Other Information	There is currently no complete inventory of the traffic signs maintained by Miami-Dade County. Estimates on the number of signs to be replaced are over 1 million signs.
27	PWWM	Project	Upgrade of Roadway Lighting to LED Smart Grid Lighting
		Estimated Cost	\$50 million
		Description	Project consists of replacing all 26,400 County maintained roadway lights with LED smart grid lighting fixtures.
		Other Information	The project would include the upgrade of any lighting electrical circuits to current standards, integration of the smart grid technology with the Traffic Control Center, and the development of as-built surveys for all installations.

Exhibit "A"

Potential P3 Projects in Miami-Dade County

28	PWWM	Project	Secondary Canal Improvements
		Estimated Cost	Approximately \$54 million of identified unfunded needs
		Description	Projects consist of improvements to canals throughout the County, to improve the flood protection level of service in areas with chronic flooding and service areas where future development is under way or anticipated.
		Other Information	The overall project list is a product of PWWM Stormwater Master Plan modeling and systematic field evaluations of the County's Infrastructure. The actual need may be higher.
29	MDCR	Project Name:	Krome Detention Center
		Estimated Cost:	\$453.75 Million
		Project Description:	Low-rise detention facility, multi-use high to low level security, including segregation, dormitory and direct supervision. Project includes central support facility, providing laundry, commissary, maintenance, food service and warehouse space that nullifies private leases.
		Other Information:	70 buildable acres with 30 acres of lakes. Infrastructure (water/sewer) in place for 12,000 inmates. Site preparation completed in 1990's. 1,015,000 sq. ft.; 2,500 capacity.
30	MDCR	Project Name:	Training and Treatment Center
		Estimated Cost:	\$267.75 Million
		Project Description:	Mid-rise detention facility, multi-use high to low level security, including segregation, linear intermittent surveillance and direct supervision. A new facility would also serve as the centralized intake facility for all inmate booking in Miami-Dade County.
		Other Information:	Built in 1952. The department's oldest facility that has 14 buildings and sits on a 10 acre-site. Buildings are mid to low level security and use direct supervision and linear intermittent surveillance. Considered unconstitutional by DOJ standards, the facility has received its 40 year recertification by RER. The Boot Camp Program is colocated on this facilities grounds and would require consideration when decommissioning this facility. 595,000 Sq. Ft., 1,700 capacity.
31	MDCR	Project Name:	Boot Camp
		Estimated Cost:	\$39.4 Million
		Project Description:	Paramilitary program for young men and women offenders between the ages of 14 and 24, who have been adjudicated as an adult. Direct supervision surveillance is used in supervising this population.
		Other Information:	Repurposed building on Training & Treatment Center lot completed in 1995. This facility sits on the land plot adjacent to the Training and Treatment Center, which would require relocation if Training & Treatment Center were decommissioned. 87,050 sq. ft., 250 capacity.

Exhibit "A"

Potential P3 Projects in Miami-Dade County

32	MDCR	Project Name:	Pretrial Detention Center
		Estimated Cost:	\$78.75 Million
		Project Description:	Multi-use high to low level security, Direct supervision and linear intermittent surveillance,. Project to be incorporated into a Criminal Justice Complex. Parking would be required as part of the Criminal Justice Complex.
		Other Information:	Built in 1961. The department's second oldest facility. Containing a multi-year capital renovations plan not inclusive of a Forty Year Re- Certification, 175,000 sq. ft., 500 capacity.
33	MDCR	Project Name:	Women's Detention Center
		Estimated Cost:	\$39.4 Million
		Project Description:	The Women's Detention Center was built in 1982 with the intent of housing pretrial adult and juvenile female detainees in a podular intermittent setting.
		Other Information:	Currently this facility is being repurposed to provide office space for the Pretrial Service Bureau and the Monitored Release Unit as part of cost savings in lieu of a private lease. 87,050 sq. ft., 250 capacity.
34	MDCR	Project Name:	Metrowest Detention Center
		Estimated Cost:	\$351.9 Million
		Project Description:	MWDC is the department's largest facility and has the rated capacity of 2,234 inmates in a direct supervision setting.
		Other Information:	The first building was completed in 1991 and the second completed in 1993. MWDC is in good condition and has several capital replacement projects that are currently ongoing. 781,900 sq. ft., 2,234 capacity.
35	MDCR	Project Name:	Turner Gullford Knight Correctional Center
		Estimated Cost:	\$157.5 Million
		Project Description:	Currently a multi-level security facility, intake center, medical housing, clinic and mental health housing, and video courts. Average population 800.
		Other Information:	Built in 1989. TGK is one the department's most advanced facilities. The facility is for the most part in good shape with several capital improvement items in progress. Current population is low due to ongoing construction and renovations. 350,000 sq. ft., 1,000 capacity.

Exhibit "A"

Potential P3 Projects in Miami-Dade County

36	MDCR	Project Name:	North Dade Detention Center
		Estimated Cost:	\$30.4 Million
		Project Description:	The NDCC facility is currently unoccupied, with a pending recommendation for demolition.
		Other Information:	Built in 1974. This facility sits on a 3-acre site. A 40-year recertification is pending for this facility, which is currently unfunded. 87,500 sq. ft., 250 capacity.
37	PortMiami	Project Name:	New Cruise Terminal and Berth
		Estimated Cost:	\$150 million
		Project Description:	Construction, operation and maintenance of a new cruise terminal, parking garage, and berth.
		Other Information:	DBOMT: Cruise terminals are traditionally financed by ports and backed by long-term cruise line guarantees. In recent years (though primarily overseas), some cruise lines have shown willingness to take a controlling roll in designing, building, operating, maintaining and transferring cruise facilities. In this instance, there would still likely be port involvement in the financing component.
38	PortMiami	Project Name:	Port of Miami Gantry Cranes
		Estimated Cost:	\$45 million
		Project Description:	Purchase of new cranes; operation and maintenance of new and existing cranes.
		Other Information:	POMT: Many models exist at ports for the ownership and operation of gantry cranes. Currently, PortMiami uses a fully-owned sub-entity to operate cranes, which requires PortMiami to finance all new crane purchases. This model would transfer operating risk and capital costs to a private entity in exchange for residual or guaranteed revenue stream.
39	MDT	Project Name:	Beach Corridor
		Estimated Cost:	\$520 Million - \$774 Million
		Project Description:	The proposed Beach Corridor transit service will interface with the existing Metrorail, Metromover and Metrobus systems in downtown Miami. It will also provide a connection to the Miami Intermodal Center/Miami International Airport via Metrorail, to Broward and Palm Beach counties via Tri-Rail, and to the future All Aboard Florida train service that will connect Orlando to Miami via its station in downtown Miami. In Miami Beach, the proposed system will connect to the County's major convention center and provide improved transit service within a highly dense and transit-oriented area.
		Other Information:	\$1.6 Million has been identified for the planning phase between FDOT, County, City of Miami, and City of Miami Beach.

Exhibit "A"

Potential P3 Projects in Miami-Dade County

40	MDT	Project Name:	State Road 836 (East / West)
		Estimated Cost:	TBD
		Project Description:	Unfunded: Bus Rapid Transit, Light Rail, or Heavy Rail Upgrade.
		Other Information:	Funded: Purchase 60 foot buses to extend bus service along SR836 from SW 8 St and SW 147 Ave to the MIC at MIA, install Wi-Fi, bus real-time signs, transit signal priority and build new robust bus stations, Park and Ride/bus terminal \$26.9 Million.
41	MDT	Project Name:	Northwest 27th Avenue
		Estimated Cost:	TBD
		Project Description:	Unfunded: Bus Rapid Transit, Light Rail, or Heavy Rail Upgrade.
		Other Information:	Funded: Purchase 60 foot buses to extend bus service along NW 27 Ave from NW 215 St to the MIC; install Wi-Fi, bus real-time signs, transit signal priority; and build new robust bus stations, Park and Ride/bus terminal \$37 Million.
42	MDT	Project Name:	Facilities Modernization
		Estimated Cost:	\$44 Million
		Project Description:	Parking garage overhaul, MetroRail stations refurbishment and transit facilities roof replacement.
		Other Information:	\$12 M funded
43	MDT	Project Name:	Douglas Road Extension to Miami Intermodal Center
		Estimated Cost:	\$280 Million - \$1.5 Billion
		Project Description:	Enhanced Bus, Bus Rapid Transit, Light Rail, or Heavy Rail.
		Other Information:	Unfunded
44	PROS	Project Name:	Amelia Earhart
		Estimated Cost:	\$32 Million
		Project Description:	Aquatic Complex NTE \$12 Million; Recreation Center & Related Parking NTE \$12 Million; Soccer Complex Shortfall \$8 Million.
		Other Information:	Amelia Earhart Park is a 515-acre district park located at 401 E 65th Street in Miami-Dade County. The park serves as a regional sports facility as well as passive park for the region. The park currently provides venues for extreme sports activities including mountain biking and wakeboarding. To further expand the opportunities for extreme sports, and in support of the other amenities in the park, PROS is contemplating the development of a large scale recreation center (+/- 100,000 sqft) and a large scale aquatic facility. The location of these facilities is generally located along E 65th Street with the final location to be determined by a general plan update that is currently in process by the department.

Exhibit "A"

Potential P3 Projects in Miami-Dade County

45	PROS	Project Name:	Camp Matecumbe Overnight Cabins
		Estimated Cost:	\$1.3 Million
		Project Description:	Four Over Night Cabins (only a portion of the Master Plan).
		Other Information:	<p>Camp Matecumbe is located in the West Kendall area of unincorporated Miami-Dade County. This property is surrounded on two sides by the 78-acre Boystown Pineland managed by the Miami-Dade County EEL Program to the north and west and multi-family Kendall Breeze townhomes to the east. The southern edge of property is bordered by the Kendall-Tamiami Executive Airport.</p> <p>The project is for a small portion of the master plan, consisting of four typical overnight cabins, 1,050 sq. ft. each, to include:</p> <ul style="list-style-type: none"> • Cabin • Ramp • Railing • Restoration of sod as needed. <p>Camp Matecumbe includes 17.37 acres which is predominately developed or highly disturbed terrain, which contains camp facilities, a gymnasium, mess hall, and chapel. The latter 3 will remain on site to accommodate recreation and educational programs at the park that will focus on the environmental features of the rock pineland habitat and cultural significance of the site as it relates to Operation Pedro Pan.</p>

Exhibit "A"

Potential P3 Projects in Miami-Dade County

46	PROS	Project Name:	Haulover Park
		Estimated Cost:	TBD
		Project Description:	Beach Restaurant/Retail Facility, Pier, Marina Restaurant, and Public Restroom.
		Other Information:	<p>The Beach Restaurant/retail site is comprised of one acre at the southeastern most point of the park. This site formerly supported the old Lighthouse Restaurant which successfully operated at the park until the mid 1970's. The restaurant/retail facility is to be constructed at the intersection of the Promenade, Sunny Isles Beachwalk, and jetty. The premises will include indoor/outdoor food and beverage service, related retail, open recreational area, back of house support and perimeter buffer. Restaurant may range between 4,000 to 9,000 square feet inclusive of ancillary retail space. Outdoor and non-enclosed food, beverage and recreation activity areas may comprise the balance of the one acre (43,560 sq. ft.) footprint. All design and construction must be sea turtle compliant.</p> <p>The Pier must be designed and constructed as part of the restaurant and accessed from same parking area. Entirely cannot exceed 19,000+ sq. ft. along its 800+ linear foot length.</p> <p>The Marina Restaurant and public restroom must comply with Haulover Park Design Guidelines which set restrictions as to footprint area of restaurants and kitchen areas, ADA compliance, and location of facilities; approximately 11,900 sq. ft. including 5,500 sq. ft. restaurant, 2,500 sq. ft. kitchen, 3,000 sq. ft. covered outdoor dining, plus restroom.</p>
47	PROS	Project Name:	Miami-Dade Regional Soccer
		Estimated Cost:	\$58.4 Million
		Project Description:	Develop Single Purpose Regional Soccer Park.
		Other Information:	<p>The Miami-Dade Regional Soccer Park is a 47.33 acre site located at NW 87th Ave. / NW 62nd. St. in Doral. The property is intended to be developed into a world class soccer tournament facility. The park development will include protection of existing native trees.</p> <p>Program to include site work, utilities, lighted roadways and walkways, lighted parking, 8 natural turf soccer fields, 3,000-seat stadium with grandstand bleachers and press box, maintenance yard, access control chain-link fence w/windscreen and access gates, signage, and landscaping. Buildings to include restrooms, concessions and office, event space, academy building; and ticket booth. Fill and FF&Es are excluded.</p>

Exhibit "A"

Potential P3 Projects in Miami-Dade County

48	PROS	Project Name:	West Kendall District (WKD) - RFP
		Estimated Cost:	TBD
		Project Description:	RFP for capital development, programming, and operation of a major regional sports park.
		Other Information:	<p>WKD is a 164 acre property located west of SW 157th Avenue and north of SW 120th Street, in the southwest portion of unincorporated Miami-Dade County. WKD is located immediately adjacent to the Kendall-Tamiami Regional Airport and a portion of the Southeast corner of the park is within the Outer Safety Zone (OSZ) of the airport.</p> <p>PROS is seeking information and ideas to partner with the County in capital development, programming, and operation of a major regional sports park. The County seeks to accomplish the following objectives:</p> <ul style="list-style-type: none"> - Advance the development of the Park - Advance the play of sports within the County - Provide economic development - Provide revenue to PROS <p>An RFP was sent to PROS Staff for review 11/13/14.</p>

49	PROS	Project Name:	West Kendall District (WKD) - Soccer Fields
		Estimated Cost:	\$64.5 Million
		Project Description:	Soccer Fields at WKD as part of the master plan for the larger 164-acre park.
		Other Information:	<p>Partial Park Development in Support of Soccer Fields, to include:</p> <ul style="list-style-type: none"> - Underground Utilities, Drainage, Signage and FF&Es - Lighted Access Road - Lighted Parking Lot - Synthetic Turf Athletic Fields (4 Large and 2 Small) - 6-Lighted Multipurpose Fields - 2-Stadium Fields, Lighted W/ Grandstand Bleacher and Press Box - Concession Field House - Maintenance Yard

Exhibit "A"

Potential P3 Projects in Miami-Dade County

50	PROS	Project Name:	West Kendall District (WKD) - 63 Acre Phase 1 Dev.
		Estimated Cost:	\$22.5 Million
		Project Description:	63+/- Acre Phase 1 Development of the larger 164-acre Park
		Other Information:	Phase 1 Program at WKD is for a +/- 63 Acres Site, to include: - Excavation of proposed Lake - Use of excavated material to fill Phase 1 Area to a 3'H Elevation and proposed 12'W Lighted Greenway Trail to a 4'H elevation - Vehicle Access Road and 180 Ea. Lighted Parking Lot - Pavilion - Medium Restroom Building - Sod and Allowance for Shaded Picnic Area - Complete Site Fill & Grading, +/- 101 Acres, to include use of the balance of the excavated material from Phase 1, plus new additional fill, spread and compacted to obtain an average of 1 to 2 feet high as noted - Provide temporary protection and silt fence as needed, and complete Access Control Fence.
51	PHCD	Project Name:	Public Housing
		Estimated Cost:	TBD
		Project Description:	PHCD began using public/private partnerships to redevelop its public housing sites with the issuance of RFP #794 in 2011, and anticipates continuing public housing redevelopment through this program; the RFP was a joint effort between PHDC and ISD. Potential P3 outside of the current program could focus on the approach to providing new and substantially rehabilitated public housing on existing sites. The Collins Park Apartments acquisition and conversion to public housing may be of particular interest since it was a unique approach to redevelopment. Over the past two years the current program has resulted in the completion of 810 public housing units; 240 new units (including 124 for Collins Park) and 570 rehabilitated units with a total development cost of \$125 million. Plans over the next 18 months include the completion of over 500 public housing and/or affordable units with over \$100 million in total development costs. Plans for the next 2-5 years are for redevelopment of over 4,000 public housing and/or affordable housing units with over \$700 million in total development costs.
		Other Information:	TBD

Exhibit "B"

P3 Projects in the United States

1	Project Name	Long Beach Courthouse
	Project Status	Completed
	Project Description	<p>531,000 sq.ft. Total for new Courthouse with 31 courtrooms and 115,000 sq.ft rented out for other government offices.</p> <p>Precedent to project was a 2007 project feasibility report by the Judicial Council of California (Judicial Council). The project was a first of its kind P3 in which the state had the private sector finance, design, construct, operate and maintain the courthouse facility. The project unfolded over a 6-year process from planning, to legislature to delivery of the courthouse, and allowed the Judicial Council to take advantage of private sector financing during the height of the financial crisis in 2010. The project was structured via an RFP setting a performance-based delivery and stringent design, operating, and performance standards. Implementation was via a 35-year operating agreement with Long Beach Judicial Partners (LBJP), a private team of architects, builders, financiers, and facility managers. The cost of the project was reported at \$490.57 million, for which financing was arranged with a Debt to Equity ratio of 90:10. Meridiam, the equity partner within LBJP, contributed \$49.06 million as an equity investment, and \$441.5 million was raised as a 7-year Mini Perm financing on a club loan basis. After the completion of construction, this loan was successfully refinanced with a \$518.5 million 34-year bond in November 2013.</p>

2	Project Name	Allentown Water Concession
	Project Status	Completed
	Project Description	<p>An agreement transferring Allentown's municipal water and wastewater systems to the Lehigh County Authority (LCA) in a public to public transaction took place in 2013. This is the first concession lease of public assets in the country to have been offered to both corporate and governmental bidding teams and to have then secured competitive final bids from both. The agreement calls for the LCA to create an independent special purpose entity to operate that city's water and wastewater systems on a 50 year-lease.</p> <p>The special purpose entity entered into a 50-year concession agreement with the City of Allentown for the exclusive right to operate, manage, maintain, improve, and collect revenues from their water and wastewater facilities. In return, the City of Allentown received an up-front payment of \$211.2 million which will be used by the City to defease all water and wastewater debt related to the systems, fund the City's pension plan, and set aside reserves. The City of Allentown will also receive annual payments from the system to offset current support of their general fund. In connection with the closing, LCA issued \$307.7 million in bonds to fund the payment to Allentown, operating and capital reserve accounts, five years of capital improvement projects, and the cost of issuance.</p>

Exhibit "B"

P3 Projects In the United States

3	Project Name	Port Canaveral Container and Multi-Purpose Cargo Terminal Concession
	Project Status	Completed
	Project Description	<p>GulfTainer, the Emirati operator, secured a 35-year concession from Port Canaveral for its container and multi-purpose cargo terminal, where it has committed to invest \$100 million in infrastructure, equipment and human capital.</p> <p>The Florida terminal is expected to contribute \$280 million in revenue to Port Canaveral, which granted the concession.</p> <p>GulfTainer, a subsidiary of Crescent Enterprises headquartered in Sharjah, operates four terminals in the United Arab Emirates (UAE), three in Saudi Arabia, three in Iraq, one in Lebanon and another one in Brazil.</p>

4	Project Name	The Corpus Christi Harbor Bridge Replacement Project
	Project Status	Ongoing
	Project Description	<p>The project includes the construction of a new, cable-stayed bridge over the Port of Corpus Christi Ship Channel. The design proposed by Flatiron/Dragados includes a mainspan of 1,655 feet, which, when completed, will be the longest cable-stayed span in the United States. In addition to the construction of the new Harbor Bridge, the project also includes the demolition of the existing Harbor Bridge, as well as improvements to US 181 and SH 286.</p> <p>The project will address structural deficiencies and navigational restrictions of the current bridge, and improve safety, connectivity, and level of service in the area. The purpose of the project is to correct these established needs and to promote, enhance and spur economic development in the area. The scope of the comprehensive maintenance agreement includes the design, construction, finance and 25-year maintenance of the project.</p>

5	Project Name	Indianapolis Justice Complex
	Project Status	Ongoing
	Project Description	<p>The Marion County Justice Complex will improve public safety and provide economic development opportunities across the city. The new facility will add 1,000 new jail beds to existing jail bed capacity for a total of 3,200 beds at the end of construction. The new facility will also include 1,000 community correction beds, a 500-bed increase from current capacity. Adequate space for criminal court facilities will also be added to ease overflow of courtrooms in the City-County Building. Final bid came in at \$408 Million.</p>

Exhibit "B"

P3 Projects in the United States

6	Project Name	Long Beach New Civic Center Project
	Project Status	Ongoing
	Project Description	The Long Beach Civic Center Project involves the financing, design, construction, operations and maintenance of a new City Hall, Main Library and a revitalized Lincoln Park. The Project will also incorporate a permanent headquarters building for the Port of Long Beach and private development components. The City Council has selected Plenary Edgemoor Civic Partners (PECP) as the developer, and is in the plan refinement state which will include a series of community meetings in each of the Council districts in the near future. PECP's proposal included a Civic Center with: 11-story city hall with 268,800 sq. ft., an 11-story port headquarters with 232,100 sq. ft., a 3-story main library with 93,500 square feet, and a 209,088 sq. ft. improvements at Lincoln Park. PECP's plan also allows for private development including mixed use residential with retail and hotel. \$12.6 Million Payment Budget from City for \$200 Million Project.
7	Project Name	Denver International Airport Great Hall Redevelopment
	Project Status	Ongoing
	Project Description	The City and County of Denver Department of Aviation, which operates Denver International Airport is seeking qualified teams to develop and deliver a project that will relocate and improve TSA screening, increase non-revenue opportunities in the Great Hall and optimize the capacity, efficiency, flexibility and useful life of the Jeppesen Terminal. Successful teams must have demonstrated experience in development financing, planning, designing, building, leasing, marketing and managing high-volume, sustainable, upscale retail and dining opportunities at airports.
8	Project Name	LaGuardia Airport Central Terminal Building Replacement
	Project Status	Ongoing
	Project Description	The Port Authority of New York/New Jersey (PANYNJ) has embarked on a Public-Private Partnership to replace the Central Terminal Building (CTB) at LaGuardia Airport (LGA). This is described as one of the most ambitious P3s ever undertaken in the New York/New Jersey region. This project will see the current CTB removed with the P3 providing the design, construction, financing, maintenance and operation of a new terminal in its place. The terminal, which was dedicated in 1964, serves most of the airport's scheduled domestic airlines.

