



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

Government Operations Committee Meeting

March 13, 2018
1:30 P.M.
Commission Chambers

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

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Item No. 1G1, 1G1 Supplement

File No. 180276, 180555

Researcher: JFP Reviewer: PGE

ORDINANCE PERTAINING TO SMALL BUSINESS ENTERPRISE PROGRAMS; AMENDING SECTIONS 10-33.02, 2-10.4.01, 2-8.1.1.1.1, 2-8.1.1.1.2, 2-11.16, 2-8.1, 2-8.8, AND 2-8.9, AND 10-34 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO REQUIRE USE OF MIAMI-DADE COUNTY'S WEB-BASED SYSTEM FOR COUNTY CONTRACTS; PROVIDE FOR APPLICATION OF CERTAIN GOALS FOR PROJECTS WITH AN ESTIMATED VALUE EXCEEDING \$700,000.00; RENAMING AND AMENDING DUTIES OF THE MIAMI-DADE COUNTY ADVISORY BOARD RELATED TO THE SMALL BUSINESS ENTERPRISE PROGRAM; AMENDING DEFINITIONS, PROGRAM COMPONENTS, ENFORCEMENT, PENAL TIES, COUNTY RESPONSIBILITIES, AND OTHER RELEVANT SECTIONS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend the Code of Miami-Dade County to require use of Miami-Dade County's web-based system for County contracts for Small Business Enterprise Programs; provide for application of certain goals for projects with an estimated value exceeding \$700,000; and rename and amend the duties of the Miami-Dade County Advisory Board related to the Small Business Enterprise Program.

APPLICABLE LEGISLATION/POLICY

Section 10-33.02 of the Code of Miami-Dade County governs the Miami-Dade County Small Business Enterprise Construction Services ("CSBE") Program.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02SMBUENCOSEPR

Section 2-10.4.01 of the Code of Miami-Dade County governs the Small Business Enterprise Architecture and Engineering Program.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR

Section 2-8.1.1.1.1 of the Code of Miami-Dade County governs the Small Business Enterprise Services Program.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.1SMBUENSEPR

Section 2-8.1.1.1.2 of the Code of Miami-Dade County governs the Small Business Enterprise Goods Program.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.2SMBUENGOPR

Section 2-11.16 of the Code of Miami-Dade County governs County construction contracts.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO

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Section 2-8.1 of the Code of Miami-Dade County governs contracts and purchases generally.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 2-8.8 of the Code of Miami-Dade County outlines fair subcontracting practices.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.8FASUPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.8FASUPR)
[Section 2-8.9 of the Code of Miami-Dade County](#)

Section 10-34 of the Code of Miami-Dade County specifies and outlines the requirement of listing subcontractors in construction contracts in which a bidder may use a subcontractor involving expenditures of \$100,000 or more.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE)

Section 2-8.9 of the Code of Miami-Dade County governs the Living Wage for County service contracts and County employees.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-
8.9LIWAORCOSECOEM](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOEM)

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey M. Edmonson, District 3

Department/Requester: None

This item was adopted on first reading by the Board at its February 21, 2018 meeting.

FISCAL IMPACT

Implementation of this ordinance will not have a fiscal impact to Miami-Dade County as the cost of implementing this software was included in the Internal Services Department Small Business Development's FY 2017-18 adopted operating budget, and there will not be any additional staffing needs or future operational costs.

ANALYSIS

This item proposes to amend the County Code sections pertaining to the Small Business Enterprise (SBE) Programs to (1) require use of the County's web-based system for County contracts; (2) provide for application of certain goals for projects exceeding \$700,000; and (3) rename and amend the duties of the SBE Advisory Board.

The web-based system was designed to allow firms the ability to view contracts at a glance and submit required information with ease and efficiency. According to the Mayor's Social Equity Statement, increasing the usage of the above-mentioned web-based system, which tracks compliance with certain SBE contract requirements, Workforce Program requirements, and subcontractor payments, will provide meaningful accountability and transparency for both Miami-Dade County and firms conducting business with the County.

The following are the proposed substantive amendments (new language is underlined):

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Section 10-33.02 - Miami-Dade County Small Business Enterprise Construction Services (CSBE) Program

- Adds *Certificate of Assurance* to definitions. Certificate of Assurance refers to the departmental form submitted with bid documents whereby the Bidder acknowledges: (i) Small Business Enterprise (SBE) measures apply to the project; and (ii) Bidder will submit its list of certified SBEs to satisfy the measures via Miami-Dade County's web-based system, within the specified time frame.
- Changes the definition of *Joint Venture* from "an association of two or more CSBEs" to a business arrangement of two or more parties, in which at least one is a CSBE that agrees to pool its resources for the purpose of accomplishing a specific task.
- Adds *Make-up Plan* to definitions. Make-up Plan means a plan whereby a bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill all or a portion of any pending Small Business Enterprise Construction Services makeup requirement and identify the certified CSBE firm(s) to be utilized to fulfill the make-up requirement that is in excess of any SBE goal(s) required on the project and the percentage, dollar value and description of the work that needs to be made up within the time frame specified by Small Business Development (SBD).
- Adds *Utilization Plan* to definitions. Utilization Plan means the plan whereby a Bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill the SBE goal(s) required for the project and identify certified firms to fulfill goal(s) and percentages, dollar value, and description of the work to fulfill the SBE goal within the time frame specified by SBD. Subcontractor(s) listed will also be required to confirm their participation via the County's web-based system within the specified time frame. Bidders must enter into written subcontracts with the listed CSBE(s).
- Adds that a Small Business Enterprise Goods Program and Small Business Enterprise Services Program goal(s) may be applied to any project with an estimated value over \$700,000.00. The County Commission or Public Health Trust may establish subcontractor goals for any specialty and/or construction related trade or service portion of the work in a contract based on estimates made prior to bid advertisement of the quality, quantity and type of subcontracting opportunities provided by the contract, and of the availability of CSBEs to afford effective subcontracting competition therefor.
- Adds the requirement in bid documents for bidders to submit a Certificate of Assurance on the bid submittal due date and a Utilization Plan via the County's web-based system within the time frame specified by SBD in instances where a first tier subcontractor goal has been imposed. Where a second, third and fourth tier subcontractor goal has been imposed, the bid documents shall require bidders to include a commitment of the bidder to meet such goals in the aforementioned Certificate of Assurance.
- Specifies that contracts in excess of \$25 million which have subcontractor goals shall require the prime contractor during the term of the contract to make a quarterly presentation to the CSBE Advisory Board (*previously* the Review Committee) on his or her performance in meeting such goal.
- For Construction Manager-at-Risk contracts, the County Commission may establish, where appropriate and upon the recommendation of SBD (*previously* the Review Committee), first tier CSBE subcontractor goals applicable to the construction management portion thereof. Such goal shall not be applicable to the procurement of trade packages on the actual construction project. Bidders for CM-at-Risk contracts to which a first tier CSBE subcontractor goal has been established for construction management services shall submit the Certificate of Assurance (*previously* Schedule of Intent Affidavit) and follow the procedures and timing therefor applicable to contracts in general under the section.
- Where an overall CSBE subcontracting goal has been established for the actual construction portion of the work, the Construction Manager-at-Risk (CM-at-Risk) shall submit the Utilization Plan (rather than Schedule of Intent Affidavit) to the County at the time the Final Guaranteed Maximum Price is due

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identifying all CSBEs utilized to meet the overall goal, and the trade designation of work and percentage of the Final Guaranteed Maximum Price each will perform.

- Where a first tier CSBE subcontracting goal has been established, bidders to the CM-at-Risk for contracts as Primary Trade Contractors shall submit at the time of bid submission to the CM-at-Risk a Certificate of Assurance (*previously* Schedule of Intent Affidavit), on the bid submittal due date and a Utilization Plan within the time period specified by SBD, identifying all CSBEs to be utilized to meet such goal, the trade designation of the work and the percentage of the bid each identified CSBE will perform. Failure to submit the required Certificate of Assurance and Utilization Plan (*previously* Schedule of Intent Affidavit) within the required time frame may render the bidder non-compliant, or subject to sanctions or penalties as outlined in the contract or the Implementing (*previously* Administrative) Order.
- Creates a Community Small Business Enterprise Advisory Board or CSBE Advisory Board (*previously* Miami-Dade County Advisory Board) for the CSBE Program.
- Deletes the following language: Within one (1) year after inception of the CSBE program, the advisory board shall recommend to the County Commission the maximum length of time a CSBE may participate in the program.
- Deletes the requirement that the Small Business Development must publish at least every other week an updated list of CSBEs, identifying each listed CSBE based on each Standard Industry Classification (SIC) category or North American Industry Classification System (NAICS) code and each specialty trade the CSBE is certified in, and noting what contracting participation level the firm is classified in. The updating requirement has been removed but SBD must still maintain this database.
- *Enforcement:* A Make-up Plan (*previously* corresponding Schedule of Intent Affidavit) must be submitted as part of any bid or proposal for future contracts as part of the Utilization Plan submitted via the County's web based system. The Make-up Plan (*previously* Schedule of Intent Affidavit) must identify all CSBEs to meet the first tier subcontractor goal and the trade designation of work each firm will perform in satisfaction of a make-up, in addition to any other goals that may be applicable. Failure to submit the required Make-up Plan (*previously* Schedule of Intent Affidavit) with the Utilization Plan (*previously* bids or proposals) for any future contracts shall result in the submittal being deemed non-compliant.
- Changes to the contractual violations that may result in the imposition of the sanctions listed in the section are as follows:
 - Failure of the prime contractor to report payments to subcontractors via the County's web-based system upon notification of payment by the County, or failure of subcontractors to confirm payments upon notification by the prime contractor, within the specified time frame
 - Failure to maintain certification as a CSBE
 - Deviation from the Utilization Plan (*previously* schedule of participation) without prior approval from SBD;
 - Failure to enter into a written first tier subcontract with a CSBE after listing the firm on a Utilization Plan (*previously* schedule of intent affidavit).
 - Penalties for Utilization Plan (*previously* Schedule of Intent) violations remain the same.
 - Upon completion of a contract or after final payment on a contract SBD shall review the final reporting of payments to subcontractors (*previously* Monthly Utilization Report) and other project documents to include final payments and make a determination as to whether the bidder met the CSBE measure.

