



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Board of County Commissioners Meeting**

December 04, 2012  
9:30 A.M.  
Commission Chamber

**Research Division**

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**Miami-Dade County Board of County Commissioners  
Meeting Agenda**

**December 04, 2012**

**Item Number(s)**

|          |
|----------|
| 5F       |
| 5F Supp. |
| 5G       |
| 7G       |
| 8F8      |
| 8H2      |
| 8H3      |
| 8L2      |

Acknowledgements:

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Michael Amador-Gil, Senior Legislative Analyst

Elizabeth Owens, Legislative Analyst

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Research Notes

**Agenda Item:** 5F and Supplement – City of OpaLocka Community Redevelopment Agency

**File Number:** 121691 and 122081

**Date of Analysis:** November 6, 2012

**Summary**

The proposed resolution declares a certain geographic area of the City of Opa-locka (City), to be a slum or blighted area pursuant to Chapter 163, Part III, of the Florida Statutes; accepts the Finding of Necessity (FON) Report; and delegates certain community redevelopment powers to the City for the creation of a Community Redevelopment Agency (CRA).

Supplemental Information on the Opa-Locka FON Report

At the October 16, 2012 Internal Management and Fiscal Responsibility Committee (IMFRC) meeting, a Supplement (File No. 122081) was provided that updated the taxable value within the proposed Opa-Locka community redevelopment area and the City of Opa-Locka taxable values.

**The City's 2012 preliminary taxable value is \$697,830,150; therefore, approximately 20 percent of the City's value is within the proposed redevelopment area (as opposed to the 50 percent that is stated in the proposed resolution).**

New estimates by the County that do not include any new large projects in the area, and a growth rate consistent with the five year plan are as follows:

| Estimated CRA Tax Increment Revenues –REVISED<br>(\$ in Millions) |                     |                         |                   |                         |                       |                      |
|---|---------------------|-------------------------|-------------------|-------------------------|-----------------------|----------------------|
| Time  | County<br>Increment | Net<br>Present<br>Value | City<br>Increment | Net<br>Present<br>Value | Combined<br>Increment | Net Present<br>Value |
| 15 Years  | \$0.516             | \$0.330                 | \$1.048           | \$0.607                 | \$1.564               | \$0.937              |
| 30 Years  | \$1.675             | \$0.700                 | \$3.428           | \$1.263                 | \$5.103               | \$1.963              |

Subsequently, at the November 8, 2012 Board of County Commissioners (BCC) meeting, this item and the supplement were deferred due to the lack of public notice.

The City's FON Report, dated April 2010, found that pursuant to Florida Statutes, the area met all of the measures for slum and blight. The City's FON Report includes recommendations outlining the next steps within the process:

- City Commission approves the FON by resolution (City Resolution 10-8043).
- Miami-Dade County Commission approves the FON (the proposed resolution).
- The City begins developing their Community Redevelopment Plan.

- The process will include extensive public input, through neighborhood meetings and charrettes.
- Approval of the Community Redevelopment Plan.
- Development of a Redevelopment Trust Fund for purposes of funding projects within the CRA.

In addition, the FON Report indicates that within the area there exists slum and blight in the form of the following factors:

- Predominance of inadequate street layout, parking facilities, roadways, bridges or public transportation facilities;
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- Unsanitary and unsafe conditions; and
- Deterioration of site or other improvements.

The adoption of this item will not create the CRA nor will it establish the Trust Fund to fund the CRA. Those items will be presented to the BCC at a later date. Furthermore, redevelopment of the area cannot proceed until the BCC adopts the Community Redevelopment Plan and establishes the Trust Fund.

The geographic area of the City declared to be slum or blighted is described generally as bounded on the North by NW 151 Street, on the West by the Opa-locka Executive Airport, on the South by the Tri-rail corridor, and on the East by a constructed storm-water lake managed by the South Florida Water Management District.

#### Tax Increment Financing

A CRA's revenue source is generated through the incremental growth of ad valorem revenues beyond an established base year, Tax Increment Financing (TIF), as defined in Section 163.387 of the Florida Statutes. As provided in the FON, should this area become a CRA, the Countywide and municipal revenues will be deposited into the CRA's Trust Fund to fund projects that will eradicate the slum and blight in the community.

The Tax Increment Financing and Coordinating Committee first reviewed the City's FON Report on April 20, 2012, at which time the Committee recommended that the FON Report be updated to reflect current U.S. Census data. On May 30, 2012, the FON Report including new data was presented to the Tax Increment and Financing Committee, which reviewed the FON Report and recommended approval by the BCC.

#### **Background and Relevant Legislation**

In 1969, the Florida Legislature enacted the Community Redevelopment Act of 1969, as it is presently contained in Part III of Chapter 163, Florida Statutes, as amended (the Act). The Act authorizes counties and municipalities in the State of Florida to create community redevelopment agencies and to prepare redevelopment plans for certain defined areas within their boundaries designated as community development areas, within which community redevelopment projects may be undertaken to eliminate and prevent the development and spread of slum and blight. After a finding has been made, determining that slum and/or blight exist within a defined area, the Act authorizes the County to use and to delegate redevelopment powers at its discretion.<sup>1</sup>

On April 14, 2010, the City approved Resolution No. 10-8043, accepting the FON Report from Carras Community Investment Inc.<sup>2</sup>

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<sup>1</sup> Section 163.335 Florida Statutes

<sup>2</sup> The City hired Carras Community Investment, Inc. (CCI) to examine the slum and blight conditions within the city boundaries, assess the need for a Community Redevelopment Area, and complete a FON Report.

Florida Statutes state that for CRAs, a community redevelopment area may not consist of more than 80 percent of the City<sup>3</sup>. Therefore, the City focused the FON Report on the Ali Baba Corridor, where much of the City's deterioration has occurred.

On April 28, 2010, the City approved Resolution No. 10-8054, finding the need for a CRA, directing the initiation and preparation of a Redevelopment Plan; further authorizing the City Manager to negotiate a contract with Carras Community Investment, Inc. for consulting services to develop a Master Plan for the geographic location within the City boundaries where community development will take place subject to City Commission approval.

On June 8, 2011, the City approved Resolution No. 11-8238, to create a CRA naming the City Commission as the Board of the CRA.

On February 20, 2012, the City submitted a FON Report to Miami-Dade County, requesting that the BCC consider approving the FON Report.

### **Additional Information**

#### CRA Budgets

Pursuant to the provisions of each CRA's Interlocal Agreement, the CRA may or may not be required to submit an annual budget to the BCC for approval. The following provides the most recent budgets approved by the BCC:

| <b>Miami-Dade County CRAs</b><br><i>Most Recent BCC Approved Budget</i> |                             |  |                    |   |
|---|-----------------------------|--|--------------------|---|
| <b>CRA</b>  | <b>Budget Approval Date</b> | <b>Resolution Number</b>                               | <b>Fiscal Year</b> | <b>Budget Amount</b>  |
| Homestead   | 5/3/2011                    | Motion to adopt resulted in tie vote - File No. 110951 | 2010-11            | \$6,146,744   |
| Southeast Overtown/Park West  | 7/7/2011                    | R-535-11   | 2009-10<br>2010-11 | \$27,321,927 (FY 2009-10)<br>\$29,577,142 (FY 2010-11)            |
| Omni  | 7/7/2011                    | R-533-11   | 2009-10<br>2010-11 | \$44,015,971 (FY 2009-10)<br>\$38,958,422 (FY 2010-11)            |
| Midtown Miami   | 7/7/2011                    | R-534-11   | 2009-10<br>2010-11 | \$3,901,446 (FY 2009-10)<br>\$1,595,022 (FY 2010-11)              |
| North Miami   | 4/3/2012                    | R-286-12   | 2010-11<br>2011-12 | \$6,988,425 (FY 2010-11)<br>\$2,437,506 (FY 2011-12)              |
| North Miami Beach   | 4/3/2012                    | R-285-12   | 2010-11<br>2011-12 | \$7,268,387 (FY 2010-11)<br>\$6,148,435 (FY 2011-12)              |
| NW 79 <sup>th</sup> Street  | 4/17/2012                   | R-336-12   | 2011-12            | \$20,000 <sup>4</sup>   |
| South Miami   | 4/3/2012                    | R-284-12   | 2011-12            | \$2,791,942   |
| Florida City  | 1/24/2012                   | R-30-12  | 2011-12            | \$5,728,011   |
| Naranja Lakes   | 1/24/2012                   | R-29-12  | 2010-11<br>2011-12 | \$4,328,535 <sup>5</sup> (FY 2010-11)<br>\$3,628,160 (FY 2011-12) |

<sup>3</sup> Section 163.340(10) Florida Statutes

<sup>4</sup> At the September 20, 2011, BCC meeting, District 2 allocated \$20,000 from District office funds to the NW 79<sup>th</sup> Street CRA's FY 2011-12 Budget. Subsequently on April 17, 2012, under Resolution No. 336-12, the BCC approved the NW 79<sup>th</sup> Street CRA's FY 2011-12 Budget for the \$20,000 allocation.