EXHIBIT 8
Resolution Establishing P3
Task Force – Resolution 150-15

MEMORANDUM

Agenda Item No. 11(A)(30)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	DATE:	February 3, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	SUBJECT:	Resolution creating a Miami-Dade County Public Private Partnership (P3) Task Force; and setting forth P3 Task Force purpose, powers, duties, membership composition and qualifications, organization and procedures, regulations, reporting requirements, staff support, and sunset provision Resolution No. R-150-15

The item was amended at the 1-15-15 Economic Development & Port Committee:

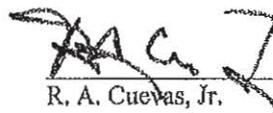
The committee amended Section 2 of the item to clarify that it is the intent of the Board to enhance the operation of the functions of the users through improvements to infrastructure.

The committee amended Section 4 of the resolution setting forth the procedures to appoint P3 Task Force members. Per the amendment, each Commissioner and the Mayor may propose a maximum of three candidates to the Task Force each representing a different qualification. From the candidates submitted, the Mayor or designee shall, within 60 days of the effective date of the resolution, propose to the board the membership of the P3 Task Force which provides each Commissioner one appointment and, to the extent possible, diversify the expertise and qualifications represented in the Task Force and reflect the geographic, gender, racial ethnic and cultural makeup representative in the community.

The committee amended Section 5 to include executives of law firms, labor representatives and urban planners to the qualifications criteria of persons eligible to serve on the P3 Task Force.

The committee amended Section 7 to clarify that the P3 Task Force shall meet within 15 days from the approval of the composition of the task force by the Board of County Commissioners.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata and Co-Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 3, 2015

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

SUBJECT: Agenda Item No. 11(A)(30)

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 Mayor'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
Veto _____
Override _____

Agenda Item No. 11(A)(30)
2-3-15

RESOLUTION NO. R-150-15

RESOLUTION CREATING A MIAMI-DADE COUNTY PUBLIC PRIVATE PARTNERSHIP (P3) TASK FORCE; AND SETTING FORTH P3 TASK FORCE PURPOSE, POWERS, DUTIES, MEMBERSHIP COMPOSITION AND QUALIFICATIONS, ORGANIZATION AND PROCEDURES, REGULATIONS, REPORTING REQUIREMENTS, STAFF SUPPORT, AND SUNSET PROVISION

WHEREAS, infrastructure is a vital and foundational element for the future of Miami-Dade County; and

WHEREAS, Miami-Dade County's infrastructure, including its mass transit facilities, airports and seaport, fuel supply facilities, medical and nursing care facilities, recreational facilities, sporting facilities and water and wastewater facilities, require significant and on-going improvements and upgrades; and

WHEREAS, funding the County's infrastructure needs requires substantial resources which may not be readily available from traditional governmental sources; and

WHEREAS, it is in the best interests of Miami-Dade County to partner with private investors and organizations to enter into long term infrastructure investments; and

WHEREAS, through the passage and adoption of Resolution No. R-1022-13, this Board created the Public Private Partnership Program of Miami-Dade County and called for the Mayor to develop and deliver to the Board a Public Private Partnership Plan; and

WHEREAS, Resolution No. R-1022-13 required the Public Private Partnership Plan to contain, among other things, a list of projects considered suitable for public private partnerships arrangements, timelines for completion of projects, legislative recommendations to simplify County processes used to contract for private investment opportunities, amendments to the

provisions of the Code of Miami-Dade County, Florida governing unsolicited proposals and a description of similar projects in other communities in the United States which may be used as models; and

WHEREAS, the creation of a Public Private Partnership Task Force composed of knowledgeable Miami-Dade County business leaders and professionals experienced in the implementation of successful public private partnership arrangements will assist this Board and the Mayor to improve the Public Private Partnership Plan, so that the Plan's implementation will ultimately result in public private collaborations that successfully address Miami-Dade County's long-term infrastructure needs,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. Creation. The Miami-Dade County Public Private Partnership Task Force (the "P3 Task Force") is hereby created.

Section 2. Purpose, Powers and Duties. The P3 Task Force is established solely for the purpose of advising the Board of County Commissioners (the "Board") and the County Mayor ("Mayor") regarding the County's use of public private partnerships as set forth in Resolution No. R-1022-13.

Consistent with this purpose, the P3 Task Force shall:

- (a) Make recommendations to this Board on changes in the County's ordinances, resolutions, regulations, implementing orders and administrative practices that will advance public private partnerships; and

- (b) Evaluate and make recommendations to the Mayor and this Board with respect to the Public Private Partnership Plan required pursuant to Resolution No. R-1022-13 and any updates to said plan; and
- (c) Identify potential projects that address critical infrastructure needs in Miami-Dade County that are suitable for public private partnership arrangements; and
- (d) Review and assess projects, timelines, legislative recommendations or any other goals, tasks or deliverables set forth in the County's Public Private Partnership Plan; and
- (e) Provide a written report to this Board describing the P3 Task Force's findings and recommendations regarding directives (a) – (d) above within 180 days of the effective date of this resolution.

In making its recommendations and providing a report to this Board, the P3 Task Force shall analyze and review successfully utilized public private partnership legislation, arrangements and projects in other communities throughout the country. >>It is the intent of this Board to enhance the operation of the functions of the users through improvements to infrastructure.<<¹

Section 3. *Limitations on Authority.* The P3 Task Force is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agencies or instrumentalities to any policies, incur any financial obligations or to create any liability,

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities.

Section 4. Membership Composition, Appointment and Vacancies. The P3 Task Force shall be comprised of a maximum of 14 members and a minimum of seven members. ~~[[Each County Commissioner shall have the authority to appoint one member and the Mayor shall have the authority to appoint one member. The Mayor and each County Commissioner is encouraged to make his or her appointment to the P3 Task Force within 30 days of the effective date of this resolution.]]~~ When selecting and appointing P3 Task Force members, County Commissioners and the Mayor shall consider that the P3 Task Force as a whole should generally reflect the geographic, gender, racial, ethnic or cultural make-up of the community. >>To advance that objective, and to provide a balanced representation of the qualifications of the candidates set forth below, within 30 days from the effective date of this Resolution, each Commissioner and the Mayor may propose a maximum of three candidates, each representing a different qualification. From the candidates submitted, the Mayor or the Mayor's designee shall, within 60 days from the effective date of this Resolution, propose to the Board for approval the membership of a P3 Task Force which to the extent possible shall: (i) provide each Commissioner one appointment, (ii) diversify the expertise and qualifications represented in the Task Force; and (iii) reflect the geographic, gender, racial, ethnic and cultural makeup representative of the community.<< In the event of a vacancy, the County Commissioner or the Mayor who appointed the vacating P3 Task Force Member may fill his or her respective vacancy by designating a new representative qualified pursuant to Section 5 below after a P3 Task Force Member vacates, resigns or is otherwise removed.

6

Section 5. Membership Qualifications. Each P3 Task Force member shall be a United States citizen, a permanent resident and duly qualified elector of Miami-Dade County, and have an outstanding reputation for civic pride, integrity, responsibility and community service. Membership in the P3 Task Force shall be limited to business leaders >> << [or] professionals >> or other persons << having substantial experience in establishing, overseeing or participating in successful public private partnership arrangements and shall consist of only: (i) executive officers of engineering or architectural firms; (ii) executive officers of construction firms; (iii) members, partners or officers of financial firms; (iv) partners >> << [[or]] counsel >> or executives << of law firms; [or] (v) representatives from the Florida Department of Transportation or other federal, state or local governmental agencies that have worked on successful public private partnership arrangements >> (vi) labor representatives; or (vii) urban planners <<. No lobbyist registered with the Clerk of the Board of County Commissioners shall serve as a P3 Task Force member. The Board of County Commissioners, by resolution adopted by two-thirds vote of the members present, may waive the P3 Task Force membership qualification requirements contained herein.

Section 6. Organization and procedures at meetings. The P3 Task Force may establish, adopt, and amend bylaws, rules, and regulations for its own governance. The P3 Task Force shall elect one of its members as chairperson and one of its members as vice-chairperson. The chairperson shall preside at all meetings at which he or she is present. The vice chairperson shall act as chairperson in the absence of the chairperson. In order to transact any business or to exercise any power vested in the P3 Task Force, a quorum consisting of a majority of those persons duly appointed shall be present. The members of the P3 Task Force shall serve without compensation.

Section 7. *Regulations.* All proceedings of the P3 Task Force shall be conducted in accordance with the Government in the Sunshine Law, Section 286.011, Florida Statutes, and the Citizens Bill of Rights of the Miami-Dade County Home Rule Charter. The P3 Force shall be deemed an "agency" for purposes of the Public Records Law. The P3 Task Force shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 the Code of Miami-Dade County as determined by the Miami-Dade County Commission on Ethics and Public Trust. The P3 Task Force shall meet within 15 days from the ~~>>approval of its composition by the Board<< [[appointment of at least seven P3 Task Force members]]~~ and every 30 days from the date of the initial meeting or at the discretion of the chairperson. Additional meeting may be held at the discretion of the chairperson.

Section 8. *Report.* The P3 Task Force shall provide a written report setting forth its findings and recommendations to the Board within 180 days from the effective date of this resolution. The report shall consist of a comprehensive assessment of the County's Public Private Partnership Program, Public Private Partnership Plan, projects and ongoing efforts consistent with Board Resolution No. R-1022-13 and the P3 Task Force's powers and duties set forth in Section 2 above. The report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65 for consideration by the Board. The Board may then request such further work of the P3 Task force as may be in the public interest.

Section 9. *Staff.* The P3 Task Force shall be provided adequate staff and support services by the County Mayor or County Mayor's designee. The staff shall maintain and keep records of the P3 Task Force, prepared in cooperation with the chairperson, including the agenda for each meeting. The staff shall be responsible for the preparation of such reports, minutes,

documents, or correspondence as the P3 Task Force may direct, and generally administer the business and affairs of the P3 Task Force, subject to budgetary limitations. The P3 Task Force may request that the Board provide such other specialized consulting expertise as it may determine is necessary from time to time. The County Attorney's Office shall provide legal counsel, as needed, to the P3 Task Force.

Section 10. Sunset. The P3 Task Force shall sunset and stand dissolved on the 220th day from the effective date of this resolution unless the Board extends the term of service by majority vote.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata and the Co-Sponsor is Commissioner Jose "Pepe" Diaz. It was offered by Commissioner

Juan C. Zapata, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	aye
Esteban L. Bovo, Jr., Vice Chairman	aye
Bruno A. Barreiro	aye
Jose "Pepe" Diaz	aye
Sally A. Heyman	aye
Dennis C. Moss	absent
Sen. Javier D. Souto	aye
Juan C. Zapata	aye
Daniella Levine Cava	aye
Audrey M. Edmonson	aye
Barbara J. Jordan	aye
Rebeca Sosa	aye
Xavier L. Suarez	aye

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK



By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "EWG", is written over a horizontal line.

Eduardo W. Gonzalez

EXHIBIT 9
Amendment to Resolution 150-15,
Amending Scope and Time

MEMORANDUM

Agenda Item No. 11(A)(9)

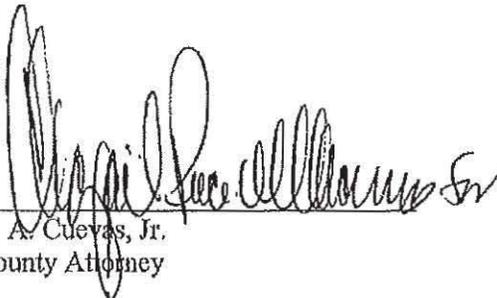
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 1, 2015

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

SUBJECT: Resolution amending powers and
duties of the Miami-Dade County
Public Private Partnership (P3)
Task Force established pursuant
to Resolution No. R-150-15;
extending deadline for P3 Task
Force to submit report to the
Board; and extending sunset of
P3 Task Force

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

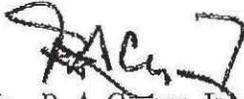


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 1, 2015

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

SUBJECT: Agenda Item No. 11(A)(9)

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 Mayor'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

2

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(9)
9-1-15

RESOLUTION NO. _____

RESOLUTION AMENDING POWERS AND DUTIES OF THE
MIAMI-DADE COUNTY PUBLIC PRIVATE PARTNERSHIP
(P3) TASK FORCE ESTABLISHED PURSUANT TO
RESOLUTION NO. R-150-15; EXTENDING DEADLINE FOR
P3 TASK FORCE TO SUBMIT REPORT TO THE BOARD;
AND EXTENDING SUNSET OF P3 TASK FORCE

WHEREAS, on February 3, 2015 this Board passed and adopted Resolution No. R-150-15 creating the Miami-Dade County Public Private Partnership Task Force (the "P3 Task Force"); and

WHEREAS, Resolution No. R-150-15 set forth the powers and duties of the P3 Task Force; and

WHEREAS, the first and foremost of the powers and duties of the P3 Task Force listed in Resolution No. R-150-15 is to "[m]ake recommendations to this Board in the County's ordinances, resolutions, regulations, implementing orders and administrative practices that will advance public private partnerships"; and

WHEREAS, another of the P3 Task Force's powers and duties set forth in Resolution No. R-150-15 is to "[i]dentify potential projects that address critical infrastructure needs in Miami-Dade County that are suitable for public private partnership arrangements"; and

WHEREAS, this Board prefers that the P3 Task Force focus on making recommendations and advising this Board as to how to improve County practices and policies that would foster public private partnerships as opposed to identifying potential infrastructure projects suitable for public private partnership arrangements; and

WHEREAS, re-scoping the powers and duties of the P3 Task Force to concentrate on advising the Board on changes in the County's ordinances, resolutions, regulations, implementing orders and administrative practices that will advance public private partnerships and eliminating the identification of potential P3 projects will open the pool of individuals willing to serve on the P3 Task Force; and

WHEREAS, the process of nominating individuals to and finalizing the membership of the P3 Task Force has taken longer than anticipated; and

WHEREAS, the unanticipated delay in finalizing the membership of the P3 Task Force necessitates an extension of the reporting requirement deadline and sunset of the P3 Task Force,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. *Amended Powers and Duties.* The P3 Task Force's powers and duties set forth in Resolution No. R-150-15 are amended to eliminate from the P3 Task Force's powers and duties the identification of potential projects that address critical infrastructure needs in Miami-Dade County that are suitable for public private partnership arrangements.

Accordingly, the amended powers and duties of the P3 Task Force are to:

- (a) Make recommendations to this Board on changes in the County's ordinances, resolutions, regulations, implementing orders and administrative practices that will advance public private partnerships; and
- (b) Evaluate and make recommendations to the Mayor and this Board with respect to the Public Private Partnership Plan required pursuant to Resolution No. R-1022-13 and any updates to said plan; and

- (c) Review and assess timelines and legislative recommendations or other goals, tasks or deliverables set forth in the County's Public Private Partnership Plan; and
- (d) Provide a written report to this Board describing the P3 Task Force's findings and recommendations regarding directives (a) – (c) above within 300 days of the effective date of Resolution No. R-150-15.

In making its recommendations and providing a report to this Board, the P3 Task Force shall analyze and review successfully utilized public private partnership legislation, arrangements and projects in other communities throughout the country. The P3 Task Force's review, assessments and recommendations to the Public Private Partnership Plan required pursuant to Resolution No. R-1022-13 shall not include any review, assessment or recommendations relating to any potential projects that may be suitable for public private partnership arrangements identified in the Public Private Partnership Plan.

Section 2. *Amended Reporting Deadline.* The deadline set forth in Resolution No. R-150-15 for the P3 Task Force's submission of a written report setting forth its findings and recommendations to the Board is extended 120 days. Accordingly, the P3 Task Force shall submit the written report to the Board required under Resolution No. R-150-15 within 300 days from the effective date of Resolution No. R-150-15. The report shall consist of a comprehensive assessment of the County's Public Private Partnership Program, Public Private Partnership Plan, and ongoing efforts consistent with the P3 Task Force's powers and duties set forth in Section 1 above. The report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65 for consideration by the Board. The Board may then request such further work of the P3 Task force as may be in the public interest.

Section 3. *Extension of Sunset.* The sunset and dissolution of the P3 Task Force set forth in Resolution No. R-150-15 shall be extended an additional 144 days. Therefore, the P3 Task Force shall sunset and stand dissolved on the 364th day from the effective date of Resolution No. R-150-15.

Section 4. All provisions of Resolution No. R-150-15 not herein amended remain in full force and effect.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. It 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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Díaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Eduardo W. Gonzalez

EXHIBIT 10
Appointment PPP Task Force
Membership - Resolution 150-15

Memorandum



Date: October 6, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

Agenda Item No. 8(F)(14)

From: Carlos A. Gimenez
Mayor

Subject: Recommendation for Approval of the Public Private Partnership Task Force Membership Pursuant to Resolution No. R-150-15

This item was amended at the August 25, 2015 meeting of the Strategic Planning and Government Operations Committee to: a) amend Resolution No. R-150-15 so as to increase the maximum membership of the Public Private Partnership Task Force from 14 to 15 members, and b) add Richard Gomez to the list of task force nominees.

Pursuant to Resolution No. R-150-15 approved by the Board of County Commissioners (Board) on February 3, 2015, this item proposes to the Board, for its approval, the membership of the Public Private Partnership (P3) Task Force. Summary information regarding each member's qualifications is attached to the resolution. A matrix showing the nominations is attached to this transmittal memorandum.