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Section 2-10.4.01 – Small Business Enterprise Architecture and Engineering Program

- Adds *Certificate of Assurance* to definitions. Certificate of Assurance refers to the departmental form submitted with bid documents whereby the Bidder acknowledges: (i) Small Business Enterprise (SBE) measures apply to the project; and (ii) Bidder will submit its list of certified SBEs to satisfy the measures via Miami-Dade County's web-based system, within the specified time frame.
- *Continuing contract* shall mean the term "continuing contract" as defined in Section 2-10.4(1)(f): a contract for professional services entered into in accordance with all the procedures of Chapter 287, Florida Statutes, as amended, and this section, as amended, between departments and agencies of Miami-Dade County and a firm whereby the firm provides continuing professional services to Miami-Dade County for separate project assignments in which construction costs do not exceed the limit established by Chapter 287.055, Florida Statutes, as amended, or for separate study activities in which the fee for professional services does not exceed the limit established by Chapter 287.055, Florida Statutes, as amended, work of a specified nature as outlined in the contract required by Miami-Dade County with no time limitation except that the contract shall provide a termination clause. Firms seeking to provide professional services under continuing contracts for separate project assignments projects in which construction costs do not exceed the limit established by Section 287.055, Florida Statutes, as amended, or for separate study activities in which the fee for professional services does not exceed the limit established by Section 287.055, Florida Statutes, as amended, may be engaged and assigned work through means of an Equitable Distribution Pool established as provided in the Implementing Order which implements this Section.
- Changes the definition of *Joint Venture* from "an association of two or more CBE-A/Es" to "a business arrangement of two or more parties, in which at least one is a CBE-A/E that agrees to pool its resources for the purpose of accomplishing a specific task."
- Adds *Make-up Plan* to definitions. Make-up Plan means a plan whereby a bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill all or a portion of any pending Small Business Enterprise Architecture and Engineering makeup requirement and identify the certified CBE-A/E firm(s) to be utilized to fulfill the make-up requirement that is in excess of any SBE goal(s) required on the project and the percentage, dollar value and description of the work that needs to be made up within the time frame specified by Small Business Development (SBD).
- Adds *Mentor-Protégé Program* to definitions. Mentor-Protégé Program is a program whose purpose is to build effective working relationships between leaders of mature established companies and emerging small business enterprises in order for the latter to benefit from the knowledge and experience of the established mentor firms. The details of this program shall be provided in Implementing Order No. IO 3-32.
- Adds *Utilization Plan* to definitions. Utilization Plan means the plan whereby a proposer submits via the County's web-based system its commitment that if awarded the agreement, it will enter into written subconsultant agreements with the identified CBE-A/Es for the scope of work and at the percentages set forth in the Utilization Plan within the time frame specified by SBD.
- Adds that a Small Business Enterprise Goods Program and Small Business Enterprise Services Program goal(s) may be applied to any project with an estimated value over \$700,000.00.
- Changes to the section on *subconsultant goals* are as follows: The County Commission, or Public Health Trust may establish subconsultant goals to be applied to a particular agreement based on estimates made prior to proposal advertisement of the quality, quantity and type of subconsulting opportunities provided by the agreement, and of the availability of first, second, and third tier CBE-A/Es to afford effective subconsulting competition therefor. After proposal advertisement, or other formal public notice, the established subconsultant goal may be reduced only with the approval of the County Commission or Public Health Trust.

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Proposal documents shall require proposers to submit a Certificate of Assurance acknowledging all Small Business Enterprise goals assigned to the project and the submittal of a Utilization Plan via the County's web-based system within the time frame identified by SBD (previously Letter of Agreement or equivalent, for each subconsultant to be utilized in satisfaction of a subconsultant goal.) The Utilization Plan (previously Letter of Agreement) shall be submitted by the prime and the subconsultant and shall at a minimum state the type of work that the subconsultant will perform, the technical certification category, and the percentage that the amount of the fees payable to the subconsultant bears to the overall fees payable under the contract. Failure to submit the required Certificate of Assurance (previously Letter of Agreement or equivalent) at the time of proposal submission, and submit the Utilization Plan via the County's web-based system within the time frame specified by SBD, shall render the proposer non-compliant. A CBE-A/E firm may fulfill a subconsultant goal in only one (1) goal type per contract.

- The following language was deleted from the *subconsultant goals* provision: (Proposers may cure immaterial irregularities in the Letter of Agreement submitted not later than forty-eight (48) hours following written notification by the Department of Small Business Development. Immaterial irregularities shall be those items which, in the County's sole discretion, do not, affect either the assurance of agreement between the prime proposer and the subconsultant or the proposer's assurances to the County that the stated measure will be met. Immaterial irregularities include those correctable items specifically identified in the form approved by the Director of Small Business Development for purposes of verifying compliance. Failure of a proposer to cure the immaterial irregularities within the stated period following notification shall result in disqualification of the proposer for contract award.

Proposers who believe that they will fail to meet the specified subconsultant goal due to lack of available first and second tier CBE-A/Es, in order to remain eligible for award of the agreement, must notify SBD in writing at least fourteen (14) calendar days prior to proposal submitted date, advising SBD of the lack of available first and second tier CBE-A/Es and providing full documentation of their efforts to obtain the services of first and second tier CBE-A/Es to meet the goal.)

- The following language was added to the *sanctions for contractual violations* provision: The foregoing notwithstanding, the County Mayor shall include language in all prospective contracts containing a CBE-A/E measure which provides that, in addition to any other sanction for failure to fulfill the CBE-A/E measure requirements for such contract, the contractor's eligibility to receive any future County contract shall be conditioned upon the contractor making up the deficit in CBE-A/E participation in such future contract by having CBE-A/Es perform work equal to double the dollar value of the deficiency in the CBE-A/E measure in the prior contract. Contract language shall provide that in order to be eligible for future county contracts, a proposer who fails to meet an established CBE-A/E goal shall submit a CBE-A/E Make-up Plan for the approval of the Director. A Make-up Plan must be submitted as part of any proposal for future contracts as part of the Utilization Plan submitted via the County's web-based system. The Make-up Plan must identify all CBE-A/Es to meet the subconsultant goal and the work each firm will perform in satisfaction of a make-up, in addition to any other goals that may be applicable. Failure to submit the required Make-up Plan with the Utilization Plan for any future contracts shall result in the submittal being deemed non-compliant. Any proposer subject to an approved Make-up Plan that fails to comply with any of the material terms of that Make-up Plan, without good cause, shall be subject to an automatic suspension from proposing and/or otherwise participating on County contracts as a prime or subconsultant for a six (6) month period. A proposer that fails to comply with any of the material terms of a second Make-up Plan, without good cause, shall be subject to an automatic suspension from proposing and/or otherwise participating on County contracts as a prime or subconsultant for a one (1) year period. A proposer that fails to comply with any of the material terms of a third Make-up Plan, without good cause, may be subject to debarment and shall automatically be referred to the debarment committee. After serving a debarment for failure to satisfy a

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make-up plan for no good cause, the subject firm shall be deemed ineligible for proposing on County contracts with measures for one (1) additional year unless the County Mayor or designee determines that an emergency exists justifying such participation, and the Board of County Commissioners approves such decision. The foregoing obligation shall be in addition to any CBE-A/E measure otherwise applicable to the future contract.

- Some of the violations that may trigger the imposition of the sanctions listed in the section were amended as follows:
 - Failure to (*remove* submit monthly utilization reports) report payments to subconsultants or subcontractors via the County's web-based system, or failure of subconsultants or subcontractors to confirm payments upon notification by the prime contractor, within the specified time frame
 - Deviation from the Utilization Plan (*previously* Letter of Agreement, or equivalent) without prior approval from SBD
 - Failure to enter into a written subconsultant agreement with a CBE-A/E after listing the firm on a Utilization Plan (*previously* Letter of Agreement or equivalent)

Section 2-8.1.1.1.1 – Small Business Enterprise Services Program AND

Section 2-8.1.1.1.2 – Small Business Enterprise Goods Program

The following are proposed amendments to both sections 2-8.1.1.1.1 and 2-8.1.1.1.2, related to the Small Business Enterprise Services and Goods Programs.

- Adds *Certificate of Assurance* to definitions. Certificate of Assurance refers to the departmental form submitted with bid documents whereby the Bidder acknowledges: (i) Small Business Enterprise (SBE) measures apply to the project; and (ii) Bidder will submit its list of certified SBEs to satisfy the measures via Miami-Dade County's web-based system, within the specified time frame.
- Changes the definition of *Joint Venture* from “an association of two or more persons, partnerships, corporations, or other business entities under a contractual agreement to conduct a specific business enterprise for a specified period with both sharing profits” to “a business arrangement of two or more parties, in which at least one is a SBE that agrees to pool its resources for the purpose of accomplishing a specific task.”
- Adds *Make-up Plan* to definitions. Make-up Plan means a plan whereby a bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill all or a portion of any pending Small Business Enterprise Services makeup requirement and identify the certified SBE firm(s) to be utilized to fulfill the make-up requirement that is in excess of any SBE goal(s) required on the project and the percentage, dollar value and description of the work that needs to be made up within the time frame specified by Small Business Development (SBD).
- Adds *Utilization Plan* to definitions. Utilization Plan means the plan whereby a Bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill the SBE goal(s) required for the project and identify certified firms to fulfill goal(s) and percentages, dollar value, and description of the work to fulfill the SBE goal within the time frame specified by SBD. Subcontractor(s) listed will also be required to confirm their participation via the County's web-based system within the specified time frame. Bidders must enter into written subcontracts with the listed SBE(s).
- Removes *Schedule of Intent Affidavit (SOI)* from definitions.
- Under *subcontractor goals*, removes Schedule of Intent Affidavit language and replaces with Certificate of Assurance and Utilization Plan language, along with making the following additions (underlined):
Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that bidders must submit with its bid a completed Certificate of Assurance acknowledging the required measure and submission of a Utilization Plan via the County's web-based systems. Each Utilization Plan shall be executed

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by the bidder and the SBE via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of services the SBE is to provide and the percentage of work the SBE is to perform therefore. Certificate of Assurance acknowledging the required measure and submission of a Utilization Plan via the County's web-based system listing the certified SBEs to fulfill the measure. Each Utilization Plan shall be executed by the bidder and the SBE via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of services/goods the SBE is to provide and the percentage of work the SBE is to perform. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a SBE may itself meet the goal to the extent it is certified to provide the type of services that are the subject of the contract. Bidder must include in bid documents a Certificate of Assurance acknowledging the required measure and submission of a Utilization Plan via the County's web-based system listing itself to fulfill the measure. The Utilization Plan shall be executed by the bidder via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of services the SBE is to provide and the percentage of work the SBE is to perform.

Additionally, the following addition is made to *subcontractor goals*: Bidder must include in bid documents a Certificate of Assurance acknowledging the required measure and submission of a Utilization Plan via the County's web-based system listing the certified SBEs to fulfill the measure. The Utilization Plan shall be executed by the bidder and the SBE(s) via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of services/goods the SBE is to provide and the percentage of work the SBE is to perform. A SBE-Services/Goods firm may fulfill a subcontractor goal in only one (1) goal type per contract.

- Adds the following language to *sanctions*: Contract language shall provide that in order to be eligible for future county contracts, a contractor who fails to meet an established SBE goal shall submit a SBE Make-up Plan for the approval of the Director. A Make-up Plan must be submitted as part of any bid or proposal for future contracts as part of the Utilization Plan submitted via the County's web-based system. The Make-up Plan must identify all SBEs to meet the subcontractor goal and the work each firm will perform in satisfaction of a make-up, in addition to any other goals that may be applicable. Failure to submit the required Make-up Plan with the Utilization Plan for any future contracts shall result in the submittal being deemed non-compliant. Any contractor subject to an approved Make-up Plan that fails to comply with any of the material terms of that Make-up Plan, without good cause, shall be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a six month period. A contractor that fails to comply with any of the material terms of a second Make-up Plan, without good cause, shall be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a one year period. A contractor that fails to comply with any of the material terms of a third Make-up Plan, without good cause, may be subject to debarment and shall automatically be referred to the debarment committee. After serving a debarment for failure to satisfy a make-up plan for no good cause, the subject firm shall be deemed ineligible for bidding on County contracts with measures for one additional year unless the County Mayor or designee determines that an emergency exists justifying such participation, and the Board of County Commissioners approves such decision. The foregoing obligation shall be in addition to any SBE measure otherwise applicable to the future contract.

