



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

Board of County Commissioners (BCC) Meeting

May 1, 2018
9:30 A.M.
Commission Chambers

Thomas B. Davis, Esq.
Director, Policy and Legislation
Office of the Commission Auditor (OCA)
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**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 5A
File No. 180909**

Researcher: MF Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-349 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING MIAMI INTERNATIONAL AIRPORT (WILCOX FIELD) ZONING REGULATIONS TO PROVIDE AN EXCEPTION TO THE PROHIBITION ON APPLICATIONS FOR VARIANCES FROM HEIGHT LIMITATIONS WHERE THE PROPOSED STRUCTURE OR USE MEETS FEDERAL STANDARDS AND HAS BEEN APPROVED BY THE FEDERAL AVIATION ADMINISTRATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 33-349 of the Code of Miami-Dade County to revise Miami International Airport (Wilcox Field) Zoning Regulations to provide an exception to the prohibition on applications for variances from height limitations where the proposed structure or use meets federal standards and has been approved by the Federal Aviation Administration (FAA).

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 33-342, sets forth a procedure for variances and exceptions to the Zoning Regulations.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch33_artxxxvii_sec33-342

Miami-Dade County Code, Section 33-349 governs airspace approvals, and provides that “No permanent structure may be erected, constructed, located or otherwise established within the MIA Airport Zoning Area unless it has been issued an appropriate development permit(s) by Miami-Dade County or the municipality in which it is located. Except as provided for hereunder, no development permit for any structure or tree (whether permanent or temporary, natural or man-made) to be erected, planted, located or otherwise established, within the MIA Airport Zoning Area shall be issued by the county or any municipality unless such development permit has been approved in writing by MDAD and meets the review criteria created pursuant to this article.”

http://miamidade.fl.elaws.us/code/coor_ptiii_ch33_artxxxvii_sec33-349

Code of Federal Regulations, Title 14, Part 77, establishes the requirements to provide notice to the FAA of certain proposed construction, or the alteration of existing structures; and the standards used to determine obstructions to air navigation, and navigational and communication facilities.

<https://www.law.cornell.edu/cfr/text/14/part-77>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

This proposed ordinance was adopted on first reading by the BCC on April 10, 2018.

Assistant County Attorney Eddie Kirtley read the proposed ordinance into the record. He noted this item required municipal notification, 6 weeks between passage on first reading and the public hearing, as well as Committee review. He indicated that Commissioner Sosa had requested to suspend the rules as to the 4-week, 6-week municipal notice and public hearing requirements, as well as the committee review requirement, so that the public hearing and second reading may be held at the upcoming May 1, 2018 Board of County Commissioners meeting.

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FISCAL IMPACT

There is no Fiscal Impact Statement attached to the proposed ordinance.

ANALYSIS

Section 33-349 of the Code of Miami-Dade County prohibits variances from airport zoning height limitations. However, in some instances, the height regulations in the Code are more restrictive than applicable federal standards and regulations.

The proposed ordinance would amend Section 33-349 of the Code to permit applications for variances from the height limitations in limited circumstances where the proposed structure or use complies with federal height and airspace standards and regulations, and has been approved by the FAA. In such circumstances, the applicant would still be required to demonstrate that the requested variance is otherwise consistent with all other requirements of the Code and that it does not compromise aviation safety or airport viability.

According to Section 33-342(4) of the Code, “[a]pproval of variances, when not specifically prohibited by this article, shall be limited to those cases in which it is duly found that a literal application or enforcement of the regulations would result in unnecessary hardship and the relief granted would not be contrary to the public interest but granting thereof would do substantial justice and be in accordance with the intent and purpose of this article.”

Section 33-342 of the Code further provides that “[t]he intent and purpose of this article is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing creation of an airport hazard or of a hazard to air navigation, thereby protecting the lives and property of users of Miami International Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein.”

Section 33-342(5) of the Code states that [i]n determining whether the standard set forth in paragraph (4) has been met, the following factors pertaining to the public interest shall be considered:

- (a) the nature of the terrain and height of existing structures;
- (b) public and private interest and investments;
- (c) the character of flying operations and planned future development of Miami International Airport;
- (d) federal airways as designated by the Federal Aviation Administration;
- (e) whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at Miami International Airport; technological advances;
- (f) the safety of persons on the ground and in the air;
- (g) land use density;
- (h) safe and efficient use of navigable airspace; and
- (i) the cumulative effects on navigable airspace of all existing structures, proposed structures identified in the Comprehensive Development Master Plan, and all other known proposed structures and uses in the area.

In certain limited circumstances it may be economically beneficial for the County to permit applications for variances from the height limitations in limited circumstances. It is thus proposed to amend Section 33-349 of the Code, as follows: (Words [[double bracketed]] shall be deleted. Words underscored and >>double arrowed<< constitute the proposed amendment):

Section 33-349 (current language)	Section 33-349 (proposed amendment)
No permanent structure may be erected, constructed, located or otherwise established within the MIA Airport Zoning Area unless it has been issued an appropriate	No permanent structure may be erected, constructed, located or otherwise established within the MIA Airport Zoning Area unless it has been issued an appropriate

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development permit(s) by Miami-Dade County or the municipality in which it is located. Except as provided for hereunder, no development permit for any structure or tree (whether permanent or temporary, natural or man-made) to be erected, planted, located or otherwise established, within the MIA Airport Zoning Area shall be issued by the county or any municipality unless such development permit has been approved in writing by MDAD and meets the review criteria created pursuant to this article.

* * *

In order to comply with Federal Aviation Regulations, the Director of the Miami-Dade Aviation Department shall have the right to order structure or tree heights to be lower than the height limitations established in this article. For the sake of aviation safety and airport viability, there shall be no variances from or exceptions to the height zoning limitations of this article.

The Director of the Miami-Dade Aviation Department or designee is authorized to appeal or otherwise legally contest decisions of a municipality granting development permits that are subject to compliance with this article, for failure to comply with the airport height zoning standards of this article.

Applicant shall pay any applicable review fees to MDAD for its reviews performed in accordance with this article. Review shall not commence until the appropriate fees are paid to MDAD.

* * *

development permit(s) by Miami-Dade County or the municipality in which it is located. Except as provided for hereunder, no development permit for any structure or tree (whether permanent or temporary, natural or man-made) to be erected, planted, located or otherwise established, within the MIA Airport Zoning Area shall be issued by the county or any municipality unless such development permit has been approved in writing by MDAD and meets the review criteria created pursuant to this article.

* * *

In order to comply with Federal Aviation Regulations, the Director of the Miami-Dade Aviation Department shall have the right to order structure or tree heights to be lower than the height limitations established in this article. For the sake of aviation safety and airport viability, there shall be no variances from or exceptions to the height zoning limitations of this article >>, except that a variance may be applied for pursuant to section 33-342 where the proposed structure or use meets applicable federal standards and regulations and has been approved by the Federal Aviation Administration<<.

The Director of the Miami-Dade Aviation Department or designee is authorized to appeal or otherwise legally contest decisions of a municipality granting development permits that are subject to compliance with this article, for failure to comply with the airport height zoning standards of this article.

Applicant shall pay any applicable review fees to MDAD for its reviews performed in accordance with this article. Review shall not commence until the appropriate fees are paid to MDAD.

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**Item No. 7A
File No. 180508**

Researcher: MF Reviewer: TD

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING WHEELCHAIR ACCESSIBLE TAXICABS TO BE INITIALLY PLACED INTO SERVICE IF THEY HAVE BEEN PREVIOUSLY USED AS A TAXICAB WITHIN THE COUNTY; REVISING VEHICLE AGE REQUIREMENTS FOR WHEELCHAIR ACCESSIBLE TAXICABS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve amending Chapter 31 of the Miami-Dade County Code (Vehicles for Hire) to adjust the vehicle age limit requirement for wheelchair-accessible taxicabs from 10 model years to 15 model years and proscribe from being placed into service wheelchair-accessible cabs previously used as a taxicab outside of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 31-82, regulates for hire licenses.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FREL

Miami-Dade County Code, Section 31-89, regulates taxicab vehicle standards.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barreiro, District 5

Co-Prime Sponsor: Daniella Levine Cava, District 8

The proposed ordinance was adopted by the Board on first reading on March 20, 2018, and set for public hearing before the Transportation and Public Works (TPW) Committee meeting on Thursday, April 19, 2018.

At the meeting of the TPW Committee, during the public hearing, Mr. Terry Eisenberg noted the proposed ordinance was discussed at the last meeting of the Taxicab Advisory Group, and overwhelmingly supported. He recalled that originally 83 wheelchair-accessible taxicabs were issued through lottery. However, he lamented, currently only 66 were in service, because of the prohibitive cost of installing the wheelchair ramp. He urged the commissioners to forward this item to the BCC, to adjust the vehicle age limit requirement for wheelchair-accessible taxicabs from 10 model years to 15 model years, noting the vehicles were in good condition, and should be maintained in service as long as they passed their inspections.

Commissioner Edmonson expressed her concern with increasing the vehicle age limit from 10 to 15 model years, because, as noted in the Social Equity Statement, this may cause an increase in complaints regarding the maintenance, upkeep or aesthetics of such vehicles by tourists and/or local patrons, which may indirectly negatively impact the hospital industry.

Ms. Alice Bravo, Director, Transportation and Public Works Department (TPWD), pointed out that very often the first encounter of visitors to Miami with the community was through the taxicabs; therefore, the appearance of the vehicles was important. She said while the first concern was safety, it was also important to consider the vehicles' appearance.

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Responding to Commissioner Edmonson's question as to whether the County increased the vehicle age limit requirements recently, Mr. Raoul Gonzalez, TPWD, clarified that the County Commission had granted a two-year extension, but reduced it from 12 to 10 years in 2016 to improve the quality of the vehicles.

Commissioner Moss referred to a comment made by a speaker during the public hearing, which indicated that some of the taxicab drivers did not renew their licenses because it would be too expensive to purchase a newer vehicle. He inquired whether these taxicab drivers would be allowed to pay their fees and resume providing taxicab services if this proposed ordinance was adopted.

Ms. Bravo confirmed that they would be allowed to do so.

Commissioner Moss noted when the County Commission decided to reduce the vehicle age limit requirement to 10 years, there were limited options for passengers. He pointed out that with Uber, Lyft and other service providers operating in Miami, the concerns regarding the age of the taxicabs were not as great as before. In addition, he noted, the vehicles would be inspected regularly, and if they were found not to be in good condition, they should be removed from circulation.

Commissioner Levine Cava pointed out that the improvements that were made to the taxicabs to make them wheelchair accessible represented major investments. In addition, she deplored, there were not many options for wheelchair-bound passengers, as Uber and Lyft were not providing for this population. She stressed that this was a critical service for the County.

Commissioner Sosa noted her understanding was that this item would allow disabled passengers, who depended on this type of transportation, to receive this service. She said that if the County agreed to extend the life of these vehicles, the proposed ordinance should be amended to specify who would be responsible to inspect the vehicles to ensure that they were reliable, clean and in proper condition.

In response to Commissioner Sosa's question regarding how often taxicabs were inspected, Ms. Bravo noted taxicab drivers were required to bring their vehicles annually to be inspected.

Pursuant to Commissioner Sosa's question as to whether the proposed ordinance could be amended to provide for regular inspections to verify the vehicles' reliability, cleanliness and proper condition, Assistant County Attorney Gerald Sanchez advised that this would require a separate ordinance.

Commissioner Sosa requested that the County Attorney's Office prepare this separate ordinance, and Chairwoman Edmonson said that she would like to co-sponsor it.

Commissioner Heyman expressed her support for the proposed ordinance because people with special needs had very limited transportation options; and unfortunately, Special Transportation Services (STS) was often required to fill that gap. She said that she was usually not in favor of increasing the vehicle age limit requirements because she represented a district that had a number of hotels. However, she acknowledged that the taxicabs were the only vehicles providing these services, as the Transportation Network Entities (TNEs) did not require their vehicles to be wheelchair accessible.

Responding to Commissioner Heyman's question regarding the concessions that the taxicab industry would be willing to make to assist the special needs passengers, Mr. Eisenberg stated that the taxicab industry would not be opposed to having the vehicles inspected twice per year. He lamented that 13 wheelchair-accessible taxicabs were currently not in operation. He pointed out that the proposed ordinance targeted the 83 wheelchair-accessible vehicles, not all of the taxicabs in the County. Mr. Eisenberg noted the taxicab industry's rate structure was regulated by the County; however, drivers often agreed to have a passenger pay less than the metered rate.

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Pursuant to Commissioner Heyman's question as to whether it would be possible to carve out special rates in the regulations for the wheelchair-accessible taxicabs, Assistant County Attorney Sanchez requested to explore the legal implications of this question before providing an answer.

In response to Commissioner Heyman's question as to the reason the County decided to reduce the vehicle age limit requirement from 12 to 10 years, Ms. Bravo explained that in 2016 the County was working on the TNE ordinance, and was trying to level the playing field between TNEs and taxicabs.

Commissioner Heyman said that although she was not in favor of increasing the age limit requirements for taxicabs, the proposed ordinance targeted wheelchair-accessible vehicles. She acknowledged that it was necessary to allow all of the 13 additional vehicles to be put back in circulation to fill a void; therefore, she would support the proposed ordinance. However, she noted at the BCC she would put forth an amendment to increase the vehicle age limit requirement to 12 years.

The proposed ordinance was forwarded to the BCC with a favorable recommendation by the TPW Committee.

FISCAL IMPACT

According to the Fiscal Impact Statement, the implementation of this ordinance will not have a fiscal impact for Miami-Dade County as it will not result in additional staffing needs or future operational costs.

ANALYSIS

On January 10, 2018, the Miami-Dade County Taxicab Advisory Group recommended an adjustment of the vehicle age limit requirement for wheelchair-accessible taxicab vehicles from 10 model years to 15 model years. Accordingly, the following amendments (in bold letters) are therefore being recommended, effectively revising Chapter 31 of the Miami-Dade County Code:

"... any vehicle initially placed into service shall not have been previously used as a taxicab **outside of Miami Dade County** and shall not be greater than **fifteen (15)** model years of age. Any vehicle over **fifteen (15)** model years of age shall not be operated as a taxicab".

"... any taxicab that operates as a Wheelchair Accessible Cab initially placed into service shall not have been previously used as a taxicab **outside of Miami-Dade County** or have a "rebuilt" or "salvage" title and shall be no greater than **fifteen (15)** model years of age. Any vehicle over **fifteen (15)** years of age shall not operate as a Wheelchair-Accessible Cab".

According to the Social Equity Statement, the extension of vehicle age takes into consideration that wheelchair-accessible taxicabs are generally \$10,000 to \$15,000 more expensive than regular taxicabs due to retrofitting necessary to meet and ADA requirements. While this will reduce expenses paid by operators, the proposed amendment may cause an increase in complaints regarding the maintenance, upkeep or aesthetics of such vehicles by tourists and/or local patrons, which may indirectly negatively impact the hospital industry.

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Chapter 31

VEHICLES FOR HIRE

Article II. LICENSING AND REGULATION OF FOR-HIRE MOTOR VEHICLES

Sec. 31-82. For-hire licenses as it currently reads	Sec. 31-82. For-hire licenses proposed amendment
<p>(l) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.</p> <p>* * *</p> <p>(4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the Director to operate using accessible vehicles pursuant to Section 31-82(l)(1) or 31-82 (o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall not be greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not be operated as a taxicab. Notwithstanding the vehicle age limits required by this subsection, any properly permitted and inspected accessible taxicab scheduled for retirement on December 31,2011, shall be allowed to be operated for an additional one-year period.</p>	<p>(l) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.</p> <p>* * *</p> <p>(4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the Director to operate using accessible vehicles pursuant to Section 31-82(l)(1) or 31-82 (o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab >>outside of Miami-Dade County<< and shall not be greater than [[ten (10)]] >>fifteen (15)<< model years of age. Any vehicle over [[ten (10)]] >>fifteen (15)<< model years of age shall not be operated as a taxicab. Notwithstanding the vehicle age limits required by this subsection, any properly permitted and inspected accessible taxicab scheduled for retirement on December 31,2011, shall be allowed to be operated for an additional one-year period.</p>
Sec. 31-89. -Vehicle standards as it currently reads	Sec. 31-89. -Vehicle standards proposed amendments
<p>(f) Taxicab vehicle age limits and inspection schedules. Taxicab vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the RER may inspect a for-hire vehicle at any time. Any vehicle initially placed into service, shall not have been previously used as a taxicab outside Miami-Dade County, or have a “rebuilt” or “salvage” title and shall not be greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not be</p>	<p>(f) Taxicab vehicle age limits and inspection schedules. Taxicab vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the RER may inspect a for-hire vehicle at any time. Any vehicle initially placed into service, shall not have been previously used as a taxicab outside Miami-Dade County, or have a “rebuilt” or “salvage” title and shall not be greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not be</p>

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operated as a taxicab. Notwithstanding the foregoing, any taxicab:

(1) That operates as a Wheelchair Accessible Cab initially placed into service shall not have been previously used as a taxicab or have a “rebuilt” or “salvage” title and shall be no greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not operate as a Wheelchair Accessible Cab;

operated as a taxicab. Notwithstanding the foregoing, any taxicab:

(1) That operates as a Wheelchair Accessible Cab initially placed into service shall not have been previously used as a taxicab >>**outside of Miami-Dade County**<< or have a “rebuilt” or “salvage” title and shall be no greater than [[ten (10)]] >>**fifteen (15)**<< model years of age. Any vehicle over [[ten (10)]] >>**fifteen (15)**<< model years of age shall not operate as a Wheelchair Accessible Cab;

Words [[double bracketed]] shall be deleted. **Words in bold**, constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

ADDITIONAL INFORMATION

The official passenger website for the London taxi states that every licensed London taxi is wheelchair accessible and features a host of accessibility aids.

http://www.the-london-taxi.com/london_taxi_accessibility

New York Post article dated December 6, 2013, entitled “Half of NYC taxis to be wheelchair accessible by 2020”.

<https://nypost.com/2013/12/06/half-of-nyc-taxis-to-be-wheelchair-accessible-by-2020/>

An article from the Massachusetts Community Transportation Series, dated October 2013, entitled “Wheelchair-Accessible Taxicabs” concludes that in London, 100 percent of taxicabs are wheelchair-accessible. While Massachusetts is far from that level, local communities can take steps to make more wheelchair-accessible cabs available. Regulation, incentives, pilot programs, partnerships, and voucher programs can all help people with disabilities access taxis – and taxis can help individuals participate in community life.

<http://www.mass.gov/eohhs/docs/hst/accessible-taxicabs.pdf>

According to the Broward County Environmental and Consumer Protection website, the Broward County Commission has determined that 3.5 percent of total taxicab certificates shall be for wheelchair-accessible taxicabs.

<http://www.broward.org/Consumer/ConsumerProtection/VehicleForHire/Pages/default.aspx>

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**Item No. 7B
File No. 180267**

Researcher: MF Reviewer: TD

ORDINANCE RELATING TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST, THE PEOPLE'S TRANSPORTATION PLAN AND CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS; AMENDING SECTION 29-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS FOR ON-DEMAND TRANSPORTATION SERVICES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should authorize the use of Charter County Transportation System Surtax Funds for on-demand transportation services.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Sections 29-121 through 29-124, provide as follows:

Sec. 29-121 – Sales surtax levied: There is hereby levied and imposed a one half of one percent discretionary sales surtax authorized by Section 212.055(1), Florida Statutes (2001) on all transactions occurring in Miami-Dade County, which transactions are subject to the state tax imposed on sales, use, rentals, admission and other transactions by Chapter 212, Florida Statutes (2001).

Sec. 29-122 – Surtax rate, limitations: The surtax rate shall be one-half of one percent on the amount of taxable sales and taxable purchases representing such transactions. The limitations, conditions and provisions contained in Section 212.054, Florida Statutes (2001) as the same may be amended and supplemented from time to time are hereby incorporated herein.

Sec. 29-122.1 – Exemption from Sales Surtax: All exemptions applicable to the discretionary sales surtax contained in Chapter 212, Florida Statutes, are hereby incorporated herein at the same may be amended and supplemented from time to time ...

Sec. 29-123 – Administration, collection and enforcement: The Florida Department of Revenue shall administer, collect and enforce the surtax levied hereunder pursuant to the procedures specified in Sec. 212.054(4) Florida Statutes (2001) as the same may be amended or renumbered from time to time.

Sec. 29-124 – Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust: The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects ... set forth in Exhibit 1 to this article ... and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in sub-section (d) in this Sections. Expenditure of surtax proceeds shall be subject to the following limitations:

- (a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons who are over the age of 65 or are drawing Social Security benefits, and to provide fare-free public transportation service on Metromover.
- (b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055 (1) (d) 1-4 of the Florida Statutes.
- (c) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs.
- (d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five-Year Implementation Plan.
- (e) The Five-Year Implementation Plan and any proposed deletion, material change or addition of a County project shall be initially reviewed by the Citizens' Independent Transportation Trust, which shall forward a recommendation thereon to the County Commission.
- (f) No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award.

<http://www.miamidade.gov/citt/library/municipal-program/county-ptp-ordinance-02-116.pdf>

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Florida Statutes, Section 212.054 governs discretionary sales surtax; limitations, administration and collection.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.054.html

Florida Statutes, Section 212.055 (1) (d) governs discretionary sales surtaxes; legislative intent; authorization and use of proceeds. Sub-section (1)(d) provides that “Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the County Commission deems appropriate:

- 1) Deposited by the County in the Trust Fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, on-demand transportation services, and related costs of a fixed guideway rapid transit system;
- 2) Remitted by the governing body of the County as an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the County ...;
- 3) Used by the County for the development, construction, operation, and maintenance of roads and bridges in the County; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion , operation, and maintenance of on-demand transportation services ...;
- 4) Used by the County for the planning, development, construction, operation, and maintenance of roads and bridges in the County ...”

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html

Ordinance No. 02-116, adopted on July 9, 2002, imposes a one half of one percent Charter County Transit System Surtax authorized by Section 212.055(1), Florida Statutes on all transactions occurring in Miami-Dade County otherwise subject to the State tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes; providing exceptions’ providing limitations and procedures for administration and collection; providing for use of Surtax proceeds; granting Citizens; Independent Transportation Trust certain powers over the use and expenditure of Surtax proceeds.

<http://intra/gia/matter.asp?matter=022196&file=false&yearFolder=Y2002>

PROCEDURAL HISTORY

Prime Sponsor: Esteban L. Bovo, District 13

The proposed ordinance was adopted on first reading and set for public hearing before the Transportation and Public Works Committee (TPWC) meeting on April 19, 2018.

At the TPWC meeting, during the public hearing, Mr. Manny Cid, Mayor of Miami Lakes, spoke in support of the proposed ordinance. He said he was particularly in favor of the first mile/last mile option, as it would help transport the residents to the mass transit system; and the on-demand services, as they increased mobility.

Mr. Javier Betancourt, Executive Director of the Citizens’ Independent Transportation Trust (CITT), expressed his support for the proposed ordinance. He recalled that the genesis of the item was a workshop, which is held annually with the municipalities. He noted at the time that the Surtax legislation was adopted on-demand transportation services did not exist. He explained that the proposed ordinance was intended to include on-demand transportation services in the Surtax legislation. Mr. Betancourt noted on-demand services provide a critical first mile/last mile option to feed riders into the transit system.