<sup>5</sup> Resolution No. 145-11, authorized the Naranja Lakes CRA to obtain a \$7.5 million loan to reimburse the County for the outstanding balance on two State Sunshine Loans. The CRA issued a Request for Proposals (RFP), which only produced inquiries from prospective lenders. As a result, the CRA intends to issue a second RFP.

| Miami-Dade County CRAs<br><i>Most Recent BCC Approved Budget</i> |                      |                   |             |               |
|--|----------------------|-------------------|-------------|---------------|
| CRA  | Budget Approval Date | Resolution Number | Fiscal Year | Budget Amount |
| West Perrine   | 4/3/2012             | R-287-12          | 2011-12     | \$1,150,887   |
| N.W. 7 <sup>th</sup> Avenue Corridor                             | 9/4/2012             | R-661-12          | 2011-12     | \$2,694,064   |

Currently, there are thirteen (13) approved CRAs in Miami-Dade County: 7<sup>th</sup> Avenue Corridor, Homestead, City Center, Southeast Overtown/Park West, Omni, Midtown Miami, North Miami, North Miami Beach, NW 79<sup>th</sup> Street, South Miami, Florida City, Naranja Lakes, and West Perrine.

The only CRAs pending BCC approval are the Goulds/Cutler Ridge and the proposed resolution accepting the City of OpaLocka's FON Report.

Below is a list of the thirteen approved CRAs and their TIF contribution rate:

| CRA                             | TIF Contribution Rate   |
|---------------------------------|---|
| 7 <sup>th</sup> Avenue Corridor | 95%   |
| Homestead                       | 95%   |
| City Center                     | 95%   |
| Southeast Overtown/Park West    | 95%   |
| Omni                            | 95% - County gets refund of 35% of the total TIF collected                    |
| Midtown Miami                   | 95%   |
| North Miami                     | 95% - County gets a refund of all County TIF collected west of Biscayne Blvd. |
| North Miami Beach               | 95%   |
| NW 79 <sup>th</sup> Street      | 95%   |
| South Miami                     | 50%   |
| Florida City                    | 95%   |
| Naranja Lakes                   | 95%   |
| West Perrine                    | 95%   |

**Prepared By:** Elizabeth N. Owens

MIAMI-DADE COUNTY  
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Research Notes

**Agenda Items:** 5G – Revised General Plan for Haulover Park; and  
8H3 – Bill Bird Marina Restaurant at Haulover Park

**File Numbers:** 122305 and 122046

**Date of Analysis:** November 29, 2012

**Summary**

**Item No. 5G**

The proposed resolution approves the revised General Plan for Haulover Park, in compliance with Section 33-303, Exclusive Procedure, of the Code of Miami-Dade County (Code).

The Haulover Park revised General Plan addresses the following: traffic circulation improvements; improve access to the beach for bicycles, pedestrians, and people with disabilities; improve transit connections; improve beach access through tunnel ramps; provide more green space; expand the dry rack storage facility capacity up to 510 spaces; rebuild the pier; rebuild the marina and pier restaurants; and restore the dunes. In addition, parking areas to support all park uses are included and parking on natural terrain used for overflow during special events is also indicated.

*Some residents have voiced opposition to the revised General Plan for Haulover Park, specifically to the expansion of the dry rack storage facility. Staff from the Departments of Parks, Recreation and Open Spaces (PROS) and Regulatory and Economic Resources (RER) state that they are continuing to work with the community to resolve these issues.*

Haulover Park, one of the County's seven heritage parks, is a 246 acre park that serves northern Miami-Dade County, including Sunny Isles Beach, North Miami, North Miami Beach, and Bal Harbour. Approximately 75 acres of the park and beachfront provides a regional attraction, while 81 acres of the park consists of submerged lands within the Intracoastal Waterway. These two natural resources are the most important elements in the park. The park is located in unincorporated Miami-Dade County; however, the park is entirely surrounded by incorporated city limits.

The most recent park general plan was adopted in 2001 and called for several major changes in the programming and function of the park. According to the Haulover Park Heritage Park Planning Program Plan Final Report dated August 7, 2012, to date, new restroom facilities and a marina expansion have been completed. Currently, a new dockmaster and life guard headquarters is under construction and is projected to be completed within the next 5 months.

**Item No. 8H3**

The proposed resolution authorizes the execution of an agreement for the lease, development, and operation of the Bill Bird Marina Restaurant at Haulover Park under Contract No. RFP763 with Florida SE, Inc. The initial contract term is for ten (10) years generating **\$1,716,000 in estimated revenues**, with four (4), five-year Option to

Renew (OTR) periods. If the County exercises the four, five-year options-to-renew, the cumulative value will be \$7,480,000. There is no current contract for these services.

The County negotiated an increase of \$739,000 in revenue from the original proposal for the initial ten (10) year lease term. This represents a total increase in revenue of \$2,791,000 from the original proposal if the OTR periods are exercised.

***This item differs from the original in that Subsections D and E were added to Paragraph No. 72, Termination by Lessee, on page 29 of 68 of Contract No. RFP763. According to the County Attorney, the prior tenant, Solo on the Bay, Inc., filed suit against the County for wrongful eviction. The proposed lessee, Florida SE, Inc., is interested in proceeding with construction in spite of this pending litigation. Subsections D and E provides the lessee with the right to terminate if the County cannot resolve the litigation.***

#### Solo on the Bay v. Miami-Dade County Pending Litigation<sup>1</sup>

In 2007, the County terminated its contract with the previous tenant, Solo on the Bay due to non-payment of rent. Subsequently, in June of 2008, the restaurant building was damaged by a fire and ultimately was demolished.

The following is a chart of the timeline of events leading to the termination of the contract between the County and Solo on the Bay:

| <b>Timeline of Events<sup>2</sup></b><br><b><i>Solo on the Bay Restaurant at Haulover Park</i></b> |  |
|--|--|
| June 2005  | Solo on the Bay restaurant was opened in June 2005, and operated through August 2006.  |
| June - Nov. 2005   | Solo's made rent payments to the Miami-Dade County Parks, Recreation and Open Spaces Department (MDPROS) from June 2005 through November 2005, six (6) payments of the minimum \$4,200, totaling \$25,200. |
| April - Aug. 2006  | The Miami-Dade Fire Rescue Department (MDFR) inspected the restaurant in April 2006 and again in August 2006, and issued numerous Code violations.   |
| July – Aug. 2006   | Nightclub activity occurred which was not a permitted use, only use allowed was that as a restaurant.  |
| Sept. 2006   | Power was disconnected in as a result of inspections by the Miami-Dade Building Department and MDRF for electrical code violations and life safety code violations.  |
| June 2007  | Solo's signs for and receives Notice of Termination at the MDPROS office.  |
| June 20, 2008  | Fire severely damages building.  |
| July 2008  | Solo's staff is allowed to enter building and remove and salvage personal property and equipment that is not damaged by the fire.  |
| Jan. 2009  | After receiving a notice of unsafe structure from the Miami-Dade Building Department, the restaurant facility is demolished by MDPROS.   |

#### **Item No. 8H3 - Evaluation / Selection Committee Report**

Two proposals were received in response to the solicitation, and both were rated and ranked by an Evaluation/Selection Committee. A summary of the scores is provided in the September 23, 2011, *Report of Evaluation/Selection Committee for RFP No. 763 Bill Bird Marina Restaurant at Haulover Park* (Report).

