



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

**Public Safety and Health Committee (PSHC) Meeting**

March 14, 2018  
1:30 P.M.  
Commission Chambers

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**PSHC Meeting: March 14, 2018  
Research Notes**

**Item No. 1G1, 1G1 Suppl.  
File No. 180315, 180559**

**Researcher: MF Reviewer: PGE**

ORDINANCE RELATING TO THE MIAMI-DADE OPIOID ADDICTION TASK FORCE CREATED BY RESOLUTION NO. R-198-17; EXTENDING THE SUNSET DATE FOR A CERTAIN PERIOD OF TIME; PROVIDING FOR MEMBERSHIP, ORGANIZATION AND PROCEDURES; AND SETTING FORTH PURPOSE, FUNCTION, RESPONSIBILITY, AND REPEAL PROVISIONS OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should extend the Sunset date for the Miami-Dade Opioid Addiction Task Force for one year from the effective date of adoption of this ordinance.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 2-11.36.1 defines the term “board” to include every agency, authority, advisory board, regulatory board, quasi-judicial board, semiautonomous instrumentality, committee, task force or any other citizens’ group created and funded in whole or in part by the Board of County Commissioners. It requires that County boards created for more than one year be created by ordinance.

<https://library.municode.com/FL/Miami> -

[Dade County/codes/Code of Ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIBSTCRREBOGE\\_S2-11.36.1DEBO](https://library.municode.com/FL/Miami-Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36.1DEBO)

Resolution No. R-198-17, adopted by the Board on January 24, 2017, created the Miami-Dade Opioid Addition Task Force.

<http://intra/gia/matter.asp?matter=170446&file=false&yearFolder=Y2017>

Resolution No. R-298-16, adopted by the Board on April 5, 2016, expressed the Board’s support for Senate Bill 524, a federal bill before the United States Congress, also known as the Comprehensive Addiction Recovery Act of 2016 or similar legislation that would convene a pain management best practices inter-agency task force.

<http://intra/gia/matter.asp?matter=160540&file=true&yearFolder=Y2016>

United States Senate Bill 524, Public Law No. 114-198, adopted on July 22, 2016, is also known as the Comprehensive Addiction and Recovery Act of 2016.

<https://www.congress.gov/bill/114th-congress/senate-bill/524>

Resolution No. R-1053-16, adopted by the Board on November 1, 2016, directed the Mayor or Mayor’s designee to provide a report evaluating the extent to which Miami-Dade first responders, including both Police and Fire Rescue personnel, are currently carrying naloxone or similar medication to help combat opioid and heroin overdoses and determining the fiscal impact of implementing a County policy requiring first responders to do so.

<http://intra/gia/matter.asp?matter=162117&file=true&yearFolder=Y2016>

**PROCEDURAL HISTORY**

**Prime Sponsor: Esteban L. Bovo, Jr., District 13**

The proposed ordinance was adopted on first reading by the Board on February 21, 2018. It was set for public hearing at the Public Safety and Health Committee meeting on March 14, 2018.

**FISCAL IMPACT**

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According to the Fiscal Impact Statement, implementation of this ordinance will have no fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs.

**ANALYSIS**

Opioids are a class of drugs that include the illicit drug heroin as well as the prescription pain relievers oxycodone, hydrocodone, codeine, morphine, fentanyl and others. Opioid abuse or opioid addiction is based on specific criteria such as unsuccessful efforts to cut down or control use. This may lead to opioid overdose incidents and deaths. In January 2016, in an article entitled “Increases in Drug and Opioid Overdose Deaths – United States, 2000-2014, the Centers for Disease Control and Prevention reported that since 2000 the rate of deaths from opioid overdoses in the United States increased by 200 percent.

<https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6450a3.htm>

The impact of this national epidemic can especially be seen and felt in Florida where opioid addiction has become a public safety and health crisis. Florida ranks fourth in the nation for total care costs attributed to opioid abuse. Additionally, Florida has the 11<sup>th</sup> highest drug overdose mortality rate in the nation, with the number of drug overdose deaths in the state doubling since 1999, and among people aged 25 to 64 years old, drug overdoses have caused more deaths than motor vehicle accidents. Opioid abuse is a significant problem in Miami-Dade County. According to a Miami New Times article, in 2016, an average of 36 cocaine users died per month in Miami-Dade County, for a yearly total of 439 cocaine-related deaths.

