



Miami-Dade Board of County Commissioners  
Office of the Commission Auditor

**Economic Development and Tourism Committee**

January 11, 2018  
11:00 A.M.  
Commission Chambers

Thomas B. Davis, Esq.  
Director of Policy and Legislation  
Office of the Commission Auditor  
111 N.W. First Street, Suite 1030  
Miami, FL 33128  
(305) 375-2524

## Office of the Commission Auditor

### EDTC Meeting: January 11, 2018 Research Notes

#### Item 3A

File No. 172912

Researcher: NR Reviewer: PGE

RESOLUTION APPROVING A COVENANT RUNNING WITH THE LAND REQUIRING INSTITUTIONAL AND ENGINEERING CONTROLS AT PAN AM TRACT ONE, MIAMI INTERNATIONAL AIRPORT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND RECORD IN PUBLIC RECORDS

#### ISSUE/REQUESTED ACTION

Whether the Board should approve the execution and recording of the Covenant Running with the Land requiring Institutional and Engineering Controls at the Miami International Airport (MIA) Pan Am Tract One to reduce and/or eliminate the spread of contaminated soil within the vicinity of the tract.

#### APPLICABLE LEGISLATION/POLICY

Section 24-44 of Chapter 24 of the Code of Miami-Dade County (Clean-up Target Levels and Procedures for Site Rehabilitation Actions) defines engineering controls as a process or structure which eliminates or reduces the migration of contaminants or eliminates or reduces the exposure of human and environmental receptors to contaminants. It also defines institutional control as a restriction on the use of, or access to, a site to eliminate or minimize exposure to contaminants. Further applicable subsections are below:

- Section 24-44(2)(k): Site Closure, in the form of a no further action or a no further action with conditions, shall be approved by the Director, or the Director's designee, when the Cleanup Target Levels (CTL) or alternative CTLs established pursuant to Section 24-44(2)(f)(iii) and the requirements set forth in this section have been achieved.
- Section 24-44(2)(k)(i): A no further action proposal shall be approved by the Director, or Director's designee, if such proposal demonstrates that human health, public safety and the environment are protected and certain criteria is met per Section 24-44(2)(k)(i).
- Section 24-44(2)(k)(ii): A no further action with conditions proposal shall be approved by the Director, or the Director's designee, provided the following: the property owner of the location elects to implement institutional and, if applicable, engineering controls; it is demonstrated, using site-specific data, modeling results, risk assessment studies, risk reduction techniques or a combination thereof, that human health, public safety and the environment are afforded protection equivalent to that provided in Section 24-44(2)(f)(i) and Section 24-44(2)(f)(ii), and certain criteria is met per Section 24-44(2)(k)(ii).

#### [Section 24-44 of Chapter 24 of the County Code](#)

FAA Advisory Circular 150/5380-6B provides guidelines and procedures for maintaining rigid and flexible airport pavements.

[https://www.faa.gov/documentLibrary/media/advisory\\_circular/150-5380-6B/150\\_5380\\_6b.pdf](https://www.faa.gov/documentLibrary/media/advisory_circular/150-5380-6B/150_5380_6b.pdf)

Resolution No. R-974-09, adopted by the Board on July 21, 2009, directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

#### PROCEDURAL HISTORY

Prime Sponsor: Rebeca Sosa

Department/Requester: Aviation Department

## Office of the Commission Auditor

**EDTC Meeting: January 11, 2018**

### **Research Notes**

#### **FISCAL IMPACT**

The Covenant Running with the Land shall be recorded for a fee of \$350. Additionally, a permit in the amount of \$150 per year is required. The fees will be paid from the Miami-Dade Aviation Department (MDAD) budget.

#### **ANALYSIS**

A "Covenant Running with the Land" is defined in [property law](#); land-related covenants are called "real covenants" and are a major form of covenant, typically imposing restrictions on how the land may be used (negative covenants) or requiring a certain continuing action (affirmative covenant). These may also "run with the land" (called a *covenant appurtenant*), meaning that any future owners of the land must abide by the terms.

In 2004 contaminated soil in the vicinity of the Pan Am Tract One area at MIA was documented and was investigated between 2004 and 2007. In 2009 MDAD completed construction of a new aircraft apron over the contamination per authority of Chapter 24 of the County Code.