1. Diana Gonzalez (Mayor Carlos A. Gimenez)
2. William W. Riley, Jr. (Chairman Jean Monestime, Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Rebeca Sosa, Commissioner Xavier L. Suarez, Commissioner Dennis C. Moss and Commissioner Jose "Pepe" Diaz)
3. Chris Hodgkins (Chairman Jean Monestime and Vice Chairman Esteban Bovo, Jr.)
4. Bill Ernstrom (Commissioner Sally A. Heyman and Commissioner Xavier L. Suarez)
5. Ron Frazier (Chairman Jean Monestime)
6. George Burgess (Commissioner Juan C. Zapata)
7. John M. Cal (Commissioner Sally A. Heyman)
8. Enrique "Rick" Crooks (Commissioner Barbara J. Jordan)
9. Margaret Cullen (Commissioner Audrey M. Edmonson)
10. Carlos Diaz-Padron (Commissioner Rebeca Sosa)
11. David L. Dixon (Commissioner Dennis C. Moss)
12. Andy Madtes (Commissioner Daniella Levine Cava)
13. Ralph Rosado (Commissioner Jose "Pepe" Diaz)
14. Christian B. Ulvert (Commissioner Bruno A. Barreiro)
15. Richard Gomez (Commissioner Javier D. Souto)

Three (3) of the proffered members do not meet the Task Force's membership qualifications. Bill Ernstrom, who resides in Chicago, Illinois, and Andy Madtes, who resides in Dania Beach, Florida, do not satisfy the residency and elector requirements. William W. Riley, Jr., is a registered lobbyist with the Clerk of the Board. However, the Board may waive the P3 Task Force membership qualifications by a two-thirds vote of the members present.

The P3 Task Force was created to advise the Board and the County Mayor regarding the use of P3s and shall be comprised of a maximum of 14 members and a minimum of seven (7) members. From the candidates submitted by individual County Commissioners and the Mayor, Resolution No. R-150-15 required the Mayor or Mayor's designee to propose to the Board the membership composition of the P3 Task Force. To the extent possible, the membership of the P3 Task Force shall: (a) provide each Commissioner one (1) appointment, (b) diversify the expertise and qualifications represented in

Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
Page 2

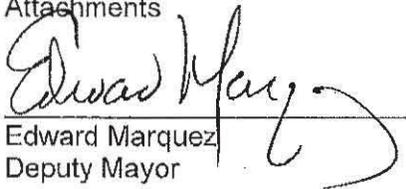
the P3 Task Force; and (c) reflect the geographic, gender, racial, ethnic and cultural makeup representative of the community.

Each P3 Task Force member shall have an outstanding reputation for civic pride, integrity, responsibility, and community service as well as be an United States citizen, permanent resident and duly qualified elector of Miami-Dade County. Membership shall be limited to business leaders, professionals or other persons having experience establishing, overseeing or participating in successful P3 arrangements.

Members shall be either (a) executive officers of engineering or architectural firms; (b) executive officers of construction firms; (c) members, partners or officers of financial firms; (d) partners, counsel or executives of law firms; (e) representatives from the Florida Department of Transportation or other federal, state or local governmental agencies that have worked on successful P3 arrangements; (f) labor representatives; or (g) urban planners.

The P3 Task Force shall meet within 15 days from the Board's approval of its composition. The Internal Services Department, Real Estate Development Division will provide the P3 Task Force with administrative support, as needed.

Attachments



Edward Marquez
Deputy Mayor

Public Private Partnership Task Force - Elected Officials Nominations

Elected Official	Executive Officer of Engineering or Architectural Firm	Executive Officer of Construction Firm	Member, Partner of Financial Firm	Partner, Counsel or Executive of Law Firm	FDOT or other Government Agency	Labor Representative	Urban Planner
Dist. 1 - Commissioner Barbara J. Jordan	Enrique "Rick" Crooks Ron Frazier						
Dist. 2 - Chairman Jean Monestime	Chris Hodgkins Ron Frazier			William W. Riley, Jr.			
Dist. 3 - Commissioner Audrey M. Edmonson				William W. Riley, Jr.	Margaret Cullen		
Dist. 4 - Commissioner Sally A. Heyman	Bill Ernstrom			William W. Riley, Jr.	John M. Cal		
Dist. 5 - Commissioner Bruno A. Barreiro				William W. Riley, Jr.	Christian B. Ulvert		
Dist. 6 - Commissioner Rebecca Sosa				William W. Riley, Jr.	Carlos Diaz-Padron		
Dist. 7 - Commissioner Xavier L. Suarez	Bill Ernstrom			William W. Riley, Jr.			
Dist. 8 - Commissioner Daniella Levine Cava						Miguel Aragon Akua B. Scott Andy Madtes	
Dist. 9 - Commissioner Dennis C. Moss			David L. Dixon	William W. Riley, Jr.			
Dist. 10 - Senator Javier D. Souto	Richard Gomez						
Dist. 11 - Commissioner Juan C. Zapata				George Burgess			
Dist. 12 - Commissioner Jose "Pepe" Diaz				William W. Riley, Jr.			Ralph Rosado
Dist. 13 - Vice Chairman Esteban Bovo, Jr.	Chris Hodgkins						
Mayor Carlos A. Gimenez					Diana Gonzalez		
Nominees:	Enrique "Rick" Crooks Ron Frazier Chris Hodgkins	Bill Ernstrom Richard Gomez	David L. Dixon	George Burgess William W. Riley, Jr.	John M. Cal Margaret Cullen Carlos Diaz-Padron Diana Gonzalez Christian B. Ulvert	Miguel Aragon Andy Madtes Akua B. Scott	Ralph Rosado

Notes:
1 - Bold represents the proposed nominees



DIANA M. GONZALEZ

Diana Gonzalez is the president of DMG Consulting Services, Inc. and The Consulting Group of South Florida, Inc. Both firms engage in management consulting services in the areas of project management and facility development for non profit, government and for-profit clients. Current and past clients include Enterprise Florida, PortMIAMI, The Beacon Council, Miami-Dade County, Vizcaya Museum and Gardens, Carter Goble Lee, MGT of America, the City of Homestead, Town of Cutler Bay.

Prior to entering the private sector, Diana was employed by Miami-Dade County as the Director of the Department of Development and Facilities Management. This agency provided central support services in the areas of real estate acquisition and leasing, facility management and building construction.

Diana received her B.A. from the University of Florida. She began her career with Metro-Dade County immediately following the completion of her Master's degree from Northeastern University in 1979. In 1989, she also attended the Senior Executive Program in State and Local Government at the John F. Kennedy School of Government.

As a consultant, Diana provides outreach and coordination services to PortMiami for Foreign Trade Zone 281, coordinates the Military Miami-Dade program for the Beacon Council, and provides project management and strategic planning services to government agencies and non-profit organizations at all levels.



William W. Riley, Jr.

William "Bill" is a shareholder in Gray Robinson's Miami office and a member of the Public Law and Land Use Practice Group. He has extensive experience in representing clients in the development of real property throughout Florida. His practice focuses on representing developers and construction lenders seeking development approvals during the comprehensive planning, zoning, subdivision and permitting process. In addition, Bill regularly represents clients in government procurement, code compliance and land use appellate matters.

Representative Highlights

- Redevelopment and expansion of children's hospital -- Serve as land use counsel to Variety Children's Hospital, a Florida non-profit corporation, doing business as Miami Children's Hospital. Successfully represented the hospital in an application seeking land use and zoning approvals to permit a 25-year redevelopment and expansion program of the hospital's main campus located in Miami-Dade County's Schenley Park neighborhood. In addition, he has represented the hospital in the development of several pediatric urgent care centers throughout South Florida. The approved redevelopment program includes a vertical expansion of the hospital's treatment facilities, increasing those facilities from 3 to 6 stories in height, which will accommodate large single-occupancy patient rooms, additional lab space, and increased medical services.
- Conversion of nine-hole executive golf course -- represented the owners of the Hillcrest Golf & Country Club located in Hollywood, Florida, in a series of public hearing applications to convert a nine-hole executive golf course for residential development, to consist of approximately 648 residential units comprising low-rise townhouses and flats as well as a mid-rise condominium tower and community center.

Education

- George Washington University, B.A. (*with honors*, 1997)
- University of Florida Levin College of Law, J.D. (2001)



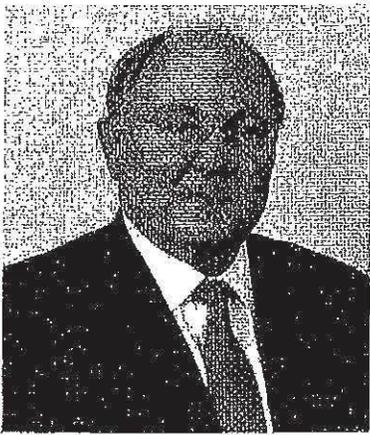
Chris Hodgkins

As the Miami Access Tunnels' CEO, Chris Hodgkins is in charge of the operations, maintenance, public affairs and outreach for the \$1 billion design, build, finance and operate (DBFO) contract that represents 35 years of infrastructure innovation building a tunnel to connect the Port of Miami to I 95. The Miami Access Tunnel is the first Public Private Partnership (P3) in South Florida.

As the CEO, he has been recognized for his energetic work with local communities, vendors and labor unions for his initiation of "OPERATION 305", a program to aggressively pursue people and businesses from the Miami Dade area for inclusion on the Port of Miami Tunnel Project.

Prior to working with the Miami Tunnel, Chris helped create and operate three of the nation's top Public Private Partnerships. Most recently Chris served as the Vice President and Business Development Leader for AECOM.

Chris has over 20 years of experience in municipal infrastructure and public sector development.



Bill Ernstrom

Bill is Vice President for Major Strategic Projects for Walsh Construction Company, one of the largest domestic construction services companies in the United States. Mr. Ernstrom is one of the corporate leaders for Walsh on all large design-build, PPPs, and project pursuits involving alternative project delivery systems. He is also responsible for the underwriting of all major projects pursued by Walsh.

Walsh is very active in the U.S. and Canadian PPP marketplace for both civil and social infrastructure projects. Walsh has been selected on a number of civil infrastructure projects in the U.S. including the ORB project in Indiana, the I-35 highway in Texas and most recently the Pennsylvania Bundled Bridges project to reconstruct over 500 bridges in the State of Pennsylvania. On the social infrastructure side Walsh is in the process of completing the Women's College Hospital PPP project in Toronto and was most recently selected as the preferred proponent for the Indianapolis Justice Center.

Mr. Ernstrom has been involved in the construction industry for over 30 years. He was formerly the General Counsel of Alberici Corporation. Before that, he founded Ernstrom & Dreese, a national construction and surety law firm. For over 15 years, Mr. Ernstrom ran the Contract Documents Program for the Associated General Contractors of America. In 1993 he was the initiator and chairman of the industry movement to write ConsensusDOCS, which were first published in 1997.

In 1998, Mr. Ernstrom was selected by the AGC as "Chairman of the Year" for his work in representing contractors' interests in contract documents. He has been awarded the AGC President's Coin for exemplifying skill, responsibility, and integrity as well as unlimited motivation on behalf of the Association, and he was the 2003 recipient of IRMI's Words of Wisdom (WOW) award recognizing speakers' excellence and commitment at the IRMI Construction Risk Conference.



Architect, Corporate CEO, University Professor, Entrepreneur and Community Servant

Ronald E. Frazier is currently retired and the former President and Chief Executive Officer of Ronald E. Frazier & Associates, P.A., an architectural and urban planning consultant firm founded in 1973. Mr. Frazier earned his Bachelor of Architecture degree from Howard University in 1966, where he graduated first in his class and later earned a Master of Architecture in Urban Design degree from the Catholic University of America in 1968. He was an assistant professor of architecture and planning at both Howard University (1968 to 1970) and the University of Miami (1971 to 1978). Mr. Frazier is a native of Houston, Texas and moved to Miami, Florida in 1969 to practice architecture and urban planning.

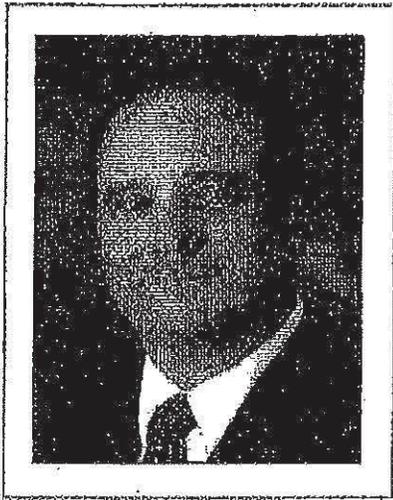
Mr. Frazier has over 40 years of experience in the design of innovative Architectural structures for both governmental agencies and private sector companies and has been a consultant to MDCPS as a building code consultant and architect for over 34 years. He has a wide scope of knowledge, experience and a successful track record of accomplishments in Urban Planning, Transportation, Airports, Multi-Purpose Facilities, Fire-Stations, Education, Health, Recreational and Communication Facilities. Examples of the firms' work include Lindsey Hopkins Technical Education Center, WLRN Radio and TV Facility, Miami-Dade State Attorney Building, the MLK Transit Office Building and Garage Complex, Liberty City Education Center, Orlando Airport CFR Station, Joseph Caleb Center, Jefferson Reaves Health Center, the Broward Community College Gymnasium, Culmer Metrorail Station and the proposed Satellite E Air Terminal at Miami Airport. Professional affiliations for Mr. Frazier include: the National Association of Minority Architects (NOMA), the American Institute of Architects and the Association of African American Architects and Engineers of South Florida.

In addition to his architectural firm and as an entrepreneur, Mr. Frazier has been a business development consultant for minority participation for the Miami Arena, the Performing Arts Center, a minority owner in the Bayside Commercial Shopping Center and owner of Rovonne Enterprises Inc. the Bayside Ice Cream Factory and the R.F. Fruit Bar Company. As result of numerous accomplishments, Mr. Frazier's architectural firm was named "***Black Business of the Year in 1989***" by the Greater Miami Chamber

of Commerce and **"Top Black Business of the year Dade County 1990"** by the Miami Dade County Chamber of Commerce.

In accord with his civic duty in Miami-Dade County and the State of Florida, Mr. Frazier has contributed his expertise to various institutional agencies and inner city communities in Miami as well as other parts of the state of Florida. 2 He has served as Chairman of Miami-Dade County's CSBE Advisory Board for over 15 years and a member of the MDCPS Minority Business Program for over 15 years. He has coordinated educational training programs at the community level and participated as a planning conference representative for physical/economic redevelopment and housing programs. Major emphasis on "hands-on" management style, coupled with in-depth community involvement is a special expertise of Mr. Frazier. He has been affiliated with numerous civic organizations and has served on a number of boards. He is a charter member of BAC Funding Corporation for 32 years and currently serves as the Chairman/CEO, since 1992. In addition, Mr. Frazier has served on two (2) bank boards and was responsible for their Community Reinvestment Programs (CRA). Since 1980, he has been involved and has extensive experience in numerous minority business development programs and projects. Some of the former boards include but not limited to the Founding Member, of Miami Dade Chamber of Commerce, Perez Art Museum Board, St. Thomas University Board of Trustees, The None Group, Channel 2 Public Television, Miami Dade County Art In Public Buildings, Florida Council of State Housing Goals, the Florida Building Codes Committee, Greater Miami Chamber of Commerce, Chairman, Florida Revitalization Board and a member of the Florida Black Investment.

As a member of the following professional organizations, Sigma Pi Phi Fraternity and Kappa Alpha Psi Fraternity, Mr. Frazier tries to be a beacon of light to guide the way for many African Americans into the future.



George Burgess

George Burgess is the Chief Operating Officer for Becker & Poliakoff, P.A., with offices across Florida, New York, New Jersey, Washington, D.C., and Northern Virginia. Mr. Burgess also serves as Vice Chair of the Firm's P3 Practice Group, and served as one of six gubernatorial appointees to the State's P3 Partnership for Public Facilities Act Guidelines Task Force, which was charged with formulating guidelines to facilitate the use of the P3 delivery method for needed infrastructure projects across the State. The Task Force recommendations were submitted to the Governor and State Legislative leadership in mid-2014 for consideration during the upcoming 2015 state legislative session. Prior to joining the Firm, Mr. Burgess served as Miami-Dade County Manager from 2003 to 2011, where he managed one of the largest and most sophisticated metropolitan governments in America.

While County Manager the County experienced an unprecedented level of infrastructure investments. He was the driving force behind the voter-approved \$2.9 billion Building Better Communities Bond Program. He also led numerous major infrastructure projects including the Port of Miami Tunnel, the Adrienne Arsht Center for the Performing Arts, the multi-billion dollar North and South Terminals at Miami International Airport, the people mover system and the Metrorail transit line extensions connecting the airport to downtown Miami, and the new state-of-the-art professional baseball stadium in downtown Miami.

Mr. Burgess has also served in a number of executive level positions for the County, the City of Miami and Miami-Dade Public Schools over his 28 year career in public service and held the title of Distinguished Practitioner in Residence at Florida International University, where he teaches graduate level classes in public administration. He is a member of the 2012-13 class of Leadership Florida. He lives with his wife Karen in Pinecrest, Florida.



John M. Cal

John has built a 35+ year career applying his leadership and management across a wide variety of endeavors in both the private and public sectors. With 20+ years as a U.S. Army infantry officer serving in a variety of staff and command assignments both in the United States and overseas, coupled with 11 years in the private sector, Mr. Cal brings unique depth and breadth of experience to the University. He has a track record of strengthening performance and building sustainable organizations oriented on results and continuous improvement.

As the Associate Vice President for Facilities Management at the University, John is responsible for real estate master planning, facilities operations, and construction. Operations include the management of more than 120 permanent buildings totaling more than 8 million square feet located at the two major campuses, Modesto Maidique Campus (MMC) and Biscayne Bay Campus (BBC), along with the Engineering Center (EC) located in Sweetwater, and the Wolfsonian Museum and Annex located in Miami Beach. Together all four sites encompass approximately 575 acres and require an operating budget of \$35 million with 330+ employees. The University also operates 3 satellite locations: the Business School site at 1100 Brickell in Downtown Miami, CARTA's Miami Beach Urban Studio on Lincoln Road, and a Broward location in Pembroke Pines.

Prior to joining FIU, John worked 11 years for Assurant, Inc. and its predecessor company, American Bankers Insurance Group. Serving first as the Senior Director for Operations in International Development, he then became the Chief of Staff for the President & COO. From 2002 – 2007, John was Senior Vice President, Corporate Resources, with responsibility for all facilities management, real estate, lease management, construction, food services, procurement, travel, security, and warehouse operations. As an Army officer from 1976 – 1996, John attained the rank of Lieutenant Colonel. While serving in the Pentagon from 1992 – 1996, he served as the Assistant to the Under Secretary of the Army, who was also the Chairman of the Panama Canal Commission. John assisted the Chairman in developing the policy and strategy to transfer the Panama Canal to the government of Panama.

John holds a Bachelor of Science (BS) degree in Engineering from the United States Military Academy at West Point graduating in 1976. As an Olmsted Scholar, he studied International Relations at Universidad Complutense de Madrid (Spain) from 1981-1983. He also earned a Master's Degree in Public Administration (MPA) at Harvard's Kennedy School of Government in 1992.

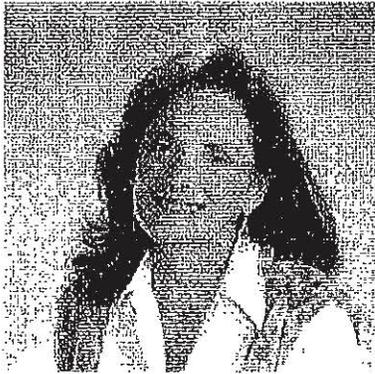
John and his wife, Helen, a native of Madrid, Spain have raised their five children here in Miami since 1996.