<http://www.miaminewtimes.com/news/cocaine-and-heroin-deaths-in-miami-dade-are-at-a-15-year-high-9850465>

On January 24, 2017, in response to the opioid epidemic being experienced by Miami-Dade County, the Board adopted Resolution N. R-198-17, which created the Miami-Dade Opioid Addiction Task Force (Task Force), and charged it with developing a comprehensive opioid addiction action plan to halt the opioid addiction epidemic in Miami-Dade County. The Task Force consists of 28 members appointed by the following boards, departments and offices:

- Board of County Commissioners;
- Mayor’s Office;
- Public Defender’s Office;
- State Attorney’s Office;
- Medical Examiner Department;
- Homeless Trust;
- Addiction Services Board;
- City of Miami Police Department;
- Miami-Dade Fire Rescue Department;
- City of Miami Fire Rescue Department;
- Community Action and Human Services Department;
- Florida Department of Health in Miami-Dade County;
- Miami-Dade County Police Department; and
- Department of Children and Families Behavioral Health Division.

The Task Force also has the following members appointed by or from each of the following entities:

- Florida Legislature;
- City of Miami;
- Miami-Dade County Association of Chiefs of Police;
- University of Miami;
- Florida International University;

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- United States Drug Enforcement Administration;
- Jackson Health System;
- Marvin's Corner Therapeutic Community, Inc.;
- Eleventh Judicial Circuit ion and for Miami-Dade County;
- Jessie Trice Community Health Center;
- West Care Foundation;
- South Florida Behavioral Health Network;
- Dade County American Medical Association; and
- South Florida High Intensity Drug Trafficking Area Program.

Resolution No. R-198-17 provides that the Task Force shall sunset and stand dissolved on the 365<sup>th</sup> day from the effective date of the resolution, unless the Board extends the term. Resolution No. R-198-17 became effective on February 3, 2017; therefore, as of February 3, 2018, the Task Force stands dissolved. In June 2017 the Task Force released its action plan and has since worked to implement its recommendations; however, additional time is necessary for implementation of the Task force's action plan. Section 2-11.36.1 of the Code of Miami-Dade County requires that County boards created for more than one year be created by ordinance. Therefore, the Board is requested to re-establish the Task force and extend its sunset period for one year from the effective date of the proposed ordinance.

The Task Force shall provide a report that assesses the status of recommendations set forth in the action plan, which was presented to and adopted by the Board at its July 6, 2017 meeting. This report will, among other things, identify: (1) all recommendations that were implemented and the results of such implementation; (2) all recommendations that were not implemented and the reasons why; and (3) additional recommendations pertaining to implementation of the opioid addiction action plan.

**ADDITIONAL INFORMATION**

Ms. Claire Felter in her article dated December 26, 2017, entitled "The U.S. Opioid Epidemic", states that [t]he United States is grappling with one of its worst-ever drug crises. More than eight hundred people a week die from opioid-related overdoses, and some experts say that the death toll may not peak for years ... The crisis has reached such a scale that, beyond the risks it poses to public health, it is becoming a drag on the economy and a threat to national security.

<https://www.cfr.org/backgrounder/us-opioid-epidemic>

A Sun Sentinel article dated May 25, 2017, entitled "Officials set up task force over opioid epidemic", states that "[i]n Broward County in 2016, 582 drug deaths were recorded, mostly with heroin, fentanyl and other opioids as the likely cause in an overwhelming majority of the cases. The number, which is double the number of deaths in 2014, is expected to jump substantially this year".