Mr. Mitchell Bierman, from the law firm Weiss, Serota, Helfman, Cole, Bierman, noted his law firm represented more than a dozen Miami-Dade County municipalities, and they were all in favor of the proposed ordinance. He observed that this

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proposal would help solve one of the major transportation problems in the County, namely the first mile/last mile, to allow riders to reach the mass transit system.

In response to Commissioner Moss' question as to whether this would benefit municipalities that received Surtax funding, Mr. Betancourt clarified that cities received an allocation from the People's Transportation Plan (PTP) that was applicable outside of their boundaries only if they were connecting to a premium transit corridor.

Responding to Commissioner Moss' question regarding the types of on-demand services that were included, and whether this would allow for innovation, Mr. Betancourt stated that the on-demand services included Freebee, Lyft and Uber. He confirmed that innovation would be embraced; for example, variable route trolleys. He noted the cities would have the flexibility to negotiate with vendors of their choice within the constraints of the Surtax legislation. He indicated that the CITT would then audit the cities to ensure that the funds were spent appropriately.

Pursuant to Commissioner Moss' question as to how the CITT could safeguard against the cities spending the funds inappropriately, Mr. Betancourt noted the CITT provided guidelines to the municipalities, and would revise the guidelines to incorporate the changes that were made at today's meeting.

Commissioner Sosa expressed her support for the proposed ordinance, because she believed that it had the potential to increase transit options for the residents, and to increase the mass transit ridership. She noted this was a pilot program, and she offered a friendly amendment requiring a yearly audit with a report to be sent to the cities and the County Commission.

In response to Commissioner Sosa's question regarding the on-demand transportation services, Mr. Betancourt clarified that the on-demand services were defined in the State Statute, and referenced in the proposed ordinance.

Commissioner Heyman noted the entire County was dealing with transit issues; however, the proposed ordinance only listed South Dade.

Mr. Betancourt clarified that when residents leave the boundaries of their municipality, they will have to connect with a Metrorail station anywhere in the County or the South Dade Transitway. He noted he agreed with Commissioner Heyman that there were park and ride facilities throughout the County that could be included in the proposed ordinance; however, he could not speak for Chairman Bovo, the sponsor of the item.

Commissioner Moss said that he would support the proposed ordinance for the time being; however, he requested that municipalities develop a plan that would link the on-demand services to the mass transit network.

Chairwoman Edmonson requested that all of the proffered amendments be included in the proposed ordinance before its second reading at the County Commission.

The proposed ordinance was forwarded to the BCC with a favorable recommendation by the TPW Committee.

FISCAL IMPACT

According to the Fiscal Impact Statement, it is anticipated that the implementation of the proposed ordinance will not have a fiscal impact on Miami-Dade County.

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ANALYSIS

Section 212.055 of the Florida Statutes provides that proceeds from the transportation sales surtax shall be applied to as many or as few of the uses enumerated in the statutes. One of the enumerated uses is for the development, maintenance and operation of on-demand services. The Florida Statutes define on-demand transportation services as transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature. It is believed that if the Board approves this proposed ordinance to coordinate on-demand transportation services with existing transit services, solutions and mobility will be augmented.

Sec. 29-124. - Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.

Section 1. Section 29-124 of the code of Miami-Dade County would be amended to read as follows (~~words with strikethroughs will be deleted.~~ >>Underlined and double arrowed language<< indicates the amendment proposed. Remaining provisions are now in effect and remain unchanged):

Section 29-124 as it currently reads	Section 29-124 proposed amendment
<p>The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy) and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in subsection (d) of this section.</p> <p>Expenditure of surtax proceeds for contracts procured by or on behalf of Miami-Dade Transit or for transit-related procurements shall be subject to the following limitations:</p> <p>(a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons (regardless of income level who are over the age of 65 or are drawing Social Security benefits) and to provide fare-free public transportation service on Metromover, including extensions.</p> <p>(b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1—4 Fla. Stats. (2010).</p>	<p>The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy) and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in subsection (d) of this section.</p> <p>Expenditure of surtax proceeds for contracts procured by or on behalf of Miami-Dade Transit or for transit-related procurements shall be subject to the following limitations:</p> <p>(a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons (regardless of income level who are over the age of 65 or are drawing Social Security benefits) and to provide fare-free public transportation service on Metromover, including extensions.</p> <p>(b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1—4>><< Fla. Stats. (2010). >><u>The use</u></p>

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<p style="text-align: center;">* * *</p> <p>(h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:</p> <p>(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation;</p> <p>(ii) That apply 20 percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays, on-demand transportation services as defined in Section 212.055(1)(e), Florida Statutes, or other transit-related infrastructure. The use of surtax proceeds for on-demand transportation services shall be limited to providing transportation to Miami-Dade County residents whose household income do not exceed the standard threshold applied to determine eligibility for the low-income, senior citizen's additional homestead exemption outlined in Section 196.075, Florida Statutes (2010), as amended from time to time and meet at least one of the following two criteria: (1) are aged 65 years or older or (2) have a disability, as defined in the Americans with Disabilities Act of 1990 (ADA). Notwithstanding any provision to the contrary, on-demand transportation services as defined in Section 212.055(1)(e), Florida Statutes (2010), and used herein, shall require 24-hour pre-arranged service by recipients. No City may utilize surtax proceeds to provide on-demand transportation services, as defined herein, for individuals receiving County sponsored Special Transportation Services. Any city that cannot apply the 20 percent portion of surtax proceeds it receives as provided in this paragraph, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that city and immediately adjacent areas. If the city cannot expend such proceeds in</p>	<p><u>of surtax proceeds for on-demand services as defined in section 212.055(1)(e), Florida Statutes, shall be limited to on-demand services where the origination or destination of the trip is a South Dade Transitway bus shelter or a Metrorail station and the trip is no greater than 5 miles in distance.<<</u></p> <p style="text-align: center;">* * *</p> <p>(h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:</p> <p>(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation;</p> <p>(ii) That apply 20 percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays, on-demand transportation services as defined in Section 212.055(1)(e), Florida Statutes>>, <u>as may be amended from time to time<<</u> (2010), or other transit-related infrastructure. The use of surtax proceeds for on-demand transportation services shall be limited to providing transportation >><u>services where the trip is no greater than 5 miles in distance and (1) where the origination or destination of the trip is solely within city boundaries; (2) where the origination of a trip is within city boundaries and the destination is the nearest Metrorail station or South Dade Transitway bus shelter; or (3) where the origination of a trip is the Metrorail station or South Dade Transitway bus shelter closest to the city boundary of the city where the intended destination of the trip is located.<<</u> to Miami-Dade County residents whose household income do not exceed the standard threshold applied to determine eligibility for the low income, senior citizen's additional homestead exemption outlined in Section 196.075, Florida Statutes (2010), as amended from time to time and meet at least one of the following two criteria: (1) are aged 65 years or older or (2) have a disability, as defined in the Americans with Disabilities Act of 1990 (ADA). Notwithstanding any provision to the contrary, on-demand transportation services as defined in Section 212.055(1)(e), Florida Statutes (2010), and used herein, shall require 24 hour pre-arranged service by recipients.</p>
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accordance with this paragraph and does not contract with the County as described in this paragraph, then such proceeds shall carry over and be added to the overall portion of surtax proceeds to be distributed to the cities in the ensuing year and shall be utilized solely for the transit uses enumerated in this subsection (ii);

* * *

~~No City may utilize surtax proceeds to provide on-demand transportation services, as defined herein, for individuals receiving County sponsored Special Transportation Services.~~ Any city that cannot apply the 20 percent portion of surtax proceeds it receives as provided in this paragraph, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that city and immediately adjacent areas. If the city cannot expend such proceeds in accordance with this paragraph and does not contract with the County as described in this paragraph, then such proceeds shall carry over and be added to the overall portion of surtax proceeds to be distributed to the cities in the ensuing year and shall be utilized solely for the transit uses enumerated in this subsection (ii);

* * *

According to the Social Equity Statement, the proposed ordinance will provide a social equity benefit by affording additional flexibility to enable municipalities to serve more residents, including seniors, children, people with special needs and the transit-dependent, thereby enhancing their access to public transportation.

ADDITIONAL INFORMATION

The People's Transportation Plan (PTP), the half-penny transportation surtax overwhelmingly approved by Miami-Dade County voters in November 2002, included \$476 million for public works projects. The PTP funds to be provided to the Transportation and Public Works Department were for major highway and road improvements totaling \$309 million, and for neighborhood improvements totaling \$167 million.

<http://www.miamidade.gov/publicworks/peoples-transportation.asp>

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Research Notes**

Item No. 7C

File No. 181056 (180925)

Researcher: MF Reviewer: TD

ORDINANCE RELATING TO THEFT OF PLANTS AND FRUITS AND TRESPASS; AMENDING SECTION 21-118 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT VIOLATIONS OF SECTION 21-118 ARE SUBJECT TO CIVIL ENFORCEMENT PROCEEDINGS UNDER SECTION 8CC, RATHER THAN GENERAL PENALTIES; REMOVING INTENT TO INJURE OR DEFRAUD AS AN ELEMENT FOR VIOLATIONS OF SECTION 21-118; CONSOLIDATING CURRENT SEPARATE TRESPASS VIOLATIONS UNDER 21-118(B) AND (C) INTO SINGLE OFFENSE; AMENDING SECTION 8CC; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEMS UNDER FILE NOS. 180542, 180925; SEE IEM NO. 11A9]

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 21-118 of the Code of Miami-Dade County to provide that violations of Section 21-118 are subject to civil enforcement proceedings under Chapter 8CC of the Code of Miami-Dade County, rather than general penalties; to remove intent to injure or defraud as an element for violations of Section 21-118; and to consolidate current separate trespass violations under Section 21-118 (b) and (c) into a single offense.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 21-118, provides that (a) "It is unlawful for any person, with the intent to injure or defraud, to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent. (b) It is unlawful for any person to enter upon the premises of any nursery or upon private or public property with the intent to injure, damage, take or carry away any plant, fruit, plant product or nursery stock, without the written or oral consent of the owner of the property or his agent."

http://miamidade.fl.elaws.us/code/coord_ptiii_ch21_artix_sec21-118

Miami-Dade County Code, Section 1-5, states that "Unless otherwise specifically provided herein, any person violating any of the provisions of this Code shall be punished by a fine not to exceed five hundred dollars or by imprisonment in the County jail for a period not to exceed sixty days, or by both such fine and imprisonment, in the discretion of the court having jurisdiction over the cause. Any person who violates or fails to comply with this Code shall also be subject to fines in accordance with Chapter 8CC of the Code of Miami-Dade County.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE

Miami-Dade County Code, Section 8CC-10, governs the schedule of civil penalties.

http://miamidade.fl.elaws.us/code/coord_ptiii_ch8cc_sec8cc-10

Miami-Dade County Code, Section 8CC-5.1, governs the Miami-Dade County Diversion Program.

http://miamidade.fl.elaws.us/code/coord_ptiii_ch8cc_sec8cc-5.1

Florida Statutes, Section 812.014, provides that (1) A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently:

(a) Deprive the other person of a right to the property or a benefit from the property.

(b) (b) Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.

<https://www.flsenate.gov/laws/statutes/2011/812.014>

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PROCEDURAL HISTORY

Prime Sponsor: Daniella Levine Cava, District 8

The proposed ordinance was considered at the Public Safety and Health Committee meeting, held on April 18, 2018.

Assistant County Attorney Michael Valdes read a proposed amendment into the record: At the end of the new Sub-Section C, on *handwritten 6, the following language would be added to ensure that Code citations will not be an option for felony conduct, "...Any person who violates a provision of this section shall be subject to penalties, civil liability, Attorney's fees, and enforcement proceedings as set forth in Chapter 8CC of the Code, and shall be subject to any other enforcement proceedings as may be allowed by law, provided that the conduct underlying such violation does not meet the elements of a felony offense under Section 821.014 Florida Statutes, which may be amended from time to time."*

Commissioner Levine Cava requested to receive clarification on the proposed amendment, and Assistant County Attorney Valdes explained that the proposed amendment was intended to ensure that violations and charges under Section 21.118 of the Code could not be assessed if the conduct met the elements of a felony.

Commissioner Diaz thanked the Assistant County Attorney for providing this clarification, because he shared Commissioner Levine Cava's concern. He inquired if the offending individual would be subject to arrest if this was his second offense.

Assistant County Attorney Valdes advised that there were potentially four ways in which such conduct could amount to a felony for theft:

- Theft of anything, including agricultural products, for an amount exceeding \$300;
- Theft of citrus fruit, consisting of 2000 or more pieces, regardless of its value;
- Theft of anything, over \$100, from someone's dwelling or from the unenclosed curtilage of a dwelling; and
- Two prior misdemeanor theft convictions of any type, if the individual steals anything of any value.

The proposed ordinance was forwarded to the BCC with a favorable recommendation, with Committee amendments.

FISCAL IMPACT

According to the Fiscal Impact Statement, the implementation of this ordinance will not have a negative fiscal impact for Miami-Dade County as it will not result in additional staffing needs or future operational costs. Any enforcement relating to the implementation of the proposed ordinance would be absorbed as part of on-going monitoring. Although additional revenues from the imposed civil penalties may be generated, the impact is difficult to determine at this time.

ANALYSIS

On March 7, 2018, the Miami-Dade Agricultural Practices Advisory Board voted unanimously in support of changes to Section 21-118 of the Florida Statutes that would provide law enforcement officers greater flexibility to respond to circumstances of minor fruit and vegetable theft. Consequently, the proposed ordinance seeks the Board's approval to amend Section 21-118 and Section 8CC as they relates to thefts of plants and fruits and trespass. Currently, a law enforcement officer only has discretion to initiate criminal proceedings against a person who has committed a violation of Section 21-118 of the Code of Miami-Dade County or Section 812.014 of the Florida Statutes. The amendment would provide that these violations be treated as civil in nature, and be subject to a uniform fine rather than court proceedings. Therefore, the requirement that potential violators act with criminal intent to injure or defraud would no longer be applicable. Violations of the proposed ordinance will not result in a criminal record, and will not be subject to a higher fine and potential imprisonment.

Agenda Item 11A9, differs from the proposed ordinance, its companion item, in that it allows violations of Section 21-118 to be eligible for alternative enforcement through the Miami-Dade County Diversion Program, as provided in Section 8CC-5.1 of

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Miami-Dade County. The table below summarizes the proposed amendments to Section 21-118, Section 8CC-5.1 and Section 8CC-10:

Section 21-118 of the Code of Miami-Dade County as it currently reads:	Proposed amendment to Section 21-118 of the Code of Miami-Dade County:
<p>a) It is unlawful for any person, with the intent to injure or defraud, to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent.</p> <p>(b) It is unlawful for any person to enter upon the premises of any nursery or upon private or public property with the intent to injure, damage, take or carry away any plant, fruit, plant product or nursery stock, without the written or oral consent of the owner of the property or his agent.</p> <p>(c) It is unlawful for any person to enter the premises of any plant or fruit nursery, whenever the nursery is not open for business, without the written or oral consent of the owner of the nursery or his agent.</p> <p>(d) All violations of this section shall be punished as provided by Section 1-5 of the Code of Miami-Dade County.</p>	<p>(a) It is unlawful for any person, <u>[[with intent to injure or defraud,]]</u> to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent.</p> <p><u>[[It is unlawful for any person to enter upon the premises of any nursery or upon private or public property with the intent to injure, damage, take or carry away any plant, fruit, plant product or nursery stock, without the written or oral consent of the owner of the property or his agent.]]</u></p> <p>(b) <u>[[c)]</u> It is unlawful for any person to enter the premises of any plant or fruit nursery, whenever the nursery is not open for business, without the <u>[[written or oral]]</u> consent of the owner of the nursery or his agent.</p> <p><u>[[d) All violations of this section shall be punished as provided by Section 1-5 of the Code of Miami-Dade County.]]</u></p> <p>>>(c) Any person who violates a provision of this section shall be subject to penalties, civil liability, attorney's fees and enforcement proceedings as set forth in chapter 8CC of the Code and shall be subject to any other such enforcement proceedings as may be allowed by law.<<</p>
Section 8CC-5.1 of the Code of Miami-Dade County as it currently reads:	Proposed amendment to Section 8CC-5.1 of the Code of Miami-Dade County:
Code Section	Description of Violation
21-81 (d) (7)	Possession of drug paraphernalia
>>21-118<<	>>Theft of plants and fruits and trespass<<
26-1	Parks violations
Section 8CC-10 of the Code of Miami-Dade County as it currently reads:	Proposed amendment to Section 8CC-10 of the Code of Miami-Dade County:

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Code Section	Description of Violation	Civil Penalty	Code Section	Description of Violation	Civil Penalty
<u>21-116</u>	Failure to post four (4) signs in areas of self-harvest field closed to the public	500.00	<u>21-116</u>	Failure to post four (4) signs in areas of self-harvest field closed to the public	500.00
**	**	**	>>21-118<<	>> Theft of plants and fruits and trespass <<	>> 200.00 <<

Words [[double bracketed]] and underlined shall be deleted. Words in **bold** and >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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Research Notes**

**Item No. 7D
File No. 180131**

Researcher: JFP Reviewer: TD

ORDINANCE RELATING TO THE DADE-MIAMI CRIMINAL JUSTICE COUNCIL; AMENDING SECTIONS 2-2168 AND 2-2169 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PERMIT COUNCIL MEMBER DESIGNEES TO SERVE AS CHAIRPERSON OR VICE-CHAIRPERSON OF DADE-MIAMI CRIMINAL JUSTICE COUNCIL COMMITTEES AND TO AUTHORIZE COUNCIL MEMBER DESIGNEES TO EXERCISE THE FULL VOTING AUTHORITY OF THEIR APPOINTING COUNCIL MEMBERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend the County Code as it relates to the Dade-Miami Criminal Justice Council, permitting Council member designees to serve as Chairperson or Vice-Chairperson of Dade-Miami Criminal Justice Council committees, and authorizing Council member designees to exercise the full voting authority of their appointing Council members.

APPLICABLE LEGISLATION/POLICY

Section 2-2168 of the Code of Miami-Dade County specifies membership of the Dade-Miami Criminal Justice Council

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTCXLIXDAAMCRJUCO_S2-2168ME

Section 2-2169 of the Code of Miami-Dade County details the organization of the Dade-Miami Criminal Justice Council

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTCXLIXDAAMCRJUCO_S2-2169OR

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

Requester/Department: None

The proposed Ordinance was forwarded to the BCC with a favorable recommendation by the Public Safety and Health Committee at its April 18, 2018 meeting after the Chair provided an opportunity for a public hearing in which there were no participants.

FISCAL IMPACT

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs.

ANALYSIS

This Ordinance proposes to amend two sections in Article CXLIX of the County Code related to the Dade-Miami Criminal Justice Council to broaden the authority of Council members' designees.

Council members who are unable to attend meetings are authorized to present written authorizations for designees to attend meetings, and vote at committee or full Council meetings (when not otherwise prohibited), but are currently expressly prohibited from voting at Executive Committee meetings and Public Safety Coordinating Council meetings, and are not permitted to serve as the Chairperson or Vice Chairperson on council committees. This ordinance proposes to remedy this.

The Dade-Miami Criminal Justice Council was jointly created by the City of Miami Commission and the Miami-Dade County Board of County Commissioners in 1978. The Council's purpose is to encourage and facilitate coordination and cooperation

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between and among the various agencies of the Criminal Justice System of Miami-Dade County and to provide advice, analysis, and technical assistance to criminal justice-related agencies.

The Council is currently composed of 31 voting members, including:

- The Miami-Dade County Mayor or the Mayor's designee,
- Director of the Miami-Dade Police Department or the Director's designee,
- Director of the Miami-Dade Corrections and Rehabilitation Department,
- Director of the Miami-Dade County Medical Examiner's Department,
- Director of the Miami-Dade County Juvenile Services Department,
- Chairperson of the Miami-Dade County Board of County Commissioners or another County Commissioner as the Chairperson's designee,
- Mayor of the City of Miami or the Mayor's designee,
- Chief of Police for the City of Miami,
- Chairperson of the Miami City Commission or the Chairperson's designee,
- Chief Judge of the Eleventh Judicial Circuit or another Eleventh Judicial Circuit Judge designated by the Chief Judge,
- Chief County Court Judge, or another judge designated by the Chief County Court Judge for County Court in Miami-Dade County,
- Miami-Dade County State Attorney or an Assistant State Attorney designated by the State Attorney,
- Miami-Dade County Public Defender, or an Assistant Public Defender designated by the Public Defender,
- Clerk of the Courts for Miami-Dade County,
- Miami-Dade County Public Schools Superintendent,
- Southern Region Administrator with the Florida Department of Children and Families,
- Circuit XI Chief Probation Officer for the Florida Department of Juvenile Justice,
- District Judge for the United States Southern District sitting in Miami-Dade County and,
- Circuit XI Probation Administrator for the Florida Department of Corrections

The Council's Regular meetings are held four times per year, and executive committee meetings and committee meetings are held as needed.

Below are the proposed amendments, compared to the County Code as it currently reads:

Section 2-2168 of the Code of Miami-Dade County as it currently reads:	Proposed amendment to Section 2-2168 of the Code of Miami-Dade County:
<p>Sec. 2-2168. - Membership.</p> <p style="text-align: center;">* * *</p> <p>(4) <i>Designees.</i> An Institutional Council member may designate a designee with the right to vote at full Council meetings or Committee meetings but not at Executive Committee or Public Safety Coordinating Council Committee meetings, except as designees may be expressly referenced and permitted under section 951.26, Florida Statutes.</p>	<p>Sec. 2-2168. - Membership.</p> <p style="text-align: center;">* * *</p> <p>(4) <i>Designees.</i> An Institutional Council member may designate a designee with the right to vote at full Council meetings, <u>Executive Committee and committee meetings, and Public Safety Coordinating Council meetings unless otherwise permitted</u> under section 951.26, Florida Statutes.</p>

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<p>A Community Representative Member may designate a designee to vote at committee meetings, but not at full Council meetings, Executive Committee, or Public Safety Coordinating Council Committee meetings, except as designees may be expressly referenced and permitted under section 951.26, Florida Statutes. All designations shall be made in writing to Council staff prior to the Council or committee meeting.</p> <p style="text-align: center;">* * *</p>	<p>A Community Representative Member may designate a designee to vote at <u>full Council meetings, Executive Committee, and committee meetings</u> <u>Committee meetings, unless otherwise prohibited</u> under section 951.26, Florida Statutes. All designations shall be made in writing to Council staff.</p> <p style="text-align: center;">* * *</p>
<p style="text-align: center;">Section 2-2169 of the Code of Miami-Dade County as it currently reads:</p>	<p style="text-align: center;">Proposed amendment to Section 2-2169 of the Code of Miami-Dade County:</p>
<p>Sec. 2-2169. - Membership.</p> <p style="text-align: center;">* * *</p> <p>(f) <i>Committees.</i> The Chairperson, independently or upon recommendation of the Council, shall establish committees to assist in accomplishing its tasks and shall appoint members thereto and a Chairperson and Vice-Chairperson of committees established, except for the Public Safety Coordinating Council Committee. Only Council members may be appointed to serve as Chairperson or Vice-Chairperson of committees. The Chairperson shall be a voting member of all Committees. Results of all committee action(s) will be made known to all Council members at the next scheduled full Council meeting. The following committees shall be established:</p> <p>(1) <i>Executive Committee.</i> The Dade-Miami Criminal Justice Council shall have an Executive Committee that will be comprised of the Council Chairperson, the Council Vice-Chairperson, and the Chairpersons of the Council's Standing Committees. The Executive Committee shall act on behalf of the Council between meetings on any urgent matters which</p>	<p>Sec. 2-2169. - Membership.</p> <p style="text-align: center;">* * *</p> <p>(f) <i>Committees.</i> The Chairperson, independently or upon recommendation of the Council, shall establish committees to assist in accomplishing its tasks and shall appoint members thereto and a Chairperson and Vice-Chairperson of committees established, except for the Public Safety Coordinating Council Committee. Council members <u>or designees of Council members</u> may be appointed to serve as Chairperson or Vice-Chairperson of committees. The Chairperson shall be a voting member of all Committees. Results of all committee action(s) will be made known to all Council members at the next scheduled full Council meeting. The following committees shall be established:</p> <p>(1) <i>Executive Committee.</i> The Dade-Miami Criminal Justice Council shall have an Executive Committee that will be comprised of the Council Chairperson, the Council Vice-Chairperson, and the Chairpersons of the Council's Standing Committees. The Executive Committee shall act on behalf of the Council between meetings on any urgent matters which</p>

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would normally come before the Council for a decision.