On May 27, 2015, MDAD's request for No Further Action with Conditions (NFAC) was approved by the Department of Regulatory and Economic Resources' (RER) Division of Environmental Resources Management. The NFAC allows the contaminated soil in the vicinity of the Pan Am Tract One to remain, with certain conditions. Those conditions include the implementation of institutional and engineering controls, which must be recorded in a Covenant Running with the Land.

The Covenant Running with the Land in favor of Miami-Dade County requires institutional controls and engineering controls at real property located at Pan Am Tract One, Miami International Airport. This Covenant is to run with the land and shall be binding on all parties and all persons claiming under it for a period of 30 years after the date this Covenant is recorded, after which time it shall be extended automatically for successive periods of 10 years each, unless the Covenant is modified or released by the County.

These institutional and engineering controls afford a level of protection to human health, public safety and the environment. The applicable institutional and engineering controls are set forth as follows:

1. The Property shall not be used for residential purposes
2. The Property shall not be used for a children's nursery, children's day care center, children's school, children's camp, or any other similar facility
3. Groundwater from the Property shall not be used for drinking water purposes
4. Groundwater from the Property shall only be withdrawn for monitoring of pollution
5. Contaminated soil, as delineated in the Site Assessment Report dated January 28, 2013 and approved by the RER's Division of Environmental Resources Management, shall not be removed from the property without prior written approval of the RER Department, its successors or its assigns.
6. Engineering Controls, detailed in the Engineering Control Plan dated October 12, 2015 and approved by RER's Division of Environmental Resources Management, shall remain on file with the RER Department, its successors or its assigns.

The following questions were posed to MDAD and OCA is awaiting answers:

1. Why is it necessary for the County as the owner of land to execute a covenant on behalf of itself?
2. Does the FAA Airport Pavement Management Program Policy apply to this item?
3. What criteria had to be satisfied to enable construction of the apron over the contaminated soil in 2009?

## Office of the Commission Auditor

### EDTC Meeting: January 11, 2018 Research Notes

**Item No. 3B**

**File No. 172641**

**Researcher: SAP Reviewer: PGE**

RESOLUTION APPROVING AWARD OF THE LEASE AND CONCESSION AGREEMENT FOR FOREIGN CURRENCY EXCHANGE SERVICES, RFP NO. MDAD-02-15, TO LENLYN LTD. D/B/A ICE CURRENCY SERVICES USA, WITH A MINIMUM ANNUAL GUARANTEE OF \$608,000.00, FOR THE LOCATIONS, OR A PERCENTAGE FEE OF 6.30%, WHICHEVER IS GREATER, FOR A TERM OF THREE (3) YEARS, WITH THREE (3) ONE-YEAR OPTIONS TO RENEW; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN

#### **ISSUE/REQUESTED ACTION**

Whether the Board should approve the award of the lease and concession agreement (RFP No. MDAD-02-15) to LenLyn, Ltd. D/B/A Ice Currency Services USA (ICE), with a Minimum Annual Guarantee (MAG) of \$608,000 or a 6.30 percentage fee, whichever is greater, for a term of three (3) years, with three (3) one-year options to renew, for foreign currency exchange services.

#### **APPLICABLE LEGISLATION/POLICY**

Section 2-8.3 of the County Code identifying delegations of Board authority; the County Mayor or his designee has the authority to exercise the renewal options and to terminate the Agreement.  
[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch2\\_artxxxii\\_sec2-285](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artxxxii_sec2-285)

Resolution No. R-187-12, adopted February 21, 2012, directing the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

#### **PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Aviation Department**

This item was deferred at the December 14, 2017 Economic Development and Tourism Committee meeting.

- At that meeting, Commissioner Sosa stated that she needed more time to review this item in regards to providing seven locations to an industry that is currently in decline.
- The Committee requested a report from Administration on the current status of the transition of the Procurement Division from the Airport to the procurement in Downtown.
- The Committee noted that concessions are necessary at the airport; however, the residents of Miami-Dade County are the owners of the airport and procurement at the airport should be conducted by the book.