<sup>1</sup>Agenda Item No. 11A9 (File No. 122195) will allow Genovese, Joblove & Battista to continue to represent Solo on the Bay in connection with the lawsuit between Solo on the Bay and the County regarding the wrongful eviction action, and also allow Genovese, Joblove & Battista to continue to represent Quadel Consulting Inc., in connection with those lawsuits arising from Quadel's performance under the contract to administer the Section 8 Housing Choice Voucher Program, and the associated Family Self Sufficiency Program, Homeownership Vouchers and Project Based Voucher Program approved under Resolution No. 1415-08.

<sup>2</sup> Information provided by MDPROS.



The Committee determined that the proposal submitted by FSE/Darden, the highest ranked firm, exhibited the best approach for the designated restaurant site. The Consensus Statement in the Report states that the FSE's marketing research program showed consideration to the existing local market population and the firm demonstrated flexibility to adapt to the Haulover Park's guidelines in the development of the restaurant.

The following Chart provides the pre and post oral presentation scores from the Evaluation/Selection Committee:

| Evaluation / Selection Committee                          |                               |                           |                                    |  |
|---|-------------------------------|---------------------------|------------------------------------|--|
| RFP No. 768: Bill Bird Marina Restaurant at Haulover Park |                               |                           |                                    |  |
| Pre-Oral Presentation                                     |                               |                           |                                    |  |
| Proposer  | Technical Score<br>(max. 375) | Price Score<br>(max. 125) | Total Combined Score<br>(max. 500) | Price/Cost Submitted <sup>3</sup><br>(for ten years) |
| Florida SE, Inc.  | 311                           | 95                        | 406                                | \$500/\$8,333/2.5%                                   |
| Wave House US, LLC  | 307                           | 61                        | 368                                | \$1/\$2,500/5%                                       |
| Post-Oral Presentation / Final Scores                     |                               |                           |                                    |  |
| Proposer  | Technical Score<br>(max. 300) | Price Score<br>(max. 100) | Total Combined Score<br>(max. 400) | Price/Cost Submitted <sup>4</sup><br>(for ten years) |
| Florida SE, Inc.  | 267                           | 82                        | 349                                | \$500/\$8,333 <sup>5</sup> /2.5%                     |
| Wave House US, LLC  | 233                           | 40                        | 273                                | \$1/\$2,500/5%                                       |

#### Florida SE, Inc.

Florida SE, Inc. (FSE) is a subsidiary of Darden Restaurants, Inc. (Darden). Darden owns and operates over 1,800 restaurants nationwide, including more than 130 restaurants in Florida that are owned and operated by FSE. FSE owns and operates all of the Bahama Breeze Restaurants, and a majority of the Red Lobster, Olive Garden, and Seasons 52 restaurants located in Florida. **FSE/Darden has proposed to develop and operate a Seasons 52 restaurant on the site, a \$6.3 million investment, at no cost to Miami-Dade County.**

In addition, FSE/Darden will develop a separate public restroom facility and enhance the existing parking area (to include landscaping, employee parking, and valet parking) adjacent to the restaurant for use by Bill Bird Marina/Haulover Park patrons, as part of the firm's \$6.3 million investment.

#### **Item No. 8H3 - Additional Information**

According to the May 11, 2011, Department of Planning and Zoning memo, *Haulover Park Restaurant Replacement Memorandum of Determination*, for over twenty years, the Park and Recreation has operated a restaurant at Haulover Park through a variety of operators. Around 2005, the restaurant operation became unstable and the facility was demolished in 2009.

Under the prior restaurant, Haulover Park has vested building rights to an 11,900 square foot building adjacent to the marina which included an enclosed restaurant area, an unattached restroom for the restaurant and a non-air-conditioned first floor observation deck. A total of 9,671 sq. ft. associated with the prior restaurant will be credited against a replacement restaurant which includes the restroom area. Also, no impact fee charges will be applied to any area that is not air-conditioned and does not have complete solid walls under columns such as the previous first floor observation deck.

**Prepared by:** Elizabeth N. Owens

<sup>3</sup> Includes Initial Rent/Guaranteed Monthly Rent/Percentage of Monthly Gross Receipts

<sup>4</sup> Includes Initial Rent/Guaranteed Monthly Rent/Percentage of Monthly Gross Receipts. The prior tenant was paying, per their lease prior to the closing of the restaurant 6% of monthly gross receipts from food and all beverage sales less the minimum rent paid. The Guaranteed Minimum Rent was \$4,200 per month.

<sup>5</sup> The Guaranteed Monthly Rent on page 7 of the proposed contract is \$9,166.67 per month.

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Research Notes

**Agenda Item:** 7G  
**File Number:** 121883  
**Date of Analysis:** October 18, 2012

**Summary**

This proposed ordinance extends *the sunset provision* of Ordinance No. 11-06 to December 31, 2013.

**Background and Relevant Information**

On May 9, 2006, the Board of County Commissioners (BCC), through R-558-06, created the Miami-Dade Community Affordable Housing Strategies Alliance *Task Force* (CAHSA) to: evaluate the housing crisis in Miami-Dade County; establish methods for obtaining input on community needs and priorities; develop solutions; develop methods to inform the public about available funding and financing opportunities; plan and implement the convocation of a Miami-Dade County Housing Summit; offer guidance in establishing a One-Stop clearinghouse for information related to housing in Miami-Dade; make final recommendation to the BCC; and serve as an advisory capacity to the BCC and other public and governmental entities.

Pursuant to R-558-06, the Task Force would submit a preliminary report of its findings to the BCC on or before October 31, 2006, and a final report to the BCC on or before April 30, 2007. The preliminary report was submitted to the BCC on November 27, 2006 and the final report was presented on April 24, 2007.

CAHSA submitted the following preliminary recommendations to the BCC:

- *Adopt a master housing plan with specific production goals and accomplishments;*
- *Housing resource be directed towards housing development based on greatest need and where market response is less certain;*
- *The master plan must involve the whole community in the process and increase collaboration between the County and municipalities;*
- *The master plan must address greater coordination between housing and economic development activities as well as coordination of neighborhood-based social services; and*
- *The Miami-Dade Homeless Trust Plan to End Homelessness be promoted and integrated into the countywide Housing Plan.*

On February 6, 2007, the BCC, through R-161-07, directed the County Manager to develop a Comprehensive Housing Intervention and Master Plan as recommended by CAHSA's **preliminary report**. Pursuant to R-161-07, the County Manager was directed to complete the **Comprehensive Housing and Intervention Plan** within seven months after the effective date of this resolution, and present the plan to the BCC.

On April 24, 2007, the BCC, accepted CAHSA's **Final Report** (See File No. 070312), which included the input from nine committees, established by the CAHSA Task Force members to consider the critical housing issues facing Miami-Dade County.

The Final Report recommendations directed the attention to the following four major aspects of housing policy: (1) the need to reorganize the existing housing delivery program in the County; (2) need to facilitate the development and construction of affordable housing; (3) need to provide professional and accessible services to County residents needing assistance in acquiring or maintaining affordable housing; and (4) the need to

understand and fulfill the needs of those residents requiring public or special needs housing through the development of an affordable housing master plan.