Enrique "Rick" Crooks

Mr. Crooks is the founder and president of EAC Consulting, Inc. (EAC). EAC is a respected engineering firm that has performed infrastructure engineering services for: Highways and Bridges, Toll Facilities, Water and Sewer, Public Works, Transit, Airports and Ports. Mr. Crooks has more than 29 years in the engineering industry and has experience in all project delivery methods. He has proven experience in the design and management of infrastructure improvement projects that involve user fees to support project financing.

Mr. Crooks is actively involved in professional affiliations within the engineering industry. He has a strong commitment to improving the well-being of communities within Florida and actively participates in business and community initiatives across the state. He is an alumni of The International Bridge Turnpike and Tunnel Association's Leadership Program as well as Leadership Miami and Leadership Florida.



Ms. Margaret Cullen

Trade Commissioner
The Canadian Trade Commissioner Service
Consulate General of Canada in Miami

Margaret joined the Canadian Trade Commissioner Service in 2000. She has extensive experience in the public and private sectors. She has worked closely with the World Trade Center Miami and Enterprise Florida to develop international markets. She also ran her own successful international consulting practice. Her clients included: KPMG's International Tax Division.

As a Trade Commissioner in Miami, her territory covers Florida, Puerto Rico and the U.S. Virgin Islands. Margaret's primary focus is on P3 Projects, Infrastructure and Sustainable Technologies. She is a passionate P3 advocate promoting Canada's P3 Model – Best in Class. She works closely with municipalities and local firms to build partnerships with Canadian expertise. She has successfully assisted hundreds of Canadian companies with their business development plans in the region as well as developing strategic relationships and facilitating partnerships between business, local governments, academia and her Canadian clients.

Margaret started her career on Wall Street with Merrill Lynch, then, after many years in Latin America where she ran a very successful English Language School she began working for IBM Corporation where she coordinated a business unit of a large-scale tracking program generating more than \$30 million in revenues. Margaret also co-directed the Small Business Development Centre at Miami Dade College where she also co-developed an exporting program with the U.S. Department of Agriculture.

A champion for women in business, Margaret received the International Women's Day Award in 2005 from the World Trade Center Miami. In 2006, she also received the International Business Woman of the Year Award from the Organization of Women in International Trade – OWIT. Margaret holds a Master's degree in International Business from Nova Southeastern University, Wayne Huizenga School of Business and Entrepreneurship and a Bachelor's degree in International Business from Barry University.



Carlos Diaz-Padron

Carlos serves as President of GIC Underwriters, Inc. and General Counsel at Granada Insurance Company. He attended the University of Miami, graduating with a Bachelor of Science in 1980 and a Juris Doctor in 1986. In 1992, he was elected Vice-Mayor of the City of West Miami, he served in the roles of Commissioner, Vice-mayor, and Mayor until 2002.

He has served on various civic boards for Miami-Dade County, the City of West Miami, the City of Coral Gables, and the University of Miami.



David L. Dixon

Native born Floridian and a product of Miami-Dade County, with over 40 years in the banking business with First American Bank and Trust Company; Barnett Bank; Nations Bank and most recently Bank of America.

Attended the University of Miami on a partial scholarship as a voice major. Currently Chairman of the Board for The South Florida Boys and Girls Choir as well as past President of the Miami-Dade Urban Banker Association. Retired member of the Selective Service Board of Florida and most recently ordained Elder of the Church of Christ in Coconut Grove.

Currently resides in Kendall with his wife Andrea and their three children, Schauri, David Jr. and RaShawn.



Andy Madtes

Andy Madtes is president of the South Florida AFL-CIO, a membership driven organization with over 150,000 active and retired workers from various trades and professions from across Miami and the surrounding counties.

Andy currently works for AFSCME International, the largest public sector union in the country representing 1.6 million people. He is also serving as the administrator for AFSCME Local 199, the largest local in Dade County with over 8,000 members.

A labor leader with a broad range of experience in government and public policy issues, Andy is a public servant who has, throughout his career, advocated and championed for economic equality for all working families. Andy has managed multi-million dollar budgets, and chaired the culinary union multi-employer trust fund for over 17 years.

Andy has been recognized by numerous organizations for his contributions to the advancement of labor rights and for his extensive bargaining skills. He has negotiated with some of the largest corporations in America. Some of the companies he has bargained with include Paramount Pictures, Hilton Hotels, Starwood International, to name a few. He recently completed negotiations with Miami Dade County and led the efforts for health care reform.

Andy was born in New York City, where he attended John Jay College of criminal justice. He is married with two children.



Ralph Rosado

Ralph Rosado is President of Rosado and Associates, an urban planning and economic development strategy firm based in Miami, as well as an instructor in graduate and professional programs at the University of Miami and Florida International University. Ralph holds a PhD City Planning from the University of Pennsylvania, with a focus on Neighborhood Revitalization, Economic Development, and Public-Private Partnerships, and a joint Master's degree in Public Policy and Urban Planning from Princeton University.

Past professional experience includes serving as a senior government official for three cities, Executive Director of the South Florida Community Development Coalition, and, previous to that, serving as an Urban Design and Neighborhood Revitalization consultant to a number of municipalities in Miami-Dade.

While in graduate school, at the invitation of President Bush, Ralph served as a White House Graduate Intern with the United States Department of Housing and Urban Development (HUD) in Washington D.C.

Honors include being named *Miami Leader*, one of Miami's Top Nonprofit Executives, by the Miami Foundation, 2012, and a *Top Latino Leader of Miami*, by *Latino Leaders Magazine*, 2013.



Christian Ulvert

Christian Ulvert is the founder and president of EDGE Communications.

Christian has served on and managed several successful campaigns across the state of Florida, ranging from municipal, state legislative, state's attorney, issue advocacy and statewide campaigns.

Prior to his launch as a political and media consultant, Christian served the Florida House of Representatives Democratic Caucus as communications director and policy advisor to House Democratic Leader Dan Gelber during his two-year leadership term. His knowledge of strategic communications, public opinion and message development allowed elected officials to effectively deliver their message to statewide media outlets and drive public opinion. His strong verbal communications skills have led Christian to serve as bilingual spokesman his long list of clients.

Christian's diverse professional background ranges from crisis communications, legislative communications, grass-tops management and outreach and Hispanic public affairs. Through his work with many clients, Ulvert has seen how the private and public sectors collaborate on behalf of the community. His service to his clients extends beyond Miami-Dade County as he has a strong working knowledge of Florida's unique characteristics and opportunities. He has led successful initiatives where the public and private sectors have joined forces to deliver opportunities to different communities.

Born in Miami with family roots from Nicaragua, Christian graduated from the Florida State University with a Bachelors of Science in Political Science and a Masters in Public Administration and Policy. Today, Christian lives with his husband in Miami Shores.



Richard Gomez, Vice President Preconstruction / Marketing

Mr. Gomez has been working in the South Florida Construction industry for over 18 years. His experience in the commercial, hi-rise, and hospitality markets has comprised of over 1,000,000 square feet of new construction. Mr. Gomez is a board member of the Florida Atlantic Builders Association, a LEED accredited member of the United States Green Council, active member of the University Of Florida School Of Building Construction Alumni Association, Past President and Board Member of the Executive Association of Greater Miami, Chairman of Miami Dade Community Council 10 and was named the Hispanic Business Magazine 2008 Rising Star for their Entrepreneur of the Year award.

- Florida Certified General Contractor, License No. CGC062812
- Florida Certified Underground Utilities Contractor, License No. CUC1225015

Education:

- University of Florida – Bachelor of Science in Construction Management



MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

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

SUBJECT: Agenda Item No. 8(F)(14)

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 Mayor'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
Veto _____
Override _____

Agenda Item No. 8(F)(14)
10-6-15

RESOLUTION NO. _____

RESOLUTION APPROVING PUBLIC PRIVATE PARTNERSHIP (P3) TASK FORCE MEMBERS PURSUANT TO RESOLUTION NO. R-150-15 AS AMENDED HEREBY; AND WAIVING THE P3 TASK FORCE MEMBERSHIP REQUIREMENTS FOR BILL ERNSTROM, ANDY MADTES AND WILLIAM W. RILEY, JR., BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT

WHEREAS, the Board of County Commissioners (Board) adopted Resolution No. R-150-15, which provides for the creation of a Public Private Partnership (P3) Task Force; and

WHEREAS, the P3 Task Force is to be comprised of a maximum of 14 members, and a minimum of seven members; and

>>WHEREAS, the Board desires to amend Resolution No. R-150-15, as amended by Resolution No. R-736-15, to increase the maximum membership of the P3 Task Force from 14 members to 15 members; and<<¹

WHEREAS, the Mayor or Mayor's designee shall propose to the Board the membership of the P3 Task Force, which to the extent possible shall: (i) provide each Commissioner one appointment; (ii) diversify the expertise and qualifications represented in the P3 Task Force; and (iii) reflect the geographic, gender, racial, ethnic and cultural makeup representative of the community; and

WHEREAS, the P3 Task Force membership shall be limited to business leaders, professionals or other persons having substantial experience establishing, overseeing or participating in successful public private partnership arrangements; and

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, Resolution No. R-150-15 requires that each P3 Task Force member shall be a United States citizen, a permanent resident and duly qualified elector in Miami-Dade County, and have an outstanding reputation for civic pride, integrity, responsibility and community service; and

WHEREAS, three of the members nominated to the P3 Task Force do not meet the qualification requirements but are otherwise qualified to serve on the P3 Task Force; Bill Ernstrom and Andy Madtes are not permanent residents and qualified electors of Miami-Dade County and William W. Riley, Jr. is a registered lobbyist with the Clerk of the Board of County Commissioners; and

WHEREAS, Resolution No. R-150-15 authorizes this Board, by resolution adopted by two-thirds vote of the members present, to waive the P3 Task Force membership requirements, including the requirements that P3 Task Force members be permanent residents and qualified electors of Miami-Dade County and not registered lobbyists with the Clerk of the Board of County Commissioners; 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:

>>Section 1. This Board approves amending Section 4 of Resolution No. R-150-15 to increase the maximum number of P3 Task Force members from 14 members to 15 members.<<

Section ~~[[1]]~~>>2<<. This Board approves the membership composition proposed by the County Mayor for the P3 Task Force and approves each of the following individuals to serve on the P3 Task Force: Diana Gonzalez; William W. Riley, Jr.; Chris Hodgkins; Bill Ernstrom; Ron Frazier; George Burgess; John M. Cal; Enrique "Rick" Crooks; Margaret Cullen; Carlos Diaz-Padron; David L. Dixon; Andy Madtes; Ralph Rosado; ~~[[and]]~~ Christin B. Ulvert; >>and Richard Gomez.<<

Section ~~[[2]]~~>>3<<. This Board, by a two-thirds vote of the members present, waives the membership qualification requirement that each P3 Task Force member be a permanent resident and qualified elector of Miami-Dade County for Bill Ernstrom and Andy Madtes; and waives the membership qualification requirement that no lobbyist registered with the Clerk of the Board of County Commissioners serve on the P3 Task Force for William W. Riley, Jr.

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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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

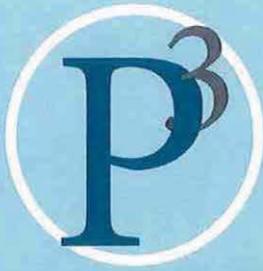
HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

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

Eduardo W. Gonzalez

EXHIBIT 11
Governor Scott's Task Force



Partnership *for* Public Facilities and Infrastructure Act Guidelines Task Force

Final Report and
Recommendations



July 1, 2014

Task Force Membership



Chair: Craig J. Nichols, Secretary
Department of Management Services



Vice Chair: Frank C. Attkisson, Chair,
Osceola County Board of County Commissioners



Michael H. Olenick, Vice President of Corporate
Affairs and Chief Compliance Officer, Morganti Group



George M. Burgess, Chief Operating Officer,
Becker & Poliakoff, P.A.



John B. "Jay" Smith II, Vice President and
Owner, Ajax Building Corporation



Sonya C. Little, Chief Financial Officer,
City of Tampa



Andy Tuck, Chair, Highlands County
School Board; member, State Board
of Education



The Honorable Rick Scott, Governor
State of Florida
PL-05 The Capitol
Tallahassee, FL 32399-0001

The Honorable Don Gaetz
President, The Florida Senate
409 The Capitol
Tallahassee, FL 32399-1100

The Honorable Will Weatherford
Speaker, Florida House of Representatives
420 The Capitol
Tallahassee, FL 32399-1300

Dear Governor Scott, President Gaetz, and Speaker Weatherford:

In 2013, the Legislature passed and Governor Scott signed into law House Bill 85 to authorize the use of public-private partnerships by local governments, citing the public need for the construction or upgrade of facilities that are used predominantly for public purposes and stating that it is in the public's interest to provide for the construction or upgrade of such facilities and to encourage investment in the state by private entities.

The law established the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force to study the public-private partnership process outlined in law and make recommendations for the Legislature's consideration for purposes of creating a uniform process for establishing public-private partnerships. Governor Scott appointed six members to the task force, chaired by the Secretary of the Department of Management Services in accordance with the law. Task force membership, per the law, includes one county government official, one municipal government official, one district school board member, and three representatives of the business community. I would like to thank the Governor for his thoughtful appointment of six highly qualified individuals.

Working together to ensure the greatest possible flexibility to public and private entities contracting for the provision of public services, the task force held 10 meetings to study the law, understand how governmental entities around the world have implemented public-private partnerships, and to hear from interested parties and stakeholders.

In accordance with section 287.05712, Florida Statutes, the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force submits the following recommendations for your consideration.

Please do not hesitate to contact myself or Marlene Williams for additional information at 850-487-7001 or Marlene.Williams@dms.myflorida.com.

Sincerely,

CRAIG

Craig J. Nichols,
Chair, Partnership for Public Facilities and Infrastructure Act Guidelines Task Force
Agency Secretary, Department of Management Services

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INTRODUCTION

As local governments around the world are in search of alternative options to finance and deliver projects and infrastructure initiatives, public-private partnerships (P3s) are an increasingly attractive solution. Public-private partnership projects are contractual agreements formed between public and private-sector entities that allow for greater private sector participation in both the delivery and financing of public projects. The transportation sector has historically been the most common industry to utilize P3s, but the use of P3s has expanded into other areas of public infrastructure such as water and wastewater, education, health care, building construction, parks and recreation and technology.

There are many different P3 models with varying levels of public and private responsibility and financial risk. Public-private partnerships are becoming a common tool to bring together the strengths of both sectors. When executed well, P3 projects benefit both the public and private sectors. In addition to maximizing efficiencies and innovations of private enterprise, P3s can provide much needed capital to finance government projects, thus freeing critical public funds for core services and programs. However, P3 projects do not provide a one-size-fits-all solution to the funding challenges local governments are facing, but are a tool local governments should consider, particularly when faced with budget constraints.

During its first meetings, the task force sought to understand the P3 marketplace, how other governments implement P3 projects, and, most importantly, the needs of those entities that would engage in public-private partnerships. The task force heard extensive testimony from city, county and school board representatives with the clear message that Florida is ready for more public-private partnership projects but the structure provided needed to foster local government involvement without overly dictating process. To better understand the best practices needed to successfully implement P3 projects and attract investors, the task force heard from other states and governments, including Canada and the United Kingdom, which both have well-developed P3 processes and markets. National P3 associations spoke about key factors – encouraging competition, strong interim and comprehensive agreements, and thoughtful partnerships with quality vendors. Private investment companies provided testimony that a clear process for engaging in P3 projects was vital to attract private investment into Florida’s P3 marketplace. These are all factors the task force considered in developing its recommendations.

Throughout the task force’s meetings, the key question became: how does this body develop recommendations that support the framework needed to attract private sector involvement while still giving local governments the flexibility to implement local projects to meet local needs? As a body, we believe the recommendations included in this report meet this goal. With the right parameters in place, Florida is well on its way to being an environment that further fosters public and private entities working together to provide the infrastructure and facility solutions Floridians need.

Background

In the 2013 Regular Legislative Session, the Florida Legislature enacted HB 85, which was signed into law as Chapter 2013-223, Laws of Florida, and incorporated into law as section 287.05712, Florida Statutes (F.S.). The law grants responsible public entities the authority to engage in public-private partnership projects for the development of a wide range of public-use facilities or projects that serve a public purpose.

The law defines “responsible public entity” as “a county, municipality, school board, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project.”

In order for a project to use the public-private partnerships delivery method, it must meet the definition of “qualifying project.” Under the law, “qualifying project” is broadly defined as:

1. A facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity;
2. An improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector;
3. A water, wastewater, or surface water management facility or other related infrastructure; or
4. Notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section.

General procurement provisions for public-private partnership projects

The public-private partnerships law establishes requirements to which responsible public entities must adhere, including reviewing and approving proposals received pursuant to this section of law. For reference, the following provides a high-level overview of the public-private partnerships procurement process.

Proposal receipt and notice

A proposal may be either requested by a public entity or submitted by a private entity on an unsolicited basis.

Proposals received by the responsible public entity (RPE) in response to a public solicitation are received, reviewed and either accepted or rejected on a proposal-by-proposal basis.

The process for unsolicited proposals is slightly different. The RPE may establish a reasonable application fee for the submission of an unsolicited proposal under this section. The fee must be sufficient to pay the costs of evaluating the proposal and the RPE may engage the services of a private consultant to assist in the evaluation.

Once an RPE receives an unsolicited proposal for a P3 project and the public entity intends to enter into a comprehensive agreement for the project, the public entity must publish notice in the Florida Administrative Register and a newspaper of general circulation at least once a week for two weeks stating that the public entity has received a proposal and will accept other proposals for the same project.

The timeframe within which the public entity may accept proposals shall be determined by the public entity on a project-by-project basis based upon the complexity of the project and the public benefit to be gained by allowing a longer or shorter period of time within which other proposals may be received; however, the timeframe for allowing other proposals must be at least 21 days, but no more than 120 days, after the initial date of publication.

After the public notification period has expired in the case of an unsolicited proposal, the RPE shall rank the proposals received in order of preference and sequentially negotiate a comprehensive agreement, beginning with the highest-ranked firm.

For both solicited and unsolicited proposals, the responsible public entity must perform an independent analysis of the proposed public-private partnership before the procurement process is initiated or before the contract is awarded. This analysis must demonstrate the project's cost-effectiveness and overall public benefit.

Project approval

The RPE may approve the development or operation of an educational facility, a transportation facility, a water or wastewater management facility or related infrastructure, a technology infrastructure or other public infrastructure, or a government facility needed by the RPE as a qualifying project, or the design or equipping of a qualifying project that is developed or operated, if:

1. There is a public need for or benefit derived from a project of the type that the private entity proposes as the qualifying project.
2. The estimated cost of the qualifying project is reasonable in relation to similar facilities.
3. The private entity's plans will result in the timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project.

Additionally, for both solicited and unsolicited proposals, before approving a proposed project, the RPE must determine that the proposed project:

- is in the public's best interest;
- is for a facility that is owned by the RPE or for a facility for which ownership will be conveyed to the RPE;
- has adequate safeguards in place to ensure that additional costs or service disruptions are not imposed on the public in the event of material default or cancellation of the agreement by the responsible public entity;
- has adequate safeguards in place to ensure that the RPE or private entity has the opportunity to add capacity to the proposed project or other facilities serving similar predominantly public purposes; and

- will be owned by the responsible public entity upon completion or termination of the agreement and upon payment of the amounts financed.

Interim or comprehensive agreement

Before developing or operating the qualifying project, the selected private entity must enter into a comprehensive agreement with the RPE. Before entering into or in connection with a comprehensive agreement, the public entity may enter into an interim agreement with the private entity authorizing the private entity to begin project activities such as project planning. Any interim or comprehensive agreement must define the rights and obligations of the RPE and the private entity.

RECOMMENDATIONS

Section 287.05712, F.S., established the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force to study the public-private partnership process outlined in law and make recommendations for the Legislature's consideration for purposes of creating a uniform process for establishing public-private partnerships.