#### **FISCAL IMPACT**

The project is revenue generating with the following payments to the County. ICE will pay MDAD a MAG of \$608,000, which includes the Annual Rent for Locations, or a Percentage Fee of 6.30 percent, whichever is greater. Other Percentages Fees to be paid to MDAD are as follows:

- 25% of pre-paid phone cards gross revenues;
- 15% on all other services gross revenue;
- 15% of travelers checks, money wires and cash advances (credit card) collected fees; and

## Office of the Commission Auditor

### EDTC Meeting: January 11, 2018 Research Notes

- 3% percent on online sales/booking

#### ANALYSIS

This item seeks approval of the award of the lease and concession agreement to ICE, with a Minimum Annual Guarantee (MAG) of \$608,000 or a percentage fee of 6.30%, whichever is greater, for foreign currency exchange services. The term of the contract is for three (3) years with three (3) one-year options to renew. The Lease and Concession Agreement provides for seven (7) locations at the airport - four locations in the Central Terminal Building and three locations in the South Terminal Building. ICE is the current vendor.

#### Scope of Services

*Pricing* - All services and products will be offered at competitive prices with those prices charged for similar services and products at comparable currency exchange locations throughout the Miami area and at similarly-sized airports within the United States. The prices and charges for services and products will be pre-approved by MDAD.

*Typical Foreign Currency Exchange Services performed shall include, but not be limited to:*

- Foreign Currency Exchange,
- Travelers Checks,
- Money Wires/Western Union
- Travel Insurance (*On May 4, 2017, at the Negotiation Committee, ICE and the Committee came to a consensus that travel insurance services would no longer be considered since travel insurance becomes available 24 hours after purchase, therefore, making it an unviable product to sell to MIA and was stricken from the Agreement.*)
- Cash Advance on Credit Cards,
- Prepaid Phone Cards, Phone Rentals, SIM Cards, and
- Other special services such as Public Notary services, facsimile services, photocopy services, hotel reservations, attraction tickets, bus/rail tickets, flower ordering, and courier shipping.

Additional services may be proposed and agreed upon by written consent of MDAD.

*OCA posed the following questions, to which MDAD responded:*

1. **Why was only one proposal submitted? What did MDAD do to encourage participation/competition under the replacement contract?** MDAD advertised the RFP as well as information was published on the County's website. Further, MDAD had an industry meeting and a pre-proposal meeting to encourage participation. Finally, staff attends Minority Affairs meetings to inform attendees of future solicitations. While several companies have attended the industry meeting, only one decided to propose. The Currency Exchange business has its complexity due to federal regulations etc. Therefore, it is not a business that someone with no experience and financial capability can perform.

MDAD attempted to obtain feedback from the industry as to why it did not submit a proposal. MDAD received 3 responses – one from Travelex (project was not attractive as agreement was not exclusive; they also indicated this type of business was changing); one from Global Exchange Group (their schedule did not permit them time to respond to the solicitation); and one from TriMerge Consulting who was intending to pursue in a subcontractor capacity.

2. **As stated in the Mayor's memo, what is meant by "FCE business is currently in decline".** While the Currency Exchange business is not growing due to increase of use of credit cards and virtual payment forms,

## Office of the Commission Auditor

### EDTC Meeting: January 11, 2018

#### Research Notes

this business is necessary in an International Airport such as MIA. It is also an impulse business where passengers exchange a lesser amount than in the past, but still few dollars for incidentals.

3. **When does the existing contract expire?** The current Agreement was effective in December 2007 and locations in Central and South terminal are currently on a month to month while the North Terminal locations are leased until September 2019 (with a 2-1 Year Period Extensions per the 4<sup>th</sup> Amendment to 2021).
4. **How many locations does the vendor operate under the current contract?** Thirteen (13)
5. **What's the role of the ACDBE firm under the agreement? What is the percentage of participation?** ACDBE goal as required by the RFP is 20% . The ACDBE firm (WBE) will operate the Locations in J third floor.
6. **What's the current MAG/percentage fee requirements under the existing contract?** Current MAG is \$2,681,813 Percentage Fees: 7.3%/7.5% Currency Exchange, 10% Business Center Services, 25% Prepaid Phone Cards, 15% Travelers Checks, Wire, Cash Advance
7. **Does MDAD have other currency exchange vendors?** No

#### ADDITIONAL INFORMATION

ICE has 26 years of experience at MIA and all Agreements were awarded through Solicitation. According to Sunbiz, ICE is in active status and lists a principal address at MIA, 2<sup>nd</sup> Level Concourse E.