No designees may be authorized to vote at an Executive Committee meeting, except as otherwise permitted under this ordinance. The Executive Committee shall be entitled to propose changes to the bylaws as needed.

- (5) *Nominating Committee.* The Nominating Committee shall be comprised of Institutional Members. The Nominating committee shall identify, review, and make recommendations to the Council for candidates to fill Community Representative vacancies on the Council.

* * *

would normally come before the Council for a decision.

Designees are authorized to vote at Executive Committee meetings. The Executive Committee shall be entitled to propose changes to the bylaws as needed.

- (5) *Nominating Committee.* The Nominating committee shall identify, review, and make recommendations to the Council for candidates to fill Community Representative vacancies on the Council.

* * *

ADDITIONAL INFORMATION

Miami-Dade County's Dade-Miami Criminal Justice Council webpage:

<https://www.miamidade.gov/police/criminal-justice-council.asp>

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Item No. 7E

File No. 181054 (180300)

Researcher: MF Reviewer: TD

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; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE[SEE ORIGINAL ITEM UNDER FILE NO. 180300]

ISSUE/REQUESTED ACTION

Whether the Board should approve the proposed ordinance 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>

Miami-Dade County 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>

Miami-Dade County 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

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”.

The proposed ordinance was considered at the Government Operations Committee meeting of March 13, 2018.

Commissioner Sosa expressed her concerns with this items, noting the companies would have to pay two different sets of wages: one for the employees working in properties owned by the County, and one for the employees working in other locations. She said she was opposed to dictating to companies what they should pay their employees. She also pointed out that the proposed ordinance could have unintended consequences because private companies may be reluctant to rent County-owned property to avoid paying living wages.

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Commissioner Martinez said he was opposed to imposing compromises reached with labor unions on private companies.

Assistant County Attorney David Murray noted the Board in 2007 passed a requirement that concessionaires in Aviation Concession Leases have Labor Peace Agreements. He said the intent was to ensure that employees, to the extent that they wished to unionize, did not do so in a manner that was disruptive to the operations of the airport. He explained that when a union sought to represent a concessionaire's workforce, the concessionaire, as a pre-condition to being awarded a concession by the Board, had to enter into a Labor Peace Agreement with that union.

The proposed ordinance was deferred to the next Committee meeting by the Government Operations Committee.

The proposed ordinance was considered at the April 17, 2018 Government Operations Committee meeting.

Assistant County Attorney David Murray read into the record the following proposed amendment: On handwritten page 9, *the following exemptions would be added, "Any entity or individual leasing space", "A Public Health Trust property", and "Any non-profit organizations"; and on handwritten page 10, Section 6, dealing with Miami-Dade County Resolution No. R-148-07, would be deleted.*

In response to Commissioner Martinez' question as to whether the proposed ordinance would remove the requirement for Labor Peace Agreements, Assistant County Attorney Murray clarified that it did not alter the requirement that concessionaires in Aviation Concession Leases have Labor Peace Agreements; however, it did not expand the requirement beyond the airport.

Responding to Commissioner Martinez' question regarding whether the County had imposed this requirement on private companies in the past, Assistant County Attorney Murray recalled that in 2007 the Board passed a requirement that concessionaires in Aviation Concession Leases have Labor Peace Agreements; however, this requirement solely applied to the airport. He advised that the proposed ordinance, as amended, would not expand this requirement beyond the airport.

The proposed ordinance was forwarded to the BCC with a favorable recommendation with Committee amendments (Commissioner Martinez voted "no").

FISCAL IMPACT

According to the Fiscal Impact Statement, implementation of this ordinance will have an indeterminate fiscal impact for Miami-Dade County. It will not result in additional staffing. However, there may be an impact in relation to attracting fewer future lessees for County property and a potential decrease in future rental rates.

ANALYSIS

The purpose of this proposed ordinance 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:

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

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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;
- 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 percent 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 percent compared to the FY 2016/2017 rate.

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Item No. 7F
File No.181068

Researcher: SM 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

Section 20-3(F) (6) of the Code of Miami-Dade County refers to areas designated as terminals in the County's Adopted Land Use Plan Map.

https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIITHCO_CH20FLDAPR_S20-3DEEISPFLHAARNOFLHAAR

Section 218.503 of the Florida Statute governs financial matters pertaining to political subdivisions.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0218/Sections/0218.503.html

Resolution No. R-972-14 adopted December 3, 2013 authorizes 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>

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Resolution No. R-1006-13 adopted on December 3, 2013 directs 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>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barbara J. Jordan, District 1

This item was passed as amended at the Government Operations Committee on April 17, 2018.

Commissioner Sosa from District 6, asked if this item relates to the avoidance of the creation of enclaves, she mentioned that she has some concern with the process of annexation as it relates to the time and protection provided with the annexation. They would at some point have to discuss the possibility of regional fire and regional police. She asked if this in no shape or form is pushing for annexations and incorporations, and Commissioner Jordan from District 1 responded absolutely not.

Commissioner Sosa further stated that when a municipality wants to annex an area, they ask the County Commissioners to conduct a survey in order to get a understanding on how the effected residents feel, as it relates to the annexation, and that it has been the standard procedure for the Commissioners to pay for the survey from their office funds, and if she can propose a friendly amendment as it relates to the cost of the surveys.

Commissioner Jordan said that to her understanding, any area that exceeds over 250 residents will be subject to a vote as it pertains to annexation.

Commissioner Sosa explained that when “little Gables” requested to be annexed to Coral Gables, her office had to pay for the survey, and now the City has requested the annexation, where her office had to pay for the another survey, as they need the opinion of the affected residents the Commissioners represent.

Commissioner Jordan said she considers it a friendly amendment. The County attorney mentioned she will review it with more time.

FISCAL IMPACT

The fiscal impact statement states that this item will not require any additional staffing needs or future operational costs, therefore the implementation of this ordinance will not have a fiscal impact to Miami-Dade County. However the mayoral memo does mention that additional analysis required may prolong the review and processing of any annexation application or incorporation proposal. It does not state what the fiscal impact will be if that were to happen.

ANALYSIS

This item is a substitute to original item 180046, and 180553. It differs from the original version in correcting two scrivener's errors, strikes the proposed language which would have required the clerk of the Board of County Commissioners to transmit an annexation application to the Planning Advisory Board and retains the current requirement that the County Commission continue to transmit annexation applications to the Planning Advisory Board, and clarifies that a municipality may, but is not required to, explain in its annexation application why it is proposing to exclude a revenue-negative/neutral unincorporated perimeter area or enclave from a proposed revenue-positive annexation.

This item further was amended at the Government Operations Committee on April 17, 2018 to change “may” to “shall” in the first line of subsection (9) on handwritten page 9 of the ordinance. This shall require a municipality to explain why it is proposing to exclude a revenue-negative/neutral unincorporated perimeter area or enclave from a proposed revenue-positive annexation.

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The Office of Management and Budget (OMB) will use their staff to provide additional information and analysis of any annexation application or incorporation proposal. The social equity statement states that elected officials and residents of these areas will benefit from this legislation by having additional information available when considering annexation and incorporation proposals.

The Board wishes to implement the recommendations below 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.**

<u>Original</u>	<u>Proposed Changes</u>
<p><u>CHAPTER 20- MUNICIPALITIES</u></p> <p><u>Sec. 20-0.</u></p> <p><u>N/A</u></p>	<p><u>CHAPTER 20- MUNICIPALITIES</u></p> <p>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.</p> <p>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.</p>

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	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
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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:

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 qualify it for state oversight within the preceding five years;**
- 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;**
- 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.**

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	<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

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.	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.
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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	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
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Advisory Board for review, study, consideration and recommendations.

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

(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

(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**

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<p>review and recommendation prior to submittal to the Board of County Commissioners for their consideration.</p> <p>(c) The Planning Advisory Board's recommendation to the Board of County Commissioners shall be either:</p> <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>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.</p> <p>(c) The Planning Advisory Board's recommendation to the Board of County Commissioners shall be either:</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</p>	
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	<p>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 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>(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 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</p>	
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(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.

(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.

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

(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.

(12) Whether a revenue-positive annexation request excludes any revenue-negative/neutral unincorporated perimeter area or enclave.

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 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**

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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 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

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<p>E) The Planning Advisory Board recommendation to the Board of County Commissioners shall be either:</p> <p>(1) Approval of the petition;</p> <p>(2) Approval of the petition on a modified basis;</p> <p>(3) Deferral of the petition for more information;</p> <p>(4) Deferral of the petition to permit modification,</p>	<p>per capita income and average property tax value, including the abovementioned staff determination.</p> <p>(E) The Planning Advisory Board recommendation to the Board of County Commissioners shall be either:</p> <p>(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;</p> <p>(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;</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

(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:

(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:

(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.

(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:

(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:

(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.**

(f) Not have irregular boundaries that specifically include or exclude certain parcels, lands, properties. 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.

(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?

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

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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>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

<p>(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</p>	<p>(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</p>
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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.

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 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.**

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. 7G
File No. 180254**

Researcher: BM Reviewer: TD

ORDINANCE CREATING THE ELDER AFFAIRS ADVISORY BOARD; CREATING ARTICLE CLIX OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THE COMPOSITION AND DUTIES OF THE BOARD AND OTHER RELATED MATTERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the creation of the Elder Affairs Advisory Board (board) and creating Article CLIX of the County Code.

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/codes/Code%20of%20Ordinances?nodeId=PTIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36.1DEBO)

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Sen. Javier D. Souto, District 10

Commissioner Esteban L. Bovo, Jr., District 13

Commissioner Daniella Levine Cava, District 8

Commissioner Audrey M. Edmonson, District 3

Commissioner Joe A. Martinez, District 11

Commissioner Jean Monestime, District 2

Commissioner Dennis C. Moss, District 9

02/06/15: Adopted by the Board on first reading. This item was originally file number no. 180147.

04/17/18: Forwarded to BCC with a favorable recommendation following a public hearing by Government Operations Committee; Passed 5 – 0.

Commissioner Sosa requested that the implementation of the Board remain under the Office of the Chair’s Community Advocacy Division. The reasoning is that under the BCC, the elderly would have the access to district offices instead of isolating their access to only the Mayor’s Office.

FISCAL IMPACT

If the proposed ordinance is approved, it will have a fiscal impact on the County as the ordinance states that there will be a need to convert a part-time position to a full-time position to meet the requirements.

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The table below summarizes the estimated expense for a full-time position for the Elder Affairs Advisory Board over the next five years:

Fiscal Year	Estimated Expense
Year 1	\$43,574
Year 2	\$45,748
Year 3	\$48,031
Year 4	\$50,428
Year 5	\$52,945

ANALYSIS

This item seeks Board approval for the creation of the Elder Affairs Advisory Board and creating section Article CLIX of the County Code.

In Florida, Miami-Dade County has the largest population of individuals who are 60 years old or older. The Elder Affairs Advisory Board would focus on the needs of the elder residents and encourage them to become more active and involved in community events and leadership roles.

The board shall comprised of 15members to be appointed as follows: (1) one member by each County Commissioner; (2) one by the County Mayor; and (3) one by the Miami-Dade Chapter of the American Association of Retired Persons. Each member must be a permanent resident of the County, be at least 65 years of age, and may serve four-year terms, no member to serve more than eight consecutive years.

The amended item differs from the original in that the duties of taking of minutes and maintenance of membership roster is to be conducted by the Office of Community Advocacy, rather than the Clerk of the Board. The item further creates the Article CLIX, Elder Affairs Advisory Board detailed below.

Per the Mayoral memo, an amendment to the ordinance designating the Mayor's Office of Senior Advocacy to support the Elder Affairs Advisory Board would mitigate the fiscal impact by the office absorbing the staffing requirement.

Lake County Florida established the Elder Affairs Coordinating Council to provide their BCC with information regarding existing programs and facilities, identify services that would benefit elders and assist in making Lake County an "elder ready" community

https://www.lakecountyfl.gov/departments/community_services/health_and_human_services/elder_affairs/

Collier County Florida established the Senior Advisory Committee to assist the Board of County Commissioners in compiling and identifying issues and relevant best practices concerning senior citizens in Collier County.

<https://www.colliercountyfl.gov/your-government/advisory-boards-and-authorities/collier-county-ad-hoc-senior-advisory-committee>

Fulton County Georgia established the Commission on Elderly Affairs to make recommendations to improve the quality of life for senior citizens in Fulton County.

http://www.fultoncountyga.gov/images/stories/Clerk%20to%20The%20Commission/COMMISSION_ON_ELDERLY_AFFAIRS_032918.pdf

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<p><i>Sec. 2-2349. Creation and Composition.</i></p>	<p>The Miami-Dade County Elder Affairs Advisory Board (board) is hereby created and shall be comprised of a total of 15 members, as follows: (1) each County Commissioner shall appoint one member; (2) the Mayor shall appoint one member; and (3) the Miami-Dade Chapter of the American Association of Retired Persons shall appoint one member. The members shall be permanent residents and electors of the County in accordance with section 2-11.38, as may be amended, shall have knowledge of and interest in the County's elderly population and shall be at least 65 years of age. Board members shall serve four-year terms, and no member may serve more than eight consecutive years in accordance with section 2-11.38.2, as may be amended.</p>	
<p><i>Sec. 2-2350. Membership; officers; meetings.</i></p>	<p>The members of the board shall elect a chairperson, vice-chairperson, and such other additional officers as the board shall deem necessary. All officers shall serve one-year terms, and no member may remain in the same office for more than two consecutive years. After one year of not holding the office, a member may be elected to the same office that was previously held for up to two consecutive years. Officer elections shall take place each November, with newly elected officers installed the following January.</p> <p>A majority of members duly appointed to the board shall constitute a quorum necessary to hold a meeting and take any action. Members shall serve without compensation. The chairperson or vice-chairperson may call meetings of the board. Meetings may also be called by written notice signed by eight members. The board at any duly noticed public meeting may fix and call a meeting on a future date.</p> <p>All meetings shall be held in accordance with Government in the Sunshine laws and access to public records shall be afforded as required by the Public Records Act. Additionally, the public shall be given a reasonable opportunity to be heard pursuant to section 286.0114, Florida Statutes, and related applicable provisions of the Code.</p> <p>Notwithstanding any other provision of the Code, a board member shall be automatically removed if, in a given County fiscal year the member is absent from two consecutive meetings without an acceptable excuse or the member is absent from three of the board's meetings without an acceptable excuse. An 'acceptable excuse' is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the board, by a two-thirds vote of its membership, deems appropriate. If a member is absent with an acceptable excuse from three or more meetings, the board may vote to remove the member from the board.</p> <p>A member shall be considered absent from a meeting if the member is not physically present for at least 75 percent of the meeting's duration. A member shall also be considered absent from a meeting if the member refrains from voting on any matter for which voting is conducted at the meeting, unless the member is prevented from voting by a conflict of interest.</p> <p>The provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, as may be amended, are applicable to this board, as well as other laws applicable to public advisory board membership, including but not limited to section 2-11.38 of the Code.</p>	

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<p><i>Sec. 2-2351. Duties; powers; responsibilities.</i></p>	<p>The board shall have the following duties, powers and responsibilities:</p> <p>(1) The board shall advise the Mayor and the Board of County Commissioners on issues related to the County's programming, public services, and facilities for elderly persons, including but not limited to, transportation/mobility services, health care services, parks programming, including silver services programming, and affordable housing.</p> <p>(2) The board shall serve as a liaison with the elderly community. This relationship will enable outreach with the elderly community and receipt of input on the needs of the elderly community that may be addressed by the County.</p> <p>(3) The Board shall recommend activities or programming that promote a healthy lifestyle and enhance the quality of life for elderly persons.</p> <p>(4) The Board shall act as an advisor to the Mayor and the Board of County Commissioners on all other policy matters pertaining to the elderly community in Miami-Dade County, as may be requested by the Mayor, the Chairperson of the Board of County Commissioners, or the Board of County Commissioners.</p> <p>(5) The board shall report at least annually to the Board of County Commissioners as to its activities and recommendations.</p>
<p><i>Sec. 2-2352. Supervision and Support.</i></p>	<p>The Clerk of the Board of County Commissioners (Clerk of the Board) shall retain the current roster of the board's members and minutes of the board's meetings that are provided to the Clerk of the Board.</p> <p>The Office of the Chairperson of the Board of County Commissioners, County Attorney and Office of Community Advocacy shall provide appropriate support for the board. The Chairperson of the Board of County Commissioners shall have the power to appoint, employ, remove and supervise such assistants, employees, and personnel as deemed necessary to provide appropriate support to the board, and such assistants, employees, and personnel. The executive director shall be the director of the Office of Community Advocacy or his or her designee. Any assistant, employee, personnel or executive director shall serve at the will of the Chairperson of the Board of County Commissioners.</p> <p>The Office of Community Advocacy shall ensure the board's membership roster is current and take the minutes and post minutes from the board's meetings online. In addition, the executive director of the Office of Community Advocacy shall provide a report on the board every 12 months to the Board of County Commissioners.</p>

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**Item No. 7H
File No. 180091**

Researcher: SM Reviewer: TD

ORDINANCE RELATING TO SEWAGE FLOW RATES; AMENDING SECTION 24-43.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO SEWAGE FLOWS FOR SANITARY SEWERS AND THE MAXIMUM ALLOWABLE SEPTIC TANK SEWAGE LOADING REQUIREMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve an ordinance amending Section 24-43.1 of the Code of Miami-Dade County, relating to sewage flows for sanitary sewers and maximum allowable septic tank sewage loading requirements.

APPLICABLE LEGISLATION/POLICY

Section 24-43.1 of the Code of Miami-Dade County - Liquid waste disposal and potable water supply systems – is intended to safeguard the public health safety, and welfare by regulating liquid waste storage, disposal and treatment methods other than sanitary sewers and any source of potable water supply.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIIIWASOQU_DIV2WEPRDOWESYPOWAST_S24-43.1LIWADIPOWASUSY

Implementing Order 4-110, Schedule of Rates, Fees and Charges for Miami-Dade Water and Sewer Department, provides a list of rates for all use types. This IO became effective on 10/9/17.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO4-110.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2, and Co-Sponsor Commissioner Audrey M. Edmonson, District 3

Requester/Department: Regulatory and Economic Resources

This item was forwarded to BCC with a favorable recommendation on the Infrastructure and Utilities Committee meeting on April 17, 2018.

Commissioner Diaz, from District 12 mentioned that the majority of flow rates have decreased and a small number have increased. He wanted to know what the increase would be for the affected resident.

Commissioner Monestime from District 2 and the department representative confirmed that it's not an increase in services, but rather a routine measure happening every five years. The department representative responded that it has nothing to do with monthly billing and that the majority of customers would really not be much impacted. Commissioner Diaz mentioned that the commercial buildings will be affected which have residents living there, so it will affect the residents.

FISCAL IMPACT

The proposed ordinance will not require additional funding and is expected to pose no negative fiscal impact. The proposed change is estimated to reduce revenues from connection fees by approximately \$561,564. Since the flow rate has decreased due to the study, the capital expenditure from the Plant Expansion Funds is expected to decrease as well.

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ANALYSIS

The proposed ordinance amends Section 24-43.1 of the Code of Miami-Dade County, relating to sewage flows for sanitary sewers and maximum allowable septic tank sewage loading requirements. The modification is made to more accurately reflect actual water usage and anticipated water demands, per the results of an examination of water meter data collected within WASD's service area. The code was last revised in 2011 in response to the Florida Building Code mandating use of water-conserving fixtures in new construction.

Per the Social Equity statement included in the item, the proposed ordinance is not anticipated to have a specific social equity benefit or burden pursuant to Ordinance No. 15-83. Although the change in flow rates will benefit residential and commercial construction and new businesses, the anticipated benefit could not be determined.

The table below summarizes County Code Section 24-43.1 as is it currently read and the proposed amendments to the code. The left column includes the text of the code as it currently reads. The column with the heading 'proposed amendments to the Code' include the proposed changes to the Code. Modifications to the Code are either in **Bold** or were not included in the column if they have been removed in the proposed amendments to Section 24-43.1.