<http://www.sun-sentinel.com/local/broward/coral-springs/fl-cspf-opiate-0524-20170525-story.html>

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Research Notes**

**Item No. 1G2 (1G2 Supp.)  
File No. 180172 (180560)**

**Researcher: BM Reviewer: TD**

ORDINANCE RELATING TO THE DISPOSITION OF COUNTY SURPLUS PROPERTY; AMENDING SECTION 2-11.2.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE COUNTY MAY DONATE SURPLUS PROPERTY TO FOREIGN NONPROFIT AGENCIES UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

SOCIAL EQUITY STATEMENT TO ORDINANCE RELATING TO THE DISPOSITION OF COUNTY SURPLUS PROPERTY; AMENDING SECTION 2-11.2.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE COUNTY MAY DONATE SURPLUS PROPERTY TO FOREIGN NONPROFIT AGENCIES UNDER CERTAIN CIRCUMSTANCES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve amending the County Code Section 2-11.2.1, Disposition of County surplus property, to indicate that County Surplus property may be donated to foreign nonprofit agencies under certain circumstances.

**APPLICABLE LEGISLATION/POLICY**

Code Section 2-11.2.1(b) of the Code of Miami-Dade County provides a procedure for disposition of County surplus property.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.2.1DICOSUPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.2.1DICOSUPR)

Code Section 2-11.2.1(d) of the Code of Miami-Dade County, The Board may waive such procedure by a two-thirds vote of the members present, and may donate surplus property to a foreign governmental entity upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community organization.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.2.1DICOSUPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.2.1DICOSUPR)

Chapter 274 of the Florida Statutes governs tangible personal property owned by local Governments.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0274/0274.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0274/0274.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Sally A. Heyman, District 4**

This item does not have procedural history.

**FISCAL IMPACT**

If approved, this item will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing need or operational costs.

**ANALYSIS**

The proposed ordinance amends Section 2-11.2.1 of the Miami-Dade County Code, i.e., Disposition of County Surplus Property, to allow surplus property to be donated to foreign nonprofit agencies under certain circumstances.

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The ordinance proposes amending section 2-11.2.1 of the County Code to include donating to foreign nonprofit agencies unused or lightly used firefighting equipment that has been deemed expired/obsolete. The equipment is no longer deemed legally usable within the United States.

The code currently allows donations to foreign governmental agencies. The reasoning for including nonprofit organization eligible for donations of firefighting equipment is that these organization provide the firefighting services in some countries.

The National Fire Protection Association (NFPA) provides criteria and test methods for firefighting equipment which are incorporated into the federal Occupational Safety and Health Act (OSHA) standards.

<https://www.nfpa.org/Codes-and-Standards>

<https://www.osha.gov/law-regs.html>

Below are agenda items where donations of firefighting equipment were made to foreign entities:

| Number | Date       | Title  |
|--------|------------|--|
| 172950 | 12/28/2017 | FOREIGN SURPLUS PROPERTY DONATION - LIMA, PERU             |
| 172749 | 11/29/2017 | FOREIGN SURPLUS PROPERTY DONATION - SAINT LUCIA            |
| 172751 | 11/29/2017 | FOREIGN SURPLUS PROPERTY - SUTATENZA BOYACA COLOMBIA       |
| 171340 | 5/19/2017  | BUNKER GEAR FIRE TO THE CITY OF PANJACHEL GUATEMALA        |
| 170545 | 3/1/2017   | EQUIPMENT TO THE CITY OF ROATAN, HONDURAS FIRE DEPARTME... |
| 170547 | 3/1/2017   | EQUIPMENT TO THE CITY OF PALIN GUATEMALA FIRE DEPARTMEN... |
| 170550 | 3/1/2017   | EQUIPMENT TO THE CITY OF ASUNCION PARAGUAY FIRE DEPARTM... |
| 170551 | 3/1/2017   | EQUIPMENT TO THE CITY OF CHICHIGALPA NICARAGUA FIRE DEP... |
| 141397 | 6/16/2014  | DONATION TO COLOMBIA'S CITY OF SILVANIA FIRE DEPT          |
| 121558 | 8/1/2012   | DONATION SURPLUS TO DOMINICAN REP. FIREFIGHTERS            |

The table below shows the proffered changes to Section 2-11.2.1 of the Miami-Dade County Code.