#### Legislative History for the Community Affordable Housing Strategies Alliance

| Date                   | BCC Legislative Action  |
|------------------------|---|
| 2/6/07<br>R-161-07     | The BCC directed the County Manager to develop a Comprehensive Housing Intervention and <b>Master Plan</b> as recommended by CAHSA's <b>preliminary report</b> .  |
| 9/24/07<br>Ord. 07-121 | <p>Created the CAHSA and provided membership requirements, set appointments, established removal and tenure of members, and specified organization and powers. CAHSA was composed of <i>thirty-six voting members</i>, and the membership qualifications required that each member be a permanent resident and qualified elector of Miami-Dade County.</p> <p>During the September 24, 2007 BCC meeting, Ordinance 07-121 was amended to:</p> <ul style="list-style-type: none"> <li>• <i>Delete the representatives from the State of Florida Housing Finance Corporation, the Mortgage Bankers Association, the Public Lands Trust, Freddy Mac, and the Mayor's Office; and to add representatives from The Builders Association of South Florida; the Hialeah Chambers of Commerce; the Latin Builders Association; Latin Chamber of Commerce (CAMACOL); the Coalition of Florida Farmers Organization (COFFO); the Chairperson of the Economic Development, Health and Safety or any future committee with jurisdiction over Housing or his/her designee; and one representative from the local community who was actively engaged in the Housing Industry.</i></li> <li>• <i>Provide that eighteen of the original members serve for a term of two (2) years; that the current Chairperson of the CAHSA, established by resolution be the initial Chairperson of the CAHSA, established by this ordinance; that a quorum of 11 members be required; and that a three-year sunset provision be included.</i></li> </ul> |
| 4/4/08<br>Ord. 08-24   | Amended the <i>structure</i> of the CAHSA by: reducing the number of members from 36 to 32; deleted voting members that would be reclassified as non-voting (ex-officio) members; and provided the opportunity to have the ex-officio members serve in an advisory capacity.  |
| 5/20/08<br>R-588-08    | Appointed members, and <b>waived residency requirements</b> to permit membership to the CAHSA.  |
| 01/09<br>CASHA Meeting | Members voted to defer any recommendations on the Master Plan until later that year in order to take into consideration the impact of the Economic Stimulus Package, the NSP, the results from the Florida Legislation for the extension of the Documentary Surtax Program, and State Bill 2A, requiring the recapture of \$190 million of State Affordable Housing Trust funds.  |
| 5/5/09<br>Ord. 09-30   | The CAHSA ordinance was also amended by the BCC to increase membership from 32 to 33 through Ord. 09-30.  |
| 5/5/09<br>R-563-09     | Amended R-161-07 to <b>extend</b> the submittal date for the <b>Comprehensive Housing Intervention and Master Plan</b> to December 31, 2009. On July 10, 2008, the CAHSA convened its first meeting to set an agenda for submittal of the plan for December 2008. The December date was extended by the CAHSA due to time constraints set by the Federal government to submit the funding application for the Neighborhood Stabilization Program (NSP).   |
| 2/1/11<br>Ord. 11-06   | <b>Extended</b> the Community Affordable Housing Strategies Alliance sunset provision to December 31, 2012 to allow for the completion of research and the development of a plan to address housing issues in Miami-Dade County. CAHSA was to sunset in three (3) years in 2010. However, through Ord. 11-06, the sunset provision was extended to 2012.  |

#### Questions

The following questions were posed to Public Housing and Community Development staff:

- What is the status of the Comprehensive Housing Intervention and Master Plan?
- When was the last CASHA meeting?

**Prepared by:** Michael Amador-Gil

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Research Notes

**Agenda Item:** 8F8  
**File Number:** 122218  
**Date of Analysis:** November 26, 2012

**Summary**

This resolution ratifies the County Manager's execution of 96 Equitable Distribution Program (EDP) Professional Services Agreements (PSA) entered into from October 1, 2011 through September 30, 2012 for architectural, engineering and landscape architectural (A&E) firms.

- Of the 96 firms seeking ratification, 79 are existing EDP consultant' renewal contracts and 17 are first time Professional Service Agreements.
- 14 of the 17 firms with an initial PSA do not have evaluations because they have not completed work with the County.
- All of the remaining EDP consultants on this report with closed projects have a performance evaluation.
- The listed firms without evaluations indicate that their assignments are active or their assignments have not been closed by the Capital department.
- Currently, there 342 members in the EDP program.

*In addition to Initial Contract and Renewal Contract information accompanying the proposed item, the chart below provides EDP Prime Assignments from 2002 through 2012; A&E PSAs Assignments from 2002 through 2012; and the Average Performance Evaluation.*

**Background and Relevant Information**

The EDP was created in June 2001 when the Board of County Commissioners (BCC) adopted Administrative Order 3-33. The purpose for establishing the EDP was to fairly and equitably distribute Architectural and Engineering (A/E) professional services for all miscellaneous type projects in which construction costs do not exceed the \$2 million thresholds established in Section 287.055, Florida Statutes. Due to the development of various computer programs, databases, development of the pre-qualification pool, and forms, full implementation of the program did not take place until July 2002 when the first work assignment was made.

- Internal Services Department is tasked with overall administration of the EDP.
- New participants are not required to execute the Professional Services Agreement (PSA) until such time they are selected for a work assignment.
- Pursuant to Administrative Order 3-39 (AO), Capital departments are only required to complete one EDP performance evaluation at the completion of the assignment.
- The EDP is not a minority and/or small business program.
- The EDP provides work assignment opportunities to firms by employing a rotational selection process based on a firm's past 3 year award and payment history on County projects. The qualified EDP firms that have had fewer opportunities to provide services to the County over the past 3 years are primarily given the first opportunities for an EDP project assignment.
- In order for a firm to participate in the rotational process (EDP program), the firm must meet all pre-qualification process criteria and meet the EDP eligibility requirements, pursuant to AO 3-39.

### Equitable Distribution Program/Professional Services Agreements Chart

Initial Contract: The first EDP Professional Services Agreement (PSA) that the firm has received.

Renewal Contract: The firm has had a previous EDP Professional Services Agreement that expired so they executed a new or amended EDP PSA.

EDP Assignments: Number of assignments received as the prime consultant since participating in the program.

A&E PSAs and EDP PSA : Number of PSAs that the firm has been awarded by the County. This includes a project specific Architecture and Engineering (A & E) PSAs and their EDP PSA.

| No. | Firm   | Initial Contract | Renewal Contract | EDP Prime Assignments 2002-2012 | A&E PSAs (Includes EDP PSA) 2002-2012 | Average Performance <sup>1</sup> |
|-----|--|------------------|------------------|---------------------------------|---------------------------------------|----------------------------------|
| 1   | Bureau Veritas North America   |                  | ✓                | 5                               | 4                                     | 3.1                              |
| 2   | Ideal Architectural Design, P.A  |                  | ✓                | 11                              | 1                                     | 3.5                              |
| 3   | ACB2 Engineers, Inc.   | ✓                |                  | 1                               | 1                                     | 0.0                              |
| 4   | Ecology and Environment, Inc.  |                  | ✓                | 3                               | 2                                     | 3.9                              |
| 5   | Ford Engineers, Inc.   |                  | ✓                | 9                               | 1                                     | 2.7                              |
| 6   | G&G Engineering Group, Inc.  | ✓                |                  | 1                               | 1                                     | 0.0                              |
| 7   | Handex Consulting and Remediation Southeast, LLC.                        |                  | ✓                | 3                               | 1                                     | 4.2                              |
| 8   | Indigio Service Corporation  |                  | ✓                | 13                              | 3                                     | 4.0                              |
| 9   | Metco Services Southeast, LLC.   | ✓                |                  | 1                               | 1                                     | 0.0                              |
| 10  | Network Engineering Services, Inc. dba Bolton Perez and Associates, Inc. |                  | ✓                | 3                               | 3                                     | 3.4                              |
| 11  | New Millennium Design Consultants, Inc.                                  |                  | ✓                | 10                              | 1                                     | 3.9                              |
| 12  | Bliss & Nyitray, Inc.  | ✓                |                  | 1                               | 1                                     | 0.0                              |
| 13  | Douglas Wood & Associates, Inc.  |                  | ✓                | 4                               | 1                                     | 4.0                              |

<sup>1</sup> According to ISD staff, some of the firm's EDP assignments are still active and/or have not been closed by the Capital departments, as such, the column entitled "average performance" reflects those firms that either still working on an active project, or, the department has not yet completed the close-out procedures, which includes a performance evaluation.