Some of the contractual violations that may result in the imposition of the sanctions listed in Subsection (j) above include, but are not limited to, the following:

1. A SBE serving as a conduit for SBE work awarded to a firm as a SBE but which is being performed by a non-SBE firm;

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2. a prime contractor not meeting SBE Services Program set-aside or subcontractor goal requirement;
3. not obtaining or retaining SBE certification while performing work designated for SBE firms.
4. failure of the prime contractor to report payments to subcontractors via the County's web-based system upon notification of payment by the County, or failure of subcontractors to confirm payments upon notification by the prime contractor, within the specified time frame;
5. failure to comply with SBE certification requirements, including not maintaining an actual place of business in Miami-Dade County, not reporting organizational and operational changes, providing inaccurate or false information, and other certification related violations;
6. failure to maintain certification as a SBE;
7. deviation from the Utilization Plan without prior approval from SBD;
8. termination of the SBE's contract without prior approval from SBD;
9. reduction of the scope of work of a SBE subcontractor agreement without prior approval from SBD;
10. modifications to the terms and/or prices of payment to a SBE without prior approval from SBD;
11. failure to enter into a written subcontract with a SBE after listing the firm on a Utilization Plan; and
12. failure to pay subcontractors promptly and in accordance with the administrative procedures under this section

Section 2-11.16 – County Construction Contracts

- Adds language requiring the contractor and each subcontractor under him or her to submit via the County's web-based system accurate written records. The contractor and each subcontractor shall, by the 10th of each month, submit to the County (or if requested, within the requested time frame) certified payroll showing the employer's payroll records for work performed in the previous month via the County's web-based system. Upon request by the County, the covered employer shall produce for inspection and copying its payroll records for any or all of its covered employees for the prior three-year period.
- SBD shall make a written compliance determination following any Compliance Meeting. A determination that the contractor or subcontractor has not complied with the requirements of this Section shall state the basis therefore and shall advise the contractor or subcontractor of its right to file a written request along with a nonrefundable filing fee to be established by implementing order, within thirty (30) days of issuance of the notice, with the County Mayor (previously Manager) within 30 calendar days to schedule an administrative hearing before a hearing officer to appeal the determination
- Upon timely receipt of a request for an administrative hearing before a hearing officer to appeal a determination of noncompliance, the County Mayor or designee shall appoint a hearing officer pursuant to section 8CC-2 of the Code of Miami-Dade County, Florida, and fix a time for an administrative hearing thereon. Such hearing officers may be paid a fee for their services, but shall not be deemed County officers or employees within the purview of sections 2-10.2, or 3-11.1 or otherwise.

Upon completion of the administrative hearing, the hearing officer shall transmit his/her findings of facts, conclusions and recommendations together with a transcript of all evidence taken before him/her and all exhibits received by him/her, to the Mayor or designee, who (i) may sustain, reverse or modify the hearing officer's recommendations and (ii) shall render a final decision, in writing. The determination of the Mayor may be reviewed by an appropriate court in the manner provided in the Florida Rules of Appellate Procedure. The prevailing party shall not incur any additional expenses, fees or penalties. The unsuccessful appellant shall be responsible for all additional fees, costs and penalties associated with the appeal.

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Research Notes**

Section 2-8.1 – Contracts and purchases generally,
Section 2-8.8 – Fair subcontracting practices, AND
Section 10-34 Listing of subcontractors required

- Adds language requiring the submittal of contract information to the County via its web-based system.

Section 2-8.9 – Living Wage Ordinance for County services contracts and County employees.

- Modifies deadlines for reporting payroll as follows:
 - Changes the reporting frequency to the County from every six months or otherwise at the County's request to "by the 10th of each month". The covered employer shall by the 10th of each month submit to the County (or if by request within the requested time frame certified payroll showing the employer's payroll records for each Covered Employee working on the contract(s) for covered services for the previous month (*previously* applicable payroll period) via the County's web-based system. Deletes the requirement of the Applicable Department to examine all payrolls for compliance within sixty days of receipt.

**GOC Meeting: March 13, 2018
Research Notes**

**Item No. 1G2
File No. 171944**

Researcher: NR Reviewer: TD

ORDINANCE RELATING TO ANNEXATION AND INCORPORATION; CREATING SECTIONS 20-8.6.1 AND 20-28.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING MUNICIPALITIES TO ACKNOWLEDGE AND AGREE TO CERTAIN COUNTYWIDE AUTHORITY AND POWERS IN ANNEXATION AND INCORPORATION AGREEMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Ordinance relating to annexation and incorporation; creating sections 20-8.6.1 and 20-28.2 of the Code; requiring municipalities to acknowledge and agree to certain countywide authority and powers in annexation and incorporation agreements.

APPLICABLE LEGISLATION/POLICY

Section 6.04(B) of the Home Rule Charter governs creation of new municipalities.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTICOAMCH ART6MU S6.04CHMUBO](https://library.municode.com/fl/miami-_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH_ART6MU_S6.04CHMUBO)

PROCEDURAL HISTORY

Prime Sponsor: Barbara J. Jordan

Requester: NONE

FISCAL IMPACT

Implementation of this ordinance will not have a fiscal impact to the County as it will not result in additional staffing needs or future operational costs.

ANALYSIS

On December 3, 2013, this Board adopted Resolution No. R-1006-13 directing the Mayor or designee to identify one or more universities or a professional consultant to contract with the County to analyze and make recommendations concerning future incorporations and annexations within the unincorporated area.

<http://intra/gia/matter.asp?matter=132352&file=false&yearFolder=Y2013>

On November 5, 2015, the Board adopted Resolution No. R-972-14 authorizing the Mayor or designee to enter into an agreement with PMG Associates, Inc. to perform an analysis and carry out the recommendations pursuant to Resolution No. R-1006-13.

<http://intra/gia/matter.asp?matter=141967&file=true&yearFolder=Y2014>

PMG Associates, Inc. submitted a report to the Board dated October 2015 entitled Analysis of Incorporation and Annexation within the Unincorporated Areas. The report defined irregular boundaries and proposed that annexations should be prohibited where it creates an enclave or forms irregular boundaries.

The Board now wishes to create sections 20-8.6.1 and 20-28.2 of the Code as follows:

**GOC Meeting: March 13, 2018
Research Notes**

Section 1. Section 20-8.6.1 of the Code of Miami-Dade County Sec. 20-8.6.1 - Acknowledgment of Countywide Powers and Authorities.

(a) Pursuant to the Home Rule Charter and the Code, the County exercises certain powers and regulates certain matters on a Countywide basis, including but not limited to, regulations on environmental protection, transit nodes, roads, traffic, antidiscrimination, emergency management, and consumer protection. These Countywide regulations and powers may be revised from time to time. Nothing in this section shall expand or contract such Countywide powers or regulations.

(b) In order to promote consistency and transparency in the annexation process, an annexing municipality shall agree to and acknowledge these Countywide powers and authorities, as referenced in subsection (a) above. Such agreement and acknowledgment by the annexing municipality shall be included in the interlocal agreement between the annexing municipality and the County. Failure to include this agreement and acknowledgement in the interlocal agreement shall not, in any way, be construed to affect or restrict the County's Countywide powers and authority.

Section 2. Section 20-28.2 of the Code of Miami-Dade County Sec. 20-28.2. - Acknowledgment of Countywide Powers and Authorities.

(a) Pursuant to the Home Rule Charter and the Code, the County exercises certain powers and regulates certain matters on a Countywide basis, including but not limited to, regulations on environmental protection, transit nodes, roads, traffic, antidiscrimination, emergency management, and consumer protection. These Countywide regulations and powers may be revised from time to time. Nothing in this section shall expand or contract such Countywide powers or regulations.

(b) In order to promote consistency and transparency in the incorporation process, a municipal advisory committee, if applicable, shall agree to and acknowledge these Countywide powers and authorities, as referenced in subsection (a) above. Such agreement and acknowledgment as to subsection (a) above shall also be included in the municipal charter of such area. Failure to include this agreement and acknowledgement in the charter shall not, in any way, be construed to affect or restrict the County's Countywide powers and authority.

ADDITIONAL INFORMATION

Reference Item 180046 – Relating to Incorporation Boundaries

Annexation General Information:

Annexation is the process whereby an established municipality amends its boundaries by adding lands that were previously outside of its boundaries.

Miami-Dade County is governed by Chapter 20 of the Miami-Dade County Code of Ordinances. The Code addresses petition requirements and considerations made by the Planning and Advisory Board and the Board of County Commissioners.

**GOC Meeting: March 13, 2018
Research Notes**

Item No. 1G3

File No. 180046

Researcher: NR

Reviewer: TD

ORDINANCE RELATING TO BOUNDARY CHANGES AND INCORPORATIONS; CREATING SECTION 20.0 AND AMENDING SECTIONS 20-3, 20-3.1, 20--5, 20-6, 20-7, 20-22, 20-23 AND 20-29 OF THE CODE OF MIAMI--DADE COUNTY; MODIFYING THE DEFINITION OF AN ENCLAVE; REQUIRING MUNICIPALITIES PROPOSING TO ANNEX A PORTION OF THE UNINCORPORATED AREA TO PROVIDE INFORMATION RELATING TO THE MUNICIPALITY'S FISCAL AFFAIRS AND ADJACENT UNINCORPORATED AREAS; REQUIRING THE PLANNING ADVISORY BOARD AND THE COUNTY COMMISSION TO CONSIDER GUIDELINES RELATED TO (1) PROPOSED REVENUE-POSITIVE ANNEXATIONS AND INCORPORATIONS WHICH EXCLUDE CERTAIN REVENUE-NEGATIVE/NEUTRAL UNINCORPORATED AREAS OR ENCLAVES AND (2) IRREGULAR BOUNDARIES; REQUIRING THE COUNTY MAYOR OR MAYOR'S DESIGNEE, THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS, AND THE PLANNING ADVISORY BOARD TO MAKE CERTAIN RELATED REPORTS, REFERRALS, RECOMMENDATIONS, OR DETERMINATIONS, AS APPLICABLE; WAIVING REQUIREMENT OF RESIDENT ELECTOR CONSENT FOR MODIFICATION OF CERTAIN ANNEXATION AND INCORPORATION PETITIONS AND MUNICIPAL ADVISORY COMMITTEE CONSENT FORMS; PROHIBITING APPROVAL OF CERTAIN ANNEXATIONS AND INCORPORATIONS THAT EXCLUDE CERTAIN REVENUE-NEGATIVE/NEUTRAL UNINCORPORATED AREAS OR ENCLAVES; PROVIDING FOR WAIVER OF SUCH PROHIBITION IN CERTAIN CIRCUMSTANCES

ISSUE/REQUESTED ACTION

Ordinance relating to contracts boundary changes and incorporations; creating section 20.0 and amending sections 20-3,20-3.1, 20-5,20-6,20-7,20-22, 20-23 and 20-29 of the Code; modifying and creating definitions requiring municipalities proposing to annex a portion of the unincorporated area to provide information relating to the municipality's fiscal affairs and adjacent unincorporated areas; requiring the Planning Advisory Board and the County Commission to consider new guidelines prohibiting approval of certain annexations and incorporations that exclude certain revenue- neutral/negative unincorporated areas or enclaves; providing for waiver of such requirement.