| Section:  | As it currently reads:   | Proposed amendment:  |
|---|--|--|
| 2-11.2.1<br><i>Disposition of County Surplus Property</i> | (b) In the event that the surplus property is not otherwise disposed of by operation of this section it shall be disposed of in the manner set forth in Section 274.06, Florida Statutes. The process for disposition of a retired county animal pursuant to Section 274.06, Florida | (b) In the event that the surplus property is not otherwise disposed of by operation of this section it shall be disposed of in the manner set forth in Section 274.06, Florida Statutes. The process for disposition of a retired county animal pursuant to Section 274.06, Florida |

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|  |   |  |   |  |
|--|---|--|---|--|
|  |   | Statutes, shall be as follows: upon receipt of a written certification from a licensed veterinarian under contract with the County that the animal no longer meets the criteria for service to the County, the County Manager or designee may make such humane disposition of the retired county animal as the Manager or designee deems appropriate, including without limitation allowing a current or former Miami-Dade County employee who handled the animal to adopt the animal, provided that anyone who adopts a retired county animal signs an affidavit releasing the County from any liability for the acts of the retired county animal; the Manager or designee shall prepare a retired animal custody affidavit memorializing the disposition of each retired county animal. Any and all proceeds derived from the sale of surplus property determined to be without commercial value shall be placed by the county in a restricted fund for the benefit of organizations which provide social and human service within the County and eligible community based organizations. Funds derived from this source shall not be used as an offset or to reduce funds made available to these organizations from other County sources. | Statutes, shall be as follows: upon receipt of a written certification from a licensed veterinarian under contract with the County that the animal no longer meets the criteria for service to the County, the County <b>Mayor</b> or designee may make such humane disposition of the retired county animal as the <b>Mayor</b> or designee deems appropriate, including without limitation allowing a current or former Miami-Dade County employee who handled the animal to adopt the animal, provided that anyone who adopts a retired county animal signs an affidavit releasing the County from any liability for the acts of the retired county animal; the <b>Mayor</b> or designee shall prepare a retired animal custody affidavit memorializing the disposition of each retired county animal. Any and all proceeds derived from the sale of surplus property determined to be without commercial value shall be placed by the county in a restricted fund for the benefit of organizations which provide social and human service within the County and eligible community based organizations. Funds derived from this source shall not be used as an offset or to reduce funds made available to these organizations from other County sources. |  |
|  | <b>Section:</b>   | <b>As it currently reads:</b>  | <b>Proposed amendment:</b>  |  |
|  | 2-11.2.1<br><i>Disposition of County Surplus Property</i> | (d) Exception for foreign governmental entities. Notwithstanding the foregoing, the Board of County Commissioners may waive the procedure set forth in subsection (b) above by a two-thirds ( 2/3 ) vote of members present and may donate surplus property to a foreign governmental entity upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community based organization.  | (d) Exception for foreign governmental entities <b>and certain foreign not-for-profit organizations.</b> Notwithstanding the foregoing, the Board of County Commissioners may waive the procedure set forth in subsection (b) above by a two-thirds ( 2/3 ) vote of members present and may donate:<br><b>(i) surplus property to a foreign governmental entity; and</b><br><br><b>(ii) surplus fire-fighting equipment to a foreign governmental entity or a foreign not-for-profit organization that is recognized by a foreign government as providing fire-fighting services on the foreign government's behalf;</b><br><br>upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community based organization.  |  |



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**ADDITIONAL INFORMATION**

There is little debate as to when the gear our fire department use should be retired. The website firerescue1 has an article that speaks about the mandatory gear retirement at 10 years. The National Fire Protection Association (NFPA) set a maximum service life for turnout gear that would be unambiguous — remove any gear from service that had a manufacture date of more than 10 years, regardless of its use, care, or actual condition. This was applied for all types of gear except aluminized outer shells found in proximity firefighter clothing that were given an expiration date of 5 years.