The task force has developed 29 recommendations for the Legislature's consideration.

In reviewing and developing these recommendations, it became clear that these recommendations were best ordered in three groups:

- recommendations relate to the eight items specified for consideration by the law;
- best practices recommendations, which were developed after study of other states and governments that have implemented a P3 process for infrastructure; and
- recommendations relating to the clarification of section 287.05712, F.S., for ease of implementation by responsible public entities.

Items specified for consideration

Section 287.05712, F.S., includes the following eight items required for task force consideration:

1. Opportunities for competition through public notice and the availability of representatives of the responsible public entity to meet with private entities considering a proposal.
2. Reasonable criteria for choosing among competing proposals.
3. Suggested timelines for selecting proposals and negotiating an interim or comprehensive agreement.
4. If an accelerated selection and review and documentation timelines should be considered for proposals involving a qualifying project that the responsible public entity deems a priority.
5. Procedures for financial review and analysis which, at a minimum, include a cost-benefit analysis, an assessment of opportunity cost, and consideration of the results of all studies and analyses related to the proposed qualifying project.
6. The adequacy of the information released when seeking competing proposals and providing for the enhancement of that information, if deemed necessary, to encourage competition.
7. Current exemptions from public records and public meetings requirements, if any changes to those exemptions are necessary, or if any new exemptions should be created in order to maintain the confidentiality of financial and proprietary information received as part of an unsolicited proposal.
8. Recommendations regarding the authority of the responsible public entity to engage the services of qualified professionals, which may include a Florida-registered professional or a certified public accountant, not otherwise employed by the responsible public entity, to provide an independent analysis regarding the specifics, advantages, disadvantages, and long-term and short-term costs of a request by a private entity for approval of a qualifying project, unless the governing body of the public entity determines that such analysis should be performed by employees of the public entity.

The task force reviewed each item in detail, designating a task force member to each item specifically accountable to research, gather input, and develop recommendations on that individual subject. The task force offers the following recommendations for Legislative consideration.

Ensuring the public-private partnership process, in particular when unsolicited proposals are involved, provides for an adequate level of competition

Item 1, Item 3

The public-private partnerships law (section 287.05712, F.S.) provides for notice process and timelines for public and potential competing proposers. The best prospect for success in generating competing proposals is the amount of time and the extent that it is publicly advertised. Because this law is intended to encourage innovative partnerships between responsible public entities and private entities, public entities should be encouraged to maintain an open dialogue with private entities regarding the need for infrastructure improvements.

Discussion on this item included ensuring opportunity for competition through public notice and the availability of representatives of the responsible public entity (RPE) to meet with private entities considering a proposal.

Recommendation:

The task force reviewed this item and determined that current law is sufficient to provide an adequate level of competition regarding public notice, as noticing requirements in place ensure public advertisement. Current laws in place governing open meetings and procurements are sufficient to cover public-private partnerships.

Criteria for choosing among competing proposals

Item 2

Section 287.05712, F.S., provides that in reviewing and evaluating proposals, the RPE may consider factors that include, but are not limited to, professional qualifications, general business terms, innovative design techniques or cost-reduction terms, and finance plans. Additionally, before approving a project, the RPE must determine that the proposed project is in the public's best interest.

Discussion on this item focused on ensuring that responsible public entities utilize public resources effectively while ensuring RPEs have the flexibility to rank and select proposals as determined at the local level, including application of a local preference or other adopted preference.

Recommendation:

The task force reviewed this item and determined that current law in place governing the selection of proposals for public-private partnerships is adequate. Responsible public entities should retain the flexibility to rank and select proposals as determined at the local level, including consideration of qualifications and experience, project characteristics, project benefit, and other factors.

Acceptance of unsolicited proposals timeframe

Item 3

Paragraph 287.05712(4)(b), F.S., specifies that an RPE must notice and accept other proposals for the same project following the receipt of an unsolicited proposal it intends to pursue. Such notice shall be published in the Florida Administrative register and a newspaper of general circulation at least once a week for two weeks. The law states the RPE may determine the timeframe within which the public entity may accept other proposals on a project-by-project basis, based upon the complexity of the project and the public benefit to be gained by allowing a longer or shorter period of time; however, such timeframe must be at least 21 days but no more than 120 days after the initial date of publication.

Discussion focused on ensuring that the timeline for competing proposals solicited in response to an unsolicited proposal was sufficient to ensure competing proposers have time to develop a quality competing proposal, particularly in the case of a complex proposal.

Recommendation:

The task force reviewed this item and determined that, given the intent to allow the RPE flexibility to determine the timeframe within which to accept other proposals, the task force recommends the Legislature consider allowing the RPE the flexibility to extend the timeframe beyond 120 days after the initial date of publication, should a project have the complexity to warrant such an extension. This extension must be granted by the elected body or other authorized representative of the RPE.

Length of time a responsible public entity (RPE) can review a proposal

Item 3

Responsible public entity representatives should have the flexibility to perform adequate review of submitted proposals to ensure the best allocation of public resources. From a private entity perspective, it was noted that the review period should have a time limit for any pricing included in the proposal.

Recommendation:

The task force reviewed this item and determined current law allows for flexibility in the timing of RPE review. This flexibility in current statute allows an RPE to fully review and vet both simple and complex proposals in the time needed for deliberate decision making. The task force recommends any pricing submitted in a proposal should include the timeframe for which such pricing is valid.

Accelerated selection and review and documentation timelines for proposals involving a qualifying project prioritized by the RPE

Item 4

Discussion regarding this item focused on whether an RPE should have the option to accelerate proposals they deem a priority, if specified accelerated timelines should be developed, and the scenarios that would prompt expedited process. How will the RPE ensure public access to project information?

How can the RPE ensure expediting timelines does not deter competition?

Recommendation:

The task force reviewed this item and determined that accelerated selection and review and documentation timelines are appropriate and should be considered for proposals involving a qualifying project that the RPE deems a priority. Following noticing requirements established in the law, RPEs should be given the flexibility to determine such accelerated timelines and the process by which projects are selected for accelerated review.

Information released when seeking competing proposals and requests for additional or enhanced information

Item 6

If unsolicited proposals were exempt from public record, the RPE would be required to develop its own solicitation documents to solicit competing proposals. Discussion regarding this item considered what project information should be released when soliciting competing proposals. The quality of information released in soliciting competing proposals is key to ensuring competition.

Recommendation:

The task force reviewed this item and determined that RPEs should be given the flexibility to develop their own documentation to solicit competing proposals. An RPE should consider using the same project information for soliciting public-private partnerships as it does for standard construction projects. Alternatively, the RPE may request the private entity provide a redacted copy of the proposal without confidential information that may be released should the project be accepted and the RPE need to solicit competing proposals. The private entity shall not deem its entire proposal proprietary and confidential or trade secret.

Exemption from public records requirements for unsolicited proposals

Item 7

An unsolicited proposal may identify proprietary business information and is not currently exempt from public records requirements. Because unsolicited proposals may contain proprietary information and trade secrets, such as patent-pending designs and financing terms, if such information is made publicly available before the RPE makes a decision, competitors could determine the creative financing used to fund these projects. The harm that may result from the release of such information may outweigh any public benefit that may be derived from the disclosure of the information.

Recommendation:

The task force recommends the Legislature consider establishing an exemption from public records requirements for proprietary and confidential and trade secret information provided in proposals for public-private partnerships. The task force recommends such an exemption be temporary, with the proposal becoming publicly accessible after a period of time. The task force voted to support legislation (HB 1051 and SB 1318) filed in the 2014 Regular Legislative Session that would accomplish such an exemption and encourages such an exemption be reviewed by the First Amendment Foundation. The private entity shall not deem its entire proposal proprietary and confidential or trade secret.

Financial review and analysis, including use of qualified professionals to conduct an independent analysis of a proposal

Item 5, Item 8

In accordance with the law, an RPE is required to perform an independent analysis of the proposed public-private partnership before the procurement process is initiated or before the contract is awarded. This analysis must demonstrate the project's cost-effectiveness and overall public benefit.

Additionally, before signing a comprehensive agreement, the RPE must consider: a reasonable finance plan; the project cost; revenues by source; available financing; major assumptions; the internal rate of return on private investments, if governmental funds are assumed in order to deliver a cost-feasible project; and a total cash-flow analysis beginning with the implementation of the project and extending for the term of the agreement. If considering an unsolicited proposal, the RPE may engage a private consultant for this review and require from the private entity a technical study prepared by a nationally-recognized expert with experience in preparing analysis for bond rating agencies.

Recommendation:

The task force reviewed this item and determined that requirements in current law governing the financial review of proposals for public-private partnerships are adequate. Responsible public entities are encouraged to engage professional consultants as needed for advice to support internal personnel and staff.

Guidance regarding application fee for the submission of an unsolicited proposal

Item 5, Item 8

The public-private partnerships law allows an RPE to establish a reasonable application fee for the submission of an unsolicited proposal. The law states the fee must be sufficient to pay the costs of evaluating the proposal. The RPE may engage the services of private consultants to assist in the evaluation.

Discussion regarding this item focused on ensuring that such fees be related to actual, reasonable costs of reviewing the proposal. It is fundamental that such fee is for cost recovery, but not revenue generation.

The task force reviewed the fee acceptance process of the Florida Department of Transportation, particularly since its process had been successfully implemented since 1997. Chapter 14-107.0011, Florida Administrative Code, provides the following:

“(1) An initial fee of \$50,000 payable to the responsible public entity (RPE) shall accompany any unsolicited public-private facility proposal. Unsolicited proposals received without the initial fee shall not be accepted.

(2) Payment shall be made by cash, cashier’s check, or any other non-cancelable instrument. Personal checks will not be accepted.

(3) If the initial fee is not sufficient to pay the RPE’s costs of evaluating the unsolicited proposal, the RPE shall request in writing additional amounts required. The public-private partnership or private entity submitting the unsolicited proposal shall pay the requested additional fee within 30 days. Failure to pay the additional fee shall result in the proposal being rejected.”

Recommendation:

The task force recommends the Legislature consider a flat submission fee of \$50,000 payable to the RPE for each unsolicited proposal. This fee shall be used to evaluate the unsolicited proposal. If the initial fee is not sufficient to pay the RPE’s costs to evaluate the proposal, the RPE must request in writing additional amounts required. The private entity shall pay such fee or result in the proposal being rejected. This recommendation follows the Florida Department of Transportation’s practice and promulgated administrative code for FDOT public-private partnerships.

Best Practices

In its research of the implementation of public-private partnerships by other governmental entities, the task force identified specific efficiencies, best practices, and guidance that could maximize the value of private-sector engagement and impact of public-private partnership projects. The task force offers the following recommendations for Legislative consideration.

Provide support for responsible public entities and encourage the use of public-private partnerships at the local level

Public-Private Partnerships are complex arrangements that seek to balance the responsibilities, risks and rewards of both the public and private entity. Because each project is structured to accommodate and leverage the strengths of both parties and meet the public's needs, every P3 project is unique. Similarly, each responsible public entity is unique in staffing and expertise in utilizing the P3 delivery model. Successful partnerships require careful analysis and design, in addition to successful execution. Public- and private-sector entities engaged in public-private partnerships around the world are increasingly using experienced advisors for project support and to ensure project outcomes.

Because the public-private partnership delivery method is relatively new for Florida RPEs, and because such projects require expertise and public resources that may not reside in a RPE, the task force finds there is a need to provide support to RPEs in their use of public-private partnership projects. Such an entity could provide service as simple as general resource support, such as acting as a depository for best practices, previous contracts, and other resources. Alternatively, the entity could be given more specific authority to provide financial analyses, such as value-for-money analyses and calculation of public cost comparators, and professional project support to RPEs relating to public-private partnership transactions, including, but not limited to, tax planning, valuation, risk analysis, construction practices, accounting treatment, change management, and project management. This support would encourage and facilitate RPEs to engage in public-private partnership projects while also attracting private sector involvement. The support entity could attract investors in Florida's public-private partnerships market by acting as a statewide point of contact for public-private partnership projects and, for example, widely advertising RPE projects. As a best practice, other states and countries utilizing public-private partnerships are establishing such advisory entities.

Recommendation:

The task force recommends the Legislature consider authorizing a state agency or other established state entity the additional responsibility to assist RPEs in developing and engaging in public-private partnerships. This entity could engage, identify, or contract with professional vendors to assist in the financial analysis and other services needed to develop solicited proposals and to assess and review solicited and unsolicited proposals to ensure state and local funds are expended wisely. Such support should be an optional, available resource for use by RPEs.

Model guidelines

As a best practice, other states that have authorized the use of public-private partnerships have determined that model guidelines must be updated periodically to ensure their relevance.

Recommendation:

The task force recommends the Legislature consider requiring a support entity develop model guidelines for RPE use that should be updated or reviewed at least bi-annually.

Develop best practices guidance for use by responsible public entities

The model guidelines of other states specifically include best practice guidance for responsible public entity use. This guidance can also include a checklist and other resources to assist RPEs in the delivery of public-private partnership projects. Learning from other public entities that have implemented public-private partnerships, such resources are invaluable for smaller RPEs that may not have the same staff resources as larger RPEs.

Recommendation:

The task force recommends best practices guidance be included in the model guidelines that are developed by a support entity for RPE use. General guidance may include checklists or other resources to provide further assistance to RPEs.

Notice to affected local jurisdictions

In several instances during the public-private partnerships procurement process, a responsible public entity is required to provide notice regarding a project to “affected local jurisdictions.” Affected local jurisdictions are defined as a county, municipality, or special district in which all or a portion of a qualifying project is located.

An RPE must provide notice in the following instances:

1. When soliciting competing proposals for an unsolicited proposal it intends to pursue, the RPE must provide a copy of the published notice to affected jurisdictions (paragraph 287.05712(4)(b), F.S.).
2. The RPE must notify each affected local jurisdiction by furnishing a copy of the proposal to each affected local jurisdiction when considering a proposal for a qualifying project. The affected local jurisdiction then has 60 days after receiving the notice to submit in writing any comments to the RPE and to indicate whether the facility is incompatible with the local comprehensive plan, the local infrastructure development plan, the capital improvements budget, any development of regional impact processes or timelines, or other governmental spending plan. The RPE must consider the comments of the affected local jurisdiction before entering into a comprehensive agreement with a private entity (subsection 287.05712(7), F.S.).

Though this type of notice would be beneficial for transportation projects, the benefit of such notice for facility projects is unclear. For expedited projects an RPE deems a priority, the timeline for receiving feedback from other affected jurisdictions could delay project timelines. Further, such notice is often completed through the standard permitting process.

Recommendation:

The task force recommends the Legislature consider removing the requirements for a RPE to provide additional notice to affected local jurisdictions when engaging in a public-private partnership project as authorized in section 287.01512, F.S.

Judicial validation

It is not uncommon for a dissenting citizen to file a legal challenge with respect to the undertaking of major public projects by units of local government. Any legal uncertainty or challenge to any aspect of the authorization and implementation of a public-private partnership structure seriously undermines the ability to attract private sector participation and impairs the timely implementation of public projects. With respect to bond financed projects, Chapter 75, F.S., provides an optional process for expedited judicial review and resolution of all legal issues, with a direct appeal to the Florida Supreme Court. Such an optional procedure for expedited judicial review and resolution of legal issues with respect to P3 projects would be very beneficial to the ability of RPEs to timely implement P3 projects and attract potential private sector participants.

Recommendation:

The task force recommends the Legislature consider amending section 287.05712, F.S., to include an optional validation process for public-private partnership project financing similar to the process provided by Chapter 75, F.S., with respect to bond financings.

Ground lease allowance

Subparagraph 287.05712(4)(d)5., F.S., requires an RPE determine, prior to project approval, that the project “Will be owned by the responsible public entity upon completion or termination of the agreement and upon payment of the amounts financed.”

Ownership may not be in the RPE’s best interest. One common structure is for the governmental unit to ground lease property to a private entity on which a facility will be constructed and leased, in whole or in part, back to the governmental unit. The provision should be clarified to clearly permit a ground lease for a period of time longer than the lease-back period.

Recommendation:

The task force recommends the Legislature consider amending subparagraph 287.05712(4)(d)5., F.S., to state:

“5. Will be owned by the responsible public entity either upon completion or upon expiration or termination of the agreement (including the expiration or termination of any ground lease from the responsible public entity to the private entity with respect to the qualifying project) and upon payment of the amounts financed.”

Requirement for “most efficient pricing”

Subparagraph 287.05712(6)(b)2., F.S., requires an RPE, during the project qualification and acceptance process to “Ensure the most efficient pricing of the security package that provides for the performance and payment of subcontractors.” It is unclear how the RPE ensures the most efficient pricing to meet this requirement.

Recommendation:

The task force recommends the Legislature consider revising the requirement in subparagraph 287.05712(6)(b)2., F.S., to state that the RPE must “Ensure the most efficient pricing of the security package that provides for the performance and payment of subcontractors.”

Transfer of obligations

Subparagraph 287.05712(6)(b)3., F.S., requires that provision is made for the transfer of the private entity’s obligations if the comprehensive agreement is terminated or a material default occurs. A transfer of obligations is not universally appropriate in the event of a termination or default. In many instances, the appropriate remedy is termination of the agreement and the rights and obligations of the private entity.

Recommendation:

The task force recommends the Legislature consider revising the requirement in subparagraph 287.05712(6)(b)3., F.S., to state that the RPE must
“3. Ensure that the comprehensive agreement addresses termination on material default.”

Revision of priority basis appropriation language

Paragraph 287.05712(11)(d), F.S., which relates to Financing, provides that “A responsible public entity shall appropriate on a priority basis as required by the comprehensive agreement a contractual payment obligation, annual or otherwise, from the enterprise or other government fund from which the qualifying projects will be funded. This required payment obligation must be appropriated before other non-contractual obligations payable from the same enterprise or other government fund.”

It is common for lease agreements by which Florida local governmental entities lease property as lessee to provide that the lease obligation is "subject to annual appropriation." Under Florida law, such a provision provides the local governmental unit the discretion, on an annual basis, whether or not to continue the lease and causes the obligation to be one year obligation. As an obligation of 12 months or less, an annual appropriation obligation is not subject to referendum approval under Article VII, Section 12 of the Florida Constitution. The first sentence of subsection 11(d), by mandating appropriation, draws into question the ability of an RPE to retain discretion whether or not to appropriate under an annual appropriation obligation. Arguably, the phrase "as required by the comprehensive agreement" would permit the parties to agree that the RPE may retain discretion whether or not to appropriate on an annual basis, although it is not free from doubt.

Another common financing structure used by Florida local governments is to secure financing obligations with a covenant to budget and appropriate funds sufficient to pay the obligation from legally available non-ad valorem revenues after satisfying funding obligations for essential governmental services of the local government unit. The qualification that the appropriation obligation is from revenues available after satisfying funding obligations for essential governmental services is viewed as necessary to comply with Florida case law precedent in order not to have an indirect pledge of ad valorem taxing powers and to avoid the potential that a court exercising its equitable powers would not require a governmental unit to appropriate funds for the payment of debt, leaving it with insufficient funds to provide essential governmental services of the governmental unit. The second sentence would prevent an RPE from using this common financing technique, as it would obligate an appropriation prior to appropriations for "non-contractual obligations," which would encompass many funding obligations for essential governmental services. Subsection 11(d), F.S., at best, calls into question the ability of local governmental units to use two very common financing techniques and is not necessary to provide a binding payment obligation on behalf of RPEs.

