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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 8(F)(1)

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

DATE: September 3, 2014

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

SUBJECT: Resolution replenishing the Overall Program Expenditure Limit (OPEL) in the amount of $450 million for the Miscellaneous Construction Contracts Programs (MCC)
Resolution No. R-748-14

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Finance Committee.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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Memorandum

MIAMI-DADE COUNTY

Date: September 3, 2014

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

From: Carlos A. Gimenez
Mayor

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

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Recommendation

It is recommended that the Board of County Commissioners (Board) authorize replenishing the Overall Program Expenditure Limit (OPEL) for the Miscellaneous Construction Contracts (MCC) Program. The Ordinance that originally created the MCC Program (Ord. No. 09-101) included the OPEL provision, which requires approval by the Board to replenish the MCC Program expenditure authority, as necessary. As the Board is aware, an Ordinance on Second Reading at the June 3, 2014 Board meeting, requesting to remove the OPEL provision, failed to receive a motion and was not approved by the Board. As a result, given the lack of remaining OPEL in the program, it is of the utmost importance to receive partial replenishment of the MCC Program.

The amount being recommended for replenishment is $450 million, which was equal to the last Board-approved replenishment request in 2011 (R-352-11). It is important to point out that projects under the MCC Program are approved by the Board as part of the County's annual budget process. Furthermore, prior to proceeding with an MCC project, Office of Management and Budget approval is obtained for availability of funding. As such, the $450 million is simply an allocation amount that can only be utilized if the two aforementioned criteria are met.

Scope

The scope of the MCC Program is countywide in nature.

Fiscal Impact/Funding Source

Funding for projects that utilize the MCC Program are budgeted by each department as part of the annual budget process, and Office of Management and Budget approval for funding availability is required prior to proceeding with an MCC project.

Track Record/Monitor

Miriam Singer, Assistant Director, Internal Services Department, administers and monitors the MCC Program. The Board is currently provided with, and will continue to be advised of the progress of the MCC Program through quarterly reports detailing the contracting activities including the application of program measures.

Delegation of Authority

There is no delegation of authority being requested in this item.

Background

To date, the Board has authorized two prior OPEL Resolutions (R-597-08 and R-352-11), totaling $650 million ($200 million and $450 million, respectively). Of this amount, only approximately $10 million remains available for future MCC projects, and it is expected that this amount will be exhausted in the next three months. As a result, it is necessary to replenish the OPEL for the MCC Program at this time.

In determining the amount to be requested, a survey was conducted of capital departments to estimate likely expenditures/needs over the next three years for the MCC Program. Based on this survey, it is expected that over $765 million in construction projects will be processed throughout the County in the MCC Program over the three-year period. However, for the purposes of this item, we are requesting a $450 million OPEL replenishment, which should provide sufficient allocation to ensure MCC Program continuity. Attachment 1 provides a breakdown of the projected allocation amounts, by department, for the next three years.

The MCC Program process is a consistent and effective means of awarding construction work for small and large projects, including new construction, renovations, repairs and maintenance. The Program is administered using two separate Plans. The 7040 Plan is set-aside for firms certified as Community Small Business Enterprises (CSBEs), where contractors are selected on a rotational basis (depending on threshold values). The 7360 Plan is open to all vendors and is only used only when federal funding is involved or when 100 percent CSBE goal is not attainable.

Further, the MCC Program has a direct beneficial impact on all Commission districts by accelerating small construction projects, facility repairs and neighborhood improvements throughout Miami-Dade County. The MCC process provides opportunity for CSBEs to participate on County construction projects in an efficient and meaningful manner. Since 2003, when this information began being captured, there have been 7,578 contract awards, totaling $667.5 million to CSBE firms, as compared to 551 contract awards totaling $293.1 million to non-CSBE firms.

This recommendation reflects the County's continued commitment to developing and nurturing a competitive local construction industry in which contractors for publicly financed projects provide high-quality services, the best value to taxpayers and provide opportunities to the community's workforce programs.

Attachment

Edward Marquez
Deputy Mayor

Attachment 1

MCC Departmental Allocations for OPEL Replenishment

Department	Allocation Amount
Aviation	$ 25,175,123
CAHSD	$ 2,020,939
Corrections	$ 5,739,582
MDFR	$ 11,548,222
ISD	$ 18,072,967
PHCD	$ 17,899,744
Police	$ 173,223
PROS	$ 25,983,499
PWWM	$ 104,800,113
RER	$ 692,893
Seaport	$ 27,715,732
Transit	$ 43,305,832
WASD	$ 155,900,994
Vizcaya	$ 10,971,137
Total Request	$ 450,000,000

MEMORANDUM
(Revised)

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

DATE: September 3, 2014

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

SUBJECT: Agenda Item No. 8(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 _____

Agenda Item No. 8(F)(1)
9-3-14

RESOLUTION NO. R-748-14

RESOLUTION REPLENISHING THE OVERALL PROGRAM EXPENDITURE LIMIT (OPEL) IN THE AMOUNT OF $450 MILLION FOR THE MISCELLANEOUS CONSTRUCTION CONTRACTS PROGRAMS (MCC)

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

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

WHEREAS, Ordinance 09-101 calls for the program to be subject to and overall program expenditure limit which is to be set by the Board; and

WHEREAS, the Board previously approved Resolutions R-597-08 and R-352-11 on May 20, 2008, and on May 3, 2011, respectively, replenishing the OPEL; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the replenishment of the overall program expenditure limit in the amount of $450 million for the Miscellaneous Construction Contracts Program.

The foregoing resolution was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Jean Monestime** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of September, 2014. 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.

Hugo Benitez