<https://www.firerescue1.com/fire-products/Personal-protective-equipment-ppe/articles/1372912-The-debate-mandatory-gear-retirement-at-10-years/>

In a recent board agenda item, no. 172950, adopted by the Board on 12/28/17, the following obsolete firefighting equipment was donated to volunteer firefighters in Lima, Peru:

| <b>Equipment</b>                                  | <b>Assessed Value</b> |
|---|-----------------------|
| 100 Sets of Turnout Gear: Coats & Pants, Obsolete | \$100,000             |
| 100 Fire Helmets, Obsolete                        | \$10,000              |
| 100 Sets of Fire Boots, Obsolete                  | \$1,000               |

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**Item No. 3A  
File No.180428**

**Researcher: NR      Reviewer: TD**

RESOLUTION WAIVING FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B)(1) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT AND AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$1,500,000.00 TO CONTRACT NO. BW9928-0/20 FOR THE PURCHASE OF INSPECTIONS, MAINTENANCE, REPAIRS, AND PARTS FOR BELL HELICOPTERS FOR THE FIRE RESCUE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should waive competitive bidding procedures for the purchase of goods and services pursuant to Section 2-8.1 of the County Code and Section 5.03(D) of the Home Rule Charter and authorize additional expenditure authority to Contract No. BW9928-0/20 Inspections, Maintenance, Repairs, and Parts for Non-Warranty Items for Bell Helicopters 412 Series, for the Miami-Dade Fire Rescue Department (MDFR).

**APPLICABLE LEGISLATION/POLICY**

The County Mayor or the County Mayor's designee will have the authority to exercise all provisions of the agreement, including any renewals or extensions, pursuant to Section 2-8.1 of the County Code and Section 5.03(D) of the Home Rule Charter.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch2\\_arti\\_sec2-8.1](http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.1)

<http://www.miamidade.gov/charter/library/charter.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: NONE**

**Requester: Internal Services**

**FISCAL IMPACT**

The contract term expires on September 5, 2020 and has a current allocation of \$250,000. If this request is approved, the contract will have a modified cumulative value of \$1,750,000. The requested increase is based on the Department's current needs.

**ANALYSIS**

This item seeks approval to waive competitive bidding procedures for the MDFR's purchase of goods and services and authorize \$1,500,000 in additional expenditure to purchase manufacturer-required inspections for three of its four (4) Bell Helicopters 412 Series. The required inspections will ensure that the helicopters remain in operable condition and the cost is approximately \$500,000 each of the three helicopters. The helicopters are used to perform air rescue operations throughout Miami-Dade County, and these helicopters are between 12 and 18 years of age.

On September 6, 2017, under the delegated authority, the County awarded the current bid waiver for Contract No. BW9928-0/20 and the awarded vendor for this contract has a maintenance facility that is located in Broward County. According to ISD's Bid Tracking System, there are no prior modification or waiver to Contract No. BW9928-0/20. Further, the contract's original allocation was \$250,000 and the entire \$250,000 has been obligated. In addition, as of March 13, 2018 a search of Certified Small Business website shows there are no local vendors.

<http://www.miamidade.gov/smallbusiness/library/reports/certify-by-trade-sbegs.pdf>

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According to the Mayoral Memorandum, the County uses two contracts to perform maintenance. The first contract, No. FB-00086 Helicopter Parts, Services and Supplies which was competitively awarded to Uniflight, LLC located in Grand Prairie, Texas, through Resolution No. R-99-15. However, the use of Contract No. FB-00086 requires MDFR to fly its helicopters to and from the vendor's facility in Texas. As a result, the Department incurs substantial costs to perform required maintenance and inspections.

<http://intra/gia/matter.asp?matter=142793&file=true&yearFolder=Y2014>

According to the Mayoral Memorandum, to mitigate the cost under Contract No. FB-00086, the County awarded this bid waiver Contract No. BW9928-0/20. The awarded vendor for Contract No. BW9928-0/20 has a maintenance facility in Broward County which allows the County to receive inspections and maintenance in a more timely and cost-effective manner rather than through Contract No. FB-00086.

**Input from County Attorney ( pending response for the BCC Agenda scheduled for 4/10/18)**

1. Why is County requesting a bid waiver from an original allocation of \$250,000 to \$1,750,000, an increase of \$1,500,000 instead of seeking a competitive process pursuant to Resolution R-391-17 Competition, Contract Extensions, Mayor's Recommendation?
2. Why did the County enter into a contract with vendor based in Texas when the awarded vendor for Contract No. BW9928-0/20 has a maintenance facility in Broward County which allows the County to receive inspections and maintenance in a more timely and cost-effective manner rather than through Contract No. FB-00086?