## Office of the Commission Auditor

**EDTC Meeting: January 11, 2018**

### Research Notes

**Item Nos. 3C and 3D**

**File Nos. 172642 and 172643**

**Researcher: SAP Reviewer: PGE**

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT WITH **ENVIRONMENTAL SCIENCE ASSOCIATES CORPORATION** FOR AVIATION ACOUSTICAL AND LAND-USE COMPATIBILITY PLANNING SERVICES, PROJECT NO. E16-MDAD-10, IN AN AMOUNT NOT TO EXCEED \$501,250.00 FOR A TERM OF FIVE (5) YEARS; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS THEREOF, INCLUDING THE TERMINATION PROVISIONS CONTAINED THEREIN

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT WITH **LANDRUM & BROWN, INC.**, FOR AVIATION ACOUSTICAL AND LAND-USE COMPATIBILITY PLANNING SERVICES, PROJECT NO. E16-MDAD-10; IN AN AMOUNT NOT TO EXCEED \$501,250.00 FOR A TERM OF FIVE (5) YEARS; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS THEREOF, INCLUDING THE TERMINATION PROVISIONS CONTAINED THEREIN

#### **ISSUE/REQUESTED ACTION**

Whether the Board should approve two (2) Professional Services Agreements (PSAs) under Project No. E-16-MDAD-10 for a term of five (5) years for aviation acoustical and land-use compatibility planning services for the Aviation Department.

Company	Amount	Location
1. Environmental Science Associates Corporation	\$501,250.00	Tampa, FL
2. Landrum and Brown, Inc.	\$501,250.00	Cincinnati, OH (Local office in Coral Gables)

#### **APPLICABLE LEGISLATION/POLICY**

Section 2-8.3 of the County Code - Whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Mayor shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch2\\_arti\\_sec2-8.3](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.3)

Section 2-285 of the County Code governing authority as to contracts for the Aviation Department. The County Mayor may issue bid and proposal documents including addenda; receive, open, and review bids and proposals; issue notices to proceed after award; advertise, select committees for, and negotiate professional services agreement.

[https://library.municode.com/FL/Miami\\_-](https://library.municode.com/FL/Miami_-)

[Dade County/codes/Code of Ordinances?nodeId=PTIIICOOR\\_CH2AD\\_ARTXXXIIIVDE\\_S2-285COMAAUCOAVDE](https://library.municode.com/FL/Miami_-Dade_County/codes/Code_of_Ordinances?nodeId=PTIIICOOR_CH2AD_ARTXXXIIIVDE_S2-285COMAAUCOAVDE)

Chapter 287.055 of the Florida Statutes governing acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0287/Sections/0287.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html)



## Office of the Commission Auditor

### EDTC Meeting: January 11, 2018 Research Notes

Chapter 2-10.4 of the County Code governing acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch2\\_arti\\_sec2-10.4](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-10.4)

See also Administrative Order 3-39 - Standard process for construction of Capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/ao3-39.pdf>

Resolution No. R-187-12, adopted February 21, 2012, directing the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/Matters/Y2012/120287.pdf>

#### **PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Aviation Department

At the December 14, 2017 Committee meeting, both items were deferred to the next Committee meeting due to a lack of quorum.

#### **FISCAL IMPACT**

Funding source for both PSAs will be MDAD Operating Fund (Multi-Year) with a value of \$501,250 each.

#### **ANALYSIS**

These two items seek approval of PSAs under Project No. E-16-MDAD-10, each in an amount not to exceed \$501,250.00, for a term of five (5) years with Environmental Science Associates Corporation and Landrum and Brown, Inc. The scope of work in the agreement provides for the delivery of Aviation Acoustical and Land Use Compatibility Planning services for Miami International Airport and the five (5) County-owned auxiliary airports, namely Kendall-Tamiami Executive Airport, Opa-Locka Executive Airport West (OPF), Opa-Locka West, Homestead General Aviation Airport (X51) and Dade-Collier Training and Transition Airport (TNT).

Services will include, but not be limited to, studies such as:

- Federal Aviation Administration Federal Aviation Regulations (FAR) Part 150 noise compatibility,
- Aircraft noise monitoring,
- Airspace flight track management,
- Aircraft noise abatement, and
- Wildlife hazard management.

Other services include:

- Addressing airport/community land use compatibility issues,
- Environmental assessments,
- Environmental impact statements, and
- Noise modeling using the latest available FAA models.

Contract Measures: There are no contract measures applicable to this Agreement.

Service Order Procedures - There are no specific projects to be designated under this Agreement. The Consultant shall be issued Service Orders as the need for Services arises. The Service Order shall cover in detail the scope, time



## Office of the Commission Auditor

### EDTC Meeting: January 11, 2018 Research Notes

for completion and the compensation for the work to be accomplished. No Services under this Agreement shall be performed by the Consultant prior to the receipt of an appropriate Service Order.

