

Memorandum



Date: November 7, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

Agenda Item No. 8(F)(16)

From: Carlos A. Gimenez
Mayor

Subject: Recommendation for Approval to Establish a Disclosure Counsel Pool

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the establishment of a disclosure counsel pool under *Request for Qualifications (RFQ) No. RFQ-00528* for the Finance Department. The selected firms will be prequalified to provide disclosure counsel services, on an as-needed basis, for the issuance of public bond or debt transactions related to the County. The RFQ was issued under full and open competition, and the vendors recommended for award will be selected for bond transactions on a rotational basis. As a condition of award, each proposer was required to contractually engage with an associate counsel located in Miami-Dade County in an effort to expand the availability of small and local law firms with experience in public finance. Firms recommended for award under the County Bond Counsel and Authority Bond Counsel pools, which are being presented under separate agenda items, were ineligible for award under this pool.

Scope

The scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for the seven-year term is \$4,900,000. The current pool, CBWRFQ664, was awarded with a value of \$4,900,000 for a seven-year term. The Board approved an extension of the current pool for up to one year on a month-to-month basis until February 2018, or until a new pool is established, whichever occurs first, through Resolution No. R-161-17.

Department	Allocation	Funding Source	Contract Manager
Finance	\$4,900,000	Bond Proceeds	Frank Hinton
Total:	\$4,900,000		

Track Record/Monitor

Michelle Loren Rapaport, CPSM, of the Internal Services Department is the Procurement Contracting Manager.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to assign work in accordance with the solicitation document, award contracts, and exercise all provisions of the awarded contracts, including any cancellation and extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Vendors Recommended for Award

A competitive Request for Qualifications was issued with award being made to the three highest-ranked proposers. Seven proposals were received in response to the solicitation and were evaluated by the Competition Selection Committee in accordance with the criteria outlined in the solicitation. Award is being recommended to the three highest-ranked proposers not recommended for the County Bond Counsel and Authority Bond Counsel pools as firms cannot serve in bond counsel and disclosure counsel capacities.

Vendor	Principal Address	Address of Branch Offices or Headquarters in Miami-Dade or Broward*	Number of Employee Residents	Principal
			1) Miami-Dade 2) Broward 3) Percentage*	
Cozen O'Connor, PC	1650 Market Street Philadelphia, PA	200 South Biscayne Boulevard Suite 4410 Miami, FL	48	Michael J. Heller
			6	
			1%	
Hunton & Williams, LLP	951 East Byrd Street Richmond, VA	1111 Brickell Avenue Suite 2500 Miami, FL	46	Douglass P. Selby
			4	
			1%	
Nabors, Giblin & Nickerson, PA.	1500 Mahan Drive Suite 200 Tallahassee, FL	110 East Broward Boulevard Suite 1700 Fort Lauderdale, FL	0	Robert L. Nabors
			1	
			1%	

*Provided pursuant to Resolution No. R-1011-15. Percentage of employee residents is the percentage of vendor's employees who reside in Miami-Dade County or Broward County as compared to the vendor's total workforce.

Senior Partner	Associate Counsel	Associate Counsel Address
Cozen O'Connor, PC	Law Offices of Thomas H. Williams, Jr., PL	201 S Biscayne Boulevard Suite 2800 Miami, FL
Hunton & Williams, LLP	DiFalco & Fernandez, LLP	777 Brickell Avenue Suite 630 Miami, FL
Nabors, Giblin & Nickerson, P.A.	Manuel Alonso-Poch, P.A.	3520 Rockerman Road Miami, FL

Vendors Not Recommended for Award

Vendor	Reason for not Recommending
Bryant Miller Olive, P.A.	Recommended for award on the County Bond Counsel Pool, RFQ-00460, or Authority Bond Counsel Pool, RFQ-00527; and therefore are not eligible for this pool
Foley & Lardner, LLP	
Greenberg Traurig, P.A.	
Locke Lord LLP	

Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine contractor responsibility, including verifying corporate status and that there are no performance or compliance issues. The lists that were referenced included convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to contractor responsibility.

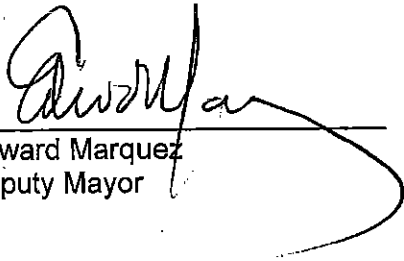
Pursuant to Resolution No. R-140-15, prior to the re-procurement of this replacement pool, a full review of the scope of services was conducted to ensure the replacement pool reflects the County's current needs. The review included conducting market research, posting draft solicitation for industry comment, and holding meetings and drafting sessions with the user department.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies and will be collected on all purchases where permitted by the funding source.

Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
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- The Small Business Enterprise measures do not apply as these services are exempt per the Ordinance.
- Local Preference Ordinance was included in the solicitation.
- The Living Wage Ordinance does not apply.



Edward Marquez
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(F)(16)

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
- Statement of social equity 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)(16)

11-7-17

RESOLUTION NO. _____

RESOLUTION AUTHORIZING ESTABLISHMENT OF CLOSED PREQUALIFICATION POOL RTQ-00528 CONSISTING OF COZEN O'CONNOR, PC, HUNTON & WILLIAMS, LLP, AND NABORS, GIBLIN & NICKERSON, P.A. IN A TOTAL AMOUNT UP TO \$4,900,000.00 FOR A SEVEN YEAR TERM FOR DISCLOSURE BOND COUNSEL FOR THE FINANCE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ASSIGN WORK IN ACCORDANCE WITH THE SOLICITATION DOCUMENT, AWARD CONTRACTS, AND EXERCISE ALL PROVISIONS OF THE CONTRACTS INCLUDING ANY CANCELLATION RENEWAL, AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the establishment of a closed prequalification pool RTQ-00528 consisting of Cozen O'Connor PC, Hunton & Williams, LLP, and Nabors, Giblin & Nickerson, P.A. for a term of seven years for disclosure bond counsel for the Finance Department in a total amount up to \$4,900,000.00 and authorizes the County Mayor or County Mayor's designee to assign work in accordance with the solicitation document, award contracts up to the aggregate amount of the allocation authorized by the Board, and exercise all provisions of the contracts including any cancellation, renewal or extension provisions, pursuant to Section 2-8.1 of the Code of Miami-Dade County,

Florida and Implementing Order 3-38. A copy of the solicitation document and resulting contracts are on file with and available upon request from the Internal Services Department, Procurement Management Services Division.

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:

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

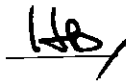
The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of November, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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.



Hugo Benitez