Resolution R-391-17 Competition, Contract Extensions, Mayor's Recommendation, directs the Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts, to include in any recommendation to the Board for the expansion of term or services under existing contracts a written justification of why a competitive process is not feasible, to include to the maximum extent possible in any proposed expansion of term or services any requirements of Ordinance or Resolutions adopted by the Board subsequent to the initial contract and to report to the Board in the recommendation which requirements were adopted and rejected.

<http://www.miamidade.gov/govaction/matter.asp?matter=170534&file=true&yearFolder=Y2017>

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**Item No. 3B  
File No. 180432**

**Researcher: SM    Reviewer: PGE**

RESOLUTION APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT ISD CONTRACT NO. Z000149, BETWEEN MIAMI-DADE COUNTY AND PEREZ & PEREZ ARCHITECTS PLANNERS, INC. FOR ADDITIONAL FUNDS TO BE PROVIDED IN THE AMOUNT OF \$2,975,000.00 FUNDED FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDS AND CAPITAL OUTLAY RESERVE FUNDS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAID AMENDMENT

**ISSUE/REQUESTED ACTION**

Whether this Board should approve the following Resolution approving amendment No.1 to the professional services agreement (PSA) Internal Services Department (ISD) Contract No. Z000149 between Miami-Dade County and Perez & Perez Architects Planners Inc. for additional funds to be provided in the amount of \$2,975,000 funded from the building better communities general obligation bond funds and capital outlay reserve funds.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-222-17 adopted March 7, 2017 relates to the Contract Award Recommendation for a PSA for Revisions to the 2008 Eleventh Judicial Circuit- Wide Courts and the 2008 Correctional Facilities Master Plans, ISD Project NO. A16-01 GOB, ISD Contract No. Z000149.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2016/162918.pdf>

Resolution No. R-151-15 adopt February 3, 2015 directs the Mayor to solicit proposals for a public private partnership to design, build, finance, operate and maintain County Civil and Criminal Court Facilities and Jail Facilities and for the retention of financial consultants and special counsel to advise the County regarding proposed Court and Jail Facilities public private partnership.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2015/150167.pdf>

Resolution No. R-1001-15 adopted November 3, 2015 relates to requiring contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment be considered for board approval.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2015/151746.pdf>

Florida Statutes 255.065 governs public-private partnerships; public records and public meetings exemptions. It governs qualifying projects which means a facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0255/Sections/0255.065.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0255/Sections/0255.065.html)

Section 2-8.2.6 of the Miami-Dade County Code, require the provision of a design criteria package prepared by an architect or engineer, The design criteria package must include reasonably specific criteria for the Courthouse Project such as the legal description of the selected site; survey information; interior space requirements; material quality standards; schematic layouts and conceptual design criteria for the courthouse; cost and budget estimates; design and construction schedules; and site

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development and utility requirements. Pursuant to both the state law and County Code, the same architect or engineer must be retained by the County through the design and construction of the project.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.6RE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.2.6RE)

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Requester/Department: Internal Services**

This Item has no procedural History.

**FISCAL IMPACT**

The original Contract No. Z000149 which was originally brought forward to the Board on March 7, 2017, had the following award estimates:

| Fiscal Year 2017 Award Estimate  | Fiscal Year 2017 Award Estimate |
|--|---------------------------------|
| <b>Description:</b> 305200-ADDITIONAL COURTROOMS AND ADMINISTRATION FACILITIES- BUILDING BETTER COMMUNITIES BOND PROGRAM | <b>\$738,675</b>                |
| <b>Description:</b> 3810950-KROME DETENTION CENTER- BUILDING BETTER COMMUNITIES BOND PROGRAM                             | <b>\$768,825</b>                |
| <b>Total</b>   | <b>\$1,507,500</b>              |
|  | <b>Fiscal Year 2018</b>         |
| <b>Cost of changes for Fiscal Year 2018</b>  | <b>\$2,975,000</b>              |
| <b>Adjusted Contract Amount</b>  | <b>\$4,482,500</b>              |
| <b>Percentage Increase with this change</b>  | <b>%197</b>                     |

As the aforementioned table shows, the proposed Increase is 197 percent higher than the original amount. The funding source as stated by the mayoral memo will be through Building Better Communities- General Obligation Bond proceeds.

