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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

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

Resolution No. R-678-09

Date: June 2, 2009

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

From: Carlos Alvarez
Mayor

George M. Burgess
County Manager

Subject: Resolution Regarding Building Better Communities General Obligation Bonds (GOB) Project Number 249 Request for Proposals (RFP)

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached Resolution which will 1) reject all proposals received in response to Request for Proposals (RFP) 249 for the Building Better Communities General Obligation Bonds (GOB) Project Number 249 for the Construction of Multi-Family Housing on Caribbean Boulevard and Northside Metrorail Station Sites, 2) waive the competitive bidding and bid protest processes as required in Sections 2-8.1 and 2-8.4, respectively of the Miami-Dade County Code, and 3) authorize the County Mayor or the Mayor's designee to conduct competitive negotiations with all of the responsive bidders for construction of two multi-family developments utilizing GOB funds as "gap" funding only subject to terms, including but not limited to scope of work, schedule and price.

Scope of Agenda Item

This resolution includes two County owned sites to be developed as multi-family, mixed income and mixed-use affordable rental housing. The Northside Metrorail Station (Northside) site, located in Commission District 2, is on the south side of NW 79 Street, between NW 32 Avenue and NW 31 Avenue, in the North Central area of Miami-Dade County. This parcel is part of the Miami-Dade County Metrorail rapid transit-system; consisting of a station, train guide–way, parking lot, and bus bays. The Caribbean Boulevard (Caribbean) site is located between SW 110 Court and SW 200 Drive, on the north side of SW 200 Street (Caribbean Boulevard) and is in Commission District 9.

Fiscal Impact / Funding Source

By allowing Project number 249 to move forward with negotiations, there is no additional fiscal impact to the County at this time. Any future recommendations for award of a contract or use of GOB funds regarding the development of either or both of these properties will be submitted to the Board for consideration and approval.

GOB funds shall only be used as gap financing and subject to formal underwriting conducted by an independent underwriter on behalf of the County. Successful contractor(s) under this RFP will be responsible for securing Low Income Housing Tax Credits (LIHTC) equity and all other financing required for the project. The County will maintain title of the sites; however, the successful contractor(s) will be awarded site control through a 55-year lease, or for such other term, sufficient to satisfy LIHTC Program requirements.

Track Record / Monitor
This resolution does not provide for contracting with any specific entity.

Background
On January 15, 2008, Miami-Dade Office of Community and Economic Development (OCED) advertised the Miami-Dade County GOB Multi-Family Affordable Housing Development Program RFP for Housing Development on these two County owned sites. The GOB Multi-Family Housing Development Program is a component of the 15-year Building Better Communities GOB program, of which $137.7 million will be directed toward development of affordable housing for families and individuals.

Eight proposals were received on February 15, 2008. A Selection Committee (Committee) was appointed by the County Manager to evaluate and rank the proposals received based on the scope and criteria set forth in the solicitation.

During the evaluation and ranking process, technical staff conducted a minimum threshold review of the proposals to determine technical conformance with the scope requirements. Staff instructed the Committee to score the proposals against the remaining criteria in the RFP. The Committee scored the proposals identified as compliant by the technical staff. Considerable discussions ensued among Committee members as to the correct scoring approach. Due to a lack of clarity as to the evaluation criteria, the selection committee scored the applications more than once. This caused confusion and highlighted inconsistencies in the published criteria. Consultations with the technical staff and the County Attorney's Office were necessary to reach a resolution to issues of concern regarding the soundness of the eligibility and scoring criteria, including factors such as preferences for joint ventures used in the evaluation process. The results of the evaluation could not be supported or depicted as a true open and competitive solicitation due to the inconsistency in the criteria with the required scope of services. Because of these circumstances, it is strongly recommended that all proposals be rejected, the competitive and bid protest processes be waived and negotiations be authorized with all proposers. OCED will establish updated criteria to include the tax credit(s) that are allowable, and the available GOB funds for these projects, among other requirements

Following the proposal submittal date, while the Committee was reviewing and evaluating the proposals, the Board approved Resolution R-537-08 on May 6, 2008. This action divided the $137.7 million of GOB funding equally across all Commission Districts ($10,592,307 per commission district) and as such established maximum thresholds that had not previously existed. This adopted Resolution changes the maximum amount of GOB funds available for both the Northside and Caribbean sites since no threshold existed or defined in the RFP. Accordingly, this change in funding criteria will need to be raised during negotiations as proposers must take in to consideration the threshold limit and may affect their entire funding packages, particularly the amount of gap financing needed, and other issues including cost per unit, among others.

Given these facts, it is considered to be in the County's best interest to reject all bids, waive the protest procedures, waive competitive bidding requirements and allow County staff to negotiate terms, including but not limited to: scope of work, construction schedule, price, and unit mix directly with all of the responsible proposers responding to GOB Project Number 249 for construction of two multi-family developments utilizing GOB funds as "gap" funding only.

Cynthia W. Curry
Senior Advisor to the County Manager

MEMORANDUM

(Revised)

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

DATE: June 2, 2009

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

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

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 Mayor'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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(K)(1)(A)
6-2-09

RESOLUTION NO. R-678-09

RESOLUTION REJECTING ALL BIDS FOR THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BONDS (GOB) PROJECT NUMBER 249 REQUEST FOR PROPOSALS (RFP) FOR THE CONSTRUCTION OF MULTI-FAMILY HOUSING ON CARIBBEAN BOULEVARD AND NORTHSIDE METRORAIL STATION SITES; WAIVING THE REQUIREMENTS OF SECTION 2-8.4 OF THE MIAMI-DADE COUNTY CODE PERTAINING TO BID PROTEST PROCEDURES, AND SECTION 4.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE PERTAINING TO COMPETITIVE BID PROCEDURES, BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO ENTER INTO NEGOTIATIONS WITH ALL OF THE RESPONSIBLE BIDDERS FOR THE CONSTRUCTION OF TWO MULTI FAMILY DEVELOPMENTS UTILIZING GOB FUNDS AS "GAP" FUNDING ONLY

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 (1) rejection of all proposals received in response to the Building Better Communities General Obligation Bonds (GOB) Project Number 249 Request for Proposals (RFP) for the Construction of Multi-Family Housing on Caribbean Boulevard and Northside Metrorail Station Sites, (2) waiver of competitive bid procedures pursuant to Section 4.03(D) of the Home Rule Charter and Section 2-8.1 of the Miami-Dade County Code by a two-thirds (2/3's) vote of the Board members present, (3) waiver of bid protest procedures, pursuant to the requirements of Section 2-8.4 of the Miami-Dade County Code, by a two-thirds (2/3's) vote of the Board members present, and (4) County Mayor or the County Mayor's designee to conduct competitive

negotiations (including but not limited to scope of work, scheduling, unit mix, and pricing) between the responsible proposers to the Building Better Communities General Obligation Bonds (GOB) Project Number 249 Request for Proposals (RFP) and to recommend further action to the Board as a result of the negotiations.

The foregoing resolution was offered by Commissioner Audrey M. Edmonson, who moved its adoption. The motion was seconded by Commissioner Barbara J. Jordan and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman aye
Jose "Pepe" Diaz, Vice-Chairman aye

Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 2009. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Shannon D. Summerset