APPLICABLE LEGISLATION/POLICY

Section 6.04(B) of the Home Rule Charter governs changes in municipal boundaries.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH_ART6MU_S6.04CHMUBO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH_ART6MU_S6.04CHMUBO)

PROCEDURAL HISTORY

Prime Sponsor: Barbara Jordan

Requester: NONE

The proposed ordinance was adopted on first reading at the BCC on 1/23/2018 and municipalities were notified of public hearing on 1/25/2018 and scheduled for Government Operations Committee.

FISCAL IMPACT

There is no Fiscal impact statement for this item.

**GOC Meeting: March 13, 2018
Research Notes**

ANALYSIS

On December 3, 2013, this Board adopted Resolution No. R-1006-13 directing the Mayor or designee to identify one or more universities or a professional consultant to contract with the County to analyze and make recommendations concerning future incorporations and annexations within the unincorporated area.

<http://intra/gia/matter.asp?matter=132352&file=false&yearFolder=Y2013>

On November 5, 2015, the Board adopted Resolution No. R-972-14 authorizing the Mayor or designee to enter into an agreement with PMG Associates, Inc. to perform an analysis and carry out the recommendations pursuant to Resolution No. R-1006-13.

<http://intra/gia/matter.asp?matter=141967&file=true&yearFolder=Y2014>

PMG Associates, Inc. submitted a report to the Board dated October 2015 entitled “Analysis of Incorporation and Annexation within the Unincorporated Areas. The report defined irregular boundaries and proposed that annexations should be prohibited where it “creates an enclave or forms irregular boundaries.

The Board now wishes to implement these recommendations and make certain other changes to the relevant processes as follows:

Ordinance relating to contracts boundary changes and incorporations and **creates section 20.0 of Chapter 20 of the Code.**

CHAPTER 20- MUNICIPALITIES

Sec. 20-0.

N/A

CHAPTER 20- MUNICIPALITIES

Sec. 20-0. Intent of Code Provisions Relating to Avoiding Boundary Changes and Incorporations that Would Result in Irregular Municipal Boundaries and Exclude Certain Revenue- Negative Neutral Unincorporated Areas.

In conjunction with article 6 of the Miami-Dade Home Rule Charter, the provisions of this chapter shall govern boundary change and incorporation procedures in Miami-Dade County. It is the policy of the Board of County Commissioners to give appropriate consideration to proposed boundary changes and incorporations that avoid irregular boundaries. Furthermore, it is this Board's policy to give paramount consideration to the interests of the remainder of the County which is unincorporated when considering certain future requests for annexation and incorporation by discouraging the creation or exclusion of revenue-negative/neutral unincorporated enclave areas or certain revenue-negative/neutral areas that are suitable for inclusion within certain Municipalities, pursuant to the provisions of this chapter, as set forth herein.

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Amending sections 20-3 of the Code, Initiated by governing body of municipality.

Any proposed boundary change desired by the governing body of a municipality shall be initiated by resolution of such governing body adopted after a public hearing held pursuant to written notice mailed to all owners of property within the area and within six hundred (600) feet thereof in such proposed boundary changes, according to the current tax assessment roll, and pursuant to published notice; provided, however, that no notice shall be required when all owners of property within the area and within six hundred (600) feet thereof shall consent in writing to the proposed boundary change. The cost of such notice shall be paid by the governing body of the municipality. Three (3) duly certified copies of such resolution requesting the proposed boundary changes, together with proof of compliance with the notice requirements aforesaid, shall be filed with the Clerk of the County Commission, and shall be accompanied by the following:

(F) In addition to the foregoing, there shall be filed with the Clerk of the County Commission the following information:

Any proposed boundary change desired by the governing body of a municipality shall be initiated by resolution of such governing body adopted after a public hearing held pursuant to written notice mailed to all owners of property within the area and within six hundred (600) feet thereof in such proposed boundary changes, according to the current tax assessment roll, and pursuant to published notice; provided, however, that no notice shall be required when all owners of property within the area and within six hundred (600) feet thereof shall consent in writing to the proposed boundary change. The cost of such notice shall be paid by the governing body of the municipality. Three (3) duly certified copies of such resolution requesting the proposed boundary changes, together with proof of compliance with the notice requirements aforesaid, shall be filed with the Clerk of the County Commission, and shall be accompanied by the following:

(F) In addition to the foregoing, there shall be filed with the Clerk of the County Commission the following information:

(8) The municipality shall provide the following information related to its fiscal affairs:

- a. **Whether the City is or in the preceding five years has been under fiscal oversight by the State of Florida. under section 218.503, Florida Statutes;**
- b. **Whether, within the preceding five years, the City has requested to be placed under fiscal oversight by the State of Florida, under section 218.503, Florida Statutes;**
- c. **Whether the City meets or within the preceding five years has met any of the criteria in section 218:503, Florida Statutes that would quality it for state oversight within the preceding five years;**

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	<p>d. Whether the City has declared financial urgency with respect to collective bargaining agreements under section 447.4095, Florida Statutes within the preceding five years</p> <p>e. Whether there is other information bearing negatively on the municipality's current fiscal stability or the municipality's fiscal stability in the preceding five years, and if so, the municipality shall inform the County in its request for a boundary change and attach all supporting documents.</p> <p>f. Whether the City has a below average per capita taxable property value as compared to all other cities within the County and UMSA; and</p> <p>g. Whether the City has an above average millage or tax effort as compared to all other cities within the County and UMSA.</p> <p>(9) The municipality shall explain and provide any supporting documents or other information relating to the exclusion of any revenue-negative/neutral unincorporated perimeter area or enclave from any revenue-positive proposed annexation, as defined in this article, to assist in consideration of sections 20-6 and 20-7 of the Code.</p>
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Amending sections 20-3.1 of the Code, Exception to filing and consideration of requests for annexation

<p>No proposed boundary change request shall be filed, nor shall any filed request be heard, considered, or approved, pursuant to Section 20-7 or Section 20-8 by the Board of County Commissioners when the governing body requesting the change has omitted as part of the boundary change application information on an existing enclave, as defined in Section 20-7(A)(l)(c), adjacent to the municipality's boundaries or when the boundary change application creates a new enclave.</p>	<p>No proposed boundary change request shall be filed, nor shall any filed request be heard, considered, or approved, pursuant to Section 20-7 or Section 20-8 by the Board of County Commissioners when the governing body requesting the change has omitted as part of the boundary change application information on an existing enclave, as defined in Section 20-7(A)(l)(c), adjacent to the municipality's boundaries or on any new enclave that would be created, if the boundary change were approved.</p>
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Amending sections 20-5 of the Code, Initial consideration of proposed boundary changes

The Clerk of the County Commission, upon receipt of a request for boundary change filed in compliance with Section 20-3 or Section 20-4 hereof, shall cause such matter to be placed upon the official agenda of an ensuing regular meeting of the County Commission and shall notify the person, group or municipality initiating the boundary change of the date of the regular meeting at which such matter will be considered by the County Commission. A representative of the petitioners or of such municipality, as the case may be, may be heard briefly by the County Commission in respect to the merits or propriety of the request for such boundary change. The County Commission shall refer such proposed boundary change to the County Planning Advisory Board for review, study, consideration and recommendations.

The Clerk of the County Commission, upon receipt of a request for boundary change filed in compliance with Section 20-3 or Section 20-4 hereof, shall **refer the request to the Office of Management and Budget, or its successor department, to review and determine whether such request provides the information and documents required by this article. Within 60 days of receipt of such request, the Office of Management and Budget or its successor department shall submit a written memorandum to the Clerk of the County Commission indicating either that the boundary change request has provided all or substantially all information and documents required by this article or that the request is incomplete and in what respect it is incomplete. Once the Office of Management and Budget or its successor department has advised in writing that the request has provided all or substantially all information and documents required by this article, the Clerk of the County Commission shall cause such matter to be placed upon the official agenda of an ensuing regular meeting of the County Commission as a report**, and shall notify the person, group or municipality initiating the boundary change of the date of the regular meeting at which such matter will **appear on the agenda of** the County Commission. A representative of the petitioners or of such municipality, as the case may be, may be heard briefly by the County Commission in respect to the merits or propriety of the request for such boundary change. The **Clerk of the County Commission shall refer such proposed boundary change to the County Planning Advisory Board for review, study, consideration and recommendations following the conclusion of the regular meeting, and shall so indicate in the report placed on the County Commission agenda.**

Amending sections 20-6 of the Code, Consideration by Planning Advisory Board

(a) The Planning Advisory Board, upon receipt of a petition or resolution referred by the County Commission shall study, review and consider the request for boundary changes embodied therein.

(a) The Planning Advisory Board, upon receipt of a petition or resolution referred by the **Clerk of the County Commission or upon initiation of a boundary change under sections 20-1 or 20-2 pertaining to such changes initiated by the Planning Advisory Board or the County Commission, respectively shall**

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(b) Before the Planning Advisory Board studies and reviews the annexation report will be reviewed by the appropriate County personnel. The statements contained in the annexation report pertaining to the quality, quantity, cost and timing of the services the municipality will extend to the areas requested for annexation will be reviewed by the appropriate County department to determine if the services proposed are adequate. The statements pertaining to the financing of the services and analysis of the tax load on the area to be annexed will be reviewed by the Miami-Dade County Budget Officer. Upon completion of, these reviews, the entire application reviewed in accordance with this section by the Planning Advisory Board and then forwarded to the County Manager's office for review and recommendation prior to submittal to the Board of County Commissioners for their consideration.

(c) The Planning Advisory Board's recommendation to the Board of County Commissioners shall be either:

study, review and consider the request for boundary changes embodied therein.

(b) Before the Planning Advisory Board studies and reviews **any request for a boundary change prepared by the municipality addressing the issues raised in section 20-3, the request** will be reviewed by the appropriate County personnel. The statements contained in the annexation **request** pertaining to the quality, quantity, cost and timing of the services the municipality will extend to the areas requested for annexation will be reviewed by the appropriate County department to determine if the services proposed are adequate. The statements pertaining to the financing of the services and analysis of the tax load on the area to be annexed will be reviewed by the Miami-Dade County Budget Officer. **The Office of Management and Budget, in consultation with the Department of Regulatory and Economic Resources, or their successor departments, shall determine whether a revenue-positive annexation request excludes any revenue-negative/neutral unincorporated area that is up to a 1/2 mile perimeter around the proposed annexation area, a 1/2 mile perimeter around the existing boundaries of the municipality, or an enclave (collectively, "revenue-negative/neutral unincorporated perimeter area or enclave").**Staff shall also provide the Planning Advisory Board demographic data related to the municipality the proposed annexation area, and any revenue-negative/neutral unincorporated perimeter area or enclave, including data related to any such area's population, racial and ethnic composition, average per capita income and average property tax value. Upon completion of **the tasks described above**, the entire application, **along with the reviews, staff determination, and data compiled, will be reported to and** reviewed in accordance with this section by the Planning Advisory Board and then forwarded to the County **Mayor's** office for review and recommendation prior to submittal to the Board of County Commissioners for their consideration.