Section 24-43.1 of the Code of Miami-Dade County as it currently reads:	Proposed amendment to Section 24-43.1 of the Code of Miami-Dade County:
<p>(5) The following table shall be utilized by the Director or the Director's designee to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter. If the Director or the Director's designee receives competent factual data and information such as actual on-site measured sewage flows or actual metered water bills, or an engineering flow study which utilizes recognized standard practices of the engineering profession, is signed and sealed by an engineer licensed by the State of Florida, and approved by the Director or the Director's designee, the Director or the Director's designee may utilize this data and information to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter in lieu of the table below. This table shall not be utilized for the sizing of septic tanks. Sizing of septic tanks shall be in accordance with Florida Statutes regarding septic tanks.</p> <p>Type of Land Use, Gallons Per Day (GPD)</p> <p><u>Residential Land Uses:</u></p> <p>Single-Family Residence:</p> <p style="padding-left: 40px;">Less than 3001 sq. ft: 220 gpd/unit</p> <p style="padding-left: 40px;">3001—5000 sq. ft: 320 gpd/unit</p>	<p>(5) The following table shall be utilized by the Director or the Director's designee to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter. If the Director or the Director's designee receives competent factual data and information such as actual on-site measured sewage flows or actual metered water bills, or an engineering flow study which utilizes recognized standard practices of the engineering profession, is signed and sealed by an engineer licensed by the State of Florida, and approved by the Director or the Director's designee, the Director or the Director's designee may utilize this data and information to determine sewage flows for sanitary sewers and the maximum allowable septic tank sewage loading requirements set forth in this chapter in lieu of the table below. This table shall not be utilized for the sizing of septic tanks. Sizing of septic tanks shall be in accordance with Florida Statutes regarding septic tanks.</p> <p>Type of Land Use/Gallons Per Day (GPD)</p> <p><u>Residential Land Uses:</u></p> <p>Single-Family Residence:</p> <p style="padding-left: 40px;">Less than 3001 sq. ft.: 210 gpd/unit</p> <p style="padding-left: 40px;">3001—5000 sq. ft.: 310 gpd/unit</p>

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<p>More than 5000 sq. ft: 550 gpd/unit</p> <p>Townhouse Residence: 180 gpd/unit</p> <p>Apartment: 150 gpd/unit</p> <p>Mobile Home Residence/Park: 180 gpd/unit</p> <p>Duplex or Twin Home Residence: 180 gpd/unit</p> <p><u>Commercial Land Uses:</u></p> <p>Airport:</p> <p>(a) Common Area/Concourse: 5 gpd/100 sq. ft.</p> <p>(b) Retail: 10 gpd/100 sq. ft.</p> <p>(c) Food Service: See Restaurant use for allocation</p> <p>Banquet Hall: 15 gpd/100 sq. ft.</p> <p>With Kitchen: 50 gpd/100 sq. ft.</p> <p>Bar or Cocktail Lounge: 20 gpd/100 sq. ft.</p> <p>Barber Shop: 15 gpd/100 sq. ft.</p> <p>Beauty Shop: 25 gpd/100 sq. ft.</p> <p>Bowling Alley: 100 gpd/lane</p>	<p>More than 5000 sq. ft.: 510 gpd/unit</p> <p>Townhouse Residence: 165 gpd/unit</p> <p>Apartment: 135 gpd/unit</p> <p>Mobile Home Residence/Park: 160 gpd/unit</p> <p>Duplex or Twin Home Residence: 150 gpd/unit</p> <p>Residential Facility/Institution:</p> <p>(a) Congregate Living Facility (CLF): 75 gpd/bed</p> <p>(b) Apartment Dormitory: 100 gpd/unit</p> <p>(c) Fire Station: 10 gpd/100 sq. ft.</p> <p>(d) Jail: 150 gpd/person</p> <p>(e) Other: 100 gpd/person</p> <p><u>Commercial Land Uses:</u></p> <p>Airport:</p> <p>(a) Common Area/Concourse Retail: 10 gpd/100 sq. ft.</p> <p>(b) Food Service: See Restaurant use for allocation</p> <p>Bank: 10 gpd/100 sq. ft.</p> <p>Banquet Hall with or without kitchen: 15 gpd/100 sq. ft.</p> <p>Bar, Cocktail Lounge, Nightclub, or Adult Entertainment: 20 gpd/100 sq. ft.</p> <p>Barber Shop: 10 gpd/100 sq. ft.</p> <p>Beauty Shop: 25 gpd/100 sq. ft.</p> <p>Big Box Retail: 2.5 gpd/100 sq. ft.</p>	
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<p>Car Wash:</p> <p>(a) Manual Washing: 350 gpd/bay</p> <p>(b) Automated Washing: 5500 gpd/bay</p> <p>With recycle system: Based on system design and evaluation by the Department</p> <p>Coin Laundry: 145 gpd/washer</p> <p>Country Club: 15 gpd/100 sq. ft.</p> <p>With Kitchen: 50 gpd/100 sq. ft.</p> <p>Dentist's Office: 25 gpd/100 sq. ft.</p> <p>Food Preparation Outlets (Bakeries, Meat Markets, Commissaries, etc.): 35 gpd/100 sq. ft.</p> <p>Funeral Home: 10 gpd/100 sq. ft.</p> <p>Gas Station/Convenience store/Mini-Mart:</p> <p>(a) Without car wash: 450 gpd/unit</p> <p>(b) With single automated car wash: 1750 gpd/unit</p> <p>Fitness Center or Gym: 10 gpd/100 sq. ft.</p> <p>Hospital: 250 gpd/bed</p> <p>Hotel or Motel: 100 gpd/room</p> <p>House of Worship: 10 gpd/100 sq. ft.</p> <p><u>Industrial:</u></p> <p>(a) Warehouse/Spec. Bldg.: 1 gpd/100 sq. ft.</p> <p>(b) Self-service storage units: 1.5 gpd/100 sq. ft.</p> <p>(c) Industrial—Wet: 20 gpd/100 sq. ft.</p>	<p>Bowling Alley: 100 gpd/lane</p> <p>Car Wash:</p> <p>(a) Manual Washing: 350 gpd/bay</p> <p>(b) Automated Washing: 5500 gpd/bay</p> <p>With recycle system: Based on system design and evaluation by the Department</p> <p>Coin Laundry: 110 gpd/washer</p> <p>Country Club with or without kitchen: 20 gpd/100 sq. ft.</p> <p>Dentist's Office: 25 gpd/100 sq. ft.</p> <p>Fitness Center or Gym: 10 gpd/100 sq. ft.</p> <p>Funeral Home: 5 gpd/100 sq. ft.</p> <p>Gas Station/Convenience store/Mini-Mart:</p> <p>(a) Without car wash: 450 gpd/unit</p> <p>(b) With single automated car wash: 1750 gpd/unit</p> <p>Additional single automated car wash: 1300 gpd/unit</p> <p>Hospital: 250 gpd/bed</p> <p>Hotel or Motel: 115 gpd/room</p> <p>House of Worship: 10 gpd/100 sq. ft.</p> <p><u>Industrial:</u></p> <p>Industrial use not discharging a process wastewater and not utilizing potable water for an industrial process (including but not limited to automotive repair, boat repair, carpentry, factory, machine shop, welding): 4 gpd/100 sq.ft.</p>	
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<p>(d) Industrial—Dry: 2.5 gpd/100 sq. ft.</p> <p>Kennel: 15 gpd/cage</p> <p>Marina: 60 gpd/slip</p> <p>Motor Vehicle Service Station: 10 gpd/100 sq. ft.</p> <p>Nursing/Convalescent Home: 50 gpd/bed</p> <p>Office Building: 5 gpd/100 sq. ft.</p> <p>Other Residential Facility/Institution:</p> <p> (a) Congregate Living Facility (CLF): 75 gpd/bed</p> <p> (b) Jail: 150 gpd/person</p> <p> (c) Other: 100 gpd/person</p> <p>Pet Grooming: 55 gpd/100 sq. ft.</p> <p>Physician's Office: 20 gpd/100 sq. ft.</p> <p>Public Park:</p> <p> (a) With toilets only: 5 gpd/person</p> <p> (b) With toilets and showers: 20 gpd/person</p> <p>Public Swimming Pool Facility: 30 gpd/person</p> <p>Restaurant:</p> <p> (a) Full Service: 100 gpd/100 sq. ft.</p> <p> (b) East Food: 50 gpd/100 sq. ft.</p> <p> (c) Take Out: 100 gpd/100 sq. ft.</p>	<p>Industrial use discharging a process wastewater or utilizing potable water for industrial use: Based on system design and evaluation by the Department</p> <p>Kennel: 15 gpd/100 sq. ft.</p> <p>Marina: 60 gpd/slip</p> <p>Nail Salon: 30 gpd/100 sq. ft.</p> <p>Nursing/Convalescent Home: 125 gpd/bed</p> <p>Office Building: 5 gpd/100 sq. ft.</p> <p>Pet Grooming: 20 gpd/100 sq. ft.</p> <p>Physician's Office: 20 gpd/100 sq. ft.</p> <p>Public Park:</p> <p> (a) With toilets only: 5 gpd/person</p> <p> (b) With toilets and showers: 20 gpd/person</p> <p>Public Swimming Pool Facility: 30 gpd/person</p> <p>Recreational vehicle (RV) Park (seasonal use): 150 gpd/space</p> <p>Restaurant:</p> <p> (a) Fast Food: 65 gpd/100 sq. ft.</p> <p> (b) Full Service: 100 gpd/100 sq. ft.</p> <p> (c) Take Out: 100 gpd/100 sq. ft.</p>	
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<p>Retail: 10 gpd/100 sq. ft.</p> <p>School:</p> <p>(a) Day Care/Nursery (adults and children): 20 gpd/100 sq. ft.</p> <p>(b) Regular school: 12 gpd/100 sq. ft.</p> <p>Shopping Center/Mall:</p> <p>Shell/Common Area: 10 gpd/100 sq. ft.</p> <p>Stadium, Ballpark, Racetrack, Fronton, Auditorium, etc.: 3 gpd/seat</p> <p>Theater:</p> <p>(a) Indoor: 3 gpd/seat</p> <p>(b) Outdoor: 5 gpd/space</p> <p>(c) Drive-in: 5 gpd/space</p> <p>Trailer or Tourist Park: 150 gpd/space</p> <p>Veterinarian Office: 20 gpd/100 sq. ft.</p>	<p>Retail: 10 gpd/100 sq. ft.</p> <p>School:</p> <p>(a) Day Care/Nursery (adults and children): 10 gpd/100 sq. ft.</p> <p>(b) Regular school: 12 gpd/100 sq. ft.</p> <p>Self-service storage units: 1.5 gpd/100 sq. ft.</p> <p>Shopping Center/Mall:</p> <p>Shell/Common Area: 10 gpd/100 sq. ft.</p> <p>Spa: 20 gpd/100 sq. ft.</p> <p>Sporting Facilities and Auditorium: 3 gpd/seat</p> <p>Theater:</p> <p>(a) Indoor: 1 gpd/seat</p> <p>(b) Outdoor/Drive in: 5 gpd/space</p> <p>Veterinarian Office: 20 gpd/100 sq. ft.</p> <p>Warehouse/Speculation Bldg: 2 gpd/100 sq. ft.</p> <p>Wholesale Food Preparation (including but not limited to meat markets and commissaries): 35 gpd/100 sq. ft.</p>	
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**Item No. 8A1
File No. 180777**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING AWARD OF THE PROFESSIONAL SERVICES AGREEMENT TO LEA + ELLIOTT, INC. FOR AN AUTOMATED PEOPLE MOVER SYSTEM CONSULTANT AT MIAMI INTERNATIONAL AIRPORT, PROJECT NO. E15-MDAD-04; IN AN AMOUNT NOT TO EXCEED \$12,630,250 FOR A TERM OF FIVE YEARS WITH A FIVE YEAR OPTION TO EXTEND; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION AND EXTENSION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution approving the award of Professional Services Agreement (PSA) for the Automated People Mover (APM) System Consultant at the Miami International airport (MIA) with Lea + Elliot, Inc. (L+E) in the amount of \$12,630,250.

APPLICABLE LEGISLATION/POLICY

Code Section 2-8.3 of Miami-Dade County requires the County Mayor to review responses to solicitations and to recommend the appropriate action to the County Commission. The recommendation shall be in writing, filed with the Clerk of the Board, and mailed to all participants no later than 10 days prior to any Commission meeting in which such recommendation is scheduled to be presented. The Board may waive the requirements of this section by a 2/3 vote of the County Commission.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE

Code Section 2-11.16 of Miami-Dade County governs County construction contracts as it applies to competitively bid County contracts in excess of one hundred thousand dollars (\$100,000.00) for the construction, alteration, and/or repair, including painting or decorating, of public buildings or public works.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO

Resolution R-187-12 adopted February 21, 2012 directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/120287.pdf>

Chapter 2-10.4, of the Miami-Dade County Code, *Acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services*, governs certification, selection and negotiation procedures.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE&showChanges=true

Florida Statutes, Chapter 287.055, *Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties*, governs certification, selection and negotiation procedures.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html

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PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Aviation Department

4/19/18: Forwarded to BCC with a favorable recommendation by Economic Development and Tourism Committee; Passed 4 – 0

Commissioner Moss inquired to the Aviation Director about, previous to the contract, how does the Airport currently oversee the properties at the airport.

Lester Sola, Aviation Director, advised the contract is an ongoing contract that the department properly solicited, replacing the current contract. The vendor was ranked number one through a competitive process. The current contract pulls away some basic administrative functions with the Airport assuming them in-house.

FISCAL IMPACT

The total maximum contract amount is \$12,630,250 as stated per the agreement. Funding will be provided by the Miami-Dade County Aviation Department (MDAD) Operating Budget and Airport Revenue Funds. The contract period is for a five-year term, with an optional five-year option to renew term.

ANALYSIS

If this item receives Board approval it will award the contract to Lea + Elliot, Inc. support and ongoing APM operations and maintenance, System Safety Program Plans, and other technical support services for the all of the three systems in the MIA for a contract term of five years with a five year options to renew.

The support and ongoing APM operations and maintenance will occur at MIA. L+E will provide support for all three APM Systems: (1) the North Terminal Skytrain; (2) the MIA Move; and (3) the system connecting the main terminal and Satellite E gates. The engagement of L+E mitigates the risks associated with maintenance and operations of the mission-critical transportation systems. There are approximately 1.25 miles of line which provided service to approximately 40 million travelers.

L+E was one of two proposals received in response to the Notice to Professional Consultants issued on April 5, 2016 under full and open competition. L+E offers planning services for a broad range of transportation technologies within the public-private sector. They are located in South Florida and have been in business since 1973. L+E was the ranked highest by the Competitive Selection Committee. The other company was Jakes Associates, Inc.

L+E provides similar service for airport people movers at the following airports:

- Dallas/Fort Worth International Airport Skylink
- Singapore Changi International Airport People Mover System
- Hartsfield-Jackson Atlanta International Airport SkyTrain
- Minneapolis-St. Paul International Airport APMs
- Phoenix Sky Harbor International Airport PHX Sky Train®
- Washington Dulles International Airport AeroTrain

Per the contract agreement the initial term is for five years with a five-year option to renew at a maximum of \$12,630,050.

As it relates to Small Business Enterprise, the contract requires the assignment goal of 6 percent for Architecture and Engineering, and 4.5 percent for Goods and Services. Six subconsultants have been identified at a value of approximately \$1.3 million. All subconsultants have addresses within the County. Below is a list of the sub consultants identified:

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- Brindley Pieters & Associates, Inc.
- Cenoffi Inc. d/b/a/ Best Office Products
- F.R. Aleman & Associates, Inc.
- Lithografikos LLC d/b/a Minuteman Press
- Louis J. Aguirre & Associates, P.A.
- LPI, Inc.

Summarized below are some main points of the scope of service to be performed by L+E:

- Oversee and regularly audit operations and maintenance of the APM Systems for conformance with established procedures, verify performance levels to contractual measures, investigate and identify reasons for not meeting performance levels, and identify/recommend potential mitigation;
- Address performance levels including but not limited to on-time performance and system availability, including fleet and station availability; and
- Support the Safety & Security Committee (SSC) which is comprised of MDAD Maintenance, Landside and Terminal Operations staff, Miami-Dade Fire Rescue, Miami-Dade Police, Customs and Border Protection (CBP), the O&M contractors (Mitsubishi/Crystal Movers and Leitner-Poma), DTPW and L+E including initiating and auditing implementation of the System Safety Program Plan (SSPP) by the operations and maintenance (O&M) contractors as part of the SSPP audits to be performed by the Florida Department of Transportation

The Aviation Department advised that the recommended vendor, L+E is the current incumbent and has been for approximately ten years. The company has over 40 years of relevant experience. The funding for the services agreement will be based on service orders.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Lea + Elliot, Inc., has an active status as a Florida For Profit Corporation and first filed and registered on 02/05/1989. The company is registered locally at the following address: 5200 Blue Lagoon Drive, Miami, FL 33126.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=LEAELLIOTT%20P271950&aggregateId=forp-p27195-5b266282-0001-491d-9f04-a79ac6b9f4ab&searchTerm=Lea%20%2B%20Elliot%2C%20Inc&listNameOrder=LEAELLIOTT%20P271950>

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Research Notes**

**Item No. 8B1
File No. 180830**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING AFFILIATING AGREEMENTS WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FOR THE PROVISION OF EDUCATIONAL CLASSES FOR JUVENILES AND SPECIAL EDUCATIONAL CLASSES FOR YOUNG ADULTS IN THE CUSTODY OF THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize affiliating agreements with Miami-Dade County Public Schools (M-DCPS) for the provision of educational classes for juveniles and special education classes for young adults in the custody of the Miami-Dade Corrections and Rehabilitation Department, as MDCPS has done since 1983.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-586-17, adopted on June 6, 2017, approves the affiliating agreement with M-DCPS for the provision of educational classes for juveniles and special education classes for young adults in the custody of the Miami-Dade Corrections and Rehabilitation Department for the 2017/2018 school year.

<http://intra/gia/legistarfiles/Matters/Y2017/171099.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

Requester/Department: Corrections & Rehabilitation Department

The proposed Resolution was forwarded to the BCC with a favorable recommendation by the Public Safety and Health Committee at its April 18, 2018 meeting.

FISCAL IMPACT

The implementation of this Resolution will not have a fiscal impact to Miami-Dade County since there is no cost to the County for the educational program provided through the affiliating agreements with M-DCPS. M-DCPS is reimbursed by the State of Florida in accordance with the full-time equivalency count (the number of full-time students enrolled per course).

ANALYSIS

The Resolution authorizes the affiliating agreements with Miami-Dade County Public Schools to continue providing educational courses to incarcerated juveniles and special education services to young adults in the Miami-Dade Corrections and Rehabilitation Department facilities for the 2018/2019 academic year, as it has done since 1983 pursuant to its obligations under Florida law.

Per the agreements, M-DCPS Educational Alternative Outreach Program will provide:

- An educational program designed to meet the needs of students in grades 6-12 who are under the age of 18 and incarcerated at the Turner Guilford Knight Detention Center as well as meet the needs of special education students between the ages of 18-22 who are incarcerated at the Metro West Detention Center.
- Administrator(s) to monitor compliance of the educational program, assist all instructional and support personnel, and consult with agency personnel on matters regarding the educational component.
- Certified teachers consistent with the School Board established teacher-student ratio for alternative education.
- Instructional materials and equipment (not including furniture) to supply the appropriate number of classes.

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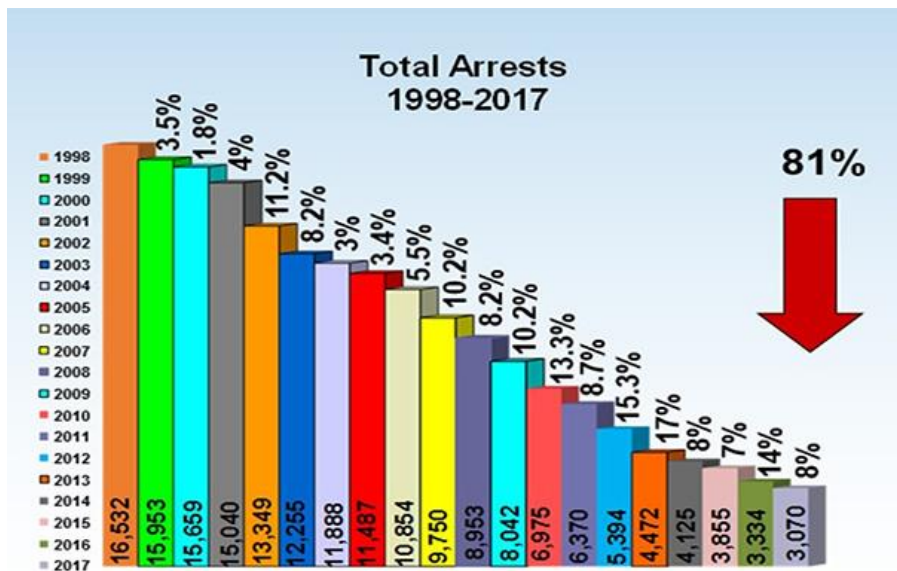
- Personnel responsible for FTE surveys and entering daily student attendance in the M-DCPS Electronic Gradebook, as well as for the maintenance of educational records.
- The initial development of a Progress Monitoring Plan (PMP) of instruction for eligible general education students, a Limited English Proficient (LEP) Plan for English Language Learners (ELL), an Individualized Education Plan (IEP) for students of Disabilities, and an Educational Plan (EP) for Gifted Students, where applicable.
- The delivery of all educational and related services indicated on a student's IEP.
- The Implementation of the LEP plan through itinerant and/or onsite services.
- Personnel for the administration of all State and District mandated assessments, including Florida Standard Assessments and End-of-Course exams, in accordance with established procedures and timelines.

ADDITIONAL INFORMATION

In 2017, a total of 3,070 juvenile arrests were made in Miami-Dade County.

- 1% of the arrested youth were ages 12 and under;
- 34% were between 13-15 years of age;
- 58% were between ages 16-17;
- 7% were 18 years of age and over

There has been an 81% decrease in juvenile arrests in Miami-Dade County since 1998.



Link to the Miami-Dade County Juvenile Services Department Juvenile Arrest Report:
<https://www.miamidade.gov/juvenileservices/library/juvenile-arrest-report.pdf>

Link to the Miami-Dade County Juvenile Services Department webpage:
<https://www.miamidade.gov/juvenileservices/home.asp>

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**Item No. 8C1
File No. 180770**

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING THE FUNDING OF 35 GRANTS FOR A TOTAL OF \$675,000.00 FROM THE DEPARTMENT OF CULTURAL AFFAIRS FISCAL YEAR 2017-2018 SUMMER ARTS & SCIENCE CAMPS FOR KIDS GRANTS PROGRAM FOR VARIOUS ENTITIES; WAIVING RESOLUTION NO. R-130-06; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENTS AND TO EXERCISE ALL PROVISIONS, INCLUDING THE CANCELLATION PROVISIONS, CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the funding of 35 grants, totaling \$675,000, from FY 2017-2018 Summer Arts & Science Camps for Kids (SAS-C) Grant Program. The proposed resolution waives Resolution No. R-130-06, which requires contracts with non-governmental entities to be signed by the other parties before being submitted to the Board for consideration.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-130-06, adopted January 24, 2006, specifies that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-County parties.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Department of Cultural Affairs

4/18/18: Forwarded to BCC with a favorable recommendation by Parks and Cultural Affairs Committee; Passed 5 – 0.

FISCAL IMPACT

Funding for the SAS-C is derived from monies granted to the Department of Cultural Affairs from The Children's Trust in the amount of \$675,000, and approved in the department's FY 2017-2018 budget. The grant funding period is from June 1, 2018 to August 30, 2018.

ANALYSIS

The SAS-C Grants Program was created as a joint initiative of the Miami-Dade County Department of Cultural Affairs and The Children's Trust. The objective of the program is to allocate funding to non-profit organizations that will provide underserved children in the County with opportunities to attend high quality cultural arts and science summer camp programs at little or no cost. The Grants Panel evaluated 35 applications based on the following competitive review criteria:

- impact;
- artistic/scientific merit;
- management capability; and
- reach/priority considerations.

Applicants to this program must have a minimum one-year track record of providing high quality, comprehensive and specialized cultural arts or science camp programs for children and/or youth in Miami-Dade County. Applicants shall also be the entity directly responsible for managing, overseeing and implementing all administrative aspects of the proposed camp program,

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including but not limited to camper registration, program design, implementation, contracting for outside artists/services, scheduling, reporting, data collection, etc.

To demonstrate that the grantee has used the grant award for the project as approved and the has met and fulfilled all requirements as outlined in the agreement, the grantee must submit to the Director or his designee, a written Final Report documenting that the grantee is meeting or has fulfilled all project and financial requirements.

In the interest of time, this Resolution requests waiving Resolution No. R-130-06 to expedite grant allocations for time-sensitive youth arts programs. Waiver of this requirement that contracts with non-governmental entities to be signed by the other parties before being submitted to the Board for consideration saves one to two months of time, as grant agreements would not have to be finalized prior to Board consideration, allowing the process can be done simultaneously.

Of the 35 applications (requesting a total of \$1,331,063) reviewed by the Community Grants Panel on March 13, 2018, the below 35 were recommended for funding, with the grant amounts totaling \$675,000.