Recommendation:

The task force recommends the Legislature consider revising paragraph 287.05712(11)(d), F.S., to read as follows:

"(d) A responsible public entity shall comply with its financial and payment obligations in accordance with the terms of the comprehensive agreement and shall appropriate sufficient funds to satisfy such obligations from the sources and in the manner provided in the comprehensive agreement, subject to the express terms and conditions of the comprehensive agreement, including, without limitation, any prioritization of security or payment, conditional or discretionary appropriation undertakings and existing and reserved contractual obligations and rights appropriate on a priority basis as required by the comprehensive agreement a contractual payment obligation, annual or otherwise, from the enterprise or other government fund from which the qualifying projects will be funded. This required payment obligation must be appropriated before other non-contractual obligations payable from the same enterprise or other government fund."

Authorization of State University System use of public-private partnerships

Authorization of the State University System to engage in public-private partnerships was not included in Chapter 2013-223, Laws of Florida, now incorporated into law as section 287.05712, F.S. The task force finds these public entities could benefit from the construction or upgrade of facilities that are used predominantly for public purposes and it is in the public's interest to provide for the construction or upgrade of such facilities.

Recommendation:

The task force recommends the Legislature consider specifically authorizing the State University System to utilize public-private partnerships as a project delivery method.

Clarifications

In its review of section 287.05712, F.S., the task force was made aware of several provisions in need of further clarification. The task force provides the following recommendations for Legislative consideration.

Revenue return requirement

Subsection 287.05712(10), F.S., provides that a public-private partnership agreement entered into pursuant to this section may authorize the private entity to impose fees to members of the public for the use of the facility. The law provides several provisions that apply to the agreement, including paragraph (e), which states: "A negotiated portion of revenues from fee-generating uses must be returned to the public entity over the life of the agreement."

The requirement that the RPE receive a portion of revenues over the life of the contract may not be universally appropriate or desirable. In many instances, fees are sufficient to pay only a portion of the costs of operation and maintenance, financing costs and return on investment to the private entity.

Recommendation:

The task force recommends the Legislature consider amending paragraph 287.05712(10)(e), F.S., to state:

"A negotiated portion of revenues from fee-generating uses may ~~must~~ be returned to the public entity over the life of the agreement."

Clarify applicability of mandatory procurement requirements relating to public-private partnerships

Paragraph 287.05712(15)(c), F.S., provides that the public-private partnership statute does not waive the requirements of section 287.055, F.S., relating to the Consultant's Competitive Negotiation Act (CCNA), which applies to the acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services.

Private entities interested in bidding or submitting a proposal for a public-private partnership frequently pair or team with other companies to share strengths and resources. The task force has discussed the importance of a strong and cohesive private and public team as a key factor in project success. Under the current law, if the team requires a professional service covered by the CCNA, this team member must be selected in accordance with CCNA selection law.

Recommendation:

The task force recommends the Legislature consider removing paragraph 287.05712(15)(c), F.S., to clarify that the requirements of section 287.055, F.S., do not apply to projects delivered using the procurement methods in Section 287.05712, F.S.

Clarify the intent of paragraph 287.05712(4)(c), F.S., relating to an RPE that is a school board

Paragraph 287.05712(4)(c), F.S., states: "A responsible public entity that is a school board may enter into a comprehensive agreement only with the approval of the local governing body." School boards are not subject to governance by a local governing body.

Recommendation:

Since school boards are not subject to governance by a local governing body, the task force recommends the Legislature consider striking paragraph 287.05712(4)(c), F.S., from law.

Clarify definition of responsible public entity relating to school boards

Paragraph 287.05712(1)(j), F.S., defines "responsible public entity" as "a county, municipality, school board, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project."

Under Florida law, "school districts" are the local government units that provide public primary education. The governing bodies of school districts are referred to as "school boards."

Recommendation:

The task force recommends the Legislature consider amending the definition of "responsible public entity" in paragraph 287.05712(1)(j), F.S., to reference school district, rather than school board.

Clarify definition of responsible public entity to specify special districts and the Florida College System

Paragraph 287.05712(1)(j), F.S., defines "responsible public entity" as "a county, municipality, school board, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project."

This definition could be interpreted to not include special districts or the Florida College System.

Section 1.01, F.S., which is the Definitions section of the Florida Statutes and applies broadly to statute, provides the following definition:

(8) The words "public body," "body politic," or "political subdivision" include counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state.

Recommendation:

The task force recommends the Legislature consider amending the definition of "responsible public entity" in paragraph 287.05712(1)(j), F.S., to avoid ambiguity in the interpretation of responsible public entity, to explicitly include special districts and the Florida College System in the definition of responsible public entity.

Consistent use of responsible public entity

Paragraph 287.05712(1)(l), F.S., which provides the definition of “service contract” uses the term “public entity” which is not a defined term.

Recommendation:

The task force recommends the Legislature consider amending the definition of “service contract” in paragraph 287.05712(1)(l), F.S., to use the defined term “responsible public entity.”

Construction section clarification

Section 287.05712(15), F.S., provides:

“(15) CONSTRUCTION. – This section shall be liberally construed to effectuate the purposes of this section. This section shall be construed as cumulative and supplemental to any other authority or power vested in or exercised by the governing board of a county, district, or municipal hospital or health care system including those contained in acts of the Legislature establishing such public hospital boards or s. 155.40. This section does not affect any agreement or existing relationship with a supporting organization involving such governing board or system in effect as of January 1, 2013.

(a) This section does not limit a political subdivision of the state in the acquisition, design, or construction of a public project pursuant to other statutory authority.

(b) Except as otherwise provided in this section, this section does not amend existing laws by granting additional powers to, or further restricting, a local governmental entity from regulating and entering into cooperative arrangements with the private sector for the planning, construction, or operation of a facility.”

Because of the diverse nature, needs and circumstances of RPEs in Florida and the wide variety of projects and structures that could be deemed qualifying projects eligible as public-private partnership projects, RPEs need flexibility to address their particular needs and circumstances and to structure projects and agreements. Florida municipalities and counties have home rule powers that would enable them to implement public-private partnership projects and structures. Many special districts also have broad powers to serve their statutory purposes to serve their statutory purposes and functions. To provide needed flexibility to address diverse and dynamic needs and circumstances and myriad of projects and structures that may be proposed or considered, this statute should be clearly stated as supplemental to existing authority and an alternative authorization, not in derogation of existing authorization similar to that provided in section 159.43, F.S., with respect to industrial development revenue bond financing.

Recommendation:

The task force recommends the Legislature consider amending section 287.05712(15), F.S., including paragraphs (a) and (b) to read as follows:

(15) CONSTRUCTION. –

(a) This section shall be liberally construed to effectuate the purposes of this section.

(b) This section shall be, and be deemed, authority in addition to, and shall provide alternative methods for, any other authority provided by law for the same or similar purposes; and is supplemental to and not in derogation of any powers of any responsible public entity otherwise conferred. The criteria and requirements of this section are applicable only to qualifying projects financed under the authority of this section.

Financing and facility liens

Paragraph 287.05712(11) (c), F.S., which relates to Financing, provides:

“(c) The responsible public entity may use innovative finance techniques associated with a public-private partnership under this section, including, but not limited to, federal loans as provided in Titles 23 and 49 C.F.R., commercial bank loans, and hedges against inflation from commercial banks or other private sources. In addition, the responsible public entity may provide its own capital or operating budget to support a qualifying project. The budget may be from any legally permissible funding sources of the responsible public entity, including the proceeds of debt issuances. A responsible public entity may use the model financing agreement provided in s. 489.145(6) for its financing of a facility owned by a responsible public entity. A financing agreement may not require the responsible public entity to indemnify the financing source, subject the responsible public entity’s facility to liens in violation of s. 11.066(5), or secure financing by the responsible public entity with a pledge of security interest, and any such provision is void.”

The intended application of this provision is unclear; however, it seems to be intended to prohibit an RPE from granting a mortgage or security interest on the project and tangible personal property.

Recommendation:

The task force recommends the Legislature consider revising the final sentence of paragraph (c) of subsection 287.05712(11), F.S., to clarify the intent to prohibit an RPE from granting a mortgage or security interest in its real or tangible personal property as follows:

“A financing agreement may not require the responsible public entity to indemnify the financing source, subject the responsible public entity’s facility to liens in violation of s. 11.066(5), or secure financing of by the responsible public entity by a mortgage on or security interest in the real or tangible personal property of the responsible public entity in a manner that could result in the loss of the fee ownership of the property by the responsible governmental unit with a pledge of security interest, and any such provision is void.”

Revenue regulation

Subsection 287.05712(10), F.S., provides that a public-private partnership agreement entered into pursuant to this section may authorize the private entity to impose fees to members of the public for the use of the facility. The law provides several provisions that apply to the agreement, including paragraph (d), which states: "Any revenues must be regulated by the responsible public entity pursuant to the comprehensive agreement."

It is unclear how RPEs should interpret their responsibility to regulate such fees. Additionally, fees may already be subject to regulation by other governmental entities (such as the Public Service Commission).

If the intent is to require revenues generated by the facility be applied in the manner provided in or permitted by the agreement, this section should be revised.

Recommendation:

The task force recommends the Legislature consider clarifying the intent of this section to assist RPEs in implementing this section. Amend paragraph 287.05712(10)(d), F.S., to state:

"(d) Any revenues shall be applied in the manner required or permitted by the comprehensive agreement."

Teaming to meet minimum standards for qualifying professional services and contracts

Paragraph 287.05712(6)(a), F.S., mandates that the private entity must meet the minimum standards contained in the RPE's guidelines for qualifying professional services and contracts for traditional procurement projects. In many instances, the private entity will be a special-purpose entity. It is doubtful that the private entity would meet the public entity's guidelines, but rather that a member of the private entity's team, as reflected in its proposal, would meet the criteria.

Recommendation:

The task force recommends the Legislature consider revising paragraph 287.05712(6)(a), F.S., to clarify that the private entity or the applicable party or parties of the private entity's team proposed to provide the particular professional services must meet the minimum standards contained in the RPE's guidelines.

RECOGNITION

In developing its recommendations, the task force heard from experts in the field of public-private partnerships, governmental contracting, construction and finance. The guidance, advice, and shared knowledge the following partners provided to the task force was invaluable in the development of task force recommendations. The task force would like to extend its gratitude and sincere thanks to the following people for their tremendous assistance in gathering the information necessary to support this initiative:

Dr. Wayne Blanton, Executive Director, Florida School Boards Association

Mr. Lowell Clary, President, Clary Consulting, LLC

Mr. Randall C. Clement, Shareholder, Bryant Miller Olive

Mr. Leon Corbett, Project Finance Manager, Florida Department of Transportation, Office of Comptroller

Mr. Kevin Crowder, Director of Economic Development, Redevelopment Management Associates, Inc.

Mr. David Cruz, Assistant General Counsel, Florida League of Cities, Inc.

Mr. John Dionisio, Investment Director, Meridiam Infrastructure

Mr. Scott Dudley, Legislative Director, Florida League of Cities, Inc.

Mr. Chip Fletcher, County Attorney, Hillsborough County

Mr. Bill Graham, former Chairman, The School Board of Palm Beach County, Florida

Mr. Marc-André Hawkes, Consul and Senior Trade Commissioner, Canadian Consulate General

Mr. Chris Kinsley, Finance & Facilities Director, Florida Board of Governors

Mr. Rick Norment, Executive Director, National Council for Public-Private Partnerships

Mr. Michael Parker, Executive Director, Economic and Community Development, City of Tallahassee

Mr. John Parkinson, Executive Director, Association for the Improvement of American Infrastructure

Ms. Lynn Schubert, President, The Surety & Fidelity Association of America

Mr. Frederick J. Springer, Shareholder, Bryant Miller Olive

The Honorable W. Gregory Steube, Representative from District 73, Florida House of Representatives

Ms. Melanie Vander Valk, Chair of the Infrastructure Club and Vice Consul for Infrastructure Development, UK Trade & Investment

Mr. Amigo Wade, Senior Attorney, Commonwealth of Virginia Division of Legislative Services

Mr. Richard Watson, Legislative Counsel, Associated Builders and Contractors of Florida, Inc.

Mr. Lee Weintraub, Shareholder, Becker & Poliakoff, P.A.

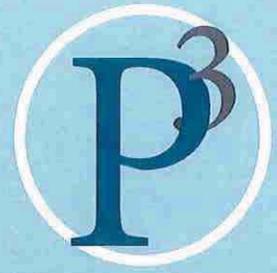


EXHIBIT 12
Unsolicited Proposals Ordinance #08-79

MEMORANDUM

Amended
Agenda Item No. 7(B)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 1, 2008

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

SUBJECT: Ordinance establishing
procedures for County
evaluation, development and
publication of unsolicited
proposals for County
contracts

Ordinance No. 08-79

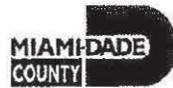
The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsors Commissioner Carlos A. Gimenez, Commissioner Dennis C. Moss and Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum



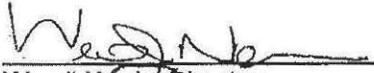
Date: July 1, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgos
County Manager

Subject: Ordinance establishing procedures for County evaluation, development and publication of unsolicited proposals for County contracts

The ordinance establishing procedures for unsolicited proposals provides for fees to cover the cost of processing and reviewing these proposals, therefore, the ordinance will be revenue neutral.


Wendi Norris, Director
General Services Administration

fls04608

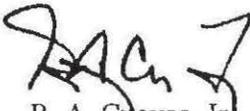


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 1, 2008

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

SUBJECT: Amended
Agenda Item No. 7(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

building with estimated cost in excess of fifteen million dollars (\$15,000,000).

- (2) The County shall charge a fee to the private entity to cover the costs of processing, reviewing, and evaluating any unsolicited proposal, including a fee to cover the costs of attorneys, engineers, consultants, and financial advisors. The fee charged for the review of the proposal shall be based on the level of expertise deemed necessary by the Mayor or his designee and required to review the proposal, and will not be greater than the direct costs associated with evaluating the unsolicited proposal. "Direct costs" may include, but are not limited to, (i) the cost of staff time required to process, evaluate, review and respond to the proposal and (ii) the costs of attorneys, engineers, financial advisors and other consultants. Should the project proceed beyond the initial review, and be published for competition, additional fees for review and evaluation may be charged as agreed to by the parties.
- (3) The County shall require the initial processing fee of twenty five thousand dollars (\$25,000). Additional fees may be charged based on the nature of the proposal and the complexity of the review required. All requested fees shall be paid prior to the County's further evaluation of the proposal. The Mayor or his designee shall refund any portion of the initial processing fee paid which in the discretion of the Mayor or his designee exceeds the direct costs associated with evaluating the proposal.
- (4) Upon receipt of an unsolicited proposal or group of proposals and payment of any required fees by the proposer or proposers, the Mayor or his designee shall note the date and time of receipt of such proposal and shall determine within 90 days whether to accept the unsolicited proposal solely for the purpose of proceeding to publication as described below. Alternatively, the Mayor or his designee shall reject the proposal within such ninety (90) days or, in the event that the time for consideration is insufficient, request an extension of this time from the Board; however, the Board shall

not grant more than one such extension. Final determination of whether to publish a proposal shall be made by the Board of County Commissioners. Following such determination, the Mayor or his designee shall respond to the proposer in writing as to the acceptance or rejection of the unsolicited proposal. The initial review time may be extended by mutual agreement of the Mayor or his designee and the proposer. The proposal shall be published not later than thirty (30) days following acceptance by the Board of County Commissioners.

- (5) In his/her sole and absolute discretion, the County may reject or return an unsolicited proposal. The decision to reject an unsolicited proposal which is accompanied by the applicable fee shall be subject to ratification by the Board of County Commissioners. The Mayor or his designee shall provide a written explanation of the reasons for rejection in the item requesting ratification. It is not the intention or obligation of the County to correct and/or assist in the preparation of an unsolicited proposal in any manner.
- (6) In determining whether to accept the unsolicited proposal for publication, the County shall take into consideration such factors as: whether the proposed project is in the public's best interest; the costs of the proposed project and its funding sources; whether the proposed project may be accomplished through the use of County resources; the need for the proposed project; the scientific, technical or socio-economic merits of the proposal; the contribution of the proposal to the County's goals and objectives; the qualifications, technical and management capabilities and experience of the proposer considered as a whole and considered in terms of the legal entities who may comprise the proposer or who may be serving as subcontractors to the proposer; the general reputation and financial condition of the proposer and its team members; the proposer's financial capacity to perform its obligations in the proposed contract; the financial viability and feasibility of the submitted proposal; the cost, if any, to the County to proceed with implementation of the proposal; and any other

information the County deems appropriate for such initial evaluation.

- (7) Any unsolicited proposal shall include sufficient detail and information for the County to evaluate the proposal in an objective and timely manner and to determine if the proposal meets the above criteria and benefits the County. If such proposal is not deemed by the County to be complete or in sufficient detail, it may be rejected at the sole discretion of the Mayor or his designee. The Mayor or his designee shall inform the proposer in writing of the reason for rejection and shall provide the proposer a copy of the item explaining the reason for rejection delivered to the Board of County Commissioners. It is not the intent or obligation of the Mayor or his designee to assist the proposer in completing the proposal and the Mayor or his designee shall bear no responsibility to itemize or advise the proposer of the incomplete items or terms of the proposal.
- (8) Any unsolicited proposal shall contain at a minimum the following items, as appropriate to the proposed project:
- (a) Information and supporting documentation necessary for the County to evaluate the factors listed in paragraph 6 above.
 - (b) A site plan indicating the location of the project proposed.
 - (c) A description of the project, including the conceptual design of the facility.
 - (d) The proposed schedule for development of the project and/or the proposed term for operation of the project, along with an estimate of the life cycle cost of the proposed proposal.
 - (e) A statement setting forth a method by which the private entity proposes to secure any property interests required for the proposed project.

- (f) A list of all public utilities, railroad lines, navigable waters and flight paths, if any, that will be crossed or affected by the proposed project and a statement of the plan to accommodate such crossings or effects.
- (g) A statement setting forth the proposer's plans for developing, financing, constructing and/or operating and maintaining the project, including identification of any revenue, public or private of proposed debt or equity investment proposed by the proposer. The financing plans shall address any and all means by which the costs of the project will be borne by persons other than the County.
- (h) Names and addresses of persons who may be contacted for further information concerning the request.
- (i) Information on how the project would benefit small and community based contractors within Miami-Dade County.
- (j) A financial plan for the entire time period of the proposed private entity involvement in the project.
- (k) Performance guarantees, if any, and any proposed bonding to be provided by the proposer.
- (l) The names of owners, directors and officers of the proposer, and such information as may be necessary to evaluate the qualifications of the critical personnel to be engaged in the project.
- (m) A list of all engineering or construction firms to be proposed on the project and their qualifications and a description of their role in the proposal.
- (n) A listing of all proposed obligations and requirements of the County and any other

governmental agencies, including, but not limited to, contributions to the project financing, staffing and permitting.

- (o) A listing of all small business enterprises (as defined in applicable County ordinances) that will participate in the project and the proposed scope of work of each.
 - (p) Such additional material and information that a responsible public entity may reasonably expect, in order to review and evaluate such proposal.
- (9) The County may seek the advice of internal staff or outside advisors, attorneys or consultants, or any combination thereof, with relevant experience in determining whether to accept the unsolicited proposal for publication and/or whether to enter into an agreement with the private entity or any competing proposer. At its option, the County may seek further clarification of the proposal.
- (10) If the County accepts the unsolicited proposal for publication, then the Mayor or his designee shall publish a competitive solicitation statement that the County has received a proposal and will accept, for 90 days after the initial date of the publication, other proposals for the same project purpose (the "Response Period"). Such period may be extended by the Board of County Commissioners, upon written request by the Mayor or his designee explaining why a longer period for response is in the best interest of the County. The Mayor or his designee shall identify the procedures that will be used for evaluating the proposals in the notice or in a subsequent publication. Once the County decides to receive competing proposals, it may utilize its existing procedures for evaluating the proposals or may adopt project-specific procedures. The proposer shall be authorized to respond to the competitive solicitation and offer to the County a proposal in terms not less favorable to the County than the original proposal.