(c) The Planning Advisory Board's recommendation to the Board of County Commissioners shall be either:

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<p>(1) Approval of the proposed boundary change;</p> <p>(2) Approval of the proposed boundary change on a modified basis;</p> <p>(3) Deferral of the proposed boundary change for more information;</p> <p>(4) Deferral of the proposed boundary change to permit Modification; or</p>	<p>(1) Approval of the proposed boundary change; if a revenue-positive annexation request excludes any revenue-negative/neutral unincorporated perimeter area or enclave, the Planning Advisory Board shall state its reason for not recommending the inclusion of such area in the annexation request;</p> <p>(2) Approval of the proposed boundary change on a modified basis; if a revenue-positive annexation request excludes any revenue-negative/neutral unincorporated perimeter area or enclave, the Planning Advisory Board shall state its reason for not recommending the inclusion of such area in the annexation request;</p> <p>(3) Deferral of the proposed boundary change for more information;</p> <p>(4) Deferral of the proposed boundary change to permit modification, including a modification that would allow the municipality to pursue inclusion of any revenue-negative/neutral unincorporated perimeter area or enclave in the proposed annexation request ; or</p> <p>(5) Denial of the proposed boundary change. Notwithstanding any provision in the Code to the contrary, a municipality may expand its revenue-positive annexation request to include any revenue-negative/neutral unincorporated perimeter area or enclave within the proposed annexation area without obtaining any additional written consent from resident electors within such perimeter area or enclave on any annexation petition. It is provided, however, that nothing in this subsection shall be read to supersede any requirement set forth in section 6.04 of the Miami-Dade Home Rule Charter.</p>
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Amending sections 20-7 of the Code, Public Hearing

<p>(A) At the conclusion of the public hearing the Board of County Commissioners, in evaluating the appropriateness of a petition for boundary change shall consider the following guidelines:</p> <p>(1) The suitability of the proposed boundaries, in conjunction with the existing municipality, provide for</p>	<p>(A) At the conclusion of the public hearing the Board of County Commissioners, in evaluating the appropriateness of a petition for boundary change shall consider the following guidelines:</p> <p>(1) The suitability of the proposed boundaries, in conjunction with the existing municipality, provide for</p>
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<p>a municipal community of interest that is both cohesive and inclusive. The proposed annexation area should:</p> <p>(c) Have contiguity and not create any unincorporated enclave area(s). An unincorporated enclave area is defined as an area that would be 1) surrounded on more than 80 percent of its boundary by one or more municipalities and 2) of a size that could not be serviced efficiently or effectively</p> <p>(d) Have natural or built barriers as boundaries, to the extent feasible,</p> <p>(6) Any other factor that arises by virtue of recommendations of the Planning Advisory Board Boundaries Commission, pursuant to Section 20-30 of the Code.</p>	<p>a municipal community of interest that is both cohesive and inclusive. The proposed annexation area should:</p> <p>(c) Have contiguity and not create any unincorporated enclave area(s). An unincorporated enclave area is defined as an area that would be 1) surrounded on more than 80 percent of its boundary by one or more municipalities and 2) of a size that could not be serviced efficiently or effectively, but does not include any area that has been designated by the Board of County Commissioners as a facility or area of countywide significance or a terminal,</p> <p>(d) Have natural or built barriers as boundaries, to the extent feasible,</p> <p>(e) Not have irregular boundaries that specifically include or exclude certain parcels, lands, properties, or areas resulting in a municipal boundary, if the annexation were to be approved, that either juts into or out of a straight line, or boundaries that are drawn arbitrarily and capriciously to generate bizarrely shaped municipalities. Notwithstanding the foregoing, unincorporated areas that have been designated by the Board of County Commissioners an area or facility of countywide significance or terminals may be excluded from the proposed municipal boundaries, and</p> <p>(6) Any other factor that arises by virtue of recommendations of the Planning Advisory Board Boundaries Commission, pursuant to Section 20-6 of the Code.</p> <p>(12) Whether a revenue-positive annexation request excludes any revenue-negative/neutral unincorporated perimeter area or enclave.</p> <p>For purposes of this article, a "revenue positive annexation request" is one in which there is a request to annex an area that, at the time of the request, generates revenues exceeding the County's cost for providing services to the area. A proposed annexation area is "revenue-negative/neutral" if at the time of the annexation request, the revenues generated by that area are equal to or less than the</p>
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(B) At the conclusion of such public hearing, the County Commission, in the exercise of its discretion, may (1) deny the requested boundary change, by motion, or (2) direct the County Attorney to prepare an appropriate ordinance accomplishing the proposed boundary change. shall be placed on the official agenda of a subsequent regular meeting of the County Commission for consideration and adoption on first reading, or the County Commission may defer such requested boundary change for further consideration at a subsequent meeting, at which no public hearing or discussion by others than members of the County Commission shall be required.

County's cost of serving that area.

(B) **After** the conclusion of such public hearing, the County Commission, in the exercise of its discretion, may (1) deny the requested boundary change, by motion, or (2) direct the County Attorney to prepare an appropriate ordinance accomplishing the proposed boundary change. **Notwithstanding any other provision of this article, however, the County Commission may not direct the County Attorney to prepare an ordinance accomplishing a revenue-positive annexation, if it excludes any revenue negative/neutral unincorporated perimeter area or enclave that the County Commission, in its discretion, determines is suitable to be included within the municipality's annexation request. This prohibition may only be waived by a two-thirds vote of the total membership of the County Commission, except that in the case of an annexation request by a fiscally challenged municipality, a simple majority vote of members present shall suffice to waive this prohibition. For purposes of this subsection, a municipality shall be considered "fiscally challenged" if it has a below average per capita taxable property value and an above average millage, and does not answer affirmatively one or more of the questions regarding the municipality's fiscal affairs set forth in Section 20-3(8)(a)-(e). Any ordinance prepared in accordance with this subsection shall be placed on the official agenda of a subsequent regular meeting of the County Commission for consideration and adoption on first reading, or the County Commission may defer such requested boundary change for further consideration at a subsequent meeting, at which no public hearing or discussion by others than members of the County Commission shall be required. Notwithstanding any provision in the Code to the contrary, a municipality may expand its revenue-positive annexation request to include any revenue neutral unincorporated perimeter area or enclave within the annexation area without obtaining any additional written consent from resident electors within such perimeter area or enclave on any annexation petition. It is**

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	provided, however, that nothing in this subsection shall be read to supersede any requirement set forth in section 6.0 of the Miami- Dade Home Rule Charter.	
Amending sections 20-22 of the Code, Planning Advisory Board's consideration of petition for incorporation		
(C) The report shall be transmitted to the Planning Advisory Board.	(C) The Office of Management and Budget, in consultation with the Department of Regulatory and Economic Resources, or their respective successor departments shall make a determination as to whether the proposed incorporation is of an unincorporated area that is revenue-positive, and if so, if such area excludes any revenue-negative/neutral enclave or unincorporated area up to a 1/2-mile perimeter around the proposed municipality (collectively, "revenue-negative/neutral unincorporated perimeter area or enclave"). Staff shall also determine demographic data related to the proposed municipality and any revenue-negative/neutral unincorporated perimeter area or enclave, including data related to any such area's population, racial and ethnic composition, average per capita income and average property tax value, including the abovementioned staff determination.	
E) The Planning Advisory Board recommendation to the Board of County Commissioners shall be either:	(E) The Planning Advisory Board recommendation to the Board of County Commissioners shall be either:	
(1) Approval of the petition;	(1) Approval of the petition; if a revenue-positive incorporation petition or proposal excludes any revenue-negative/neutral unincorporated perimeter area or enclave, the Planning Advisory Board shall state its reason for not recommending the inclusion of such area into the proposed municipality;	
(2) Approval of the petition on a modified basis;	(2) Approval of the petition on a modified basis; if a revenue-positive incorporation petition or proposal excludes any revenue-negative/neutral unincorporated perimeter area or enclave, the Planning Advisory Board shall state its reason for not recommending the inclusion of such area into the proposed municipality;	
(3) Deferral of the petition for more information;		

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<p>(4) Deferral of the petition to permit modification,</p>	<p>(3) Deferral of the petition for more information;</p> <p>(4) Deferral of the petition to permit modification, including a modification that would provide for the inclusion of any revenue-negative/neutral unincorporated perimeter area or enclave into the proposed municipality; or</p> <p>(5) Denial of the petition. Notwithstanding any provision of the Code to the contrary, the boundaries of a proposed revenue-positive municipality may be expanded to include any negative/neutral unincorporated perimeter area or enclave without obtaining any additional written consent from resident electors within such area or enclave. It is provided, however, that nothing in this section shall be read to supersede any requirement of compliance with an applicable provisions of section 6.05. (A) Of the Miami-Dade Home Rule Charter.</p>
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Amending sections 20-23 of the Code, Board of County Commissioners consideration of proposed incorporation petition

<p>(B) At the conclusion of the public hearing the Board of County Commissioners, in evaluating the appropriateness of a petition for incorporation, shall consider the following guidelines:</p> <p>(1) The suitability of the proposed boundaries to provide for a municipal community of interest that is both cohesive and inclusive. Specifically, the area should:</p> <p>(c) Have contiguity and not create any unincorporated enclave area(s). An unincorporated enclave area is defined as an area that would be 1) surrounded on more Than 80 percent of its boundary by one or more municipalities and of a size that could not be serviced efficiently or effectively.</p>	<p>(B) At the conclusion of the public hearing the Board of County Commissioners, in evaluating the appropriateness of a petition for incorporation, shall consider the following guidelines:</p> <p>(1) The suitability of the proposed boundaries to provide for a municipal community of interest that is both cohesive and inclusive. Specifically, the area should:</p> <p>(c) Have contiguity and not create any unincorporated enclave area(s). An unincorporated enclave area is defined as an area that would be 1) surrounded on more Than 80 percent of its boundary by one or more municipalities and of a size that could not be serviced efficiently or effectively, but does not include any area that is designated an area or facility of countywide significance or is a terminal, as defined in this article.</p> <p>(f) Not have irregular boundaries that specifically include or exclude certain parcels, lands, properties.</p>
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<p>(C) The Board of County Commissioners shall at the conclusion of the public hearing take one (1) of the following actions:</p> <p>(1) Call for the election of the area electors on the incorporation petition as presented by the applicant,</p>	<p>or areas resulting in a municipal boundary, if the incorporation is approved, that either jut into or out of a straight line or boundaries that are drawn arbitrarily and capriciously to generate bizarrely shaped municipalities. Notwithstanding the foregoing, areas that are areas of countywide significance or terminals may be excluded from the proposed municipal boundaries.</p> <p>(11) If a proposed municipality is revenue-positive, whether there is any revenue-negative/neutral unincorporated perimeter area or enclave not included in the proposed municipal boundaries?</p> <p>For purposes of this article a proposed municipality or incorporation proposal or petition is "revenue-positive" if, at the time that a municipal advisory committee is created to study the incorporation of an area, the revenues generated by that proposed municipality exceed the County's cost for providing services to the area. The applicable portion of the unincorporated area is "revenue-negative/neutral" if, at the time that a municipal advisory committee is created to study the incorporated of an area, the revenues generated by such unincorporated area are equal to or less than cost of serving that area.</p> <p>(C) The Board of County Commissioners shall at the conclusion of the public hearing take one (1) of the following actions:</p> <p>(1) Call for the election of the area electors on the incorporation petition as presented by the applicant; however, notwithstanding any other provision of this article, no such election shall be called if any revenue-negative/neutral perimeter area or enclave is excluded from a proposed revenue positive municipality that, in the discretion: of the County Commission, is suitable to be included within the proposed municipal boundaries, unless approved by a two-thirds vote of the total membership of the County Commission,</p>
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Amending sections 20-29 of the Code, Municipal Advisory Committee – Creation and Limitation Study Area