Grantee	District(s) for Project Activity	Grant Amount
1. Area Performance Gallery, Inc. d/b/a Area Stage Company	3, 7	16,951.00
2. Arts Ballet Theatre of Florida, Inc	4	11,386.00
3. ArtSouth, A Not-For-Profit Corporation	7	24,773.00
4. Barry University, Inc.	3	6,357.00
5. Breakthrough Miami Inc.	5	11,514.00
6. Diva Arts & Entertainment, Inc.	1, 3	11,941.00
7. enFAMILIA, INC.	9	20,641.00
8. Fantasy Theatre Factory, Inc.	3	21,092.00
9. Florida Film Institute, Inc.	6	4,730.00
10. Florida International University Board of Trustees for the benefit of the College of Engineering	10	10,697.00
11. Florida International University Board of Trustees, for the benefit the Department of Theatre	11	5,000.00
12. Friends of the Bass Museum, Inc.	5	23,487.00
13. Greater Miami Youth Symphony of Dade County, Florida, Inc.	8	12,972.00
14. Guitars Over Guns Organization, Inc.	5, 8	14,823.00
15. Mahogany Youth Corporation	9, 13	26,964.00

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16. Marjory Stoneman Douglas Biscayne Nature Center, Inc.	7	45,000.00
17. Miami City Ballet, Inc.	5, 7	23,487.00
18. Miami Dance Project, Inc.	7	23,968.00
19. Miami Music Project, Inc.	5	45,000.00
20. Miami Stage Company/Miami Children's Theater Inc.	7	20,641.00
21. Miami Theater Center Inc.	3	11,426.00
22. Miami-Dade County Parks, Recreation and Open Spaces Department	10, 11	9,492.00
23. Museum of Contemporary Art, Inc.	2	22,238.00
24. Musicall, Inc.	7	19,549.00
25. PATH: Preserving, Archiving & Teaching Hiphop, Inc.	3	19,285.00
26. Performing Arts Center Trust, Inc. dba Adrienne Arsht Center for the Performing Arts of Miami-Dade County	3	45,000.00
27. SBC Community Development Corporation of Richmond Heights, Inc.	9	20,418.00
28. Seminole Cultural Arts Theatre, Inc.	9	4,794.00
29. The Dave and Mary Alper Jewish Community Center, Inc.	7	18,047.00
30. The Miami Children's Museum, Inc.	5	17,521.00
31. The Opera Atelier, Inc.	5	12,571.00
32. The Thomas Armour Youth Ballet, Inc.	1, 3, 7	45,000.00
33. THEODORE ROOSEVELT GIBSON MEMORIAL FUND, INCORPORATED	7	7,943.00
34. University of Miami, Frost School of Music	3	24,251.00
35. Urgent, Inc.	3, 7	16,041.00
TOTAL:		\$675,000.00

ADDITIONAL INFORMATION

The economic impact of Miami-Dade County's non-profit arts and cultural industry is \$1,430,512,813 every year, not including for-profit businesses and individual artists. Additionally, each dollar of County grant funding support invested by the Department of Cultural Affairs leverages an additional \$39 for our community's cultural non-profits from other private and public sources.
http://miamidadearts.org/sites/default/files/files/inline/2017_-_the_arts_in_miami-dade_county_final_7.17.2017.pdf

Link to the Miami-Dade County's Summer Arts & Science Camps for Kids:
<http://www.miamidadearts.org/summer-arts-science-camps-kids-programs>

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Research Notes**

**Item No. 8C2
File No. 180776**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING THE FUNDING OF 26 GRANTS FOR A TOTAL OF \$155,000.00 FROM THE DEPARTMENT OF CULTURAL AFFAIRS FISCAL YEAR 2017-2018 COMMUNITY GRANTS PROGRAM – THIRD QUARTER FOR VARIOUS ENTITIES; WAIVING RESOLUTION NO. R-130-06; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENTS AND TO EXERCISE ALL PROVISIONS, INCLUDING THE CANCELLATION PROVISIONS, CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the funding of 26 grants, totaling \$155,000, from the Third Quarter of the Department of Cultural Affairs FY 2017-2018 Community Grants Program to promote community-based programs, projects, events and publications. The proposed Resolution waives Resolution No. R-130-06, which requires contracts with non-governmental entities to be signed by the other parties before being submitted to the Board for consideration.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-130-06, adopted January 24, 2006, specifies that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-County parties.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Department of Cultural Affairs

The proposed Resolution was forwarded to the BCC with a favorable recommendation by the Parks and Cultural Affairs Committee at its April 18, 2018 meeting.

FISCAL IMPACT

Funding for the Community Grants Program comes from the Department of Cultural Affairs' approved departmental revenues, as adopted in the County's 2017-2018 budget. Total grant funding for this item is \$155,000.

ANALYSIS

The Community Grants (CG) Program is responsive on a quarterly basis to not-for-profit organizations developing small and large-scale community-based cultural (dance, theater, music, visual arts) programs, as well as projects and events, such as fairs, parades, neighborhood festivals, conferences and publications that have a strong artistic component. The CG Panel considers the following when reviewing applications:

- quality of program;
- administrative capacity;
- marketing strategy;
- fundraising efforts; and
- geographic location of the event.

The CG program is particularly sensitive to the needs of indigenous cultural neighborhood activities and projects encouraging the preservation of heritage, traditions and culture, as well as social service organizations and cultural groups developing collaborative intervention projects using the arts.

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To demonstrate that the grantee has used the grant award for the project as approved and the has met and fulfilled all requirements as outlined in the agreement, the grantee must submit to the Director or his designee, a written Final Report documenting that the grantee is meeting or has fulfilled all project and financial requirements.

In the interest of time, this Resolution requests waiving Resolution No. R-130-06 to expedite grant allocations for time-sensitive tourism-oriented and community events. Waiver of this requirement that contracts with non-governmental entities to be signed by the other parties before being submitted to the Board for consideration saves one to two months of time, as grant agreements would not have to be finalized prior to Board consideration, allowing the process can be done simultaneously.

Of the 27 applications (requesting a total of \$222,000) reviewed by the Community Grants Panel on March 14, 2018, the below 26 were recommended for funding for the Third Quarter, with the grant amounts totaling \$155,000.

Grantee	District(s) for Project Activity	Grant Amount
Area Performance Gallery, Inc. d/b/a Area Stage Company a/f/a for Shakespeare Troupe	2, 3, 5, 6, 7, 11	\$6,039
Artefactus Cultural Project, Inc.	6, 9	\$6,039
Atma Yoga Dance Company, Inc.	3, 4, 5, 7	\$6,039
Brazilian Voices, Inc.	4	\$4,831
CACEC, Inc.	7	\$6,039
Centro Cultural Boliviano Masis, CORP.	11	\$6,844
Collaborative Development Corporation	7	\$4,026
Exchange for Change, Inc.	5, 7	\$6,039
FUNDarte, Inc. a/f/a for Siren Arts	5	\$6,039
I Want to be a Dancer Foundation, Inc.	5, 6, 10	\$6,039
IlluminArts, Inc.	3	\$6,039
Little Revolt, Inc.	6	\$4,429
Miami Beach Gay Pride, Inc.	5	\$12,077
Miami Chamber Music Society, Inc.	3, 6, 7	\$6,039
Miami International Jazz Fest, Inc.	5, 11	\$6,039
Miami River Fund, Inc.	5	\$8,052
Mundo Art, Inc.	3	\$6,039
National Art Exhibitions of the Mentally Ill, Inc.	5	\$4,026
NWD Projects, Inc.	7	\$6,039
Sosyete Koukouy of Miami, Inc.	3	\$4,026
The Girls' Club Foundation, Inc. a/f/a for Wild Beast Collective	5	\$6,039
The Miami Foundation a/f/a for PageSlayers	1	\$6,039
The Miami Oratorio Society, Inc.	1, 3	\$6,039
TL Tango Lovers Organization, Inc. d/b/a Global Arts Organization	8	\$4,026
University of Miami, Frost School of Music	7	\$8,052
Waving Hands, Inc.	5	\$4,026
TOTAL		\$155,000

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ADDITIONAL INFORMATION

The economic impact of Miami-Dade County's non-profit arts and cultural industry is \$1,430,512,813 every year, not including for-profit businesses and individual artists. Additionally, each dollar of County grant funding support invested by the Department of Cultural Affairs leverages an additional \$39 for our community's cultural non-profits from other private and public sources.

<http://miamidadearts.org/sites/default/files/files/inline/2017 - the arts in miami-dade county final 7.17.2017.pdf>

Miami-Dade County's Community Grants Program website:

<http://www.miamidadearts.org/community-grants-cg-program>

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**Item No. 8F1
File No. 180917**

Researcher: JFP Reviewer: TD

RESOLUTION DECLARING SURPLUS 16,132 SQUARE FEET OF COUNTY-OWNED LAND LOCATED AT 10315 NW 12 STREET, DORAL; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; APPROVING TERMS OF A LAND EXCHANGE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND LEHMAN DORAL PARTNERS, LLC. OR ITS ASSIGNEE (LEHMAN) FOR THE PURPOSE OF EXCHANGING SUCH PROPERTY FOR 16,639 SQUARE FEET OF ADJACENT LAND OWNED BY LEHMAN PLUS ADDITIONAL CONSIDERATION PAYABLE TO THE COUNTY IN THE AMOUNT OF \$230,000; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE LAND EXCHANGE AGREEMENT, TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME AND TO PROVIDE A REPORT TO THE BOARD; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED AND TO ACCEPT CONVEYANCE OF EXCHANGE PROPERTY; ALL SUBJECT TO CERTAIN CONDITIONS

ISSUE/REQUESTED ACTION

Whether the Board should 1) declare 16,132 acres of County-owned land located in Commission District 12 surplus; 2) approve the terms of a land exchange agreement with the surplus property between Miami-Dade County and Lehman Doral Partners, LLC or its assignee (Lehman); 3) authorize the County Mayor or County Mayor's designee to execute the land exchange agreement and provide a report to the Board 4) authorize the Chairperson or Vice-Chairperson of the Board to execute a County deed and to accept conveyance of exchange property; and 5) accept waiver of Administrative Order 8-4, Sale or Lease of County Real Property, as it relates to review by the County's Planning Advisory Board, as Parcel "A" is located within the City of Doral.

APPLICABLE LEGISLATION/POLICY

Section 125.37 Florida Statutes, regarding exchange of county property, states that whenever, in the opinion of the board of county commissioners, the county holds and possesses any real property, not needed for county purposes, and such property may be to the best interest of the county exchanged for other real property, which the county may desire to acquire for county purposes, the said board of county commissioners of any county is authorized and empowered to make such an exchange. Specifies notice and publication requirements.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.37&URL=0100-0199/0125/Sections/0125.37.html

Administrative Order 8-4, dated May 5, 1981, states 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 herein, 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. Should a recommendation not be received from the Planning Advisory Board within the time period provided within this administrative order, the Planning Department Director will provide a recommendation on the proposal. Waiver is being requested in the proposed resolution as it relates to review by the Planning Advisory Board.

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

BCC Meeting: May 1, 2018
Research Notes

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose “Pepe” Diaz

Department/Requester: Internal Services

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Government Operations Committee at its April 17th meeting after ISD spoke to clarify the intent of the resolution and Commissioner Diaz spoke in favor of the item, stating that the exchange of land was in the best interest of the County.

FISCAL IMPACT

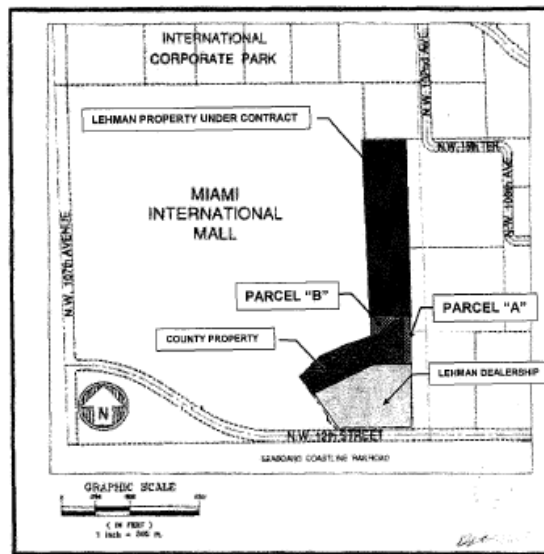
The County will receive \$230,000 in consideration from Lehman, of which \$149,500 will be utilized to maintain County parks in Commission District 12, \$57,500 will be deposited into the Affordable Housing Trust Fund and \$23,000 will pay for the Internal Services Department’s administrative fee of 10 percent of the sales price per the County’s Budget Manual.

ANALYSIS

The subjects of the land exchange are the 16,132 square feet of surplus County property and the 16,639 square feet of adjacent land owned by Lehman. Additional consideration in the amount of \$230,000 will be payable to the County, with the amount representing the difference between the value established for the County’s parcel in the amount of \$496,200, and the value established for Parcel B in the amount of \$266,200.

The County property is located at 10315 NW 12th Street, Doral. The land is developed with the International Mall Branch Miami-Dade County Public Library in accordance with the deed restriction and reverter limiting the use of the County Property to a library, senior living, or Headstart facilities. Due to this deed restriction, Lehman is required to provide a release of deed restrictions and written consent from the original grantor of the County property (Parcel A) and a City of Doral resolution consenting to the land exchange and allowing alternative uses for Parcel A. It is unclear from the Mayoral Memorandum if, to date, Lehman has fulfilled these conditions, which must be fulfilled per the deed and agreement, prior to its execution.

The land swap does not include the portion of the County property on which the library sits. The County will be acquiring 507 additional square feet of property contiguous to the library (Parcel B) which will square off the existing parcel and benefit the library.



**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8F2
File No. 180827**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING AWARD OF STATE OF FLORIDA CONTRACT NO. 44102100-17-1 FOR PURCHASE OF MAIL PROCESSING EQUIPMENT FOR VARIOUS COUNTY DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$4,300,000.00 FOR AN INITIAL TERM THROUGH MARCH 31, 2022 AND ONE, FIVE-YEAR OPTION TO RENEW TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE DOCUMENTS NECESSARY TO ACCESS SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve award of State of Florida Contract No. 44102100-17-1 for purchase of mail processing equipment for various County departments in a total amount not to exceed \$4,300,000.00 for an initial term through March 31, 2022 and one, five-year option-to-renew term.

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](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 No. R-140-15, adopted on February 3, 2015, directs the County Mayor or County Mayor's designee to conduct a full review, prior to re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County, to include information in recommendations to the Board, and to consult with the Small Business Development Division regarding solicitation and contract language.

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

Resolution No. R-1011-15, adopted on November 3, 2015, directs the County Mayor or County Mayor's designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ; and directed the County Mayor or County Mayor's designee to include such information in a memorandum to the Board pertaining to a vendor being recommended for contract award.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

BCC Meeting: May 1, 2018
Research Notes

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department (ISD)

The proposed Resolution was forwarded to the BCC with a favorable recommendation by the Government Operations Committee with Scrivener's Errors corrected (contract total amount now reads \$4,300,000) at its April 17, 2018 meeting.

FISCAL IMPACT

According to the Fiscal Impact Statement, the fiscal impact for the initial term through March 31, 2022 is \$1,913,000. Should the State of Florida elect to exercise the available five-year option-to-renew term, and should the County choose at its discretion to exercise same, the estimated cumulative value will be \$4,300,000.*

*The County's Bid Tracking System shows an award value of \$1,957,000, with an estimated cumulative value of \$4,400,000 as of April 26, 2018. The Resolution and mayoral documents reference an award value of \$1,913,000 and contract total amount not to exceed \$4,300,000.

ANALYSIS

The proposed resolution would allow accessing a competitively established State of Florida contract, Contract No. 44102100-17-1, for mail processing equipment. This equipment would be utilized by multiple County departments to send correspondence such as notices, citations, bills, absentee ballots and various other notifications to County residents. Contracting for this service by these means provides cost savings achieved from free installation, training and preventive maintenance for the mail processing equipment.

Listed below are the departments that would utilize the mail processing equipment, along with the allocation being contributed from that area, as well as its funding source.

Department	Allocation	Funding Source
Aviation	\$94,000	Proprietary Funds
Cultural Affairs	\$4,000	Proprietary Funds
Economic Advocacy Trust	\$14,000	Proprietary Funds
Elections	\$250,000	General Fund
Finance	\$95,000	Proprietary Funds
Internal Services	\$282,000	Internal Service Funds
Library System	\$17,000	Library District
Medical Examiner	\$8,000	General Fund
Office of the Clerk	\$295,000	Clerk Revenue
Parks, Recreation and Open Spaces	\$6,000	General Fund
Police	\$90,000	General Fund
PortMiami	\$7,000	Proprietary Funds
Public Housing and Community Development	\$43,000	Federal Funds
Regulatory and Economic Resources	\$20,000	Proprietary Funds
Water and Sewer	\$688,000	Proprietary Funds
TOTAL:	\$1,913,000	

The State of Florida's invitation to bid resulted in two awardees—Neopost USA, Inc. and Pitney Bowes, Inc.

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Research Notes

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Neopost USA, Inc. has an active status as a foreign profit corporation. It first filed and registered on 10/03/1977, and was reinstated on 2/06/2015. Its principal address is 478 Wheelers Farms Road, Milford, CT 06461. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301-2525.

Pitney Bowes, Inc. has an active status as a foreign profit corporation. It first filed and registered on 1/02/1941. Its principal address is 27 Waterview Drive, Shelton, CT 06484. Its registered agent is CT Corporation System, 1200 S. Pine Island Road, Plantation, FL 33324.

OCA performed a commodity code search for local vendors performing this service; no local vendors were found.

The findings of ISD's market research showed that the City of Miami and Broward County made purchases through the State of Florida contract, with Hillsborough County also making a purchase of a Desktop Mailing System through Pitney Bowes on the State Contract.

ISD Input

- How is mail processing done in County departments today?
Departments have existing lease agreements which were entered into under a prior state contract piggybacked by the County to use the mail processing equipment. Leases survive the term of contract. Some departments rent the equipment on a month to month basis.
- What contracts, if any, do the two selected vendors (Pitney Bowes and Neopost) currently have with the County?
Neopost does not have any active current contracts with Miami-Dade County. Pitney Bowes is currently the sole vendor for contract L8541-1/25 Relia-Vote Mail Balloting System Maintenance and Support, this system is used to mail out early voting ballots as well as track them as they are returned. They also have contract L9439-4/21-1 Pitney Bowes Group 1 Software Maintenance which is utilized by WASD for their mailing operations. L7397-0/23 for Pitney Bowes Finalist software which is used by ITD print shop mailing operations.
- If the County contracts with Pitney Bowes and Neopost now, does that mean it would be in the County's best interest to contract with them in perpetuity given the cost of removing the proprietary items?
The mail processing equipment is not proprietary and is available from multiple vendors. Also, the State contract was competitively solicited.

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8F3
File No. 180834**

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING LEGACY CONTRACT NO. L6479-4/25, TRANE BUILDING AUTOMATED SYSTEM, FOR THE WATER AND SEWER DEPARTMENT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE THE FOUR, TWO-YEAR OPTION TO RENEW TERMS FOR LEGACY CONTRACT NO. L6479-4/25, TRANE BUILDING AUTOMATED SYSTEM, FOR THE WATER AND SEWER DEPARTMENT, IN A TOTAL AMOUNT NOT TO EXCEED \$1,056,000.00; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve Legacy Contract No. L6479-4/25, Trane Building Automated System, to Trane US, Inc. dba Trane, for the WASD for the exercise of the next four, two-year options to renew terms at a value of \$824,000.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases, Generally); this section requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved, including legacy and 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](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Code 2-8.1(b) (2) Legacy Purchases shall mean the purchase of goods and services where competition is unavailable, impractical or constrained as a result of the need to continue to operate an existing County system which may not be replaced without substantial expenditure. The County Mayor shall include, in any Legacy Purchase award recommendation, a statement as to the need for such purchase and the provisions taken to reduce or eliminate the future need for Legacy Purchases for the particular good or service.

http://miamidade.fl.elaws.us/code/cool_ptiii_ch2_arti_sec2-8.1

Implementing Order 3-38 governs the County's processes and procedures 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. 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 February 21, 2012, the Mayor is directed to include together with any recommendation for the award of any contract that exceeds one million dollars (\$1,000,000) a description of the due diligence investigation performed to determine the Contractor's responsibility, and to report to this Board in connection with those contracts any instance where such research revealed information which may adversely affect a finding of Contractor responsibility.

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

Resolution No. R-1011-15, adopted November 3, 2015 directing the County Mayor or his designee to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ.

<http://intra/gia/legistarfiles/Matters/Y2015/152271.pdf>

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Resolution No. R-140-15, adopted February 3, 2015 directing County mayor or his designee to conduct a full review, prior to re-procurement of replacement contracts for goods and services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County.

<http://intra/gia/legistarfiles/Matters/Y2015/150090.pdf>

Resolution No. R-98-12, adopted on January 26, 2012, directs the County Mayor to negotiate better prices on all awarded contracts for the purchase of goods and services and prior to the exercise of any options-to-renew.

<http://intra/gia/matter.asp?matter=112444&file=true&yearFolder=Y2011>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services

4/17/18: Forwarded to BCC with a favorable recommendation by Infrastructure and Utilities Committee; Passed 4 – 0.

Commissioner Martinez inquired if the reason for the Legacy contract is because Trane (the vendor) is the only one that has a particular part, software, hardware?

Ms. Upal from ISD, advised that the Trane (the vendor) is the sole manufacture of the system, they are the only one that can provide parts, maintenance, and certified technicians. It is proprietary to Trane as long as the system is used or until the vendor opens their channels.

FISCAL IMPACT

If the proposed resolution is approved by the Board, the exercise of the four, two-year option to renew will have a fiscal impact of at \$824,000. Should the four, two-year option to renew term period be exercised, the cumulative contract value would be \$1,056,000. This includes the value of \$232,000 for the initial two-year contract term. The current contract expires on June 30 2018, and is currently valued at \$323,155. Pursuant to Resolution No. R-98-12, staff attempted to negotiate the price for the first option to renew which resulted in cost avoidance of \$2,400. The staff will continue its negotiation efforts prior to exercising every option to renew term.

Per information found in the Bid Tracking System on April 24, 2018, \$232,155 has been allocated to the contract's Blanket Purchase Order for the current term, i.e., second option to renew, of which \$93,800 has been released, leaving a balance of \$138,355.

ANALYSIS

If approved by the Board, the proposed resolution would award the legacy contract, to Trane US, Inc. dba Trane for an all-inclusive maintenance contract for the Trane Building Automation System (System).

The contract would exercise the remaining four, two-year year option to renew. The resolution proposes that the legacy contract be awarded to Trane because it is the sole provider of maintenance and support of the current system. No responses were received by the County for the submission of its request for information. It may be in the County's best interest to approve the resolution, as it is more cost-effective for the County to continue with the current arrangement, as it may not be economically feasible to replace the system at this time. Competition can be established at the time a system is first procured and installed. The availability of competition will be continually monitored so that need for the future legacy purchases will minimize when feasible. Furthermore, the County will revisit the possibility of negotiating the contract prior to exercising each option to renew, pursuant to Resolution No. R-98-12.

As per the contract, Trane shall provide the County with all parts supplies, inspections, regular maintenance, emergency services, technical support, software upgrades, training and database protection for the Trane Tracer Summit and Tracer SC Building

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Automation System building at 11 locations. Trane is the sole manufacturer and provider of the Trane Tracer Summit and Tracer SC BAS sales, service and programming of the software.