Compensation for Primary Services – Payments to the Consultant for primary Services and Reimbursable Expenses performed shall not exceed Five Hundred Thousand Dollars (\$500,000). The fee for services authorized in accordance with the agreement will be computed by one of the following three methods:

1. **Flat rate:** In accordance with the compensation schedule below:

Labor Category	Hourly Billing Rate
Principal	\$235
Project Manager	\$200
Managing Consultant	\$190
Senior Consultant	\$144
Consultant	\$120
Technical Specialist/Support	\$75

2. **Agreed Lump Sum:** The Consultant agrees to perform specifically described services for an agreed fixed dollar amount of compensation
3. **Not to Exceed:** The Consultant is compensated for the actual time of personnel engaged directly in performing services under this Agreement.

#### **SELECTION PROCESS**

On January 17, 2017, a Notice to Professional Consultants (NTPC) was issued under full and open competition to award the two (2) PSAs. On February 17, 2017, the Clerk of the Board received three (3) proposals and the two (2) top-ranked firms, Environmental Science Associates Corporation and Landrum & Brown, Inc. were found by the Selection Committee to have met the qualification requirements. None of the awarded firms are local.

*OCA posed the following questions to MDAD, to which the department responded.*

- 1 **There were no local firms that responded to the Notice to Professional Consultants. How was the bidding process conducted?** The solicitation was an open and competitive process conducted pursuant to Chapter 287.055 of the Florida Statutes and Chapter 2-10.4 of the Code both of which govern certification, selection and negotiation procedures.
- 2 **Does any of the awarded firms have a local office? If yes, how many Miami residents are employed by these firms in the local office?** Landrum and Brown has a local office in the Gables with two (2) employees
- 3 **Since both vendors (Landrum and Environmental Science) are non-local, how will they deliver the solicited services?** These companies are able to deliver their services:
  - a. By submitting the final Reports /Studies / Assessments for the individual specific service orders to the Project Manager.
  - b. Teleconferencing is used between the MDAD Project Manager and the Consultants
  - c. Depending on the scope of the work, a meeting maybe held before and during the work /study.

## Office of the Commission Auditor

### EDTC Meeting: January 11, 2018

#### Research Notes

- d. Majority of work, is shared by email except the final deliverables which is sent by Fed-Ex or UPS.
- e. Depending on the type of Study, the consultant maybe required to provide presentations to groups such as for example: Homeowner's Associations; Elected Officials, Municipalities, Public Meetings and/or Aircraft Noise Abatement Advisory Board members.  
Noise/Acoustical Consultant maybe required to conduct Noise Monitoring Studies within Miami-Dade Communities.

4. **Is there a contract currently in place for these services? If so, who's the vendor and what's the term and value?** No. The last Professional Service Agreements expired on November 2016 and MDAD submitted a Consultant Selection Request under Category #23 for two (2) Aviation Acoustical and Land Use Compatibility Planning Services. The expired contracts (E11-MDAD-01) expired on November 14, 2016 (Resolution Nos. R-953-11 Landrum & Brown) and R-954-11 (Environmental Science Associates)

5. **What is the purpose of acquiring these services, is it life safety purposes?**

- a. This work is not considered Life Safety.
- b. Companies performing this work must have the Miami-Dade County Technical Certification Category 23 which includes but it is not limited to:
  - I. In House aircraft noise modeling experience utilizing the latest Federal Aviation Administration (FAA) Integrated Noise Models;
  - II. Development of aircraft noise exposure maps.
  - III. Must be capable of performing acoustical testing (perform aircraft noise monitoring with specific aircraft noise test equipment).
  - IV. Must have the ability to provide sound insulation studies / programs.
  - V. Must be able to develop, perform, and manage FAA Part 150 noise compatibility studies and construction projects.
  - VI. Must be able to conduct aviation noise compatibility land-use studies.
  - VII. Must be able to manage public outreach programs for controversial airport and aviation related development projects.
  - VIII. Must be able to formulate, evaluate and recommend aircraft noise abatement procedures.
  - IX. Must be able to prepare FAA guided Environmental Impact Statements (EIS) and Environmental Assessments.
  - X. Ability to develop aircraft fleet mix and runway use studies.