| No. | Firm  | Initial Contract | Renewal Contract | EDP Prime Assignments 2002-2012 | A&E PSAs (Includes EDP PSA) 2002-2012 | Average Performance <sup>1</sup> |
|-----|---|------------------|------------------|---------------------------------|---------------------------------------|----------------------------------|
| 14  | Ferguson Glasgow Schuster Soto, Inc.                |                  | ✓                | 11                              | 1                                     | 3.7                              |
| 15  | Gallardo Architects, Inc.                           |                  | ✓                | 6                               | 1                                     | 3.8                              |
| 16  | Hardesty & Hanover, LLP.                            |                  | ✓                | 9                               | 3                                     | 3.8                              |
| 17  | HDR Engineering, Inc.                               |                  | ✓                | 18                              | 4                                     | 3.5                              |
| 18  | Innovative Engineering Group, Inc.                  |                  | ✓                | 8                               | 1                                     | 3.2                              |
| 19  | JSA Group Inc.                                      |                  | ✓                | 7                               | 1                                     | 3.4                              |
| 20  | Ross & Baruzzini, Inc.                              |                  | ✓                | 11                              | 1                                     | 3.5                              |
| 21  | Sequeira & Gavarrete, P.A.                          |                  | ✓                | 1                               | 1                                     | 0.0                              |
| 22  | Silva Architects, LLC.                              |                  | ✓                | 3                               | 1                                     | 3.7                              |
| 23  | Atkins North America, Inc.                          |                  | ✓                | 22                              | 8                                     | 3.9                              |
| 24  | Basulto & Associates, Inc.                          |                  | ✓                | 7                               | 1                                     | 3.0                              |
| 25  | Borrelli & Partners, Inc.                           | ✓                |                  | 1                               | 1                                     | 0.0                              |
| 26  | CAS Engineering, Inc.                               |                  | ✓                | 3                               | 2                                     | 3.4                              |
| 27  | Consulting Engineering & Science, Inc.              |                  | ✓                | 8                               | 6                                     | 2.9                              |
| 28  | JRA, Inc.   |                  | ✓                | 8                               | 1                                     | 2.7                              |
| 29  | Langan Engineering and Environmental Services, Inc. |                  | ✓                | 17                              | 2                                     | 3.4                              |
| 30  | Malcom Pirnie, Inc.                                 |                  | ✓                | 59                              | 4                                     | 3.7                              |
| 31  | MEP Engineering, Inc.                               |                  | ✓                | 15                              | 1                                     | 3.8                              |
| 32  | N25 Architecture CO.                                |                  | ✓                | 9                               | 1                                     | 4.0                              |
| 33  | Nyarko Architectural Group, Inc.                    |                  | ✓                | 11                              | 1                                     | 4.0                              |
| 34  | Procon Engineering, Inc.                            |                  | ✓                | 1                               | 1                                     | 0.0                              |
| 35  | Reynolds, Smith & Hills, Inc.                       |                  | ✓                | 15                              | 3                                     | 3.8                              |
| 36  | RO Architects & Planners, Inc.                      |                  | ✓                | 11                              | 1                                     | 3.0                              |
| 37  | Rodriguez Peterson & Porras Architects, Inc.        |                  | ✓                | 10                              | 2                                     | 3.7                              |

| No. | Firm  | Initial Contract | Renewal Contract | EDP Prime Assignments 2002-2012 | A&E PSAs (Includes EDP PSA) 2002-2012 | Average Performance <sup>1</sup> |
|-----|---|------------------|------------------|---------------------------------|---------------------------------------|----------------------------------|
| 38  | Rosenberg Design Group, Inc. (dba) Rosenberg Gardner Design |                  | ✓                | 8                               | 1                                     | 4.0                              |
| 39  | Ross Engineering, Inc.                                      |                  | ✓                | 11                              | 1                                     | 4.0                              |
| 40  | The Corradino Group, Inc.                                   |                  | ✓                | 2                               | 5                                     | 3.4                              |
| 41  | The Russell Partnership, Inc.                               | ✓                |                  | 1                               | 2                                     | 2.9                              |
| 42  | Vee Architects, Inc.  | ✓                |                  | 1                               | 1                                     | 0.0                              |
| 43  | William Lane Architects, Inc.                               |                  | ✓                | 3                               | 1                                     | 0.0                              |
| 44  | Wolfberg/Alvarez and Partners, Inc.                         |                  | ✓                | 13                              | 4                                     | 3.7                              |
| 45  | A.D.A Engineering, Inc.                                     |                  | ✓                | 12                              | 5                                     | 3.5                              |
| 46  | ACAI Associates, Inc.                                       |                  | ✓                | 7                               | 1                                     | 2.6                              |
| 47  | ADAAG Consulting Services, LLC.                             | ✓                |                  | 1                               | 1                                     | 0.0                              |
| 48  | Arvelo & Associates, Inc.                                   |                  | ✓                | 10                              | 1                                     | 3.9                              |
| 49  | BC Architects AIA, Inc.                                     |                  | ✓                | 6                               | 1                                     | 4.0                              |
| 50  | Borges & Associates, P.A.                                   |                  | ✓                | 5                               | 1                                     | 3.5                              |
| 51  | Curtis & Rogers Design Studio, Inc.                         |                  | ✓                | 4                               | 1                                     | 3.6                              |
| 52  | Eastern Engineering Group Company                           |                  | ✓                | 2                               | 1                                     | 0.0                              |
| 53  | Edward Lewis Architects, Inc.                               |                  | ✓                | 12                              | 1                                     | 3.8                              |
| 54  | Fraga Engineers, LLC.                                       |                  | ✓                | 3                               | 3                                     | 4.0                              |
| 55  | Francisco Cuello Jr., P.E., Inc.                            | ✓                |                  | 1                               | 1                                     | 0.0                              |
| 56  | G&A Consulting Engineers, Inc.                              |                  | ✓                | 3                               | 1                                     | 3.5                              |
| 57  | Gannett Fleming, Inc.                                       |                  | ✓                | 8                               | 4                                     | 3.8                              |
| 58  | HNTB Corporation  |                  | ✓                | 5                               | 3                                     | 4.0                              |
| 59  | Itec Design, Inc.   |                  | ✓                | 2                               | 1                                     | 4.0                              |
| 60  | King Engineering Associates, Inc.                           |                  | ✓                | 6                               | 1                                     | 4.0                              |
| 61  | LEA & Elliott, Inc.   |                  | ✓                | 3                               | 1                                     | 4.0                              |

| No. | Firm  | Initial Contract | Renewal Contract | EDP Prime Assignments 2002-2012 | A&E PSAs (Includes EDP PSA) 2002-2012 | Average Performance <sup>1</sup> |
|-----|---|------------------|------------------|---------------------------------|---------------------------------------|----------------------------------|
| 62  | Linea 5, Inc.   |                  | ✓                | 5                               | 1                                     | 0.0                              |
| 63  | Ojito & Associates, Inc.  |                  | ✓                | 5                               | 2                                     | 3.6                              |
| 64  | Parsons Transportation Group, Inc.  |                  | ✓                | 1                               | 3                                     | 3.6                              |
| 65  | Red Design Group, LLC.  |                  | ✓                | 8                               | 1                                     | 0.0                              |
| 66  | Ribbeck Engineering Inc.  |                  | ✓                | 2                               | 1                                     | 3.8                              |
| 67  | Rodriguez Architects, Inc.  |                  | ✓                | 10                              | 1                                     | 3.9                              |
| 68  | RVL Architecture & Design, P.A.   |                  | ✓                | 2                               | 1                                     | 4.0                              |
| 69  | Savino & Miller Design Studio, P.A.   | ✓                |                  | 6                               | 1                                     | 3.9                              |
| 70  | SBLM Architects P.C.  |                  | ✓                | 4                               | 1                                     | 0.0                              |
| 71  | Sierra Engineering Group, A Professional Corporation                        | ✓                |                  | 0                               | 1                                     | 0.0                              |
| 72  | Stearns, Conrad and Schmidt, Consulting Engineers, Inc. (dba) SCS Engineers | ✓                |                  | 1                               | 1                                     | 0.0                              |
| 73  | Terra Civil Engineering, LLC.   |                  | ✓                | 2                               | 1                                     | 3.3                              |
| 74  | The Betajones Group, Inc.   |                  | ✓                | 1                               | 1                                     | 0.0                              |
| 75  | The Fullerton Group, Inc.   | ✓                |                  | 1                               | 1                                     | 0.0                              |
| 76  | Transystems Corporation (dba) Transystems Corporation Consultants           | ✓                |                  | 0                               | 2                                     | 4.0                              |
| 77  | Zyscovich, Inc.   |                  | ✓                | 4                               | 1                                     | 3.8                              |
| 78  | Ambro, Inc.   |                  | ✓                | 5                               | 1                                     | 3.8                              |
| 79  | Avart Ammann & Whitney, Inc.  |                  | ✓                | 5                               | 5                                     | 3.0                              |
| 80  | Berenblum Busch Architecture, Inc.  | ✓                |                  | 1                               | 1                                     | 0.0                              |
| 81  | Cashin Associates, P.C.   |                  | ✓                | 1                               | 1                                     | 0.0                              |
| 82  | Coastal Systems International, Inc.   |                  | ✓                | 8                               | 3                                     | 2.8                              |
| 83  | Corzo Castella Carballo Thompson  |                  | ✓                | 1                               | 9                                     | 3.3                              |