(A) A Municipal Advisory Committee may only be created by ordinance of the Board in accordance with the provisions of this section to study and give advice to the County Commission regarding the creation of a proposed municipality. However, as of the effective date of this ordinance, no Municipal Advisory Committee shall be created by the County Commission, unless no less than twenty (20) percent of the resident electors in the area to be studied consent to the creation of a Municipal Advisory Committee on a consent form which shall be approved by the Office of Management and Budget. The signed consent forms shall be submitted to the Clerk of the Board of County Commissioners. Upon submission of the signed consent forms, the Clerk of the Board of County Commissioners shall submit the signed consent forms to the Department of Elections for certification as to the sufficiency of signatures on the consent forms. No ordinance to create a Municipal Advisory Committee may be placed on an agenda of this Board unless the Clerk of the Board has forwarded to the County Commission the signed consent forms of area residents and the certification of the sufficiency of the consent forms, as required in this subsection. Upon notification of certification by the Department of Elections, the Clerk of the Board shall forward to the County Commission the signed consent forms of area residents and the certification of the sufficiency of the consent forms. Following public hearing, the County Commission may create a Municipal Advisory Committee by ordinance. It is provided, however, that where a Municipal Advisory Committee has been established, prior to the effective date of this ordinance, no consent of resident electors shall be required for the adoption of an ordinance creating a Municipal Advisory Committee involving the same study area.

(A) A Municipal Advisory Committee may only be created by ordinance of the Board in accordance with the provisions of this section to study and give advice to the County Commission regarding the creation of a proposed municipality. However, as of the effective date of **Ordinance No. 05-140, as modified by Ordinance No. 13-113**, no Municipal Advisory Committee shall be created by the County Commission, unless no less than twenty (20) percent of the resident electors in the area to be studied consent to the creation of a Municipal Advisory Committee on a consent form which shall be approved by the Office of Management and Budget. The signed consent forms shall be submitted to the Clerk of the Board of County Commissioners. Upon submission of the signed consent forms, the Clerk of the Board of County Commissioners shall submit the signed consent forms to the Department of Elections for certification as to the sufficiency of signatures on the consent forms. No ordinance to create a Municipal Advisory Committee may be placed on an agenda of this Board unless the Clerk of the Board has forwarded to the County Commission the signed consent forms of area residents and the certification of the sufficiency of the consent forms, as required in this subsection. Upon notification of certification by the Department of Elections, the Clerk of the Board shall forward to the County Commission the signed consent forms of area residents and the certification of the sufficiency of the consent forms. Following public hearing, the County Commission may create a Municipal Advisory Committee by ordinance. It is provided, however, that where a Municipal Advisory Committee has been established, prior to the effective date of **Ordinance No. 05-140**, no consent of resident electors shall be required for the adoption of an ordinance creating a Municipal Advisory Committee involving the same study area. **In addition, if the boundaries of a proposed incorporation area being studied by a municipal advisory committee are modified to include any revenue-negative/neutral unincorporated perimeter area or enclave, notwithstanding any provision of the Code, there shall be no requirement that any additional written consents of resident electors be obtained to expand**

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	the study area to include such area or enclave. It is provided, however, that nothing in this subsection shall be read to supersede any requirement of compliance with an applicable provisions of section 6.05(A) of the Miami-Dade Home Rule Charter.
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ADDITIONAL INFORMATION

Reference Item 171944 – Relating to Annexation and Incorporation.

Annexation General Information:

Annexation is the process whereby an established municipality amends its boundaries by adding lands that were previously outside of its boundaries.

Miami-Dade County is governed by Chapter 20 of the Miami-Dade County Code of Ordinances. The Code addresses petition requirements and considerations made by the Planning and Advisory Board and the Board of County Commissioners.

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**Item No. 1G4
File No. 180298**

Researcher: BM Reviewer: TD

ORDINANCE PERTAINING TO LEASES OF COUNTY PROPERTY FOR PRIVATE USE; AMENDING SECTION 2--1701 OF THE CODE OF MIAMI-DADE COUNTY; REQUIRING THAT CERTAIN COUNTY LESSEES UTILIZE THE COMMUNITY WORKFORCE PROGRAM WHEN ENGAGING IN CONSTRUCTION PROJECTS ABOVE A CERTAIN VALUE; PROVIDING EXCEPTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Weather the Board should approve the proposed item to amend the County's Community Workforce Program (CWP) to expand the definition of a Capital Construction Contract to require certain County lessees to utilize the Program when engaging in construction project valued more than \$200,000.

APPLICABLE LEGISLATION/POLICY

Section 2-1701 of the County Code sets forth the CWP which requires capital construction projects and related work orders to include a local workforce goal to promote employment opportunities for residents of designated target areas.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artcxii_sec2-1701

Implementing Order No. 3-37 (Community Workforce Program) sets for the policies and procedures for implementing the CWP; the Implementing Order requires the review of Capital Construction Contracts equal to or greater than \$250,000 for public improvements located in Designated Target Areas (DTAs) to determine the appropriateness of applying a local workforce goal, i.e., that a minimum of 10% of the persons performing the construction trades work and labor under the contract be residents of DTAs.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-37.pdf>

Section 2-8.6.5 of the County Code governs purchases, sales and lease of real property.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

Administrative Order No. 8-4 gives the Board the authority to sell or lease or otherwise dispose of County-owned real property.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barbara J. Jordan, District 1

2/21/18: Adopted on first reading by BCC; Passed 11 – 1

FISCAL IMPACT

Implementation of this ordinance will have an indeterminate fiscal impact on Miami-Dade County and will not result in additional staffing. However, an impact may be fewer future lessees for the County and a potential decrease in future rental rates.

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ANALYSIS

The purpose of this proposed item is to seek the Board's approval to amend Section 2-1701 of the Miami Dade County Code to require that certain County lessees be subject to the CWP, where that lessee leases County-owned land in a DTA to conduct private development/economic activities. This amendment would specifically expand the current definition of a Capital Construction Contract under the CWP to include a construction contract valued more than \$200,000 whereby the County lessee offers goods or services for sale to the public. Currently, the threshold in the CWP for Capital Construction Contracts is equal to or greater than \$250,000. The proposed language is shown in the table below.

Current Definition	Proposed Amendments
The building and or improvement of a specific fixed asset as approved in the Capital Budget, or for the purpose of this Ordinance, open contract infrastructure work where the individual work orders are distributed throughout the County.	A Capital Construction Contract should be considered a construction if it is a County leased property that offers goods or services for sale to the public and the value of construction cost is more than \$200,000. A lease regarding aviation activities as defined in FAA Advisory Circular 150/5190-6 Appendix 1 Section 1.1(c)(January 4th, 2007) shall be exempt from the requirement of this section, but only with respect to those area of the leasehold used for directly supporting such activity, and only if no County funds are allocated to construction on the leasehold pursuant the Capital Budget, and the County otherwise does not fund construction on the leasehold either directly or through the issuance of rental credits.

The ordinance is intended to benefit County residents by providing potential employment opportunities for qualified individuals, both men and women, by requiring that a percentage of the workforce performing construction trades work and labor be residents of Designated Target Areas. The cost of compliance will be borne by the party(ies) responsible for such construction projects.

The CWP provides job opportunities to local residents in underserved and underdeveloped neighborhoods. To achieve the program's goals, Capital Construction Projects and Work Orders are subject to a workforce goal. This goal, established by the County, requires contractors or subcontractors to hire 10% or more of their labor force from within the DTA. Furthermore, contractors or subcontractors can use people from nearby DTAs to meet the workforce goal only after they have proven with supporting documentation that the labor was not available from the respective DTA or that they did not have the required skills needed to perform the job requirements.

DTA is any geographic area of Miami-Dade County designated as an Empowerment/Enterprise Zone, a Targeted Urban Area (TUA), Community Development Block Grant (CDBG) Eligible Block Group or Focus Area. CDBG grants are established by the federal government to support projects that benefit low and moderate income individuals, integrated in a long range community strategy, leverage further private and public partnership, and enhance deteriorated residential and business districts. Empowerment/Enterprise Zone are areas in the County that have poor resources and are in need of business development. The County is trying to develop TUAs or Focus Areas with new businesses and job creation to remedy their need for economic development.

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Attached is a link that shows the Enterprise Zones and Targeted Urban Areas throughout the County.
<http://www.miamidade.gov/business/economic-development-fund.asp>

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**Item No. 1G5
File No. 180300**

Researcher: MF Reviewer: PGE

ORDINANCE PERTAINING TO LEASES OF COUNTY PROPERTY FOR PRIVATE USE; AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR PAYMENT OF LIVING WAGE TO CERTAIN HOURLY EMPLOYEES OF CERTAIN COUNTY LESSEES; PROVIDING EXCEPTIONS; SUPERSEDING AND REPEALING RESOLUTION NO. R-148-07; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the proposed item to amend the Living Wage Ordinance for County service contracts to apply living wage requirements to certain hourly employees of certain County lessees.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-148-07, adopted by the Board on February 2, 2007, directs the County Mayor to include a Labor Peace requirement in all requests for proposals, requests for qualifications, bids and contracts for concession opportunities at the Miami International Airport (MIA).

<http://intra/gia/matter.asp?matter=062523&file=true&yearFolder=Y2006>

Administrative Order No. 8-4 gives the Board the authority to sell or lease or otherwise dispose of County-owned real property.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

Administrative Order No. 3-30 requires that all service contractors performing covered services pay employees no less than the applicable hourly living wage rate, with or without benefits.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-30.pdf>

Miami-Dade County Code, Section 2-8.9 codifies the Living Wage Ordinance for County Service Contracts and County Employees.

<https://www.miamidade.gov/business/library/ordinances/living-wage-code.pdf>

Miami-Dade County Code, Section 2-8.6.5 governs purchases, sales and lease of real property.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barbara J. Jordan, District 1

The proposed ordinance was adopted on first reading at the Board meeting on February 21, 2018. At that meeting, Commissioner Martinez requested that the item be bifurcated. Commissioners Martinez, Sosa and Diaz voted “no”.

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FISCAL IMPACT

It is unclear from the item if adoption of the proposed ordinance will increase administrative costs for the departments impacted as they would have to administer the policy and monitor compliance. As of today no fiscal impact statement has been included in the item.