Note: Companies engaged in this type of work must be current and be able to follow the FAA policy and procedures related to compliance with the National Environmental Policy Act (NEPA) and regulations issued by the Council on Environmental Quality (CEQ). NEPA & CEQ regulations establish a broad national policy to protect and enhance the quality of human environment, and require Federal agencies to develop programs and measures to meet national environmental goals.

The FAA primary mission is to provide the safest, most efficient aerospace system and the NEPA compliance and other environmental responsibilities are an integral component of this mission. The majority of FAA projects (airspace or infrastructure improvements) as a result of the applicant (MDAD) actions requires an Environmental Review in accordance with NEPA and these consultants are able to provide this highly technical and unique type of work.

Summary: Miami-Dade Aviation Department (the Airport Owner) accepts and receives funding from the Federal Aviation Administration (FAA) administered airport financial assistance programs and as a result the Airport Owner (MDAD) agrees to certain obligations (or assurances). These obligations require the airport

## Office of the Commission Auditor

### EDTC Meeting: January 11, 2018 Research Notes

owner to maintain and operate their facilities safely and efficiently and in accordance with specified conditions. Airport Development or Noise Compatibility Programs and Planning undertaken by the airport owner must meet all the terms and conditions and assurances of the grant agreement and shall remain in full force an effect throughout the useful life of the facilities developed or equipment acquired for the airport development or noise compatibility program/ projects.

All FAA decision making process for airport projects must consider the environmental, social, economic, and technical factors of a proposed action and those reasonable alternatives that meet the purpose and need. These Consultants are able to meet these qualifications and are able to produce all the technical reports that are required by the FAA for all projects that meet the threshold for an environmental review.

#### **ADDITIONAL INFORMATION**

According to Sunbiz.org, the State of Florida, Department of State certifies that Environmental Science Associates Corporation is an Ohio corporation authorized to transact business in the State of Florida, qualified on August 20, 1984. According to Sunbiz.org, the State of Florida, Department of State certifies that Landrum & Brown, Inc., Corporation is a California corporation authorized to transact business in the State of Florida, qualified on March 20, 2000

Landrum and Brown, Inc., offers a full range of aviation planning and development disciplines and has provided consulting services to the Broward County Aviation Department (BCAD).

<https://www.landrum-brown.com/en/projects/fort-lauderdale-hollywood-international-airport/>

Environmental Science Associates Corporation specializes in all aspects of project planning, environmental analysis and assessment, and regulatory compliance.

<http://www.esassoc.com/about-us>

Office of the Commission Auditor

EDTC Meeting: January 11, 2018  
Research Notes

File No. 3E

Item No. 172904

Researcher: NR Reviewer: PGE

RESOLUTION AUTHORIZING THE DISBURSEMENT OF UP TO \$98,000.00 FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR BAYNANZA 2018; APPROVING AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT TO PROVIDE FUNDING TO MIAMI-DADE COUNTY FOR BAYNANZA 2018; AND AUTHORIZING MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the disbursement of \$98,000 from the Biscayne Bay Environmental Enhancement Trust Fund for Baynanza 2018, and the execution of a related agreement (i.e., 2018 Waterway Cleanup Agreement) with the Florida Inland Navigation District to provide up to \$10,000 toward Baynanza 2018 expenses.

**APPLICABLE LEGISLATION/POLICY**

Chapter 24-40 of the Code created a Biscayne Bay Environmental Enhancement Trust Fund; the monies of which shall be disbursed only for the environmental enhancement of Biscayne Bay and its foreshore. No disbursements whatsoever shall be made from the Biscayne Bay Environmental Enhancement Trust Fund until and unless authorized and approved by resolution of the Board of County Commissioners. Prior to authorizing and approving said disbursements, the Board shall receive and consider the recommendations of the County Mayor. The County Mayor, prior to making such recommendations, shall receive and consider the recommendations of the Department pertaining to the proposed particular disbursement.

[Chapter 24-40 of the County Code](#)

Florida Inland Navigation District Waterway Cleanup Program Rules (66B-2.016 Waterways Cleanup Events) explains the process of proposals (applications) to be accepted for financial assistance for the organized removal of refuse within the District's waterways.

[Florida Administrative Code 66B.016](#)

Under the provisions of Section 258.397 of the Florida Statutes, Biscayne Bay in Miami-Dade and Monroe Counties are designated and established as an aquatic preserve. It is the intent of the Legislature that Biscayne Bay be preserved in an essentially natural condition so that its biological and aesthetic values may endure for the enjoyment of future generations.

