

**DEPARTMENTAL INPUT  
CONTRACT/PROJECT MEASURE ANALYSIS AND RECOMMENDATION**

Rev 1

**New contract**  
  **OTR**  
  **CO**  
  **SS**  
  **BW**  
  **Emergency**  
 Previous Contract/Project No.  
N/A

**Re-Bid**  
  **Other**

LIVING WAGE APPLIES:  YES  NO

**Requisition/Project No:** RQID1500060 (RFP 00198)

**TERM OF CONTRACT:** 2 years with 2 ONE-year options-to-renew

**Requisition/Project Title:** LEGAL SERVICES FOR IMPLEMENTATION OF PUBLIC PRIVATE PARTNERSHIP - CIVIL AND CRIMINAL COURT FACILITIES AND OTHER PROJECTS AS DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS

**Description:** Legal services for implementation of P-3 to develop County civil and criminal courts, and jail facilities and other projects as determined by the Board  
**User Department(s):** County Attorney Office

**Issuing Department:** ISD-PMS

**Contact Person:** Andrew Zawoyski, CPPO

**Phone:** 305-375-5663

**Estimated Expenditure:** \$1,000,000.

**Funding Source:** Proprietary Fees - FNBABONDADM

**REVENUE GENERATING:** No

**ANALYSIS**

<b>Commodity/Service No:</b> 96-150		<b>SIC:</b>	
<b>Trade/Commodity/Service Opportunities</b>			
Contract/Project History of Previous Purchases For Previous Three (3) Years Check Here <input type="checkbox"/> if this is a New Contract/Purchase with no Previous History			
		<b>EXISTING</b>	<b>2<sup>ND</sup> YEAR</b>
		<b>3<sup>RD</sup> YEAR</b>	
<b>Contractor:</b>			
<b>Small Business Enterprise:</b>			
<b>Contract Value:</b>			
<b>Comments:</b>			
Continued on another page (s): <input type="checkbox"/> Yes <input type="checkbox"/> No			

**RECOMMENDATIONS**

SBE	Set-Aside	Sub-Contractor Goal	Bid Preference	Selection Factor
		%		
		%		
		%		
		%		

**Basis of Recommendation:**

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Signed: *Andrew Zawoyski, CPPO*

**Date to SBD:** 4-14-15

**Date Returned to DPM:** \_\_\_\_\_

## 2.0 SCOPE OF SERVICES

### 2.1 BACKGROUND

Miami-Dade County, a political subdivision of the State of Florida, hereinafter referred to as the County requests proposals for the delivery to the County of legal services related to establishing public private partnerships ("P3s") in accordance with applicable law and in the manner more particularly set forth below.

The Scope of Services as addressed below is a general description of the services the County may require in its pursuit of public private partnerships. It is anticipated that after any award issued as a result of this RFP, on an as needed basis, the County will prepare a more definitive scope of services (in phases), for which the selected Proposer will submit a proposal to the County. That proposal will be based on parameters, disciplines and hourly rates established in any agreement issued as a result of this RFP. Following review of proposal submitted by the Selected Proposer and any negotiations, the County may issue a Work Order for such legal services.

- 2.1.1 The County is a political subdivision in the State of Florida, governed by a Home Rule Charter (the "Charter").
- 2.1.2 The Charter provides for a Board of County Commissioners as a legislative and governing body (Article I) and a Mayor charged with the management of all administrative departments of the County government and for carrying out all policies adopted by the Commission (Article 2). The Charter provides for a County Attorney appointed by the Board of County Commissioners to serve as legal counsel to the Board, Mayor and all County departments (Article V, Section 5.06). The Charter further provides that the Board may retain special counsel for specific needs.
- 2.1.3 The Miami-Dade County Attorney's Office is an in-house law firm which represents all aspects of County government, including the Mayor and the 13-member Board of County Commissioners, County departments and numerous boards and authorities. The Miami-Dade County Attorney's Office has represented the County in major real estate, construction, and finance transactions, including the Miami-Heat Arena, the Performing Arts Center, the development of the North Terminal at Miami International Airport, and the Miami Marlins' Stadium.
- 2.1.4 As a political subdivision of the State of Florida, the County is charged by Article V, Section 14 of the Florida Constitution with the responsibility of funding the construction, operation and maintenance of facilities for the civil and criminal state trial courts, and jails.
- 2.1.5 With the passage of time, and the growth of the County's population, the County's courthouse and jail facilities are in need of renovation and repair. These needs have been identified in a Master Plan for the Expansion of Courtrooms and Administrative facilities issued during the period between November 2007 and June 2008. They are also the subject of a finding by the United States Department of Justice that certain conditions in the County's jails violate the rights of inmates and a settlement agreement between the County and the United States addressing those conditions.
- 2.1.6 The Courthouses and ancillary facilities are used by government agencies other than the County, such as the Eleventh Judicial Circuit in and for Miami-Dade County, the Clerk of the Courts, the State Attorney and the Public Defender.
- 2.1.7 In 2013, the Florida legislature declared the intent to encourage investment by private entities in the development and operation of public projects, and for that purpose enacted Section 287.05712 of the Florida Statutes (the "Public Private Partnership Law").

2.1.8 On February 3, 2015, the Board adopted Resolution R-151-1 expressing the willingness to explore the possibility of establishing a public private partnership to design, build finance, operate and maintain Court facilities and Jail facilities. As part of the resolution, the Mayor was directed to prepare and issue a solicitation for the retention of special counsel to provide specialized legal services as needed at the direction of the County Attorney's Office after consultation with the Mayor or the Mayor's designee. A copy of the resolution is available on the County net.

## 2.2 PURPOSE OF THIS RFP

2.2.1 The County seeks to identify and retain an attorney or law firm (the "Service Provider") to represent and counsel the County, including the Board of County Commissioners and the Mayor, related to the following:

2.2.1.1. Establishing a P3 for the financing, design, construction, operation, and maintenance of County civil and criminal court facilities and jail facilities; and,

2.2.2.2. Subject to express authorization by the Board, perform additional services for other P3 arrangements.

2.2.2 It is the intent of this RFP for the selected proposer to provide specialized services at the direction of the County Attorney's Office, and thereby to complement, not duplicate or supersede, the capabilities of the County to provide services in-house. Any professional services agreement which results from this RFP will require the Service Provider at all times to identify areas where the County may utilize its in-house capabilities in lieu of contracted services with resulting cost savings.

2.2.3 All work under a contract resulting from this RFP will be authorized, and reimbursed, subject to the issuance of appropriate work orders. The award of a contract, and the issuance of any work order thereunder, will be contingent on the availability of funds for such purposes.

## 2.3. SCOPE OF SERVICES

2.3.1 The following legal practice areas are within the scope of solicited legal services:

2.3.1.1. Public Finance, with specialized knowledge of P3 formation and governance;

2.3.1.2. Real Estate Finance;

2.3.1.3. Tax;

2.3.1.4 Public procurement and contracting;

2.3.1.5 Real Estate transactions, including environmental, land use, development and construction.

2.3.2 The following activities are within the scope of the solicited legal services:

2.3.2.1 Assist in drafting Request for Proposal document, clarifications, addenda;

2.3.2.2. Assist in drafting comprehensive agreement, and interim agreement(s), terms and conditions;

### 2.3.2.3. Providing legal advice and counsel.