- (11) Proposal documents submitted by private entities are public records under Chapter 119, Florida Statutes (Florida's Public Records Law), subject to any exemption otherwise provided by law. Any competing proposer may request and receive a copy of such proposal, and the County reserves the right to publish such unsolicited proposal and solicit competing proposals within the Response Period. Proposers are advised to familiarize themselves with the provisions of the Public Records Law and to seek legal advice regarding any proprietary or intellectual property rights which they may have in the proposal. In no event shall the County be liable to a proposer for the disclosure of all or a portion of a proposal submitted under this subsection.

- (12) When the private entity requests that the County not disclose information that is exempt from the disclosure requirements of the Public Records Law, the private entity must (i) invoke the exemption when the data or materials are submitted to the County or before such submission, (ii) identify the data and materials for which protection from disclosure is sought, and (iii) state why the exclusion from disclosure is necessary, citing the specific exemption to Chapter 119, Florida Statutes that the proposer believes applies. The County's determination as to confidentiality shall be final and binding upon the proposer. The proposer shall bear all attorneys' fees and costs associated with litigation for public access to claimed confidential documents. The County's need to maintain certain information confidential may be taken into consideration in the County's decision not to publish a solicitation.

- (13) After the Response Period has expired, the Mayor or his designee shall within 45 days, or longer, as specified in the advertisement, evaluate all the competing proposals and rank them in order of preference utilizing the criteria published for the specific project.

- (14) The Mayor or his designee may negotiate with the top-ranked proposers in the order of their ranking,

and may, through such negotiations, aim to arrive at a mutually satisfactory agreement.

- (15) If only one proposal is received, the Mayor or his designee may negotiate in good faith and if he or she is not satisfied with results, may at his or her sole discretion terminate negotiations with the proposer.
- (16) No proposer is guaranteed the award of a contract as a result of being favorably-ranked for this project. The issuance of an unsolicited proposal shall create no rights in the proposer including rights as a bidder, under contract or intellectual property. The County, in its discretion, reserves the right to reject all proposals at any point in the process prior to the full execution of a contract with a proposer.
- (17) The bid protest process provided for in this Code shall not apply to any decision to reject an unsolicited proposal but shall apply to any decision to recommend a contract award rejection, unless such protest is waived in accordance with this Code. The Cone of Silence provided for in this Code shall be imposed only following the publication of the competitive solicitation.
- (18) Nothing in this ordinance shall affect the County Manager's authority to recommend a waiver of competitive bids when he determines such waiver to be in the best interest of the County.<<

Section 2. The County Manager or his designee shall submit a written report to this Board every six (6) months describing the operation and effect of this ordinance.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

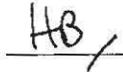
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **July 1, 2008**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Hugo Benitez

Prime Sponsor: Commissioner Jose "Pepe" Diaz
Co-Sponsors: Commissioner Carlos A. Gimenez,
Commissioner Dennis C. Moss
Commissioner Rebeca Sosa

EXHIBIT 13
**Florida Statutes 287.05712 – Public
Private Partnerships**

Select Year:

The 2015 Florida Statutes

[Title XIX](#)
PUBLIC
BUSINESS

[Chapter 287](#)
PROCUREMENT OF PERSONAL PROPERTY AND
SERVICES

[View Entire
Chapter](#)

287.05712 Public-private partnerships.—

(1) DEFINITIONS.—As used in this section, the term:

- (a) “Affected local jurisdiction” means a county, municipality, or special district in which all or a portion of a qualifying project is located.
- (b) “Develop” means to plan, design, finance, lease, acquire, install, construct, or expand.
- (c) “Fees” means charges imposed by the private entity of a qualifying project for use of all or a portion of such qualifying project pursuant to a comprehensive agreement.
- (d) “Lease payment” means any form of payment, including a land lease, by a public entity to the private entity of a qualifying project for the use of the project.
- (e) “Material default” means a nonperformance of its duties by the private entity of a qualifying project which jeopardizes adequate service to the public from the project.
- (f) “Operate” means to finance, maintain, improve, equip, modify, or repair.
- (g) “Private entity” means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity.
- (h) “Proposal” means a plan for a qualifying project with detail beyond a conceptual level for which terms such as fixing costs, payment schedules, financing, deliverables, and project schedule are defined.
- (i) “Qualifying project” means:
1. A facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity;
 2. An improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector;
 3. A water, wastewater, or surface water management facility or other related infrastructure; or
 4. Notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section.

(j) "Responsible public entity" means a county, municipality, school board, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project.

(k) "Revenues" means the income, earnings, user fees, lease payments, or other service payments relating to the development or operation of a qualifying project, including, but not limited to, money received as grants or otherwise from the Federal Government, a public entity, or an agency or instrumentality thereof in aid of the qualifying project.

(l) "Service contract" means a contract between a public entity and the private entity which defines the terms of the services to be provided with respect to a qualifying project.

(2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that there is a public need for the construction or upgrade of facilities that are used predominantly for public purposes and that it is in the public's interest to provide for the construction or upgrade of such facilities.

(a) The Legislature also finds that:

1. There is a public need for timely and cost-effective acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, or installation of projects serving a public purpose, including educational facilities, transportation facilities, water or wastewater management facilities and infrastructure, technology infrastructure, roads, highways, bridges, and other public infrastructure and government facilities within the state which serve a public need and purpose, and that such public need may not be wholly satisfied by existing procurement methods.
2. There are inadequate resources to develop new educational facilities, transportation facilities, water or wastewater management facilities and infrastructure, technology infrastructure, roads, highways, bridges, and other public infrastructure and government facilities for the benefit of residents of this state, and that a public-private partnership has demonstrated that it can meet the needs by improving the schedule for delivery, lowering the cost, and providing other benefits to the public.
3. There may be state and federal tax incentives that promote partnerships between public and private entities to develop and operate qualifying projects.
4. A procurement under this section serves the public purpose of this section if such procurement facilitates the timely development or operation of a qualifying project.

(b) It is the intent of the Legislature to encourage investment in the state by private entities; to facilitate various bond financing mechanisms, private capital, and other funding sources for the development and operation of qualifying projects, including expansion and acceleration of such financing to meet the public need; and to provide the greatest possible flexibility to public and private entities contracting for the provision of public services.

(3) PUBLIC-PRIVATE PARTNERSHIP GUIDELINES TASK FORCE.—

(a) There is created the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force for the purpose of recommending guidelines for the Legislature to consider for purposes of creating a uniform process for establishing public-private partnerships, including the types of factors responsible public entities should review and consider when processing requests for public-private partnership projects pursuant to this section.

(b) The task force shall be composed of seven members, as follows:

1. The Secretary of Management Services or his or her designee, who shall serve as chair of the task force.
2. Six members appointed by the Governor, as follows:
 - a. One county government official.

- b. One municipal government official.
- c. One district school board member.
- d. Three representatives of the business community.

(c) Task force members must be appointed by July 31, 2013. By August 31, 2013, the task force shall meet to establish procedures for the conduct of its business and to elect a vice chair. The task force shall meet at the call of the chair. A majority of the members of the task force constitutes a quorum, and a quorum is necessary for the purpose of voting on any action or recommendation of the task force. All meetings shall be held in Tallahassee, unless otherwise decided by the task force, and then no more than two such meetings may be held in other locations for the purpose of taking public testimony. Administrative and technical support shall be provided by the department. Task force members shall serve without compensation and are not entitled to reimbursement for per diem or travel expenses.

(d) In reviewing public-private partnerships and developing recommendations, the task force must consider:

1. Opportunities for competition through public notice and the availability of representatives of the responsible public entity to meet with private entities considering a proposal.
2. Reasonable criteria for choosing among competing proposals.
3. Suggested timelines for selecting proposals and negotiating an interim or comprehensive agreement.
4. If an accelerated selection and review and documentation timelines should be considered for proposals involving a qualifying project that the responsible public entity deems a priority.
5. Procedures for financial review and analysis which, at a minimum, include a cost-benefit analysis, an assessment of opportunity cost, and consideration of the results of all studies and analyses related to the proposed qualifying project.
6. The adequacy of the information released when seeking competing proposals and providing for the enhancement of that information, if deemed necessary, to encourage competition.
7. Current exemptions from public records and public meetings requirements, if any changes to those exemptions are necessary, or if any new exemptions should be created in order to maintain the confidentiality of financial and proprietary information received as part of an unsolicited proposal.
8. Recommendations regarding the authority of the responsible public entity to engage the services of qualified professionals, which may include a Florida-registered professional or a certified public accountant, not otherwise employed by the responsible public entity, to provide an independent analysis regarding the specifics, advantages, disadvantages, and long-term and short-term costs of a request by a private entity for approval of a qualifying project, unless the governing body of the public entity determines that such analysis should be performed by employees of the public entity.

(e) The task force must submit a final report of its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2014.

(f) The task force is terminated December 31, 2014. The establishment of guidelines pursuant to this section or the adoption of such guidelines by a responsible public entity is not required for such entity to request or receive proposals for a qualifying project or to enter into a comprehensive agreement for a qualifying project. A responsible public entity may adopt guidelines so long as such guidelines are not inconsistent with this section.

(4) **PROCUREMENT PROCEDURES.**—A responsible public entity may receive unsolicited proposals or may solicit proposals for qualifying projects and may thereafter enter into an agreement with a private entity, or a consortium of private entities, for the building, upgrading, operating, ownership, or financing of facilities.

(a) The responsible public entity may establish a reasonable application fee for the submission of an unsolicited proposal under this section. The fee must be sufficient to pay the costs of evaluating the proposal. The responsible public entity may engage the services of a private consultant to assist in the evaluation.

(b) The responsible public entity may request a proposal from private entities for a public-private project or, if the public entity receives an unsolicited proposal for a public-private project and the public entity intends to enter into a comprehensive agreement for the project described in such unsolicited proposal, the public entity shall publish notice in the Florida Administrative Register and a newspaper of general circulation at least once a week for 2 weeks stating that the public entity has received a proposal and will accept other proposals for the same project. The timeframe within which the public entity may accept other proposals shall be determined by the public entity on a project-by-project basis based upon the complexity of the project and the public benefit to be gained by allowing a longer or shorter period of time within which other proposals may be received; however, the timeframe for allowing other proposals must be at least 21 days, but no more than 120 days, after the initial date of publication. A copy of the notice must be mailed to each local government in the affected area.

(c) A responsible public entity that is a school board may enter into a comprehensive agreement only with the approval of the local governing body.

(d) Before approval, the responsible public entity must determine that the proposed project:

1. Is in the public's best interest.
2. Is for a facility that is owned by the responsible public entity or for a facility for which ownership will be conveyed to the responsible public entity.
3. Has adequate safeguards in place to ensure that additional costs or service disruptions are not imposed on the public in the event of material default or cancellation of the agreement by the responsible public entity.
4. Has adequate safeguards in place to ensure that the responsible public entity or private entity has the opportunity to add capacity to the proposed project or other facilities serving similar predominantly public purposes.
5. Will be owned by the responsible public entity upon completion or termination of the agreement and upon payment of the amounts financed.

(e) Before signing a comprehensive agreement, the responsible public entity must consider a reasonable finance plan that is consistent with subsection (11); the project cost; revenues by source; available financing; major assumptions; internal rate of return on private investments, if governmental funds are assumed in order to deliver a cost-feasible project; and a total cash-flow analysis beginning with the implementation of the project and extending for the term of the agreement.

(f) In considering an unsolicited proposal, the responsible public entity may require from the private entity a technical study prepared by a nationally recognized expert with experience in preparing analysis for bond rating agencies. In evaluating the technical study, the responsible public entity may rely upon internal staff reports prepared by personnel familiar with the operation of similar facilities or the advice of external advisors or consultants who have relevant experience.

(5) PROJECT APPROVAL REQUIREMENTS.—An unsolicited proposal from a private entity for approval of a qualifying project must be accompanied by the following material and information, unless waived by the responsible public entity:

(a) A description of the qualifying project, including the conceptual design of the facilities or a conceptual plan for the provision of services, and a schedule for the initiation and completion of the qualifying project.

- (b) A description of the method by which the private entity proposes to secure the necessary property interests that are required for the qualifying project.
- (c) A description of the private entity's general plans for financing the qualifying project, including the sources of the private entity's funds and the identity of any dedicated revenue source or proposed debt or equity investment on behalf of the private entity.
- (d) The name and address of a person who may be contacted for additional information concerning the proposal.
- (e) The proposed user fees, lease payments, or other service payments over the term of a comprehensive agreement, and the methodology for and circumstances that would allow changes to the user fees, lease payments, and other service payments over time.
- (f) Additional material or information that the responsible public entity reasonably requests.
- (6) PROJECT QUALIFICATION AND PROCESS.—
- (a) The private entity must meet the minimum standards contained in the responsible public entity's guidelines for qualifying professional services and contracts for traditional procurement projects.
- (b) The responsible public entity must:
1. Ensure that provision is made for the private entity's performance and payment of subcontractors, including, but not limited to, surety bonds, letters of credit, parent company guarantees, and lender and equity partner guarantees. For the components of the qualifying project which involve construction performance and payment, bonds are required and are subject to the recordation, notice, suit limitation, and other requirements of s. 255.05.
 2. Ensure the most efficient pricing of the security package that provides for the performance and payment of subcontractors.
 3. Ensure that provision is made for the transfer of the private entity's obligations if the comprehensive agreement is terminated or a material default occurs.
- (c) After the public notification period has expired in the case of an unsolicited proposal, the responsible public entity shall rank the proposals received in order of preference. In ranking the proposals, the responsible public entity may consider factors that include, but are not limited to, professional qualifications, general business terms, innovative design techniques or cost-reduction terms, and finance plans. The responsible public entity may then begin negotiations for a comprehensive agreement with the highest-ranked firm. If the responsible public entity is not satisfied with the results of the negotiations, the responsible public entity may terminate negotiations with the proposer and negotiate with the second-ranked or subsequent-ranked firms, in the order consistent with this procedure. If only one proposal is received, the responsible public entity may negotiate in good faith, and if the public entity is not satisfied with the results of the negotiations, the public entity may terminate negotiations with the proposer. Notwithstanding this paragraph, the responsible public entity may reject all proposals at any point in the process until a contract with the proposer is executed.
- (d) The responsible public entity shall perform an independent analysis of the proposed public-private partnership which demonstrates the cost-effectiveness and overall public benefit before the procurement process is initiated or before the contract is awarded.
- (e) The responsible public entity may approve the development or operation of an educational facility, a transportation facility, a water or wastewater management facility or related infrastructure, a technology infrastructure or other public infrastructure, or a government facility needed by the responsible public entity as a qualifying project, or the design or equipping of a qualifying project that is developed or operated, if:

1. There is a public need for or benefit derived from a project of the type that the private entity proposes as the qualifying project.

2. The estimated cost of the qualifying project is reasonable in relation to similar facilities.

3. The private entity's plans will result in the timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project.

(f) The responsible public entity may charge a reasonable fee to cover the costs of processing, reviewing, and evaluating the request, including, but not limited to, reasonable attorney fees and fees for financial and technical advisors or consultants and for other necessary advisors or consultants.

(g) Upon approval of a qualifying project, the responsible public entity shall establish a date for the commencement of activities related to the qualifying project. The responsible public entity may extend the commencement date.

(h) Approval of a qualifying project by the responsible public entity is subject to entering into a comprehensive agreement with the private entity.

(7) NOTICE TO AFFECTED LOCAL JURISDICTIONS.—

(a) The responsible public entity must notify each affected local jurisdiction by furnishing a copy of the proposal to each affected local jurisdiction when considering a proposal for a qualifying project.

(b) Each affected local jurisdiction that is not a responsible public entity for the respective qualifying project may, within 60 days after receiving the notice, submit in writing any comments to the responsible public entity and indicate whether the facility is incompatible with the local comprehensive plan, the local infrastructure development plan, the capital improvements budget, any development of regional impact processes or timelines, or other governmental spending plan. The responsible public entity shall consider the comments of the affected local jurisdiction before entering into a comprehensive agreement with a private entity. If an affected local jurisdiction fails to respond to the responsible public entity within the time provided in this paragraph, the nonresponse is deemed an acknowledgment by the affected local jurisdiction that the qualifying project is compatible with the local comprehensive plan, the local infrastructure development plan, the capital improvements budget, or other governmental spending plan.

(8) INTERIM AGREEMENT.—Before or in connection with the negotiation of a comprehensive agreement, the public entity may enter into an interim agreement with the private entity proposing the development or operation of the qualifying project. An interim agreement does not obligate the responsible public entity to enter into a comprehensive agreement. The interim agreement is discretionary with the parties and is not required on a qualifying project for which the parties may proceed directly to a comprehensive agreement without the need for an interim agreement. An interim agreement must be limited to provisions that:

(a) Authorize the private entity to commence activities for which it may be compensated related to the proposed qualifying project, including, but not limited to, project planning and development, design, environmental analysis and mitigation, survey, other activities concerning any part of the proposed qualifying project, and ascertaining the availability of financing for the proposed facility or facilities.

(b) Establish the process and timing of the negotiation of the comprehensive agreement.

(c) Contain such other provisions related to an aspect of the development or operation of a qualifying project that the responsible public entity and the private entity deem appropriate.

(9) COMPREHENSIVE AGREEMENT.—

(a) Before developing or operating the qualifying project, the private entity must enter into a comprehensive agreement with the responsible public entity. The comprehensive agreement must provide for:

1. Delivery of performance and payment bonds, letters of credit, or other security acceptable to the responsible public entity in connection with the development or operation of the qualifying project in the form and amount satisfactory to the responsible public entity. For the components of the qualifying project which involve construction, the form and amount of the bonds must comply with s. 255.05.
2. Review of the design for the qualifying project by the responsible public entity and, if the design conforms to standards acceptable to the responsible public entity, the approval of the responsible public entity. This subparagraph does not require the private entity to complete the design of the qualifying project before the execution of the comprehensive agreement.
3. Inspection of the qualifying project by the responsible public entity to ensure that the private entity's activities are acceptable to the public entity in accordance with the comprehensive agreement.
4. Maintenance of a policy of public liability insurance, a copy of which must be filed with the responsible public entity and accompanied by proofs of coverage, or self-insurance, each in the form and amount satisfactory to the responsible public entity and reasonably sufficient to ensure coverage of tort liability to the public and employees and to enable the continued operation of the qualifying project.
5. Monitoring by the responsible public entity of the maintenance practices to be performed by the private entity to ensure that the qualifying project is properly maintained.
6. Periodic filing by the private entity of the appropriate financial statements that pertain to the qualifying project.
7. Procedures that govern the rights and responsibilities of the responsible public entity and the private entity in the course of the construction and operation of the qualifying project and in the event of the termination of the comprehensive agreement or a material default by the private entity. The procedures must include conditions that govern the assumption of the duties and responsibilities of the private entity by an entity that funded, in whole or part, the qualifying project or by the responsible public entity, and must provide for the transfer or purchase of property or other interests of the private entity by the responsible public entity.
8. Fees, lease payments, or service payments. In negotiating user fees, the fees must be the same for persons using the facility under like conditions and must not materially discourage use of the qualifying project. The execution of the comprehensive agreement or a subsequent amendment is conclusive evidence that the fees, lease payments, or service payments provided for in the comprehensive agreement comply with this section. Fees or lease payments established in the comprehensive agreement as a source of revenue may be in addition to, or in lieu of, service payments.
9. Duties of the private entity, including the terms and conditions that the responsible public entity determines serve the public purpose of this section.

(b) The comprehensive agreement may include:

1. An agreement by the responsible public entity to make grants or loans to the private entity from amounts received from the federal, state, or local government or an agency or instrumentality thereof.
2. A provision under which each entity agrees to provide notice of default and cure rights for the benefit of the other entity, including, but not limited to, a provision regarding unavoidable delays.
3. A provision that terminates the authority and duties of the private entity under this section and dedicates the qualifying project to the responsible public entity or, if the qualifying project was initially dedicated by an affected local jurisdiction, to the affected local jurisdiction for public use.