A search of the County's Certified Small Business Enterprise firms (SBEs) as of April 24, 2018, under Commodity Code no. 92507 – Air Conditioning, Heating and Ventilation resulted in the following vendors:

- ALEXANDER AIR & HEATING, INC.
- Blizzard Air Conditioning LLC
- BROPHY ASSOCIATES, INC
- CONWELL & ASSOCIATES CONSULTING
- DONE WRIGHT A/C AND ELECTRIC SERVICE
- EARL HAGOOD, INC.
- GOOSE BUMPS A/C & REFRIGERATION, INC.
- HAMMOND & ASSOCIATES, INC.
- MAM A/C and Refrigeration Company
- MASTER MECHANICAL SERVICES, INC.
- PREMIER AIR CONDITIONING
- SDM Consulting Engineers, Inc.

However, the mayoral memo states that market research was conducted for a request for information to determine the availability of vendors capable of providing this service which yielded no responses.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Trane US, Inc. dba Trane, has an active status as a foreign profit Corporation and first filed and registered on 12/04/2007. Its principal address 800 E. Beaty Street, Davidson, NC, 28036. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301. The company has a local address at 2660 N.W. 89th Court, Doral, Fl. 33172.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=TRANEUS%208087862&aggregateId=forp-808786-f7d45b48-a683-4ced-8aef-20ed0fcecc40&searchTerm=Trane%20US%2C%20Inc&listNameOrder=TRANEUS%208087862>

Company's website:

<http://www.trane.com/commercial/north-america/us/en/parts-supplies/locate-a-parts-store/tranepartscentermiami.html>

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8F4
File No. 180336**

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00566 IN A TOTAL AMOUNT UP TO \$225,000,000.00 FOR THE PURCHASE OF INJECTION WELL DRILLING SERVICES FOR THE WATER AND SEWER DEPARTMENT FOR AN INITIAL TERM OF FIVE YEARS AND ONE, FIVE-YEAR OPTION TO RENEW TERM; 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 a resolution establishing a prequalification pool, RTQ-00566, Injection Wells, for the Water and Sewer Department (WASD) at a value of \$112,500,000 for an initial five-year term.

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

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-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>

Rule 62-528.435(9) of the Florida Administrative Code provides that upon determination by the Florida Department of Environmental Protection (FDEP) that a well poses a threat to waters of the State or within one year of determining that a well has been abandoned, the department shall order the well plugged, unless otherwise provided for in a consent order... Any applicant for an underground injection control permit shall be required to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation... The permit shall require the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance.

<https://www.flrules.org/gateway/RuleNo.asp?ID=62-528.435>

Rule 62-528.435(9) of the Florida Administrative Code provides that upon determination by the Florida Department of Environmental Protection (FDEP) that a well poses a threat to waters of the State or within one year of determining that a well has been abandoned, the department shall order the well plugged, unless otherwise provided for in a consent order... Any

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applicant for an underground injection control permit shall be required to submit a plan for plugging and abandonment, which shall address post-closure monitoring of the injection operation... The permit shall require the permittee to demonstrate and maintain financial responsibility and resources necessary in the form of performance bonds or other equivalent form of financial assurance.

<https://www.flrules.org/gateway/RuleNo.asp?ID=62-528.435>

Legislative File No. 172474 regarding a presentation by Miami-Dade County's Water and Sewer Department on the Capital Improvement Program, Consent Decree, and Ocean Outfall.

<http://intra/gia/matter.asp?matter=172474&file=false&yearFolder=Y2017>

Florida Statutes, Section 403.086 relates to sewage disposal facilities as well as advanced and secondary waste treatment.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0403/Sections/0403.086.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

4/17/18: Forwarded to BCC with a favorable recommendation by Infrastructure and Utilities Committee; Passed 4 – 0.

FISCAL IMPACT

The fiscal impact for the establishment of Prequalification Pool RTQ-00566, Injection Wells, for the initial five-year term is \$112,500,000. The fiscal impact of the one, five-year option to renew is also \$112,500,000. If the County exercises the one, five-year option to renew, the total fiscal impact of this item would be an estimated cumulative value of \$225,000,000. The funding will be provided by proprietary funds (WASD).

ANALYSIS

The proposed Prequalification Pool RTQ-00566, Injection Wells, is a for a five-year term with one, five-year option to renew. It would provide WASD with prequalified vendors capable of performing drilling services for the construction of deep injection wells. This is an open pool and will remain open, allowing qualified vendors to be added once they have completed the prequalification criteria.

In 2008, the Florida Legislature approved and the Governor signed a law requiring all wastewater utilities in southeast Florida utilizing ocean outfalls for disposal of treated wastewater to reduce nutrient discharges by 2018, cease using the outfalls by 2025, and reuse 60% of the wastewater flows by 2025. WASD has published the Ocean Outfall Legislation Program Compliance Plan on their website: <http://www.miamidade.gov/water/ocean-outfall-legislation.asp>.

The construction of deep injection wells will allow the County to dispose of treated wastewater into the Boulder Zone of the lower Floridian aquifer, and will eliminate the regular use of existing ocean outfalls to discharge wastewater into the Atlantic Ocean.

In response to its solicitation regarding the prequalification pool, the county received responses from four vendors. Two vendors are recommended for inclusion into the prequalification pool while two are pending the submission of required documentation. Of the two recommended vendors, one has a local address and the other is based out of state. The prequalification pool is intended to remain open and will remain advertised on the County website for possible inclusion of other vendors. Below is a summary of the vendor submission information:

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Vendor	Local Address	Prequalification Status
Layne Christensen Company	No	Prequalified for Pool
Youngquist Brothers, Inc.	Yes	Prequalified for Pool
All Webbs Enterprises, Inc.	No	Not Prequalified for Pool
Florida Design Drilling Corporation	No	Not Prequalified for Pool

A search of the Miami-Dade County Small Business Enterprise Certified Firms, on April 24, 2018, resulted in the following firms under commodity code no. 96296 - Well Services (Including Oil, Gas, and Water): Drilling, Plugging, Consulting, Maintenance, Repair, etc.:

- American Testing Materials Engineering LLC
- Barnes, Ferland and Associates, Inc
- Dunol Construction Management, DCM LLC
- Placers Construction, Inc.

Per the information on the Bid Tracking System, on April 15, 2018, of the four firms found none has submitted bid proposal for inclusion into the prequalification pool.

On March 6, 2018 the Board approved the items below approving the certification of financial responsibility as it relates to injection wells and monitoring wells.

180134 1/23/2018 CENTRAL DISTRICT WASTEWATER TREATMENT PLANT

180135 1/23/2018 SOUTH DISTRICT WASTEWATER TREATMENT PLANT

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Layne Christensen Company, has an active status as a Foreign For Profit Corporation and first filed and registered on 07/09/1981. The company has its principal address registered in Texas.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=LAYNECHRISTENSEN%208496623&aggregateId=forp-849662-4951af88-be16-4de2-9453-80a00c24087d&searchTerm=Layne%20Christensen%20Company&listNameOrder=LAYNECHRISTENSEN%208496623>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Youngquist Brothers, Inc., has an active status as a Florida For Profit Corporation and first filed and registered on 03/15/1977. The company has a location at the following address: 15465 Pine Ridge Road, Fort Myers, FL 33908.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=YOUNGQUISTBROTHERS%205278210&aggregateId=domp-527821-d93a8536-23af-4ff8-8896-092fb2273f9f&searchTerm=Youngquist%20Brothers%2C%20Inc.&listNameOrder=YOUNGQUISTBROTHERS%205278210>

BCC Meeting: May 1, 2018
Research Notes

According to the Florida Department of State Division of Corporations website (Sunbiz.org), All Webbs Enterprises, Inc., has an active status as a Florida For Profit Corporation and first filed and registered on 08/11/1983. The company's principal address is the following: 309 Commerce Way, Jupiter, FL 33458.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=ALLWEBBSETERPRISES%20G538960&aggregateId=domp-g53896-50e6ed15-0821-4ec2-b632-e0c987a7dbf3&searchTerm=All%20Webbs%20Enterprises%2C%20Inc.%20&listNameOrder=ALLWEBBSETERPRISES%20G538960>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Florida Design Drilling Corporation, has an active status as a Florida For Profit Corporation and first filed and registered on 04/29/2005. The company's principal address is the following: 7733 Hooper Road, West Palm Beach, FL 33411.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=FLORIDADESIGNDRILLING%20P050000644880&aggregateId=domp-p05000064488-7d2e8d94-d338-4faf-924f-8f03ed6a4310&searchTerm=Florida%20Design%20Drilling%20Corporation%20&listNameOrder=FLORIDADESIGNDRILLING%20P050000644880>

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8F5
File No. 180900**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00573 IN A TOTAL AMOUNT UP TO \$9,000,000.00 FOR THE PURCHASE OF METERS FOR WATER SERVICE – PARTS AND ACCESSORIES FOR A 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 a replacement prequalification pool for purchase of water meter parts and accessories for the Water and Sewer Department in an amount of \$9,000,000 for a five-year term.

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)

Resolution No. R-395-12, adopted by the Board on May 1, 2012, requires vendors added to open pool contracts to be subject to biannual Board ratification.

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

Resolution No. R-716-12, adopted by the Board on September 4, 2012, requires identification of a firm’s small business enterprise program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

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>

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>

BCC Meeting: May 1, 2018
Research Notes

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

The Infrastructure and Utilities Committee forwarded the item to the Board with a favorable recommendation at its April 17, 2018 meeting. At the meeting, Commissioner Diaz inquired about changes to the system. Responding to the inquiry, the WASD Director said the department has over 440,000 customers; each customer has an individual meter; and the meters tend to be replaced every 14 years. The WASD Director further explained that the pool is used to expeditiously purchase meters that meet AWWA standards and that the meters purchased under the pool are not transmitting data.

FISCAL IMPACT

The fiscal impact for the five-year term is \$9,000,000 and is comparable to the annual allocation under the current pool. The current pool, No. 7677-0/11, is valued at \$20,600,000 for a term of 11 years and eight months. A total of \$20,600,000 was allocated to the current pool's Blanket Purchase Order; of that amount, \$17,342,099.88 has been released, leaving a balance of \$3,257,900.12.

ANALYSIS

This item is requesting Board approval to establish a replacement pool for spot market purchase of water meter parts and accessories for the Water and Sewer Department (WASD) for a five-year term in an amount of \$9,000,000. A Request to Qualify (RTQ) was advertised on June 22, 2017 to establish a pool of vendors capable of delivering various types of water service meters, OEM parts and accessories. The pool includes two Groups: (A) Water Service Meters and (B) Parts and Accessories for Water Service Meters. It is unclear in the item which prequalification group the vendors are being recommended for.

WASD utilizes various types of water service meters to measure the usage of drinking water that is pumped into homes and businesses throughout the County. The measurements obtained from the meters are then calculated to determine the cost of the water consumed by the customer during a billing period. The specific items to be purchased under the pool include spud caps and plugs, locking devices, security seals, OEM and remanufactured parts as well as various water service meters. The manufacturers listed in the RTQ are: Sensus, Neptune, ABB, Badger Meter, E.J. Brooks, Pro-Tech/Alliance, Inner-Tite and McGard.

Per the ISD Small Business Development Project Worksheet, a set-aside shall apply to spot market purchases up to \$100,000 where there are three or more certified firms available. The Commodity Code provided in the Project Worksheet is 28595 (Wiring Devices); the following vendors were found under that code on the April 26, 2018 SBE Goods and Services Certified Firms List:

- A&B Hardware, Inc.
- B&R Electronics Supply, Inc.
- Electropower Utility Sales Company
- Global Caribe, Inc.
- Green-Energy-Products.Com, LLC
- Lighting Warehouse Corp.
- Ready Components, Inc.
- Rock International Distributors, Inc.

This code differs from the code provided in the Bid Tracking System for this replacement pool, i.e., 89044 (Meters, Water). Under that code, the following firms were found on the SBE Goods and Services Certified Firms List on April 26, 2018:

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- A&B Pipe and Supply, Inc.
- Bax International Corp.
- National Plumbing Supply, Inc.

The following vendors recommended for inclusion in the pool are incumbents under the current pool (No. 7677-0/11):

- Avanti Company
- Elster Amco Water, LLC
- Mueller Systems, LLC
- Municipal Water Works, LLC
- Neptune Technology Group, Inc.
- Sensus USA, Inc.

A sunbiz.org search (the official website of the Florida Department of State Division of Corporations) shows a name change for Municipal Water Works, LLC to Empire Pipe Orlando, LLC.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=MUNICIPALWATERWORKS%20L150000913120&aggregateId=flal-115000091312-c8b913e5-e6d1-40d9-a1cb-08f6b779fe38&searchTerm=Municipal%20Water%20works%2C%20LLC&listNameOrder=MUNICIPALWATERWORKS%20L150000913120>

DEPARTMENTAL INPUT

The Internal Services Department provided input on this item by answering the following questions. Answers have been italicized.

1. Specify which prequalification group each vendor is being recommended for as the information is not included in the Mayor's memorandum; *All recommended vendors are prequalified for both Groups.*
2. The Bid Tracking System shows an allocation of \$10,020,000 while the Mayor's memorandum shows an allocation of \$9,000,000 for the five-year term; clarify the inconsistency; *The allocation is the memorandum is based on current usage.*
3. Explain why the commodity code for this replacement pool seen in BTS (89044) differs from the code found on the SBD Project Worksheet (28595); *BTS only allows entry of one commodity code. In an effort to increase competition and include maximum number of vendors (including SBE), staff provides multiple commodity codes to SBD. Commodity code 890-44 is listed in BTS for the current as well as the new award. The SBD worksheet includes 3 commodities codes as listed below.*
 - *890-44 Water Meters*
 - *659-27 Caps*
 - *285-95 Wiring Devices: Adapters, Caps, Connectors, Extension Cords, Fluorescent and Hp Starters, Outlets, Plates and Covers, Plugs, Receptacles, Safety Cord Lock, Switches, Terminals.*
4. Sunbiz.org shows a name change for Municipal Water Works, LLC, one of the recommended vendors, to Empire Pipe Orlando, LLC; how does this impact the recommendation. *At this time there is no impact. Staff is processing the name change amendment. Upon completion of this amendment, systems will be updated.*

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8F6
File No. 180839**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING CHANGE ORDER NO. 3 TO THE CONSTRUCTION CONTRACT BETWEEN MIAMI-DADE COUNTY AND TGSV ENTERPRISES, INC. FOR THE PRE-TRIAL DETENTION CENTER RENOVATION PROJECT, ISD PROJECT NO. Z00018 GOB ESP, ISD CONTRACT NO. Z00018-C GOB, IN THE AMOUNT OF \$129,513.00 FUNDED FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDS AND INCREASING THE CONTRACT TIME BY 193 CALENDAR DAYS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME

ISSUE/REQUESTED ACTION

Whether the Board should authorize Change Order No. 3 in the amount of \$129,513 to the Pre-Trial Detention Center Renovation and Expansion construction contract with TGSV Enterprises, Inc. to address additional work and settle all claims arising under the contract.

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)

Section 2-11.16 of the County Code governs payment to laborers under construction contracts.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO)

Section 2-8.2.7 of the County Code sets forth the Economic Stimulus Ordinance. All actions taken by the County Mayor under the ordinance shall not require committee review but shall be submitted to the next available Board meeting for approval.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR)

Administrative Order No. 3-39 sets forth the County's standard process for construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-39.pdf>

Administrative Order No. 3-28 sets forth the County's policy for classifying, tracking, monitoring, and reporting all change orders under County construction projects.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-28.pdf>

Implementing Order No. 3-57 establishes a policy for the use of standard construction general conditions by all County departments.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-57.pdf>

BCC Meeting: May 1, 2018
Research Notes

Resolution No. R-196-13, adopted by the Board on April 2, 2013, added the pre-trial detention center renovation, courthouse façade restoration and the Culmer/Overtown neighborhood service center renovation to the County's Economic Stimulus Plan approved projects list.

<http://intra/gia/matter.asp?matter=130323&file=true&yearFolder=Y2013>

Resolution No. R-1001-15, adopted by the Board on November 3, 2015, requires contracts with small business measures to 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://intra/gia/matter.asp?matter=151746&file=true&yearFolder=Y2015>

Resolution No. R-1203-10, adopted by the Board on December 7, 2010, directed the County Mayor to standardize construction documents and practices across all County departments.

<http://intra/gia/matter.asp?matter=102577&file=true&yearFolder=Y2010>

Resolution No. R-719-15, adopted by the Board on September 1, 2015, authorized Change Order No. 1 to the construction contract with TGSV Enterprises, Inc. for the Pre-Trial Detention Center Renovation Project in the amount of \$597,860 to replenish the contingency reserve to 100 percent of the its original allocated amount.

<http://intra/gia/matter.asp?matter=151813&file=true&yearFolder=Y2015>

Resolution No. R-272-16, adopted by the Board on April 5, 2016, authorized Change Order No. 2 to the construction contract with TGSV Enterprises, Inc. for the Pre-Trial Detention Center Renovation Project in the amount of \$873,665 to replenish the contingency allowance account and contingency time allowance.

<http://intra/gia/matter.asp?matter=160460&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

The Chairman's Policy Council forwarded this item to the Board with a favorable recommendation at its April 12, 2018 meeting. At the meeting, the following discussion was held:

- Commissioner Sosa inquired into the cost of the change order; OMB staff clarified that the \$129,513 change order does not increase the overall project budget of \$47 million; of that project budget, only \$16 million has been spent.
- Commissioner Bovo expressed concern about the structural inadequacy of the detention center and the safety of County personnel working there; Bovo also voiced that given the changing economic dynamic of the neighborhood, the detention center might be a better fit in another area.

FISCAL IMPACT

The GOB BBC Program includes \$47 million for the pre-trial detention center project. The original contract amount was \$6,696,032. Two change orders totaling \$1,471,525 have been previously authorized. The current contract amount is \$8,167,557. The total amount requested for this change order is \$129,513, which will be funded through the reallocation of expenses between current and future project phases using existing BBC-GOB Program proceeds. The adjusted contract amount with this change order is \$8,297,070.

**BCC Meeting: May 1, 2018
Research Notes**

ANALYSIS

This item is requesting Board approval to authorize Change Order No. 3 to the construction contract with TGSV Enterprises for the pre-trial detention center renovation and expansion in an amount of \$129,513, a 1.93 percent increase to the overall contract. Two previous change orders totaling \$1,471,525 have been authorized to address unforeseen construction costs and replenish both the contingency allowance and time accounts.

Pursuant to Resolution No. R-196-13, the Board added the pre-trial detention center renovation project to the County's Economic Stimulus Plan (ESP) approved list of projects on April 2, 2013. The resolution states that the project is in District 5, though this item states that the project is in District 3. ESP projects are expedited in order to provide jobs and act as a stimulus to the local economy.

The pre-trial detention center renovation and expansion project is a multi-phase project. It includes various components such as the cleanup of the crawl space, the relocation and renovation of the existing East Kitchen Unit (EKU) and options for building structural envelope improvements.

The crawl space cleanup component includes oversight and management of the removal of standing sewage and contaminated soil, introduction of ventilation into the crawl space, steam cleaning in select areas and identification of repairs of damaged pipes and hangers. The relocation of the kitchen component includes design for the renovation of the existing ECU areas to a food processing area, which may also be able to accommodate the necessary kitchen equipment for a retherm operation. Additionally, the project scope encompasses building structural envelope improvements to eliminate water intrusion, full window systems replacement and updates to the existing re-certification report.

Change Order No. 3 represents full and final closeout and settlement of all claims submitted by TGSV for compensable delays that are over and above the remaining contingency and contract balance available for payment. This action is recommended in order to allow the County to receive a full release and discharge for any and all claims, liabilities, actions and causes of action under contract.

This change order also adds a 193-day time extension to the contract, which consist of 42 compensable days and 151 non-compensable days. The revised date for final project completion is August 7, 2017.

The mayoral memorandum indicates that Change Order No. 3 addresses the following unanticipated work during certain project tasks, such as the paging and security system, infrastructure repairs in unforeseen crawl spaces, the addition of electrical work, replacement of expansion joints at existing warehouse and new kitchen area, and additional requirements for fire extinguishers and mechanical drawings by City of Miami.

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8F7
File No. 180898**

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00674 IN A TOTAL AMOUNT UP TO \$1,914,000.00 FOR THE PURCHASE OF RENTAL TRAILERS, TRUCKS AND VANS FOR VARIOUS COUNTY DEPARTMENTS FOR AN INITIAL TERM OF 10 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 a resolution establishing an open prequalification pool, RTQ-00674, Rental Trailers, Trucks and Vans, for multiple County departments at a value of \$1,914,000 for a ten-year term.

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-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>

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review, prior to reprocurement 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>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

4/17/18: Forwarded to BCC with a favorable recommendation by Government Operations Committee;
Passed 5 – 0.

BCC Meeting: May 1, 2018
Research Notes

FISCAL IMPACT

The fiscal impact for the establishment of Prequalification Pool RTQ-00674, Rental Trailers, Trucks and Vans, for a ten-year term is \$1,914,000.

Per information found in the Bid Tracking System on April 25, 2018, relating to prequalification pool no. 5800-5/17-5, \$1,369,000 has been allocated to the contract's Blanket Purchase Order. Of the allocated amount, \$310,295 has been released leaving a balance of \$1,058,705. The current contract expires on June 30, 2018. The current pool is valued at \$7,202,000.

ANALYSIS

The proposed Prequalification Pool RTQ-00674, Rental Trailers, Trucks and Vans, is a for a ten-year term. It would provide several County department with prequalified vendors capable providing the departments with vehicles for transport of individuals and to maintain day-to-day operations. The current pool has been active since January 2008. The pool is divided into two groups: 1) Buses and Vans; and 2) Trailers, Trucks, and Other Equipment. This is an open pool and will remain open, allowing qualified vendors to be added once they have completed the prequalification criteria. The pool is mainly allocated to the Elections department with approximately \$1.4 million allocated to the department. The second highest allocation is to the Transportation and Public Works Department with \$300,000.

Implementing Order No. 3-38 states that An RFQ is used to obtain statements of qualifications from proposers when the scope of services cannot or has not been completely established by the County, requiring specific qualifications in order to be considered for contract award. Four vendors responded to the County's Request to Qualify its solicitation regarding the prequalification pool. All four of the vendors are recommended for inclusion into the prequalification pool. Of the four recommended vendors, three have a local address and the other does not have a local address. The prequalification pool is intended to remain open and will remain advertised on the County website for possible inclusion of other vendors. The County contacted vendors via email, blasts to those registered under the commodity code. Local vendors received direct email to encourage participation. Below is a summary of the vendor submission information:

Vendor	Local Address	Prequalification Status
Budget Truck Rental LLC	Yes	Prequalified for Pool
Enterprise Leasing Company of Florida LLC	Yes	Prequalified for Pool
Petersen Industries, Inc.	No	Prequalified for Pool
Tropical Trailer Leasing, LLC	Yes	Prequalified for Pool

A search of the Miami-Dade County Small Business Enterprise Certified Firms resulted in the following firms under commodity code no. 97586 – Rental or Lease of Trucks and Vans resulted in no small business enterprises.