ANALYSIS

The purpose of this proposed item is to seek the Board's approval to amend the Living Wage Ordinance to require that certain County properties that are being leased to a lessee provide payment of living wage to certain hourly employees. The existing ordinance covers the following services: County service contracts that involve a total contract value of over \$100,000 per year for food preparation, security services, routine maintenance services, clerical office work, transportation and parking services, etc.; service contractors at Aviation Department facilities, such as ramp service, porter assistance services, janitorial services, in-house cargo handling, etc.

The proposed ordinance would add the following provisions to Subsection (F) regarding services covered by the existing ordinance regarding:

(3) Services Performed by Employees of County Lessees on County Property

Services of hourly employees of any lessee offering goods or services for sale to the public pursuant to any lease of County owned property, but only to the extent such employees are actually employed at the location of such lease. For purposes of this section, an employee shall be considered "actually employed" at such location if that employee spends more than half of their working hours onsite at the location of the lease, or if the employee must physically report to the location of the lease at the beginning or end of the working day or both.

This amendment carves out an exception for the following lease categories:

- *Airlines offering passenger or cargo transportation services;*
- *Maritime passenger cruise lines;*
- *Maritime cargo lines;*
- *Lease appurtenant to any contract with contractor providing goods and services to the County;*
- *Any lease to an architect/engineer belonging to an ongoing County construction project;*
- *Lease to a federal entity;*
- *A lessee who is exempt from this requirement pursuant to federal or Florida Law.*

The Living Wage requirement was established by the Board on May 11, 1999. This requirement is for employees on County service contracts to allow individuals to support themselves and their families above the poverty line and with dignity. The County feels that employees making the State minimum wage of \$8.25 per hour are more likely to have financial difficulties and make use of governmental services. Therefore, County property should be used to promote business activities that drive broad-based prosperity throughout all communities in the County.

The Living Wage applies to contracts valued greater than \$100,000 per year for the following services:

- Food preparation and/ distribution;
- Security services;
- Routine maintenance service such as custodial, cleaning, refuse removal, repair, refinishing and recycling;

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- Clerical or non-supervisory work;
- Transportation and parking services including airport and seaport services;
- Printing and reproduction service; and,
- Landscaping, lawn, and/ agricultural services.

The current living wage for County contracts for covered services entered into before October 1, 2016 is \$13.20 per hour with qualifying health benefits valued at least \$1.91 per hour, otherwise \$15.11 per hour. There was an increase of 2.85% compared to the FY 2016/2017 rate.

Living wage for contracts for covered services entered into, extended (by exercise of option to renew or otherwise), amended, or modified on or after October 1, 2016 and all service contractors operating under permits for the Aviation Department is \$12.99 per hour with qualifying health benefits valued at least \$3.16 per hour, otherwise \$16.15 per hour. There was an increase of 4.06% compared to the FY 2016/2017 rate.

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Research Notes**

Item No. 2C

File No. 180429

Researcher: MF Reviewer: PGE

RESOLUTION DECLARING SURPLUS MIAMI-DADE COUNTY OWNED PROPERTY LEGALLY DESCRIBED AS FLAMINGO PARK PB 18-28, LOTS 24 & 25, BLOCK 1 AND IDENTIFIED BY FOLIO NUMBER 30-6913-005-0073; WAIVING REVIEW OF THIS ACTION BY THE PLANNING ADVISORY BOARD, AS PRESCRIBED BY ADMINISTRATIVE ORDER 8-4; APPROVING THE CONVEYANCE OF THE SAME TO FORMER OWNER ELIJAH DUKES IN ACCORDANCE WITH SECTION 197.592(1) OF THE FLORIDA STATUTES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ACTIONS NECESSARY TO ACCOMPLISH SAID CONVEYANCE; AND AUTHORIZING EXECUTION OF A COUNTY DEED FOR SUCH PURPOSE

ISSUE/REQUESTED ACTION

Whether the Board should (i) declare as surplus a Miami-Dade County-owned property legally described as Flamingo Park PB 18-28, Lots 24 & 25, Block 1; (ii) waive review of this action by the Planning Advisory Board; (iii) approve conveyance of the afore-mentioned property to former owner Elijah Dukes; and authorize the County Mayor to take actions necessary to accomplish this conveyance.

APPLICABLE LEGISLATION/POLICY

Administrative Order 8-4 provides that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded in the policy, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

Florida Statutes Section 197.592 provides that lands acquired by any County of the State for delinquent taxes in accordance with law which have not been previously sold or dedicated by the Board of County Commissioners may, at its discretion, be conveyed to the record fee simple owner of such lands as of the date the County obtained title to the lands.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0197/Sections/0197.592.html

Florida Statutes Section 197.502, entitled "Application for obtaining tax deed by holder of tax sale certificate; fees".

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0197/Sections/0197.502.html

Miami-Dade County Code, Section 2-10.4.2, entitled "Appraisers required for purchases, sales and leases.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-10.4.2

Resolution R-333-15, adopted on April 21, 2015, entitled "Resolution establishing County policy to require disclosure of market value of market rental in legislative items authorizing the conveyance or lease of County-owned property to promote disclosure and fiscal responsibility".

<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

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Resolution No. R-380-17, adopted on April 4, 2017, requires that the County Mayor or County Mayor's designee provide written notification to District Commissioners in which County-owned property lies no less than four weeks prior to (1) any issuance of a request for proposal or expression of interest regarding the sale, lease, or development of such property or (2) placing any item on the agenda of the Board or any committee of the Board requesting the approval, sale, lease, or surplus of County-owned property.

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

Implementing Order 3-44, approved on April 6, 2010, establishes the process for the implementation and management of the Infill Housing Initiative Program for Miami-Dade County.

<https://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Dennis C. Moss, District 9

The proposed resolution has no procedural history.

FISCAL IMPACT

The proposed resolution would have a positive fiscal impact on the County, in that it would result in the payment of delinquent taxes, together with costs and interest, in the amount of \$16,166.34, as required by the law.

ANALYSIS

According to Florida Statutes 197.592(1), any land acquired by any County of the State due to delinquent taxes may, at the Board's discretion, be re-convened to the owner at the time the County acquired the property, if the owner meets certain conditions, including paying an amount equal to all taxes owed, together with such costs and interest provided by law.

On September 14, 2016, the County acquired via Tax Deed due to non-payment of taxes the property legally described as Flamingo Park PB 18-28, Lots 24 & 25, Block 1, and identified by folio number 30-6913-005-0073. The property is a vacant lot measuring 14,200 Sq. ft. Its assessed value was \$28,400 in 2015; \$35,500 in 2016; and \$49,700 in 2017.

At the time that the property reverted to the County, Mr. Elijah Dukes was the owner, having acquired the property in 1979. Mr. Dukes indicated that he was willing to meet the conditions required by the Florida Statutes, including the payment of any delinquent amounts required by the statute, to reacquire the property.

The Public Housing and Community Development Department is responsible for circulating the inventory of County properties located in the Infill Target Areas, pursuant to Implementing Order IO-3-44. Additionally, pursuant to Resolution No. R-380-17, the Department is requested to advise the Commission Districts that properties contained in the memorandum are being considered for surplus. The Commission Auditor's Office has obtained a copy of this memorandum and has verified that the property, which is the subject of the proposed resolution, is included therein.

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Property Information	
Folio:	30-8913-005-0073
Property Address:	
Owner	MIAMI DADE COUNTY ISD RE MGMT
Mailing Address	111 NW 1 ST STE 2460 MIAMI, FL 33128
PA Primary Zone	0100 SINGLE FAMILY - GENERAL
Primary Land Use	8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0 Sq.Ft
Living Area	0 Sq.Ft
Adjusted Area	0 Sq.Ft
Lot Size	14,200 Sq.Ft
Year Built	0

Assessment Information				
Year	2017	2018	2015	
Land Value	\$49,700	\$35,500	\$28,400	
Building Value	\$0	\$0	\$0	
XF Value	\$0	\$0	\$0	
Market Value	\$49,700	\$35,500	\$28,400	
Assessed Value	\$49,700	\$35,500	\$28,400	

Benefits Information				
Benefit	Type	2017	2018	2015
County	Exemption	\$49,700	\$35,500	
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

Short Legal Description	
FLAMINGO PARK PB 18-28 LOTS 24 & 25 BLK 1 LOT SIZE 100.00 X 142.00 OR 10530-0572 0779 1	



Taxable Value Information			
	2017	2018	2015
County			
Exemption Value	\$49,700	\$35,500	\$0
Taxable Value	\$0	\$0	\$28,400
School Board			
Exemption Value	\$49,700	\$35,500	\$0
Taxable Value	\$0	\$0	\$28,400
City			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0
Regional			
Exemption Value	\$49,700	\$35,500	\$0
Taxable Value	\$0	\$0	\$28,400

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
09/14/2016	\$0	30233-3089	Corrective, tax or QCD; min consideration
07/01/1979	\$5,000	10530-0572	Sales which are qualified

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Research Notes**

Item No. 3B

File No. 180427

Researcher: MF Reviewer: PGE

RESOLUTION DELEGATING CONTRACTING AUTHORITY TO THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD, ACCESS, AND MODIFY COMPETITIVELY SOLICITED CONTRACTS TO PURCHASE POLICE VEHICLES, FIRE TRUCKS, MOBILE EQUIPMENT AND OTHER LIGHT AND HEAVY FLEET VEHICLES IN AN AGGREGATE AMOUNT NOT TO EXCEED \$80,480,706 FOR FISCAL YEAR 2017-18, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF ANY CONTRACTS AWARDED, ACCESSED, OR MODIFIED PURSUANT TO THIS DELEGATION, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS; AND AUTHORIZES THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF ANY AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF ANY SUCH CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should delegate contracting authority to the Mayor or the Mayor's designee to award, access, and modify competitively solicited contracts to purchase police vehicles, fire trucks, mobile equipment and other light and heavy fleet vehicles in an amount not to exceed \$80,480,706 for Fiscal Year 2017-18, subject to ratification by the Board on a bi-annual basis.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Miami-Dade County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order No. 3-38 governs the County's processes for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. It contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Miami-Dade County Code, Section 2-8.4 governs any protest made by a participant in any competitive process utilized for selection of a person or other entity to construct any public improvement, to provide any supplies, materials or services, or to lease any County property.

http://miamidade.fl.elaws.us/code/coord_ptiii_ch2_arti_sec2-8.4

Implementing Order 3-21 establishes the requirements and procedures governing a bid protest brought by a participant in any competitive process utilized for selection of a person or other entity to construct any public improvement, to provide any supplies, materials or services ... or to lease any County property.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-21.pdf>

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Research Notes

Resolution No. R-187-12, adopted by the Board of February 21, 2012, directs 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: N/A

Department/Requester: Internal Services

The proposed resolution has no procedural history.

FISCAL IMPACT

According to the Mayor's memorandum, the fiscal impact to the County will be up to \$80,480,706, which is based on the Board-adopted budget for Fiscal Year 2017-18. This allocation is based on the number of vehicles to be purchased, i.e., 1,635 for multiple County departments.

For those departments using financing proceeds, debt service payments will be included as part of the budget development process for FY 2018-19. All vehicles funded by the General fund will be financed.