[Florida Statute, Sections 258.397](#)

**PROCEDURAL HISTORY**

**Prime Sponsor: Economic Development and Tourism Committee**

**Department/Requester: Regulatory and Economic Resources**

**FISCAL IMPACT**

Funding in the amount of \$98,000 from the Trust Fund is requested for costs related to County services and outside services for educational, public awareness, and environmental enhancement activities as part of Baynanza 2018, particularly Biscayne Bay Cleanup Day. Costs for Biscayne Bay Cleanup Day include event staffing, safety and sanitation equipment, supplies and services, trash collection and disposal, commemorative t-shirts for volunteers, equipment rental and marketing. The agreement with the Florida Inland Navigation District will provide up to \$10,000 toward 7,200 Baynanza commemorative t-shirts. The agreement is attached as Attachment A to the resolution.

## Office of the Commission Auditor

### EDTC Meeting: January 11, 2018 Research Notes

The Department of Regulatory and Economic Resources' Division of Environmental Resources Management will seek additional funds and in-kind services through sponsorships from local organizations. Additional costs for the planning and implementation of this event, which exceed the funding amounts shown above, will be paid from the Division of Environmental Resources Management's operating budget.

#### **ANALYSIS**

This will mark the 36th anniversary of the Biscayne Bay cleanup event. The early 1980s marked the beginning of a monumental effort by Miami-Dade County to save Biscayne Bay. The Bay was suffering from pollution and the marine environment of the Bay was in steep decline. Baynanza was created as part of a larger effort to save the bay.

Baynanza is a cooperative effort among several County departments, environmental groups in Miami-Dade County and the community at large to enhance public awareness of Biscayne Bay as a recreational, aesthetic, economic, historic, scientific and environmental resource.

A variety of events related to Biscayne Bay will be scheduled from March through April 2018, including nature walks, kayaking tours, and other similar educational activities. The main event, Biscayne Bay Cleanup Day, will take place on April 21, 2018 and will include shoreline cleanup at 23 sites along Biscayne Bay. This event typically attracts approximately 6,000 volunteers. Each volunteer will receive a Baynanza T-shirt to commemorate their hard work and promote awareness of the importance of Biscayne Bay.

In addition, a special outreach event is planned for the VIP cleanup site at the Deering Estate, 16701 SW 72 Avenue, to mark the 36<sup>th</sup> anniversary of Biscayne Bay Cleanup Day.

RER-DERM has not commenced contacting possible sponsors for Baynanza 2018. Sponsorships are usually requested from the previous years' sponsors.

#### **ADDITIONAL INFORMATION**

Baynanza is a celebration of Biscayne Bay and its significance as one of our most important ecological systems in South Florida. While Baynanza includes more than 25 great events throughout March and April, the event that has become nearly synonymous with this celebration is the Biscayne Bay Cleanup Day.

Sponsorship packages offer wide exposure at a unique countywide celebration featuring thousands of participants committed to the positive cause of helping our environment. Benefits include:

- Six weeks of exposure at more than 35 events across Miami-Dade County
- Advertisements and media coverage including print, radio and web advertising
- Online presence and promotion on the Miami-Dade County website and social media
- Promotion on the Baynanza Calendar of Events and commemorative T-shirt
- Host at the Baynanza VIP Cleanup Site at Morningside Park, which includes promotion of your core messages in a festive atmosphere to hundreds of community volunteers and their friends and families

<http://www.miamidade.gov/environment/baynanza.asp>

The Florida Inland Navigation District (FIND) is a special State taxing district for the continued management and maintenance of the Atlantic Intracoastal Waterway (ICW). FIND was created by the Florida Legislature in 1927 to be State local sponsor for the Atlantic Intracoastal Waterway. This act authorized the purchase of the existing East Coast Canal, constructed by private interests, which ran from Jacksonville to Miami. Today, the Navigation District consists of the 12 counties along the east coast of Florida from Nassau through Miami-Dade.

**Office of the Commission Auditor**

**EDTC Meeting: January 11, 2018  
Research Notes**

<http://www.aicw.org/index.php>

Last year's event – Baynanza 2017 – was supported by a \$98,000 disbursement from the Biscayne Bay Environmental Enhancement Trust Fund as well as \$10,000 from the Florida Inland Navigation District. See Resolution No. R-249-17.

<http://intra/gia/legistarfiles/MinMatters/Y2017/170138min.pdf>