BCC Meeting: May 1, 2018
Research Notes

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Budget Truck Rental, LLC, has an active status as a Foreign For Profit Corporation and first filed and registered on 11/03/2006. The company has its principal address registered in New Jersey.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=BUDGETTRUCKRENTAL%20M050000044980&aggregateId=forl-m05000004498-74162734-3e3f-446d-a71d-c12643fe35d7&searchTerm=BUDGET%20TRUCK%20RENTAL%20LLC&listNameOrder=BUDGETTRUCKRENTAL%20M050000044980>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Enterprise Leasing Company of Florida LLC, has an active status as a Foreign Limited Liability Company and first filed on 08/04/2009. The company has a location at the following address: 5105 Johnson Road Coconut Creek, FL 33073.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=ENTERPRISELEASINGFLORIDA%20M090000030030&aggregateId=forl-m09000003003-4e221de4-bbf1-480e-9731-9f1d9865b719&searchTerm=Enterprise%20Leasing%20Company&listNameOrder=ENTERPRISELEASING%203779860>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Petersen Industries, Inc., has an active status as a Florida For Profit Corporation and first filed and registered on 12/08/1989. The company's principal address is the following: 4000 SR 60 West Lake Wales, FL 33859.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=PETERSENINDUSTRIES%20L359460&aggregateId=domp-l35946-c1516a62-0cf4-46f8-920d-7c0035eb051c&searchTerm=PETERSEN%20INDUSTRIES%20INC&listNameOrder=PETERSENINDUSTRIES%202135420>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Tropical Trailer Leasing, LLC, has an active status as a Florida Limited Liability Company and first filed on 02/02/2005. The company's principal address is the following: 9475 NW 89 Avenue, Miami, FL 33178.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=TROPICALTRAILERLEASING%20L050000110350&aggregateId=flal-l05000011035-9bbd707a-7cee-491b-b697-f9b6bf6fa5f3&searchTerm=tropical%20trailer%20leasing%20C%20llc&listNameOrder=TROPICALTRAILERLEASING%204457940>

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8F8
File No. 180835**

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$418,000.00 FOR CONTRACT NO. 6694-0/18 FOR THE PURCHASE OF SERVICES FOR FIRE ALARM SYSTEMS FOR VARIOUS COUNTY DEPARTMENTS

ISSUE/REQUESTED ACTION

Whether the County should authorize additional expenditure authority to Contract No. 6694-0/18, Services to Fire Alarm Systems, for multiple County departments.

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 No. R-85-14, adopted on January 22, 2014, authorized the award of competitive contracts in a total amount up to \$6,298,000.00, and authorized additional time and expenditure authority in a total amount up to \$9,934,000.00 for various contracts for the purchase of goods and services, and authorized the use of Charter County Transportation Surtax Funds for such contract.

<http://intra/gia/matter.asp?matter=132342&file=false&yearFolder=Y2013>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barbara J. Jordan, District 1

The proposed resolution was considered at the April 17, 2018, GOC meeting; and was forwarded to the Board with a favorable recommendation.

FISCAL IMPACT

According to the Fiscal Impact Statement, the contract term expires on March 31, 2019. The contract has a current cumulative allocation of \$3,392,000. If this request is approved, the contract will have a modified cumulative value of \$3,810,000.

A search of the Bid Tracking System conducted on April 25, 2018, revealed that the amount allocated under Contract No. 6694-0/18 was \$3,392,000; the amount released is \$3,000,807; and the balance is \$391,192.

BCC Meeting: May 1, 2018
Research Notes

ANALYSIS

Through Resolution No. R-85-14, adopted on January 22, 2014, the Board authorized

- the award of six competitive contracts in a total amount up to \$6,298,000.00;
- additional time and expenditure authority in a total amount up to \$9,934,000.00 for various contracts for the purchase of goods and services; and
- the use of Charter County Transportation Surtax Funds for such contract.

The awarded vendors were Sunshine Hoist & Steel Erectors, Inc., and Equipment Repair Co., Inc. for **Bridge Cranes and Hoists**; and Metro Dade Security System, Inc., Florida Fire Alarm, Inc., Alemany Building Solutions, Corp., and Alpha Security & Fire Alarm Services, Inc., for **Fire Alarm Systems**.

Since the contracts were awarded, the following four departments have experienced a number of unanticipated developments, resulting in the need for additional expenditure authority:

- Corrections and Rehabilitation had experienced unexpected repairs and services that are required primarily due to vandalism by inmates;
- Cultural Affairs need the additional funding to include all cultural facilities for the remaining term of the contract;
- Internal Services needs the additional funding for the capital project updating services at the Caleb Center, the Caleb Daycare Center, and the Graham Building; and
- Parks, Recreation and Open Spaces has experienced the need for the unanticipated replacement of system parts and batteries, the opening of a new restaurant at Zoo Miami, the addition of service locations by the Community Parks and Aquatics Division, and the addition of monitoring services.

The following table provides the existing cumulative allocation, the additional allocation requested, the modified cumulative allocation and the funding source for the four departments:

Department	Existing Cumulative Allocation	Additional Allocation Requested	Modified Cumulative Allocation	Funding Source
Corrections and Rehabilitation	\$175,000	\$100,000	\$275,000	General Fund
Cultural Affairs	\$12,000	\$8,000	\$20,000	Proprietary Fund
Internal Services	\$635,000	\$250,000	\$885,000	Internal Service Fund
Parks and Recreation	\$231,000	\$60,000	\$291,000	General Fund

The same vendors that were awarded contracts in 2014 are being recommended under the proposed resolution:

Vendor	Principal Address	Local Address	Principal
Alemany Building Solutions, Corp.	1414 NW 107 th Ave., Suite 207, Doral	same	Reynaldo Alemany
Alpha Security & Fire Alarm Services, Inc.	1150 SW 30 th Ave., Pompano Beach	None	Gerald E. Pinnock
Florida Fire Alarm, Inc.	7487 SW 50 th Terrace, Miami	Same	Carlos Javech
Metro Dade Security System, Inc.	13350 SW 131 Street, Suite 102, Miami	Same	Dorys M. Martinez

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A search of the Miami-Dade County's list of Certified Small Businesses conducted on April 25, 2018, resulted in one small business listed under Commodity Code 34015 – Fire and Medical Alert Systems: World Security & Electric, LLC d/b/a Wise Fire & Security Systems.

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine contractor responsibility, including verifying corporate status and review of performance and compliance issues.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), **Metro Dade Security System, Inc.**, has an active status as a Florida Profit Corporation and first filed and registered on 08/07/1997. The principal address is registered as 13350 S.W. 131st Street, Suite 102, Miami, FL 33186. Its registered agent is Martinez, Dorys, 13350 S.W. 131st Street, Suite 102, Miami, FL 33186.

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

According to the Florida Department of State Division of Corporations website (Sunbiz.org), **Florida Fire Alarm, Inc.**, has an active status as a Florida Profit Corporation and first filed and registered on 12/27/2001. The principal address is registered as 7487 S.W. 50th Terrace, Miami, FL 33155. Its registered agent is Carlos Javech 13350 S.W. 40th Street, Miami, FL 33175.

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

According to the Florida Department of State Division of Corporations website (Sunbiz.org), **Alpha Security & Fire Alarm Services, Inc.**, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 01/19/1989. The principal address is registered as 1150 S.W. 30th Ave., Pompano Beach, FL 33069. Its registered agent is E. Gerald Pinnock, 6201 N.W. 12th Court, Sunrise, FL 33313.

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

According to the Florida Department of State Division of Corporations website (Sunbiz.org), **Aleman Building Solutions, Corp.**, has an active status as a Florida Profit Corporation and first filed and registered on 07/21/2008. The principal address is registered as 1414 N.W. 107th Ave., Suite 207, Doral, FL 33172. Its registered agent is Reynaldo Alemany, 7941 S.W. 14th Terrace, Miami, FL 33144.

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

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8F9
File No. 180437**

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING RATIFYING AN EMERGENCY CONTRACT IN THE AMOUNT OF \$3,125,000.00 FOR THE PURCHASE OF MAINTENANCE AND REPAIR SERVICES FOR ELEVATORS, ESCALATORS, AND MOVING WALKWAYS FOR THE INTERNAL SERVICES DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize the ratification of an emergency contract in the amount of \$3,125,000.00 for the purchase of maintenance and repair services for 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 on 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," directed that such vendors be added subject to bi-annual approval by the Board; and further directed the County Mayor or County Mayor's designee to provide a report to the Board, which contains sufficient information for the Board to review whether the added vendors are responsive and responsible, and the current status of the work assigned pursuant to the "open pool contract."

<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>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services Department

The proposed resolution was considered at the Government Operations Committee on April 17, 2018.

**BCC Meeting: May 1, 2018
Research Notes**

Responding to Commissioner Sosa's question regarding the reason Kone, Inc. terminated its contract with the County, Ms. Tara Smith, Director, Internal Services Department, stated that the County had initiated a lawsuit against the company to recover damages for abruptly terminating its contract and for providing unsatisfactory services.

In response to Commissioner Sosa's question whether the County undertook a competitive process for the emergency contract, Ms. Smith noted the department declared an emergency and issued a solicitation requesting to receive bids from various vendors for the emergency contract. She stated that this emergency solicitation resulted in an award being made to Eastern Elevator Service, Inc. (Eastern) for all four groups of the contract. She said that separately, at the April 10, 2018 BCC meeting, the Board adopted an item authorizing the Administration to establish a pre-qualified pool, for the installation, maintenance and modernization of elevators, escalators, and moving walkways for multiple County departments.

Pursuant to Commissioner Sosa's question regarding the bid protest filed by ThyssenKrupp Elevator Corporation, Ms. Namita Uppal, Chief Procurement Officer, Internal Services Department, stated that Oracle Elevator Company (Oracle), which had been recommended for award, had submitted a license for an employee who fulfilled the requirements of the solicitation; however, subsequently, ISD found out that the employee was not a direct employee of the company. Therefore, she noted, the department rescinded the award recommendation to Oracle and awarded the contract to Eastern.

The proposed resolution was forwarded to the BCC with a favorable recommendation by the GOC.

FISCAL IMPACT

According to the Fiscal Impact Statement, the fiscal impact of this emergency purchase is \$3,125,000 for a six-month term.

ANALYSIS

The Administration is requesting that the Board authorize the ratification of an emergency contract in the amount of \$3,125,000.00 for the purchase of maintenance and repair services for elevators, escalators, and moving walkways for the Internal Services Department. 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.

At the April 10, 2018 Board of County Commissioners meeting, the Board adopted an item authorizing the Administration 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. This was rendered necessary because in November 2017, Kone, Inc. gave the County a one-day notice that it was terminating Contract No. SS1246-3/22-2, which provided maintenance repair services for elevators, escalators, and walkways. The County has initiated a lawsuit to recover damages from Kone, Inc. related to this termination.

BCC Meeting: May 1, 2018
Research Notes

A total of 475 units were serviced under the emergency contract, including 366 units located at Miami International Airport. Under the Emergency Contract, which is effective from December 15, 2017 until June 14, 2018, \$3,123,600 was allocated; \$2,189,833 has been released; and the balance is \$933,764. Five bidders responded to the emergency solicitation. The original award was made to Eastern Elevator Service, Inc. for Groups 1 and 2; and Oracle Elevator Company for Groups 3 and 4. Subsequent to the award, ThyssenKrupp Elevator Corporation filed a bid protest claiming that the awarded vendors did not comply with part of the solicitation. Staff evaluated the documentation submitted by both vendors and determined that Oracle did not have a licensed professional electrical or mechanical engineer on staff, as required by the solicitation. As a result, the County terminated its contract with Oracle, and issued a revised award recommendation to Eastern.

A search of the Miami-Dade County's list of Certified Small Businesses conducted on April 25, 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 April 25, 2018, resulted in the following small business listed under Commodity Code 91013-Elevator Installation, Maintenance and Repair:
Aventura Elevator, Inc.

A search of the Miami-Dade County's list of Certified Small Businesses conducted on April 25, 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 07/16/2009. 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 Corporation**, has an active status as a Foreign Profit Corporation and first filed and registered on 03/08/1979. Its principal address is registered as 20 Whippany Road, Morristown, NJ 07960. Its registered agent is CT Corporation System, 1200 S. Pine Island Rd., Plantation, FL 33324.

BCC Meeting: May 1, 2018
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<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>

**BCC Meeting: May 1, 2018
Research Notes**

Item No. 8F10
File No. 180565

Researcher: SM Reviewer: TD

RESOLUTION RATIFYING THE ACTION BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE WITH RESPECT TO THE ADDITION OF VENDORS TO OPEN POOL CONTRACTS DURING THE PERIOD OF JULY 1, 2017 THROUGH DECEMBER 31, 2017

ISSUE/REQUESTED ACTION

Whether the Board of County Commissioners (Board) should approve this resolution ratifying the action by the County Mayor or County Mayor's designee with respect to the addition of vendors to open pool contracts during the period of July 1, 2017 through December 31, 2017.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-395-12 adopted May 1, 2012 relates to the amending of prior delegations of authority to the County Mayor with respect to adding vendors to "open pool contracts".

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/120561.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Internal Services

This item was forwarded, without discussion, to BCC with a favorable recommendation at the Government Operations Committee on April 17, 2018.

FISCAL IMPACT

This item will not create a fiscal impact for the County, as stated by the mayoral memo.

ANALYSIS

This item will ratify the actions by the County Mayor as it relates to the addition of vendors to open pool contracts during the period of July 1, 2017 through December 31, 2017.

The purpose of open pools is to provide opportunities for local and other firms to compete for various contracts. Resolution No. R-395-12 requires the administration to prepare a report twice a year for the Board's ratification, listing the names of the vendors added to open pools. The Board reviews the information in that report to evaluate whether the added vendors are responsive and responsible, and to ensure that the current status of the work assigned is pursuant to the open pool contract. If the vendor is not ratified for inclusion by the Board, they will be removed from the open pool contract and will not be eligible to bid for or be awarded any additional work under the pool.

The Board reviews the added vendors and the information in the report to conclude whether they have sufficient requirements to be awarded a contract in addition to being responsive and responsible vendors. They must continue to meet the County's policies as they provide the highest quality services at the lowest price.

The mayoral memo states that there were 98 vendors out of which 48 had a local office, or approximately 49 percent, they are included as an attachment in the mayoral memo.

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8F11
File No. 180819**

Researcher: SM Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00685 FOR PURCHASE OF POLO SHIRTS FOR VARIOUS COUNTY DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$1,562,000.00 FOR AN INITIAL TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board of County Commissioners (Board) should approve this resolution which in turn will approve the award of contract No. FB-00685 for purchase of polo shirts for various County departments in a total amount no to exceed \$1,562,000 for an initial term of five years.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1011-15 adopted November 3, 2015 is a resolution directing County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ; and directing the County Mayor to include such information in memorandum to Board pertaining to vendor being recommended for contract award.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2015/152271.pdf>

Implementing Order 3-38 governs the County's processes and procedures 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. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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

Section 2-8.1 of the Code of Miami-Dade County requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; 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

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

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/120287.pdf>

Resolution No. R-140-15 adopted February 3, 2015 directs the County Mayor to conduct a full review of the scope, prior to the re-procurement of replacement contracts for goods or services to ensure such contracts reflect the current needs of the County, to include information in recommendations to the Board, and to consult with the Small Business Development Division regarding solicitation contract language.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2015/150090.pdf>

BCC Meeting: May 1, 2018
Research Notes

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Internal Services

This item was forwarded to BCC with a favorable recommendation as corrected at the Government Operations Committee on April 17, 2018.

Commissioner Joe A. Martinez from District 11, mentioned that he will move it, however he wants to know the cost per polo shirt. He wants to know the comparable prices as it relates to individual polo shirt purchases.

Department Director Tara Smith for ISD mentioned that she has the contract in front of her and that there are many various prices so she will pick a high and low price range for reference point.

Commissioner Martinez asked what the dry fit would cost and Tara Smith responded that a men's moisture wicking shirt, has a cost of \$10.22 for sizes up to XL, beyond XL, the cost is \$13.29 per polo shirt.

Commissioner Martinez asked what the price would be for cotton shirts, Director Tara Smith responded that the 100 percent flexible collar shirt would be \$32.97 per shirt.

Commissioner Martinez asked if they receive a discount as they are buying the shirts in bulk. Prices should be lower than individual polo shirt purchases.

Commissioner Sosa from District 6, mentioned this is a re-procurement and that 15 bids were received as part of the solicitation, she mentioned that fire, police, many other departments use the polo shirts as their uniform.

FISCAL IMPACT

As of April 25, 2018 the bid tracking system shows an advertised value of \$1,526,000 million with an awarded amount of \$1,482,000 for contract No. FB-00685, the bid tracking system states that this contract number is pending BCC approval. The bid tracking system shows an awarded value and a current value of \$163,200, as of April 25, 2018 for contract No. FB-00685B with an expiration date of October 31, 2018. The table below show the various departments that are going to receive the polo shirts for their employees. The departments with the larger allocations are bolded.

Department	Allocation	Funding Source
Animal Services	\$70,000	General Fund
Aviation	\$90,000	Proprietary Funds
Clerk of the Courts	\$4,000	Clerk Revenue
Communications	\$55,000	General Fund
Community Action and Human Services	\$135,000	Federal Funds/General Fund
Corrections and Rehabilitation	\$100,000	General Fund
Information Technology	\$99,000	Internal Service Funds
Inspector General	\$2,000	Proprietary Funds
Internal Services	\$60,000	Internal Service Funds
Juvenile Services	\$2,000	General Fund/State Funds
Medical Examiner	\$2,000	General Fund
Parks, Recreation and Open Spaces	\$250,000	General Fund

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Police	\$200,000	General Fund
PortMiami	\$5,000	Proprietary Funds
Public Housing and Community Development	\$30,000	Federal Funds
Regulatory and Economic Resources	\$100,000	Proprietary Funds
Solid Waste Management	\$90,000	General Fund/ Proprietary Funds
Transportation and Public Works	\$38,000	DTPM Operating
Water and Sewer	\$150,000	Proprietary Funds
Total	1,482,000	

ANALYSIS

If this item receives Board approval then the departments mentioned on the above table will receive the polo shirts requested. This item went through the solicitation process under full and open competition. As stated in the mayoral memo the solicitation has two groups, Group A, which consists of polo shirts purchased with non-federal funds, and group B, which has polo shirts that are purchased with federal funds. The above table shows the funding source.

The mayoral memo states that there were 15 bids received and 4 vendors were recommended for the award. Three out of four vendors are local. See table below:

Awardee	Principal Address	Address of Branch Offices or Headquarters in Miami-Dade County	Number of Employee Residents
DGG Uniform and Work Apparel, LLC	8725 Youngerman Court Number 305 Jacksonville, FL	None	0
Global Trading Inc. (SBE)	7262 NW 33 Street Miami, FL	Same address	11
IPA Corp. (SBE)	19840 Cutler Court Cutler Bay, FL	Same address	2
Paragon Uniform Group, Inc (SBE)	1612 Jefferson Avenue PH-1 Miami Beach, FL	Same address	6

There was market research which was conducted for the previous contract 8148-0/17, The websites for the City of Miami, City of Ft. Lauderdale, Broward County and U.S Communities Purchasing Alliance were searched. The current County contract has fifteen brands represented. The major cost factors are the price of petroleum (polyester) and the cost of cotton, currently labor is not a major factor and is stable as most shirts are made overseas.

The research which was conducted for Contract No. FB-00685 was made to establish that the items and prices that will be recommended for award are within the market prices for comparable shirts. Five high and medium use shirts were used as a sample in addition there were three additional services which were compared to the price paid on the existing contract. The market research found that the previous prices received to FB-00685 are lower than what was paid on the previous contract 8148-0/17 by a difference ranging from \$.13 to \$2.91 a shirt with prices for the additional services having gone up between \$.25 and \$.75. To establish market prices, the same shirts were researched via the internet to establish pricing from companies that would do large scale sales. Of the five shirts in the survey only one was available on the web at a price lower than what was provided in FB-00685, the difference is \$5.99 vs \$7.14).

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8F12
File No. 180823**

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE THE TWO-YEAR OPTION TO RENEW PERIOD UNDER PREQUALIFICATION POOL NO. 9748-1/20 FOR THE PURCHASE OF CLOSED CIRCUIT TELEVISION CAMERAS AND ASSOCIATED EQUIPMENT FOR VARIOUS COUNTY DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$1,250,000.00; 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 COUNTY 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 authorize the County Mayor or the County Mayor's Designee to exercise the one, two-year option-to-renew period under Pre-Qualification Pool No. 9748-1/20 for the purchase of closed circuit television cameras and associated equipment for the Miami-Dade Aviation and Police departments in a total amount not to exceed \$1,250,000.00; and authorize 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 County 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.

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 on 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 Department

The proposed resolution was considered at the Government Operations Committee on April 17, 2018; and was forwarded to the BCC with a favorable recommendation.

BCC Meeting: May 1, 2018
Research Notes

FISCAL IMPACT

The pool is in its initial term, which expires on June 30, 2018. A search of the Bid Tracking System conducted on April 26, 2018, revealed that the amount allocated under Contract No. 9748-1/20 was \$900,000; the amount released was \$453,753; and the balance is \$446,246. If the request is approved, the pool will have a modified cumulative value of \$1,250,000 and an expiration date of June 30, 2020.

ANALYSIS

In 2013, the County established a pre-qualification pool under delegated authority for a five-year term with one, two-year option to renew term. The pool is currently in its initial term. The Aviation Department has accessed this pool to replace or upgrade its existing closed circuit television and equipment at the Miami International Airport. Composed of over 2500 cameras, the airport's CCTV camera system is required to be fully operational at all times for the safety and security of passengers, tenants and employees, equipment and property.

In July 2017, the Miami-Dade Police Department accessed this pool to purchase replacement equipment for its closed circuit television and equipment system at several district stations. It plans on purchasing additional units, as well as expanding the closed television and equipment system at the Police Headquarters.

The pre-qualification pool was established with 11 vendors. Establishment of a pre-qualified vendor pool provides the County with a flexible means of obtaining CCTV cameras and equipment quickly, efficiently and cost effectively by soliciting competitive spot market quotations as the need arises. There are currently 14 vendors, four of which are local. Additional qualified vendors may be added to the pool at any time during the term of the pool.

Vendor	Principal Address	Sunbiz Registration	Principal
Bass United Fire & Security Systems, Inc.	3000 Gateway Drive Pompano Beach, FL	01/01/1977	Brad Higdon
Connectit, Inc.	2789 Sea Grape Drive North, Fernandina Beach, FL	10/20/2010	Beth Mari Belotto
Delphi One Systems Corp.	7311 NW 12 Street Miami, FL	10/02/2001	Francisco Rodriguez
ER Tech Systems Group, Inc.	205 NW 12 Avenue Pompano Beach, FL	12/08/2010	Nicholas Ehr
Glanz Technologies, Inc.	687 NE 124 Street N. Miami, FL	01/06/1982	Mark Glanz
Halifax Security, Inc.	301 Drum Point Road Brick, MJ	12/17/2007	Pete Rode
Holb-Sierra Corp.	2045 Sherman Street Hollywood, FL	06/19/1989	Marcos Vidal
Integrated Security Systems, Inc.	1876 NW 7 Street Miami, FL	06/04/1963	Jeffrey Nunberg
Munway Technology, Inc.	3900 NW 79 Avenue Miami, FL	03/22/2002	Midugel Mundarain
Red Hawk Fire & Security, LLC	5100 Town Center Circle Boca Raton, FL	02/01/2008	Mark Foley
Security & Sound Systems, Inc.	6590 West Rogers Circle Boca Raton, FL	08/07/1989	Matthew Rector
Silent Guard Systems, Inc.	4835 Hollywood Blvd.	02/02/1994	Madelyn Levy

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	Hollywood, FL		
Strike Industries, Inc.	3446 SW 15 Street Deerfield Beach, FL	07/16/2001	Patrick Sellati
Tem Systems, Inc.	4747 Nob Hill Road Sunrise, FL	07/18/1966	M. R. McIntosh

It is recommended that the Board authorize the County Mayor or the County Mayor's designee to exercise the one, two-year option to renew term to allow the Miami-Dade Aviation and Police Departments to continue purchasing closed circuit television cameras and associated equipment. The Board's approval of the two-year option to renew term is required because the exercise of the option to renew will bring the cumulative contract value over the County Mayor's delegated authority to award.