(10) FEES.—An agreement entered into pursuant to this section may authorize the private entity to impose fees to members of the public for the use of the facility. The following provisions apply to the agreement:

(a) The responsible public entity may develop new facilities or increase capacity in existing facilities through agreements with public-private partnerships.

(b) The public-private partnership agreement must ensure that the facility is properly operated, maintained, or improved in accordance with standards set forth in the comprehensive agreement.

(c) The responsible public entity may lease existing fee-for-use facilities through a public-private partnership agreement.

(d) Any revenues must be regulated by the responsible public entity pursuant to the comprehensive agreement.

(e) A negotiated portion of revenues from fee-generating uses must be returned to the public entity over the life of the agreement.

(11) FINANCING.—

(a) A private entity may enter into a private-source financing agreement between financing sources and the private entity. A financing agreement and any liens on the property or facility must be paid in full at the applicable closing that transfers ownership or operation of the facility to the responsible public entity at the conclusion of the term of the comprehensive agreement.

(b) The responsible public entity may lend funds to private entities that construct projects containing facilities that are approved under this section.

(c) The responsible public entity may use innovative finance techniques associated with a public-private partnership under this section, including, but not limited to, federal loans as provided in Titles 23 and 49 C.F.R., commercial bank loans, and hedges against inflation from commercial banks or other private sources. In addition, the responsible public entity may provide its own capital or operating budget to support a qualifying project. The budget may be from any legally permissible funding sources of the responsible public entity, including the proceeds of debt issuances. A responsible public entity may use the model financing agreement provided in s. 489.145(6) for its financing of a facility owned by a responsible public entity. A financing agreement may not require the responsible public entity to indemnify the financing source, subject the responsible public entity's facility to liens in violation of s. 11.066(5), or secure financing by the responsible public entity with a pledge of security interest, and any such provision is void.

(d) A responsible public entity shall appropriate on a priority basis as required by the comprehensive agreement a contractual payment obligation, annual or otherwise, from the enterprise or other government fund from which the qualifying projects will be funded. This required payment obligation must be appropriated before other noncontractual obligations payable from the same enterprise or other government fund.

(12) POWERS AND DUTIES OF THE PRIVATE ENTITY.—

(a) The private entity shall:

1. Develop or operate the qualifying project in a manner that is acceptable to the responsible public entity in accordance with the provisions of the comprehensive agreement.

2. Maintain, or provide by contract for the maintenance or improvement of, the qualifying project if required by the comprehensive agreement.

3. Cooperate with the responsible public entity in making best efforts to establish interconnection between the qualifying project and any other facility or infrastructure as requested by the responsible public entity in accordance with the provisions of the comprehensive agreement.

4. Comply with the comprehensive agreement and any lease or service contract.

(b) Each private facility that is constructed pursuant to this section must comply with the requirements of federal, state, and local laws; state, regional, and local comprehensive plans; the responsible public entity's rules, procedures, and standards for facilities; and such other conditions that the responsible public entity determines to be in the public's best interest and that are included in the comprehensive agreement.

(c) The responsible public entity may provide services to the private entity. An agreement for maintenance and other services entered into pursuant to this section must provide for full reimbursement for services rendered for qualifying projects.

(d) A private entity of a qualifying project may provide additional services for the qualifying project to the public or to other private entities if the provision of additional services does not impair the private entity's ability to meet its commitments to the responsible public entity pursuant to the comprehensive agreement.

(13) EXPIRATION OR TERMINATION OF AGREEMENTS.—Upon the expiration or termination of a comprehensive agreement, the responsible public entity may use revenues from the qualifying project to pay current operation and maintenance costs of the qualifying project. If the private entity materially defaults under the comprehensive agreement, the compensation that is otherwise due to the private entity is payable to satisfy all financial obligations to investors and lenders on the qualifying project in the same way that is provided in the comprehensive agreement or any other agreement involving the qualifying project, if the costs of operating and maintaining the qualifying project are paid in the normal course. Revenues in excess of the costs for operation and maintenance costs may be paid to the investors and lenders to satisfy payment obligations under their respective agreements. A responsible public entity may terminate with cause and without prejudice a comprehensive agreement and may exercise any other rights or remedies that may be available to it in accordance with the provisions of the comprehensive agreement. The full faith and credit of the responsible public entity may not be pledged to secure the financing of the private entity. The assumption of the development or operation of the qualifying project does not obligate the responsible public entity to pay any obligation of the private entity from sources other than revenues from the qualifying project unless stated otherwise in the comprehensive agreement.

(14) SOVEREIGN IMMUNITY.—This section does not waive the sovereign immunity of a responsible public entity, an affected local jurisdiction, or an officer or employee thereof with respect to participation in, or approval of, any part of a qualifying project or its operation, including, but not limited to, interconnection of the qualifying project with any other infrastructure or project. A county or municipality in which a qualifying project is located possesses sovereign immunity with respect to the project, including, but not limited to, its design, construction, and operation.

(15) CONSTRUCTION.—This section shall be liberally construed to effectuate the purposes of this section. This section shall be construed as cumulative and supplemental to any other authority or power vested in or exercised by the governing board of a county, district, or municipal hospital or health care system including those contained in acts of the Legislature establishing such public hospital boards or s. 155.40. This section does not affect any agreement or existing relationship with a supporting organization involving such governing board or system in effect as of January 1, 2013.

(a) This section does not limit a political subdivision of the state in the acquisition, design, or construction of a public project pursuant to other statutory authority.

(b) Except as otherwise provided in this section, this section does not amend existing laws by granting additional powers to, or further restricting, a local governmental entity from regulating and

entering into cooperative arrangements with the private sector for the planning, construction, or operation of a facility.

(c) This section does not waive any requirement of s. [287.055](#).

History.—s. 2, ch. 2013-223.

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EXHIBIT 14
Letter from Unions



South Florida **AFL-CIO** *America's Union Movement*

January 20, 2016

The following represents the combined input of the undersigned Labor Organizations. These organizations represent the thousands of workers most likely to be impacted by P3 agreements. These comments are in no way meant to be construed as an endorsement of the P3 process in conducting County ventures. Organized Labor has great reservations and concerns about the impact of P3 ventures and the possibility that they will be conducted at the expense of labor, reversing the fair and responsible wages and benefits that have been secured by County employees and the employees of those vendors and suppliers doing business with Miami-Dade County.

Therefore, we submit our comments and proposed items that we believe will provide some level of protection from the potential erosion of the wages and benefits of workers as well as suggesting provisions to improve the process and provide protection to the public at large.

Labor Provisions

The labor provisions should be included as a requirement in the RFP so that the private parties' bids will include any associated costs.

PROTECTION OF COUNTY EMPLOYEES

- All P3 agreements shall provide that any County employee laid off due to a P3 agreement or transferred to a P3 entity pursuant to a P3 agreement, shall have a right to be hired by any P3 private sector entity with wages, benefits, and retirement that are substantially identical to those received by the employee at the time of layoff or transfer for the duration of the collective bargaining agreement that covered those former County employees.
- In addition to the employment rights with the private contractor established in the agreement, county policy should provide incumbent county workers the option of "being reassigned to an equivalent county position, without a loss of wages, benefits or seniority."
- No ordinance or resolution approved by the BBC shall be in conflict with the Collective Bargaining Agreement that is currently in effect or in full force or Florida Statute, Chapter 447.

WAGE AND BENEFIT STANDARDS

- Total compensation for maintenance and operations employees shall be no less than that provided for county employees performing similar work.
- Bidders shall provide a schedule of wage rates (including overtime) and benefits to be paid employees.

PROCESS

Plan for inclusion of Miami-Dade County residents and Nationally Targeted Workers of Social Disadvantage by general contractor and sub-contractors.



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LABOR RELATIONS

P3 agreements shall provide for:

- Private sector entity shall, and shall cause the O&M Contractor and all Contractors that will perform Operations, or Maintenance Work, to execute and deliver to Owner by Final Completion a Labor Peace Agreement with all labor organizations that (a) contacted Concessionaire and the O&M Contractor, in writing, before Financial Close and (b) is actively engaged in representing or attempting to represent individuals that are to perform the Operations, and Maintenance Work for the Project, as determined by the Mayor or his representative. Concessionaire and each such Contractor shall be bound by the terms of such Labor Peace Agreement, which agreement shall be valid and enforceable under 29 U.S.C. § 158 and shall, at a minimum, prohibit any and all such labor organization(s) and its members from engaging in any picketing, work stoppages, boycotts or other interference, economic or otherwise, affecting the O&M Work or the qualifying project.
- All provisions of the Responsible Wage Ordinance, Section 2-11.16 and the Living Wage Ordinance, Section 2-8-9 shall be applicable to P3 projects including construction, operations and maintenance.
- Except where prohibited by law or as a condition to receiving federal funding, all P3 agreements shall require the P3 private entity and all contractors and sub-contractors to use good faith efforts to meet local hiring goals consisting of a goal to have 50% of the workforce of the P3 private entity and all contractors and sub-contractors workers come from Miami-Dade County residents and Nationally Targeted Workers of Social Disadvantage.
- All provisions of the Responsible Wage Ordinance, Section 2-11.16 and the Living Wage Ordinance, Section 2-8-9 as well as good faith efforts to meet local hiring goals consisting of a goal to have 50 % of the workforce of the P3 private entity and all contractors and sub-contractors workers come from Miami-Dade County residents and Nationally Targeted Workers of Social Disadvantage shall be applicable to future construction maintenance of the P3 project that is not covered by the terms of the Operations and Maintenance Agreement.
- Nationally Targeted Worker of Social Disadvantage: Nationally Targeted Worker of Social Disadvantage is a person meeting one or more of the following: (1) is without a GED or high school diploma, (2) is receiving Public Financial Assistance, 3) who is an Ex-Offender, 4) who is Homeless, 5) is an Early-Stage Registered Apprentice in a n Apprenticeship Program as described below, 6) is a Former Foster Care Youth or 7) an individual domiciled in a Miami-Dade County zip code where one or more census tracts (as of the date of issuance of the RFP) which: has at least 40% of all persons earning less than 80% of the Area Median Income; or, has an Unemployment Rate that is at least 1% higher than the national local average. (ALL ZIP CODES MUST BE CONTAINED WITHIN MIAMI-DADE COUNTY AND PUBLISHED IN THE RFP)
- If under good faith efforts: to meet the 50% goal, contractors and subcontractors may hire XXX% of workers that are domiciled in a Miami-Dade County zip code where one or more census tracts (as of the date of issuance of the RFP) which: has at least 40% of all persons earning less than 80% of the Area Median Income; or, has an Unemployment Rate that is at least



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1% higher than the national local average. (ALL ZIP CODES MUST BE CONTAINED WITHIN MIAMI-DADE COUNTY AND PUBLISHED IN THE RFP)

INDEPENDENT CONTRACTORS

- P3 agreement shall adopt and implement a clearly defined test to determine Independent Contractor status, such as an “ABC test”, wherein all three prongs of a three part test must be met in order for a worker to be classified as an independent contractor.

The three parts will be as follows:

(A) The individual is free from control or direction over the performance of services.

(B) The service is either outside the usual course of the business for which it is performed, or the service is performed outside of all the places of business of the enterprise for which it is performed.

(C) The individual is customarily engaged in an independently established trade, occupation, profession, or business.

The burden of proving an individual’s Independent Contractor status will rest on the employer. The individual will be presumed to be an employee unless the employer satisfies its burden to show all three test prongs are met.

Enforcement will be supported through the required periodic reporting of appropriate financial statements, including documents detailing the number of employees and Independent Contractors employed by all contractors and subcontractors per the life of the contract.

Process Provisions

DESIGNATION OF A QUALIFYING PROJECT BY COUNTY COMMISSION

- When applicable, an assessment of the advantages and disadvantages of having private operations and maintenance including a risk analysis that considers the degree to which the private provision of a function would expose the County to risk or liability, including service interruption, health and safety issues, financial liability, loss of expertise and damage to public trust.
- For projects proposed to provide a service currently provided directly by county forces, the cost savings associated with private operation and management must be at least 10% less than the county cost of the county providing the operation and maintenance including contract administration and monitoring.
- A social equity statement on the project shall be presented to the BCC as provided in Miami – Dade Code, Section 2 -1 Rules of Procedure of the County Commission, Part 4. Committee, Rule 4.01 committee (t.) [The provisions are below.]



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- A supermajority approval vote of the BCC shall be required for any project that commits the county to make multiple year payments to the private provider.
- County plan for employment of displaced county employees.

REQUIREMENTS FOR PRE-ADVERTISEMENT DUE DILIGENCE

- A separate comparison of the costs of county operation and maintenance with private operation and maintenance.
- The VfM assumed labor costs shall not be less than that required by law or the total compensation of county employees performing the same work.
- The VfM methodology and assumptions shall be made available to the BCC and the public no later than the release of the VfM.
- Public should have at least 30 days to review VfM and peer review studies prior to consideration by BCC.
- VfM contractor(s) shall disclosure of any conflicts of interest or potential conflicts of interest.

THE RFQ PROCESS

- Interested parties likely to be affected by the project may file a letter of concern with the County, related to the qualifications of any member of the selection committee.
- Proposers must provide information regarding any breach of contract violation committed by any member of their team, including any information regarding any default.
- Require a list of all statutory and regulatory violations at the Local (city/county), State and Federal levels, including labor and employment law violations, environmental law violations, and insurance and tax law violations, current outstanding tax liens and prior or pending lawsuits. This list will be required for each member of the team, including contractors and sub-contractors.

From the Operations and Management Firm (if applicable):

- Plan for employment of displaced county employees

The RFP PROCESS

- The RFP shall be approved by the BCC.
- RFPs including O&M for a service currently provided directly by county forces, shall provide for two bids: one for the DBFOM approach and one for the DBF approach.



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BCC APPROVAL OF INTERIM AND COMPREHENSIVE DEVELOPMENT AGREEMENTS

- The Board/Mayor's office may approve the use of innovative financing techniques associated with a P3 project. The short-term and long-term costs, including debt and debt service payments, associated with each financing technique must be made available to the public prior to approval.
- The county must safeguard the public interest when allocating revenue risk. Alternative financing mechanisms such as rate of return models, price cap models, and profit sharing can align incentives between public and private actors and prevent windfall profits from accruing to the contractor at the expense of the public.
- The cost savings associated with private operation and management must be at least 10% less than the county cost of the county providing the operation and maintenance including contract administration and monitoring.
- Interim and final negotiated agreements shall be made public and presented to the Commission who shall after reviewing the analysis and holding a public hearing decide whether to approve the contract.
- A supermajority approval vote of the BCC shall be required for any project that commits the county to make multiple year payments to the private provider.

ENFORCEMENT

- Agreements should include meeting workforce provisions as a condition of receiving a full construction and/or availability payments.

UNSOLICITED PROPOSALS

- The standards and procedures outlined above shall also apply to unsolicited proposals.

OTHER PROVISIONS

- In order to maintain transparency, competitiveness, and accountability in the bidding and procurement processes, proposers will maintain compliance with the existing Sunshine/Cone of Silence laws.

SOCIAL EQUITY STATEMENT REQUIRED FOR ORDINANCES; EXCEPTIONS.

(1) Prior to the public hearing on any ordinance, the Mayor shall prepare a written social equity statement (a) identifying the possible non-monetary benefits and burdens of the policy to be implemented by the proposed ordinance and describing how those benefits and burdens would affect the community (e.g., geographically, demographically, by income levels, etc.), and (b) identifying the possible increase or decrease in monetary impacts anticipated to be borne by the residents of the County if the proposed ordinance is adopted and describing how those increased or decreased monetary impacts would affect the community (e.g., geographically, demographically, by income levels, etc.) ("social equity statement").



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No public hearing on any ordinance shall be held, if the social equity statement is not submitted with the ordinance as part of the agenda.

(2) If the Mayor initially determines that an ordinance has no social equity impact, but later determines that the ordinance does have a social equity impact (such as during the process of implementation), then the Mayor shall so advise the Board in a memorandum. Additionally, if, due to the social equity impact of an ordinance, the Mayor has not fully implemented all or any part of the program or policy provided for in an ordinance within one year of the effective date, or such other date as set forth in the ordinance, then the Mayor shall so advise the Board in a memorandum. Notwithstanding the foregoing, nothing in this rule shall be construed to authorize the Mayor not to comply with the policy direction contained in an ordinance without Board approval.

(3) The Mayor shall not be required to provide a social equity statement for budget or emergency ordinances.

(4) The social equity statement shall be based on information that is currently available and known by the administration.

Undersigned Labor Organizations:

1. The American Federation of State, County and Municipal Employees (AFSCME) Florida
2. The American Federation of State, County and Municipal Employees (AFSCME), Local 121
3. The American Federation of State, County and Municipal Employees (AFSCME), Local 1184
4. The American Federation of State, County and Municipal Employees (AFSCME), Local 3293
5. The American Federation of State, County and Municipal Employees (AFSCME), Local 1907
6. The American Federation of State, County and Municipal Employees (AFSCME), Local 1363
7. The American Federation of State, County and Municipal Employees (AFSCME), Local 1542
8. The American Federation of State, County and Municipal Employees (AFSCME), Local 3292
9. The American Federation of State, County and Municipal Employees (AFSCME), Local 1544
10. The American Federation of State, County and Municipal Employees (AFSCME), Local 871
11. The American Federation of State, County and Municipal Employees (AFSCME), Local 161
12. The American Federation of State, County and Municipal Employees (AFSCME), Local 2068
13. The American Federation of State, County and Municipal Employees (AFSCME), Local 2689
14. The American Federation of State, County and Municipal Employees (AFSCME), Local 2862
15. The American Federation of State, County and Municipal Employees (AFSCME), Local 3178
16. The American Federation of State, County and Municipal Employees (AFSCME), Local 3294
17. The American Federation of State, County and Municipal Employees (AFSCME), Local 2689
18. The American Federation of State, County and Municipal Employees (AFSCME), Local 2862
19. The American Federation of State, County and Municipal Employees (AFSCME), Local 3294
20. The American Federation of State, County and Municipal Employees (AFSCME), Local 3346
21. The American Federation of State, County and Municipal Employees (AFSCME) Retirees
22. Teamsters, Local 769
23. United Teachers of Dade (UTD)
24. Union of Needletrades, Industrial, and Textile Employees (UNITE) and Hotel Employees and Restaurant Employees Union (HERE), Local 355
25. International Union of Operating Engineers (IUOE), Local 487
26. International Union of Electrical Workers (IBEW), Local 349
27. American Federation of Government Employees (AFGE), Local 515



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28. Transportation Workers United (TWU), Local 291
29. Communications Workers of America (CWA), Local 3122
30. Communications Workers of America (CWA), Local 3104
31. Service Employees International Union (SEIU), Local 1991
32. International Union of Painters and Allied Trades (IUPAT), Local 365
33. International Union of Painters and Allied Trades (IUPAT), Local 1175
34. International Union of Painters and Allied Trades (IUPAT), Local 2301
35. International Union of Painters and Allied Trades (IUPAT), DC Local 78
36. The Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA), Miami
37. International Longshoremen's Association (ILA), Local 1416
38. International Longshoremen's Association (ILA), Local 1922
39. International Association of Machinists and Aerospace Workers (IAM), Local 368
40. The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts (IATSE), Local 500
41. The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts (IATSE), Local 477
42. Dade County School Maintenance Employee Committee (DCSMEC)
43. United Association Air Conditioning and Refrigeration Pipefitters, Local 725
44. American Postal Union (APU), Local 172
45. Office and Professional Employees International Union (OPEIU), Local 100
46. Ironworkers, Local 272
47. Laborers International Union of North America (LIUNA), Local 1652
48. Florida Police Benevolent Association (PBA)
49. Our Walmart, South Florida Chapter
50. South Florida AFL-CIO, Central Labor Council