ANALYSIS

The proposed resolution is requesting that the Board delegate authority to the Mayor or the Mayor's designee to award, access, and modify competitively solicited contracts to purchase police vehicles, fire trucks, mobile equipment and other light and heavy fleet vehicles in an aggregate amount not to exceed \$80,480,706 for Fiscal Year 2017-18, subject to ratification by the Board on a bi-annual basis. The Internal Services Department will purchase these vehicles on behalf of other County departments in accordance with procurement guidelines.

The County has a fleet of approximately 11,068 vehicles, a quarter of which have over 100,000 miles. These aging vehicles cost the County significantly more to maintain than the newer vehicles. Each County department has developed a five-year vehicle replacement plan; however, staff has experienced difficulties in completing these large vehicle purchases in a cost-effective manner, because it is not always possible to obtain Board approval in a timely manner. It is, therefore, in the County's best interest to delegate to the Mayor or the Mayor's designee the authority to purchase these replacement vehicles.

There is some precedent for delegation of authority to the County Mayor, as the Board has delegated the Mayor the authority to award competitive contracts for goods and services up to \$1,000,000. The County Mayor has delegated some of that authority to the Internal Services Department Director, authorizing the director to award competitive contracts for goods and services up to \$500,000. See IO 3-38.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Similarly, on September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the Mayor or Mayor's designee to award contracts for funded capital projects and related goods and services, and to accelerate the approval of the Water and Sewer Department's (1) Consent Decree projects and (2) projects identified in WASD's Multi-Year Capital Plan's Capital Improvements Program without the need for prior Board approval but subject to ratification by the BCC.

<http://intra/gia/matter.asp?matter=141981&file=false&yearFolder=Y2014>

**GOC Meeting: March 13, 2018
Research Notes**

Item No. 3C
File No. 180334

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL TIME OF FOUR YEARS AND EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$1,013,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00005 FOR PURCHASE OF FASTENERS FOR VARIOUS COUNTY DEPARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should approve a resolution extending Prequalification Pool No. RTQ-00005, for an additional four years, and increasing the expenditure authority by \$1,013,000 for fasteners such as anchors, bolts, hooks, nuts, nails, screws, and pins for several departments.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIINGE S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review, prior to reprourement of replacement contracts for goods and services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County and to include that information in contract award memoranda before the Board.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

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

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

**GOC Meeting: March 13, 2018
Research Notes**

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item has no procedural history.

FISCAL IMPACT

The fiscal impact for extending the Prequalification Pool, No. RTQ-00005, for an additional four years would be \$1,013,000 as requested. The current Prequalification Pool has a cumulative value of \$995,000. If this item is approved, the modified cumulative value will be \$2,008,000.

Per information found in the Bid Tracking System on March 8, 2018, relating to the current prequalification pool RTQ-00005, \$995,000 has been allocated to the contract's Blanket Purchase Order, of which \$780,672 has been released leaving a balance of \$214,328.

ANALYSIS

This item proposes extending the prequalification pool, No. RTQ-00005, for an additional four years and an increase of expenditure authority by \$1,013,000 for fasteners such as anchors, bolts, hooks, nuts, nails, screws, and pins for several departments. The extension of time for the prequalification pool is recommended because the terms, requirements, and conditions of the pool will not change, if a replacement solicitation were to be issued, and the current vendors are likely to prequalify. Furthermore, establishing a new pool may lead to a decrease in vendor participation.

The prequalification pool was established under delegated authority on July 1, 2014 for an initial four year term. Per the Bid Tracking System, the current pool expires on June 30, 2018. If approved, the Prequalification Pool would expire June 30, 2022.

Of the \$1,013,000 additional allocation requested, approximately 62 percent (or \$628,000) of is allocated to the Water and Sewer Department. The next largest allocation is for the Transportation and Public Works Department with approximately 10 percent (or \$105,000) of the \$1,013,000 additional allocation requested. The Cultural Affairs Department was not previously included as an awarded department and has been allocated \$13,000.

The OCA conducted a search of the Miami-Dade County Small Business Enterprise list of Certified firms, for vendors registered under commodity code no. 32092 – Washers, Metal or Other Material (Not Steel), on March 8, 2018. Below are the firms that were found that are not currently included in the Prequalification Pool.

- A & B Hardware, Inc.
- Global Caribe, Inc./DBA Global Industrial Products
- Pancar Industrial Supply Corporation
- Rock International Distributors, Inc.

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Research Notes

Per the Bid Tracking System, the prequalification pool currently has 10 vendors of which six have addresses within Miami-Dade County. One vendor is located within Broward County and the other three have addresses outside of the State of Florida. The table below summarizes the pool of prequalified vendors.

Prequalified Vendor	Principal Address	Local Vendor
A & B Pipe and Supply, Inc. (SBE)	6500 NW 37 Avenue Miami, FL	Yes
American Fasteners Corporation	7323 NW 66 Street Miami, FL	Yes
Baro Hardware, Inc.	7230 NW 72 Avenue Miami, FL	Yes
Fastenal Company	2001 Theurer Boulevard Winona, MN	No
Force Fasteners International, LLC	8556 NW 93 Street Medley, FL	Yes
Grayson Industries, Inc.	7027 W. Broward Boulevard Number 327 Plantation, FL	No
Hilti, Inc.	7250 Dallas Parkway Suite 1000 Plano, TX	No
Interstate Screw, Corp.	475 W 18 Street Hialeah, FL	Yes
Paramount Electric & Lighting, Inc.(SBE)	8510 NW 60 Street Miami, FL	Yes

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), A & B Hardware, Inc., has an active status as a Florida For Profit Corporation and first filed and registered on 05/05/1967. The company is registered locally at the following address: 2652 N.W. 26 Street, Miami, FL 33142.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=ABHARDWARE%203164280&aggregateId=domp-316428-1bac90ec-acc3-4763-836e-e7ddb0af9b00&searchTerm=a%20%26%20b%20hardware%2C%20inc&listNameOrder=ABHARDWARE%203164280>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Global Caribe, Inc./DBA Global Industrial Products, has an active status, and first filed and registered on 09/19/1994. The company has a location at the following address: 13170 N.W. 43RD AVE. OPA LOCKA, FL 33054.

<http://dos.sunbiz.org/scripts/ficidet.exe?action=DETREG&docnum=G94262900008&rdocnum=G94262900008>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Rock International Distributors, Inc. is not a registered company.

**GOC Meeting: March 13, 2018
Research Notes**

Item No. 3D

File No. 180438

Researcher: MF Reviewer: PGE

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00687 IN A TOTAL AMOUNT UP TO \$44,448,000.00 FOR THE PURCHASE OF INSTALLATION, MAINTENANCE, AND MODERNIZATION OF ELEVATORS, ESCALATORS, AND MOVING WALKWAYS FOR VARIOUS COUNTY DEPARTMENTS FOR AN INITIAL TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should approve the establishment of pre-qualification pool, RTQ-00687, for the installation, maintenance, and modernization of elevators, escalators, and moving walkways for the Internal Services Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Miami-Dade County Code requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order No. 3-38 governs the County's processes for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. It contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-187-12, adopted by the Board of February 21, 2012, directs 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>

Resolution R-395-12, adopted by the Board on May 1, 2012, amended prior delegations of authority to the County Mayor or County Mayor's designee with respect to adding vendors to "Open pool contracts".

<http://intra/gia/matter.asp?matter=120561&file=true&yearFolder=Y2012>

Resolution No. R-454-13, adopted by the Board on June 4, 2013, directs the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and bring retroactive contract modifications to the Board within 120 days of modification.

<http://intra/gia/matter.asp?matter=131016&file=false&yearFolder=Y2013>

**GOC Meeting: March 13, 2018
Research Notes**

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

The proposed resolution has no procedural history.

FISCAL IMPACT

According to the Fiscal Impact Statement the amount allocated for the purchase, installation, maintenance, and modernization of elevators, escalators, and moving walkways for various County departments is \$44,448,000 for an initial five-year term.

ANALYSIS

The Administration is seeking authorization to establish a pre-qualified pool, RTQ-00687, for the installation, maintenance and modernization of elevators, escalators, and moving walkways for multiple County departments. The following six vendors are in the pre-qualified pool:

- Delaware Elevator of Florida, Inc.;
- Eastern Elevator Service, Inc.;
- Oracle Elevator Company;
- Premier Elevator Company, Inc.;
- Schindler Elevator Corporation; and
- Suncoast Elevator Solutions, Inc.

The County is currently using Emergency Contract E9946-0/18 for these services. The Emergency contract is effective from December 15, 2017 until June 14, 2018. Under that contract, \$3,123,600 was allocated; \$1,993,356 was released; and the balance is \$1,130,244. The following awardees under the Emergency Contract are included in the pre-qualified pool for the RTQ-00687:

- Eastern Elevator Service, Inc.;
- Suncoast Elevator Solutions, Inc.; and
- Oracle Elevator Company.

These services are of utmost importance to the County as all elevators, escalators and moving walkways are heavily utilized by both employees and members of the public. This pool will allow the County to increase competition and the availability of vendors to provide these services.

A Request to Quality was issued under full and open competition. Six vendors responded to the solicitation and are being recommended for inclusion in the pool (See additional information below regarding their Sunbiz status).

A search of the Miami-Dade County's list of Certified Small Businesses conducted on March 12, 2018, resulted in no small businesses listed under Commodity Code 29570-Passenger Elevators and Parts.

A search of the Miami-Dade County's list of Certified Small Businesses conducted on March 12, 2018, resulted in one small, Aventura Elevator, Inc., business listed under Commodity Code 91013 - Elevator Installation, Maintenance and Repair.

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Research Notes

A search of the Miami-Dade County's list of Certified Small Businesses conducted on March 12, 2018, resulted in no small business listed under Commodity Code 29500-Elevators, Escalators and Moving Walks.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Delaware Elevator of Florida, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 10/09/2007. The principal address is registered as 1 N.W. 28th Street, Boca Raton, FL 33431. Its registered agent is Korey, Robert, 595 W. Granada Blvd., Suite A, Ormond Beach, FL 32174.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Eastern Elevator Service, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 08/03/2006. The principal address is registered as 2111 No. Commerce Parkway, Weston, FL 33326. Its registered agent is McCrae, Mitchell, 5300 West Atlantic Ave., Delray Beach, FL 33484.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Oracle Elevator Company, has an active status as a Florida Profit Corporation and first filed and registered on 11/17/1982. The principal address is registered as 43 Daycoeton Place, Torrington, CT 06790. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Premier Elevator Services, Corp., has an active status as a Florida Profit Corporation and first filed and registered on 10/14/2016. The principal address is registered as 3000-8 N.W. 25th Ave., Pompano Beach, FL 33069. Its registered agent is Grenauer, Charles, 3000-8 N.W. 25th Ave., Pompano Beach, FL 33069.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Schindler Elevator Solutions, Inc. is not currently registered.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Suncoast Elevator Solutions, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 10/10/2011. The principal address is registered as 7238 N.W. 70th Street, Miami, FL 33166. Its registered agent is Rodriguez, Ray, 7238 N.W. 70th Street, Miami, FL 33166.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>