| No. | Firm   | Initial Contract | Renewal Contract | EDP Prime Assignments 2002-2012 | A&E PSAs (Includes EDP PSA) 2002-2012 | Average Performance <sup>1</sup> |
|-----|--|------------------|------------------|---------------------------------|---------------------------------------|----------------------------------|
|     | Salman, P.A.   |                  |                  |                                 |                                       |                                  |
| 84  | CRJ & Associates, Inc.                                   |                  | ✓                | 2                               | 3                                     | 0.0                              |
| 85  | CSA Central, Inc.  |                  | ✓                | 1                               | 1                                     | 0.0                              |
| 86  | Cummins Cederberg, Inc.                                  |                  | ✓                | 1                               | 1                                     | 0.0                              |
| 87  | G.M. Selby, Inc.   |                  | ✓                | 3                               | 1                                     | 3.1                              |
| 88  | Gresham, Smith and Partners                              | ✓                |                  | 0                               | 1                                     | 0.0                              |
| 89  | Hufsey-Nicolaides-Garcia-Suarez Associates, Inc.         |                  | ✓                | 1                               | 1                                     | 0.0                              |
| 90  | J.S.K. International, Inc. (dba) JSK Architectural Group |                  | ✓                | 5                               | 1                                     | 3.5                              |
| 91  | Pistorino & Alam Consulting Engineers, Inc.              |                  | ✓                | 11                              | 6                                     | 3.4                              |
| 92  | Rodolfo Ibarra P.E., P.A.                                |                  | ✓                | 3                               | 2                                     | 3.0                              |
| 93  | Sol-Arch, Inc.   |                  | ✓                | 2                               | 2                                     | 3.7                              |
| 94  | U.S. Structures, Inc.                                    |                  | ✓                | 2                               | 1                                     | 0.0                              |
| 95  | UCI Engineering, Inc.                                    |                  | ✓                | 11                              | 2                                     | 2.5                              |
| 96  | William B. Medellin Architect, P.A.                      | ✓                |                  | 1                               | 1                                     | 0.0                              |

**Source:** Internal Services Department staff and CIIS System Report, November 2012.

#### **Additional Information**

Some of the firm's EDP assignments are still active and/or have not been closed by the Capital departments. Past Performance Evaluations (PPE) are required when a department closes the EDP Assignment. According to ISD staff, ISDI has requested that participating capital department Project Managers close out their projects timely and complete the performance evaluations.

Administrative Order 3-42 - *Evaluation and Suspension of Contractors and Consultants*, states that "each Department is responsible to evaluate Firm performance in a fair and accurate manner utilizing the Project Evaluation form provided in the CIIS database. A minimum of one Project Evaluation will be completed for the primary Firm at the end of each project.

**Prepared by:** Michael Amador-Gil

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR



Research Notes

**Agenda Item:** 8H2 – Park Planning Services

**File Number:** 121863

**Date of Analysis:** November 27, 2012

**Summary**

The proposed resolution authorizes the execution of agreements to obtain park planning services for the Parks, Recreation and Open Spaces Department (PROS), not to exceed in the aggregate, the amount of \$4,500,000 for the five-year term with the following vendors:

- Contract No. RFQ786A with PROS Consulting, LLC, for Market Research and Business Planning for Park and Recreation Programs, Facilities and Services;
- Contract No. RFQ786B with AECOM Technical Services, Inc., for Park, Recreation and Open Space Planning; and
- Contract No. RFQ786C with Milian, Swain & Associates, Inc., for Environmental Planning.

Local Preference

***This item differs from the original in that it addresses questions that arose at the July 9, 2012 Recreation and Cultural Affairs (RCA) Committee, including concerns regarding the ranking of firms under the Evaluation/Selection Committee with a local firm ranking closely behind a non-local firm.***

According to the Evaluation/Selection Committee Report for RFQ No. 786, Local Preference was applied but did not affect the outcome. Under both Category B and C, the second ranked proposer was within the 5% of the highest ranked firm and pursuant to Section 2-8.5 of the County Code, the highest ranked firms, AECOM Technical Services, Inc., and Milian, Swain and Associates, both qualified for Local Preference.

The address provided in the item and the State of Florida Division of Corporation for AECOM Technical Services, Inc. is in Los Angeles, California. According to PROS staff, with a local business tax receipt, approximately 136 employees in Miami-Dade County, and a presence here for over 20 years, AECOM Technical Services met the criteria for Local Preference. Their local office is in Coral Gables, Florida.

Contract Measures

Contract Nos. RFQ786A and RFQ786B, was assigned a Small Business Enterprise (SBE) selection factor. An SBE set-aside was assigned to Contract No. RFQ786C. Local Preference was applied in accordance with the Ordinance. The services being provided are not covered under the Living Wage Ordinance.

Fiscal Impact and Funding Source

The breakdown by funding source is provided in the Projected 5-Year Work Schedule, shown below:

| <b>Projected 5-Year Work Schedule</b><br><i>RFP786: Park Planning Services</i> |   |   |                                 |                                 |
|--|---|---|---------------------------------|---------------------------------|
| <b>Park Name</b>   | <b>Project Description</b>  | <b>Solicitation Service Category</b>    | <b>Potential Funding Source</b> | <b>Est. Capacity Allocation</b> |
| Ameila Earhart Park  | General Plan revision – new elements proposed on west side of park                      | A – Market Research / Business Planning | Capital Outlay Reserve          | \$35,000                        |
| Multiple Parks   | Haitian Heritage Community Center business plan   | A – Market Research / Business Planning | BBC General Obligation Bond     | \$35,000                        |
| Tropical Park  | Recreation Center and Boxing Center expansion business plan                             | A – Market Research / Business Planning | BBC General Obligation Bond     | \$45,000                        |
| Area #222  | General Plan for new mini/neighborhood park at 769 NW 73 Street                         | B – Park Planning                       | Grant                           | \$20,000                        |
| Larry & Penny Thompson Park  | General Plan update for aquatics area   | B – Park Planning                       | BBC General Obligation Bond     | \$35,000                        |
| Multiple Parks   | Countywide Greenways Prioritization Plan  | B – Park Planning                       | Capital Outlay Reserve          | \$40,000                        |
| Multiple Parks   | River of Grass Greenway – Project Development and Environment Study (PD&E)              | B – Park Planning                       | Grant – National Park Services  | \$500,000                       |
| Redland Fruit & Spice Park   | General Plan update – incorporate recently acquired parcels                             | B – Park Planning                       | BBC General Obligation Bond     | \$50,000                        |
| South Dade Trail Mini Park   | General Plan for new park located along U.S. 1 at SW 112 St.                            | B – Park Planning                       | Impact Fees                     | \$15,000                        |
| Sunset Heights Park  | General Plan for new mini/neighborhood park at 960 SW 73 St.                            | B – Park Planning                       | Grant                           | \$20,000                        |
| Tamiami Park   | General Plan Revision   | B – Park Planning                       | BBC General Obligation Bond     | \$60,000                        |
| Hattie Bauer Hammock Preserve  | Historical Preservation and Architectural Plans for historic structure                  | C – Environmental Planning              | Grant                           | \$30,000                        |
| Multiple Parks   | Countywide 50-Year Conservation Plan for Parks and Preserves; multi agency coordination | C – Environmental Planning              | General Fund                    | \$115,000                       |
| Multiple Parks   | Environmental Assessment Database for Parks, Preserves and Open Spaces                  | C – Environmental Planning              | Capital Outlay Reserve          | \$25,000                        |
| Multiple Parks   | Countywide Waterfront Access Plan for costal parks; multi agency coordination           | C – Environmental Planning              | Grant                           | \$100,000                       |
|  |   |   | <b>➤ TOTAL</b>                  | <b>\$1,125,000</b>              |

### Background and Relevant Legislation

According to PROS, the services in the previous contracts are the same as the recommended successor contracts.

