

Date: July 19, 2016

Supplement to
Agenda Item No. 8(F)4

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

From: Carlos A. Gimenez
Mayor



Subject: Supplement to Recommendation for Approval to Award: Legal Services for Implementation of Public Private Partnerships to Develop County Civil and Criminal Court Facilities and Other Projects as Determined by the Board of County Commissioners

This supplement is provided in response to a request from the Strategic Planning and Government Operations Committee at its June 14, 2016 meeting regarding award of *Contract No. 00198, Legal Services for Implementation of Public Private Partnerships (P3) to Develop County Civil and Criminal Court Facilities and Other Projects as Determined by the Board of County Commissioners*. Specifically, the Committee members asked for more information on the experience of the recommended firm, Ashurst LLP, including P3 projects they have participated in located in the United States; the criteria used in RFP-00198 to select the firm; and whether the firms that proposed for RFP-00198 are in a State of Florida P3 pool.

Experience of Ashurst LLP

Ashurst LLP has been operating in the United States since 2004 with offices in New York and Washington, DC, with over 50 lawyers across both offices. Ashurst LLP has provided advisory services on the following:

In the State of Florida:

- To the sponsors of Florida's I-4 Ultimate Highway Project in Orlando, Florida (\$2.32 billion project);
- On the procurement of rolling stock for All Aboard Florida for a new passenger railroad between Miami and Orlando (\$400 million project); and
- To the Florida Department of Transportation on the First Coast Outer Beltway Toll Project.

In the United States:

- For the Indianapolis Justice Complex, which is Indiana's first courthouse P3 project;
- For the University of California Merced Campus P3 project (\$1 billion project);
- Coordinating with the New York Dormitory Authority to advance P3s for social infrastructure projects in New York; and
- Coordinating with the Texas Facilities Commission to develop a Center of Excellence to procure social infrastructure P3 projects in Texas.

For the County's project(s), Ashurst LLP has partnered with Gray Robinson, a local Miami-Dade County law firm, which has experience with:

- American Airlines, Inc. in connection with the construction, financing, and lease of the \$2 billion North Terminal Development Program on behalf of Miami-Dade County at Miami International Airport;
- Washington Group International in connection with the submission of an unsolicited proposal to Florida Department of Transportation for the Miami Sunpike, which was to be a \$300 million privately built and managed toll road in Miami-Dade County;

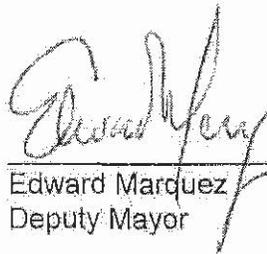
- Underwriters for the Miami-Dade County bond transactions in the last ten (10) years aggregating over \$3.5 billion; and
- Florida Department of Transportation in connection with the development of the P3 Cypress Creek Park and Ride Facility as a mixed use (office, retail, and public transportation) complex, and the P3 Sheridan Street Park and Ride Facility as a mixed use (affordable housing, education, government office, retail, and public transportation) complex.

Criteria Used for Evaluation:

- Proposer's relevant experience, qualifications, and past performance in performing legal P3 advisory services;
- Relevant experience and qualifications of key personnel, including key personnel of subcontractors, that will be assigned to this project, and experience and qualifications of subcontractors;
- Proposer's approach to providing the requested services; and
- Proposer's proposed prices.

State of Florida P3 pool

An open pool for the State of Florida has not been identified. However, the Florida Department of Transportation is actively involved in P3 projects and its attorney's office has advised that an Ashurst LLP partner (while at a prior law firm) served on its panel of P3 legal advisors. Florida Department of Transportation also advised that Ashurst-LLP may not have sought the opportunity to serve on the panel of advisers, as such advisers are prohibited from acting for the private sector on any other P3 project procured by Florida Department of Transportation.



Edward Marquez
Deputy Mayor