**ANALYSIS**

This Item will authorize the Amendment No. 1 to the PSA which will Increase the current contract amount from \$1,507,500 To \$4,482,500 which is an Increase of \$2,975,000. The mayoral memo states that this amendment is required for the new civil and probate courthouse project and modifies the expiration provision.

**Amendment No. 1 shall Replace Article 5.04 A of the contract with the following:** The aggregate sum of all payments to the Consultant for services authorized under this professional services agreement, shall be limited to four million four hundred eighty two thousand five hundred dollars (\$4,482,500)

**Amendment No. 1 shall Replace Article 8.14 A of the contract with the following:** This agreement shall remain in full force and effect for a period of seven hundred and thirty days, after its date of execution (although actual completion of the services hereunder may extend beyond such term) or until depletion of the funds allocated to pay for the cost of such services, whichever

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**Research Notes**

occurs later, unless terminated by mutual consent of the parties hereto or as provided in Article 8.06 hereof. The County mayor may extend this agreement on a year-to year basis until completion and acceptance of the work by the Owner. The performance of specifically and properly authorized services which may extend beyond the agreements effective term shall be compensated in accordance to Article 6.03 hereof.

All terms, covenants and conditions of the Agreement not expressly modified or revised herein shall remaining in full force and effect.

Resolution No. R-222-17 adopted March 7, 2017, can be referred to in the applicable legislation/policy section of this Item. It relates to the original Item which was brought forth to the Board. It has a project description which states that the professional services are required to provide a study updating the following:

1. The 2008 Eleventh Judicial Circuit-wide Courts Master Plan in order to assess future needs and provide design standards for the expansion of Court Facilities in Miami-Dade County's Eleventh Judicial Circuit Court, and;
2. The 2008 Correctional Facilities Master Plan.

The services will include planning, analysis, master planning, feasibility studies, programming, site development analysis, scheduling, and cost estimating.

As stated in the contract, the estimated original period is 730 calendar days, after execution of the agreement by the parties. The completion time is 270 calendar days, which requires all three phases to be completed by that time. The remaining 460 days will allow the County to keep as an option the choice to retain the consultant's services at no additional cost, to assist the County as they move forward with the various construction project.

The scope of services as stated in the contract include an assessment of criminal and correctional facility needs and the provision of design standards for the future expansion of courts and correctional facilities in Miami-Dade County. Furthermore the contract states that the basic services are that the consultant agrees to provide complete professional architectural and engineering services for the phases enumerated herein to include but not limited to, site evaluation on existing facilities, analysis of current and future needs, survey and evaluation of alternatives for all applicable AOC and MDCR facilities.

The mayoral memo states that Perez and Perez Architects Planner, Inc. has been awarded two contracts with a total value of \$350,000 in professional services to the County during the last five years. No change orders have been approved by the Board for the aforementioned contracts.

The consultant agrees to maintain an adequate staff of qualified personnel available at all times to ensure its completion within the term specified in the applicable service order an in accordance with the approved project schedule. The contract further states that any services provided by the sub consultants shall be pursuant to appropriate agreements between the consultant and sub consultants which shall contain provisions that preserve and protect the rights of the owner and the consultant under this agreement, and which impose no responsibilities or liabilities on the owner. The Consultant shall not change any sub consultant without the owners' approval. There must be a written request from the consultant to be submitted to the owner, stating the reasons for the proposed change.

**ADDITIONAL INFORMATION**

Perez & Perez Architects Planners, Inc. have a status of Active and were filed December 12, 1989. Their Principal Address is 2121 Douglas RD. 3rd floor, Miami, FL 33145.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=PreviousList&searchNameOrder=PEREZPEREZARCHITECTSPLANNERS%20M000071&aggregateId=domp-m00007-47ccd797-0ab0-4c57-b02e-da5b89cec074&searchTerm=Perez%20%26%20Perez%2C%20M.D.%27S%2C%20P.A.&listNameOrder=PEREZPEREZARCHITECTSPLANNERS%20M000071>