The previous contract, Contract No. EPP-RFQ93, was approved under the County Manager's authority, with an effective date of January 25, 2007, in the amount of \$900,000 for a term of one (1) year expiring January 24, 2008, with four (4), one-year Option to Renew (OTR) periods.

On November 6, 2007, the Board of County Commissioners (BCC) authorized the four (4), one-year OTR periods in the amount of \$900,000 per year, for a total of \$3,600,000 for the four-year period. Subsequently, on October 4, 2011, under the authority of the Procurement Department, the previous contract was extended for an additional six (6) months, expiring July 24, 2012, and allowed additional spending authority in the amount of \$450,000 in order to ensure continuity of services while the successor contract was being prepared. In total, the previous contract amount was \$4,950,000 for five (5) years and six (6) months. The previous contract vendors included Lambert Advisory, LLC; Milian Glattin Jackson Kercher Anglin Lopez Rinehart, Inc.; and Swain & Associates, Inc.

| <b>Previous Contracts</b><br><b><i>Planning Parks Services – Contract No. EPP-RFQ93</i></b> |   |
|---|---|
| <u>Contract No. 93A</u><br>Market Research and Business Planning                            | Contract No. 93A was awarded to Lambert Advisory, LLC (Local Vendor), located at 2601 South Bayshore Drive, Ste. 300B, Miami, FL 33133. Scope of Services under Contract No. 93A included but was not limited to the following: Market Research – analysis of existing markets, needs assessments, segmental analysis, trends analysis, customer profiles, recommendations for market improvements and marketing methods; and Business Planning: analysis of current business practices, comparative business practices, feasibility analysis, commercial recreation analysis, tourism development analysis, recommendations for innovations and improvements, preparation of business plans, revenue and expenditure forecasting. The maximum hourly rates for providing services ranged from \$46 for the Clerical to \$136 for the Managing Principal.   |
| <u>Contract No. 93B</u><br>Park, Recreation and Open Space Planning                         | <p>Contract No. 93B was awarded to Glattin Jackson Kercher Anglin Lopez Rinehart, Inc. (Non-local Vendor), located at 222 Clematis Street, Ste. 200, West Palm Beach, FL 33401. Scope of Services under Contract No. 93B included but was not limited to the following: Acquisition analysis and planning; real estate analysis; site and context analysis; land use and zoning analysis; development of planning programs for park facilities; conceptual site planning and design; open space planning and master planning; public participation in planning, including the solicitation and analysis of public input on park planning through surveys, focus groups, planning and facilitation of public meetings; and mediation and dispute resolution. The maximum hourly rate was not provided under Contract No. 93B.</p> <p>Subsequently, Glattin Jackson Kercher Anglin Lopez Rinehart, Inc. sold certain assets to AECOM Technical Services, Inc., and in an agreement executed on December 21, 2009, AECOM Technical Services, Inc. assumed the obligations under Contract No. 93B. On April 13, 2010, Miami-Dade County entered into a supplemental agreement, Supplemental Agreement No. 1, with AECOM Technical Services, Inc. to provide park, recreation and open space planning.</p> |
| <u>Contract No. 93C</u><br>Environmental Planning Services                                  | Contract No. 93C was awarded to Milian, Swain & Associates, Inc. (Local Vendor), located at 2025 SW 32 <sup>nd</sup> Avenue, Miami, FL 33145. Scope of Services under Contract No. 93C included but was not limited to the following: Biological and hydrological site assessments; permitting feasibility studies; wildlife, flora, fauna and marine life surveys and studies, and coordination of environmental permitting as requested by the County. The maximum hourly rates for providing services ranged from \$60 for the Administrative/ Clerical Staff, to \$160 for the Vice President – Landscape Architecture.   |

### **Additional Information**

The Market Research prepared prior to the implementation of the 3<sup>rd</sup> OTR period included the following research findings:

Historically, PROS' Planning Division has used consultants to provide support to staff in the three referenced service categories. The continued success of this project will allow the Park's Department to fulfill customer needs within the community. An attempt was made to negotiate better rates from the three awarded firms, but the firms declined to reduce the rates at this time. The department issues the work order and upon receipt of proposals has the ability to negotiate a better price for the County. The Park and Recreation Department has advised that the prices that the department has received through their work order process have been reasonable and within industry standard. There is no anticipated change in the scope or service to be provided by consultants through this next option to renew period.

The maximum hourly rates under the proposed contracts range as follows:

- Contract No. RFQ786A with PROS Consulting, LLC, for Market Research and Business Planning for Park and Recreation Programs, Facilities and Services range from \$90 for the Senior Consultant to \$215 for the Principal Economist.
- Contract No. RFQ786B with Milian, Swain & Associates, Inc., for Park, Recreation and Open Space Planning range from \$50 for Intern/Clerical to \$175 for Principal Planners.
- Contract No. RFQ786C with AECOM Technical Services, Inc., for Environmental Planning range from \$65 for Word Process/Clerical to \$225 for Principal in Charge/President.

**Prepared by:** Elizabeth N. Owens

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Research Notes

**Agenda Item:** 8L2 (Miami-Dade's Resource Recovery Facility)

**File Number:** 122142

**Date of Analysis:** November 28, 2012

**Summary**

This resolution authorizes the Mayor of Miami-Dade County to negotiate and enter into agreements to sell excess electric power generated at the County's Resources Recovery Facility (RRF) to achieve the best available market value for Miami-Dade County. The RRF produces electrical power as a byproduct of the waste combustion/volume reduction process, which is currently sold through a long-term contract resulting in approximately \$30 million in annual revenues.

The power sales contract, commonly known as the power purchase agreement (PPA), expires on November 30, 2013.

**Background**

The County's RRF has been in existence since the early 1980's. The processing capacity of the RRF was increased in the mid 1990's to facilitate the production of biomass fuel for energy production elsewhere. A major air pollution control upgrade of the RRF to comply with the Federal Clean Air Act was completed in 1999. Many additional improvements have been made to the RRF over the years to improve its operational efficiency and otherwise enhance the Facility.

**About Miami- Dade's Resource Recovery Facility**

The RRF is a waste-to-energy plant located in northwest Miami-Dade County. Beginning commercial operations in 1985, the 77-megawatt facility is operated by Covanta Energy through a contractual agreement with the County. The RRF is one of the most technologically advanced waste-to-energy facilities in the world, featuring a state-of-art air quality control system.

Approximately 1.2 million tons of waste are processed annually, with 240,000 tons of the material being processed into a biomass fuel for export out of Miami-Dade County. The facility is a critical component of the County's integrated waste management system. The RRF is supported by two County-owned and operated landfills, a co-located ash monofill and three solid waste transfer stations.

Waste delivered to the plant is processed in two separate operations: one for garbage, which is food waste or other items that come out of the kitchen; and one for trash, which can include yard waste, furniture, fixtures and other similar waste items.

On the garbage side, ferrous and non-ferrous metals are recovered for recycling. These materials are sold to outside vendors and are a source of recycling credit for the County. The remaining garbage is shredded to produce refuse derived fuel, which is used to generate electricity. On the trash side, the material is sorted and shredded. Magnets separate recyclable ferrous materials and high-grade soil is removed through a series of trommels. This process produces a biomass fuel, some of which is used on site to supplement the refuse-derived fuel. The remaining biomass fuel is sold to cogeneration facilities in Central Florida. The ash product resulting from the waste-to-energy process is 10% of the original waste-material volume delivered to the plant. This ash is placed in a monofill -- a specially constructed landfill used only for ash -- located adjacent to the plant.

Power generated at the facility is sold to a private company and supplied to the electrical grid. This amount of energy is sufficient to operate the plant and to supply the electrical needs of approximately 45,000 homes. Revenue generated from the sale of the electricity is shared equally between the County and the plant operator. *The County's portion of the revenue is used to offset the plant's operational costs and to meet the community's disposal needs.*

*According to Covanta's website, the facility was designated as a Voluntary Protection Program (VPP) STAR by the Occupational Safety and Health Administration (OSHA) in 2005 and was recertified in 2008. The facility also holds an ISO-14001 certification (2003), an environmental management system standard offered by the International Organization for Standardization (ISO).*

### **Historical Information of Waste-to-Energy Facilities in Florida**

According to Florida's Department of Environmental Protection Agency website, Waste-to-Energy (WTE) facilities combust Municipal Solid Waste (MSW) to produce electrical energy. Florida has grown from having one small WTE plant in 1982 to 11 operating WTE facilities as of 2011. Florida has established the largest capacity to burn MSW of any state in the country. Standards for the handling, processing, disposal, and recycling of MSW combustor ash are contained in Chapter 62-702, Florida Administrative Code. Ash is required to be disposed in a lined MSW landfill or a lined ash monofill, since an Environmental Protection Agency study showed that ash from WTE facilities should not be classified as hazardous waste.<sup>1</sup>

### **Solid Waste Management in Florida**

According to a 2001-02 Report by the State of Florida Bureau of Solid and Hazardous Waste, a **primary factor** favoring the development of WTE in Florida was the adverse environmental and land use consequences of landfilling (the other major disposal option) and the failure of competing disposal technologies other than landfilling.

By the early 1980s, increasing ground water contamination from unlined landfills began to become apparent and many landfills ended up on the National Priority List as Superfund sites. Even when lined, because of Florida's generally high ground water conditions, landfills begin at ground level and go up, in a so-called "high rise" configuration.

While protective of ground water, these landfills can rise to as high as two hundred feet above ground level and are prominent features of the landscape in many Florida counties. The landfill is commonly the highest elevation in Florida coastal counties. In addition, as population density increases--particularly in the coastal counties--finding a suitable site for a landfill (where typically 1,000-4,000 acres of land are needed) at a suitable cost is becoming all but impossible.

A **second factor** spurring WTE development was the energy crisis of the mid-1970s, which led to increased interest in alternative energy technologies. Indeed, all alternative energy resource development planning of that era included WTE as a central element, although in retrospect it appears that the amount of energy available from this source was overestimated.

**Thirdly**, WTE was given a major boost in Florida in the late 1970s with the passage of several key pieces of State Legislation which created favorable legal and tax conditions for the construction of WTE facilities. The Florida Resource Recovery Act created the Resource Recovery Council to evaluate and promote resource recovery (which includes WTE). The Act further directed the 19 most populous Florida counties to draft resource recovery and management plans, to determine if WTE was a feasible option. As a consequence, through the remainder of the 1970s, comprehensive evaluations of WTE were conducted in all of Florida's most populous areas.

Moreover, in response to concerns from the finance community about the fiscal viability of resource recovery facilities without a guaranteed waste stream, the State Legislature enacted a flow control statute. This provision authorized counties which were undertaking resource recovery to direct the flow of municipal solid waste generated in the county to a designated solid waste disposal facility. WTE and other resource recovery facilities were given a further advantage when the legislature exempted resource recovery equipment owned by, or operated on behalf of, local governments from the state sales tax.

In the comprehensive Solid Waste Management Act of 1988, WTE received a further financial incentive. The Act directed that, when the utility industry purchased electricity from WTE facilities, the WTE facilities were to be assumed to have a 100% capacity factor (other cogeneration facilities selling to utilities are given a lower capacity factor, e.g., 80%).

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<sup>1</sup> [http://www.dep.state.fl.us/waste/categories/solid\\_waste/pages/wte.htm](http://www.dep.state.fl.us/waste/categories/solid_waste/pages/wte.htm)

This increased the revenues to the plants from energy production. However, at the time of the 1993 revisions to the Solid Waste Management Act, much of the early enthusiasm for WTE had cooled because of perceived conflicts with recycling and concerns about emissions. Regarding recycling, concerns began to be raised that WTE was in conflict with the State's burgeoning recycling program. It was feared that if there was excess WTE capacity, materials which would have otherwise been recycled would be burned. To ensure that no excess capacity developed, the 1993 Amendments subjected WTE facilities to a series of new siting and need criteria affecting the siting of new facilities and expansion of existing facilities.

According to the report, key among these criteria are the requirement that WTE facilities cannot be built unless the county in which the facility was to be located had met the State's required thirty percent waste reduction goal, and the county can show that the facility is an integral component of the county's solid waste management program.

#### BCC Legislative Actions Regarding RRF Facility and Renewable Energy Initiatives

| BCC Action                              | Legislative History  |
|---|--|
| R-917-96<br><br>Final Action<br>7/18/96 | Resolution Authorizing County Manager To Finalize And Execute Third Amended And Restated Operations And Management Agreement Between Metropolitan Dade County, Florida And <b>Montenay-Dade Ltd.</b>   |
| R-875-00<br><br>Final Action<br>7/25/20 | Resolution Authorizing The County Manager To Execute The <b>First Amendment</b> To The Third Amended And Restated Operations And Management Agreement Between Metropolitan Dade County And Montenay-Dade, Ltd.   |
| R-899-04<br><br>Final Action<br>7/13/04 | Resolution Approving <b>Second Amendment</b> To The Third Amended And Restated Operations And Management Agreement Between The County And Montenay-Dade, Ltd. And Authorizing County Manager To Execute And Deliver Said Amendment Upon County Attorney's Approval Of Any Modifications  |
| R-737-07<br><br>Final Action<br>6/5/07  | Resolution Directing The County Manager To Determine Potential For Selling <b>Renewable Energy Credits</b> From Landfill Gas Project, Develop Process For Selling Renewable Energy Credits, Establish Framework For Trading Additional Renewable Energy Credits From Future County Alternative Energy Projects, And Create A Renewable Energy Trust Fund For New Alternative Energy Projects Funded By Not Less Than 80% Of Sale Proceeds Of Renewable Energy Credits [See Original Item Under File No. 071153]  |
| R-124-09<br><br>Final Action<br>2/17/09 | Resolution <b>Endorsing The Governor's Goal</b> Of Having Florida Derive 20 Percent Of Its Energy From Renewable Energy Sources By The Year 2020 With An Emphasis On Solar And Wind Energy; Urging The Florida Legislature To Enact Legislation Creating An Aggressive Renewable Portfolio Standard That Will Require 20 Percent Of Florida Energy To Be Generated By Renewable Resources By 2020  |
| R-84-10<br><br>Final Action<br>1/28/10  | Resolution Authorizing The County Mayor Or The County Mayor's Designee To Execute The <b>Letter Agreement To Assign</b> The Third Amended And Restated Operations And Management Agreement (As Amended) Between Miami-Dade County And Montenay-Dade, Ltd., To Covanta Southeastern Florida Renewable Energy Llc. (See Original Item Under File No. 100085)   |
| R-639-12<br><br>Final Action<br>7/17/12 | <p>This Resolution Authorized Execution Of The <b>Fourth Amended And Restated Operations</b> And Management Agreement By And Between Miami-Dade County And Covanta Dade Renewable Energy, Ltd. (Covanta) For Operation Of The County's Resources Recovery Facility (Rrf).</p> <p>The Agreement Incorporated Two Prior Amendments From 2000 And 2004; A Series Of Prior Letter Agreements; The 2010 Consent Agreement That Transferred Equity Interests From The Prior Operator, Montenay-Dade, Ltd., To The Current Operator Covanta Dade Renewable Energy, Ltd.; And Other Changes Including The Assumption By Covanta Of Responsibility For Meeting Federal Reliability Standards For The Bulk Power System Due To A Change-In-Law.</p> <ul style="list-style-type: none"> <li>• The Sale Of Electricity Is Covered In The Covanta Operations And Management Agreement Approved By The Bcc In <i>Section 7.2 Electric Revenues</i>.</li> </ul> |