According to the Mayor's memorandum, pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine contractor responsibility.

ADDITIONAL INFORMATION

A search of the Miami-Dade County's list of Certified Small Businesses conducted on April 26, 2018, resulted in five small businesses listed under Commodity Code 84084-Video and Audio Surveillance Systems:

- Broadcast International Group, Inc.
- High End Audio Visual, Inc.
- Home Entertainment Systems, Inc.
- RPR Empire Corp.
- World Security & Electric d/b/a Wise Fire & Security Systems

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Research Notes**

**Item No. 8F13
File No. 180330**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$575,000.00 FOR PREQUALIFICATION POOL NO. 8341-1/18-1 FOR PURCHASE OF EQUIPMENT RENTALS FOR PORTMIAMI

ISSUE/REQUESTED ACTION

Whether the Board should approve a resolution additional expenditure authority for Prequalification Pool No. 8341-1/18-1, Equipment Rental, for PortMiami in the amount of \$575,000 for the rental of tents and associated equipment for cruise passenger during anticipated capital improvement projects.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code, Contracts and purchases generally, relates to the bid requirement for certain purchases. Per the County Code, the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

Below is a link relating to Section 2-8.1 of the County Code:

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

Implementing Order 3-38, Master Procurement Implementing Order, establishes the roles and responsibilities of the Internal Services Department (ISD), methods of purchasing goods and services, and the authority to award contracts. Additional policies and procedures relating to the County's procurement processes are detailed in the ISD Procurement Guidelines, other A.O.s and the County Code.

Below is a link relating to Implementing Order 3-38:

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

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.

Below is a link to Resolution No. R-187-12:

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

Resolution No. R-1425-08, adopted by the Board on December 16, 2008, established a pool for the rental of special event equipment, such as tents, tables and chairs, linens, lights, stage equipment, podiums and microphones.

Below is a link to Resolution No. R-1425-08:

<http://intra/gia/legistarfiles/Matters/Y2008/083571.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

4/19/18: Forwarded to BCC with a favorable recommendation by Economic Development and Tourism Committee;
Passed 4 – 0.

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FISCAL IMPACT

The \$575,000 additional expenditure allocation request is based on PortMiami anticipated needs. If the proposed resolution is approved by the Board, the cumulative contract value for prequalification pool will be \$6,225,000 and will expire on January 31, 2019.

Per information found in the Bid Tracking System on April 27, 2018, \$3,075,000 has been allocated to the current contract's Blanket Purchase Order, of which \$2,798,707 has been released leaving a balance of \$276,293. As it relates to PortMiami, \$1,816,764 has been allocated to the current contract's Blanket Purchase Order, of which \$1,814,976 has been released leaving a balance of only \$1,788.

ANALYSIS

Prequalification Pool No. 8341-1/18-1, Equipment Rental, for PortMiami was approved by the Board on December 16, 2008, pursuant to Resolution No. R-1425-08 for a five-year term, with one, five-year option to renew term. The contract currently expires on January 31, 2019.

PortMiami is constructing new berths, cruise terminals, intermodal (freight rail system) and parking facilities the meet the demand of larger more modern cruise ships and other vessels. There is an increased need of temporary tent facilities because of loss of terminal space due to ongoing construction. The proposed resolution recommends the increase in additional expenditure to cover the costs for additional rental costs.

Information found in the Bid Tracking System regarding the justification for the contract modification states that, the tents requested would provide coverage for passengers along the drop-off/bus parking area as well as provide protection for embarking passengers making their way to the main building entrance. Other tents ranging up to 32,000 square feet would be fully air conditioned and provided the space necessary for the proper security screening and processing of both passengers and their luggage. According to the PortMiami website the new terminal is expected to be open late 2018.
<http://www.miamidade.gov/portmiami/cruise-terminals.asp>

Per information on the Bid Tracking System, as of April 27, 2018, there are currently nine prequalified vendors in the pool. All of the prequalified vendors have local addresses. The pool is meant to remain open so that vendors can be added to the pool at any time. A search of the Sunbiz website revealed that all of the vendors are currently registered to do business in the state of Florida. Below is a list of the prequalified vendors in the pool:

- A 2 Chance Party Rental Inc.
- Ebershoff LLC
- ABC Party Rental INC.
- A Navas Party Productions Inc.
- Fiesta Carousel Inc.
- Glens Tents & Table Rental Service Inc.
- Miami Grandstand Entertainment Corp.
- SBS Investments of Dade County Inc.
- Economy Party & Tent Rental Inc.

A search of the Miami-Dade County Small Business Enterprise Certified Firms list, as April 27, 2018, resulted in the following local vendor under Commodity Code 98172 - Tents, Tarpaulins and Supplies Rental or Lease: A 2ND CHANCE PARTY RENTAL, INC. This vendors is currently in the prequalification pool.

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Research Notes**

**Item No. 8F14
File No. 180899**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING ADDITIONAL TIME OF ONE YEAR AND EIGHT MONTHS AND ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$1,000,000.00 TO CONTRACT NO. BW8166-5113-7 FOR THE PURCHASE OF AUTOMATED CASE MANAGEMENT SYSTEM SERVICES FOR THE OFFICE OF MANAGEMENT AND BUDGET; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize, by a two-thirds vote of the Board members present, a designated purchase of Automated Case Management System's services for the Office of Management and Budget, as well as an extension of the contract term (up to one year and eight months) and increased expenditure authority, in an amount not to exceed \$1,000,000 for contract No. BW8166-5113-7. The Administration has exhausted its authority to extend the contract and contends that it is not practicable for competition to be completed prior to contract expiration. Thus, approval as a designated purchase is being sought.

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. Requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; provides that procurement procedures shall be established by I.O. and approved by the Board. Subsection 2-8.1(b)(3) details the following procedures for purchases when competitive procedures are not practicable:

- Formal sealed bids not required
- Used when sealed bids not practicable
 - (i) sole source;
 - (ii) no competition;
 - (iii) rates fixed;
 - (iv) unique or artistic service;
 - (v) emergency or competition not practicable;
 - (vi) single proposer with material defects
- Award by 2/3 vote of Board members present
- Memo includes why not practicable; process followed; and informal competition
- Recommends maximum competition under circumstance

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 and procedures 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 and contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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

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Resolution No. R-158-07, adopted on February 6, 2007, established the contract with Automated Case Management Systems through waiver of competitive bidding procedures.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2007/R-158-07.pdf>

Resolution No. R-1136-16, adopted on December 6, 2016, gave retroactive approval of a designated purchase to continue the contract with Automated Case Management Systems by amending the contract terms.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-1136-16.pdf>

Resolution No. R-391-17, adopted on April 4, 2017, 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.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-391-17.pdf>

Ryan White HIV/AIDS Treatment Extension Act of 2009 from the U.S. Department of Health and Human Services, Health Resources and Services Administration. Federal funds for the County's administration of the Ryan White Program come from Part A of the Act.

<https://www.cdc.gov/niosh/topics/ryanwhite/pdfs/RyanWhiteActof2009.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services

The proposed Resolution was forwarded to the BCC with a favorable recommendation by the Housing and Social Services Committee at its April 16, 2018 meeting.

FISCAL IMPACT

This service is required by and funded through the Ryan White federal grant. The funding required for this extension will have no impact on the funding available for the services funded through the Ryan White program.

The contract has an existing cumulative allocation of \$6,740,000 for 11 years and four months and is set to expire on June 30, 2018. If the proposed Resolution is approved, the contract will have a modified cumulative value of \$7,740,000 and will expire on February 29, 2020. The requested increase in expenditure authority is to accommodate the monthly hosting and maintenance fees.

Per information found in the Bid Tracking System on April 26, 2018, related to the current contract with Automated Case Management Systems, \$2,000,000.00 has been allocated to the contract's Blanket Purchase Order. Of the allocation amount, \$1,850,000.00 has been released, leaving a balance of \$150,000.00.

ANALYSIS

This Resolution is for the authorization of a designated purchase of Automated Case Management System's services for the Office of Management and Budget, as well as an extension of the contract term (up to one year and eight months) and increased expenditure authority, in an amount not to exceed \$1,000,000 for contract No. BW8166-5113-7. The services provided by the vendor are required by the Ryan White Part A Program, for which the services provided by this contract will facilitate. The contract with Automated Case Management System is for:

- maintenance;

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- software and hardware updates;
- custom programming;
- user support;
- system documentation; and
- billing support

The current vendor utilizes a Service Delivery Information System for the management of client services data, subrecipient billing, and reporting as required by the Ryan White Part A Program—a federally-funded program that provides medical care to economically disadvantaged County residents living with HIV/AIDS. The Service Delivery Information System is integral to the coordination and exchange of information across the Ryan White Program’s service delivery network and is critical to the County’s ability to execute program services.

Contract approval as a designated purchase is being sought as the Administration has exhausted its authority to extend the contract and contends that it is not practicable for competition to be completed prior to contract expiration. The Mayoral Memorandum cites several factors which contributed to the delay in developing new system specifications and the corresponding solicitation. They are as follows:

- the technical nature of the project, which required the involvement of the industry, the Office of Management and Budget, Information Technology Department, Internal Services Department, and representatives from the United States Department of Health and Human Services;
- changes in federal grant guidelines and restrictions related to administrative costs; and
- staff turnover in the Office of Management and Budget and the Internal Services Department.

In accordance with Resolution No. R-391-17, mandating that competitive selections are to be performed whenever feasible, a replacement solicitation has been issued. RFP-00826, Ryan White Management Information System, the award of which is expected to be presented to the Board in late 2018. Subsequent to that award’s approval by the Board, the County will require approximately one year to properly transition to a new system, perform data migration, and conduct training, hence the request for an extension of the current contract.

The following local Certified Small Business vendors appear for the commodity code 91829 – Computer Software Consulting as of April 26, 2018:

- 4IT, INC.
- A.L. JACKSON & COMPANY, P.A.
- ADVANCED TOTAL SYSTEMS, INC.
- AFL INTERNATIONAL CONSULTING STAFF
- AMIRITECH GROUP LLC
- ATS COM INC
- AZIMUTH 360 CONSULTING GROUP, INC.
- CIVIL WORKS, INC.
- EB TECH CONSULTING, INC.
- ENTERPRISE RISK MANAGEMENT, INC.
- EPIC CONSULTANTS, INC.
- GALACTIC TECHNOLOGY GROUP, LLC
- GEEK USA, LLC.
- GIGANETWORKS, INC.
- GLASS LAND ACQUISITION SERVICE
- IMAAS CONSOLIDATED, INC.

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- INVIZIO, LLC
- J&J LOGISTICS SOLUTION CONSULTING
- JOHNSTEK, INC.
- JRD & ASSOCIATES, INC.
- M. GILL & ASSOCIATES, INC.
- MDT TECHNOLOGIES, INC.
- MERIDIAN PARTNERS, LLC
- MILIAN, SWAIN & ASSOCIATES, INC.
- MOSSCORP CORPORATION
- NETWORK & COMMUNICATION SERVICES, INC.
- NEXT TECHNOLOGY CONSULTING, INC.
- PROGRAM CONTROLS, INC.
- RPR EMPIRE CORP
- SAABY CONSULTING COMPANY
- SAFCO SYSTEMS, INC.
- SOUTHERN DATA SYSTEMS, INC. DBA
- ST. MARTIN CONSULTING LLC
- THE ASHVINS GROUP, INCORPORATED
- THINK FORWARD CONSULTING, INC.
- TNR ACCOUNTING SERVICES, INC.
- TRANSAMERICA TRAINING MANAGEMENT,
- TRUST TECHNOLOGY SOLUTIONS, INC.
- VISUAL DATA SOLUTIONS, INC.

ADDITIONAL INFORMATION

Miami-Dade County's Ryan White Program distributes federal grant funds to HIV/AIDS service organizations, community-based clinics, hospitals and public institutions. More than 9,600 people living with HIV or AIDS are served. It provides a last resort safety net for individuals who have no other means to access these services.

Ryan White Program services include:

- Outpatient medical care
- Prescription drugs
- Oral health care
- Substance abuse counseling and treatment (outpatient and residential)
- Mental health counseling
- Medical case management
- Health insurance assistance
- Legal assistance
- Food assistance (food bank)
- Transportation services (vouchers)
- Outreach services

Federal funds come from Part A of the Ryan White HIV/AIDS Treatment Extension Act of 2009 from the U.S. Department of Health and Human Services, Health Resources and Services Administration.

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Funds are awarded on an annual basis. The grant/budget period runs from March 1 through Feb. 28.

https://www8.miamidade.gov/global/service.page?Mduid_service=ser1482944607068715&Mduid_location=org1462994438372631&Type_collection=&Mduid_organization=org1462994438372631

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Automated Case Management Systems has an active status as a Foreign Profit Corporation and first filed and registered on 7/30/1997. The company's principal address is 803 N. Wilcox Ave., #7, Hollywood, CA 90038. Its registered agent is Andre Corrigan, 4770 Biscayne Blvd., # 850, Miami, FL 33137.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=AUTOMATEDCASEMANAGEMENTSYSTEMS%20F970000039960&aggregateId=forp-f97000003996-218d7f8a-8715-415e-890c-5df2109822f6&searchTerm=automated%20case%20management%20systems&listNameOrder=AUTOMATEDCASEMANAGEMENTSYSTEMS%20F970000039960>

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Research Notes**

**Item No. 8F15
File No. 181069**

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY PURCHASE IN THE AMOUNT OF \$541,000.00 FOR THE PURCHASE OF PARKING ACCESS REVENUE CONTROL SYSTEM EQUIPMENT AND UPGRADES FOR THE AVIATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a resolution ratifying an emergency contract award, E9952-AV, Parking Access Revenue Control System, in the amount of \$541,000 for the Aviation Department. The item further waives formal bid procedures pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; 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 3-38 governs the County's processes and procedures 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. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

Under I.O. 3-38, an emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order, including a bid waiver.

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

Section 5.03(D) of the Home Rule Charter of Miami-Dade County governs contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids.

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

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directed 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 No. R-831-17, adopted by the Board on October 3, 2017, rejected all three proposals received for the Request for Proposals.

<http://intra/gia/legistarfiles/MinMatters/Y2017/172053min.pdf>

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

<http://intra/gia/legistarfiles/MinMatters/Y2013/131016min.pdf>

Ordinance No. 14-65, adopted by the Board on July 1, 2014, clarifies that reports requested by a committee or the Board are to be placed on a committee and/or Board agenda, not merely submitted to individual Commissioners.

<http://intra/gia/legistarfiles/MinMatters/Y2014/141471min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester: Aviation Department

4/19/18: Amended by Economic Development and Tourism Committee.

Commissioner Sosa asked: 1) How was the vendor, Conduent Transport Solutions, Inc., selected; 2) Who is the current vendor of these services; 3) Have we looked at the market to see how technology has changed. That with the new technology, maybe we can do better, be more upgraded, and piggyback with someone to save money.

Department director advised that these services are needed in order to process the credit card payments for the parking garages. The department's commitment is to expedite a new solicitation dovetailed with the request to look at new technologies. One of the new technology options is the Sunpass system.

This item was amended to allow 90 days to return to the committee with an expedited procurement process plan.

FISCAL IMPACT

This item is requesting Board ratification for an emergency purchase totaling \$541,000.

ANALYSIS

This item seeks ratification of an emergency contract award, E9952-AV, Parking Access Revenue Control System, in the amount of \$541,000 for the Aviation Department.

This item was originally This item differs from the original in that it was amended at the April 19, 2018 EDTC meeting to direct the Aviation Department to expedite the procurement process and award a replacement solicitation within 90 days. Additional time, if needed, may be requested from the Board. Also, a report regarding the Department's procurement process plan and ongoing efforts to explore industry technologies will be presented at the May 10, 2018 committee meeting pursuant to Ordinance No. 14-65. The ordinance clarifies that reports requested by a committee or the Board are to be placed on a committee and/or Board agenda, not merely submitted to individual Commissioners.

Resolution No. R-454-13, adopted by the Board on January 4, 2013, requires emergency contract ratifications and retroactive contract modifications be presented to the Board within 120 days of such emergency. The purchase order for this emergency purchase was issued on January 3, 2018. The item is slated for Board ratification at the May 1, 2018 meeting.

Under I.O. 3-38, an emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order, including a bid waiver. In the event a department director or authorized designee determines that an emergency purchase is necessary, a contract may be awarded without utilizing the competitive bid procedures regardless of the amount of expenditure. Within five working days after the purchase, the County department shall submit the post award requisition to ISD specifying the circumstances which justified the

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emergency contract award. When the expenditure is in excess of \$250,000, the ISD Director shall forward the documented circumstances to the County Mayor for presentation to the Board of County Commissioners for ratification.

In this item, an emergency purchase order was created to replace end-of-life lane computers, server components, operating systems, and associated hardware to mitigate the risks associated with system failure at MIA. The system's emergency upgrades are intended to keep the current system operational until a new system is selected and implemented. Due to the proprietary nature of the system and urgent need, a procurement process would not be feasible. Some of the critical operational and security functions of the system are listed below:

- Integration with Airport's Security Badge System
- Sunpass
- License Plate Recognition
- Credit Card Processing
- Florida Department of Law Enforcement's Auto Theft System

Resolution No. R-831-17, adopted on October 3, 2017, approved rejection of all of the proposals received on June 3, 2016 to establish a long term replacement contract for the system. It was previously communicated by the Aviation Department that the system is operating and that the maintenance contract is on a month-to-month.

It is unclear from the Mayoral memorandum if the emergency contract vendor, Conduent Transport Solutions, Inc. (Conduent), is the current vendor under the month-to-month. There were three vendors who responded to the Request for Proposal issued in 2016. However, two vendors were deemed non-responsive. Conduent, per Sunbiz.org, has its principal address in Georgia and does not have a local address in the County.

As of April 26, 2018, OCA found the following Certified SBEs with the corresponding Commodity Code 91828 - Computer Hardware Consulting:

- 4IT, INC.
- ADVANCED TOTAL SYSTEMS, INC.
- AFL INTERNATIONAL CONSULTING STAFF &
- ATS COM INC
- CIVIL WORKS, INC
- EB TECH CONSULTING, INC.
- GALACTIC TECHNOLOGY GROUP, LLC
- GEEK USA, LLC.
- GIGANETWORKS, INC
- GLASS LAND ACQUISITION SERVICE
- IMAAS CONSOLIDATED, INC.
- JOHNSTECK, INC.
- M. GILL & ASSOCIATES, INC.
- MERIDIAN PARTNERS, LLC
- MILIAN, SWAIN & ASSOCIATES, INC.
- MOSSCORP CORPORATION
- NETWORK & COMMUNICATION SERVICES, INC.
- NEXT TECHNOLOGY CONSULTING, INC. SBE - G&S
- PC SOLUTIONS & INTERGRATION, INC.

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- SAABY CONSULTING COMPANY SBE - G&S
- SAFCO SYSTEMS, INC.
- SAFCO SYSTEMS, INC.
- SOUTHERN DATA SYSTEMS, INC. DBA SBE - G&S
- ST. MARTIN CONSULTING LLC
- SYTEC-USA, INC. LDB, SBE - Cons, SBE - G&S
- THINK FORWARD CONSULTING, INC.
- TNR ACCOUNTING SERVICES, INC ACDBE, DBE, SBE - G&S
- TRANSAMERICA TRAINING MANAGEMENT,
- TRUST TECHNOLOGY SOLUTIONS, INC.

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DEPARTMENT INPUT

The Office of the Commission Auditor asked the following questions to the Aviation Department and received the following responses:

1. Has MDAD's contract for PARCS expired; if so, when did it expire and who was the vendor under the contract; the item implies Conduent was the vendor under the long-term contract as the equipment is proprietary;
PARCS contract was a specific purchase. The PARCS maintenance is contracted by the parking operator. Upgrade due to end-of-life issues required the incumbent entity Conduent to provide the PRACS upgrade to its proprietary system.
2. Given the proprietary nature of PARCS, is Conduent the only vendor able to provide the required replacement equipment; if so, will re-procurement efforts result in a legacy contract or designated purchase recommending award to Conduent;
The answer to the first part of your question is yes. PARCS vendors all have proprietary issues associated with their solutions. Conduent did not bid on the PARCS replacement solicitation currently underway; and under the cone.
3. How does this emergency purchase satisfy the emergency provision of Implementing Order 3-38; and
Due to the delays experienced with new PARCS RFP and the EOL state of the existing Parking System – the Department determined that an emergency purchase was required due to the risks associated with a System failure, which would adversely impact the airport's parking operations. These risks include the compromise of various System components, many of which provide critical operational and security functions. These functions include the System's integration with the Airport's Security Badge System, Sunpass, License Plate Recognition, credit card processing, and integrations with the Florida Department of Law Enforcement's Auto Theft System. The Department also determined that System performance and related customer service levels were increasingly compromised, most notable by extreme wait times at exit during peak hours of operation. We felt these reasons all fell within the guidelines for emergency purchases as defined in IO-3-38.
4. What was the projected lifespan of the equipment and how did that lifespan factor into contract management, including re-procurement of a replacement contract.
The current PARCS Conduent hardware is 8 years old and has far surpassed its End of Life. The urgency noted above in (#3), the proprietary nature of this system, and the typical timeframe associated with a new PARCS RFP were taken into account in the Departments decision to refresh the hardware of the existing system. Note: The project cost of \$540K is approximately 1% of the yearly gross revenue stream generated via our parking operations. This hardware upgrade will place the Department in a better position to support the existing system and transition the cut-over to the new PARCS system. If the new PARCS system comes on-line before the EOL is reached on this upgrade, the server components would be in a position to be repurposed.

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**Item No. 8G1
File No. 180832**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD OF COUNTY COMMISSIONERS' MEMBERS PRESENT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXTEND THE CONTRACT NO. BU3BSR27 WITH BEHAVIORAL SCIENCE RESEARCH CORPORATION TO PROVIDE STAFF SUPPORT SERVICES FOR THE MIAMI-DADE HIV/AIDS PARTNERSHIP, AND QUALITY MANAGEMENT SERVICES FOR THE RYAN WHITE PART A AND MINORITY AIDS INITIATIVE PROGRAMS, INCLUDING A TRAINING PROGRAM FOR DIRECT SERVICE PERSONNEL FOR AN ADDITIONAL TIME OF 12 MONTHS WITH A RETROACTIVE DATE OF MARCH 1, 2018 AND ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$1,109,050.00; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE AMENDMENTS, MODIFICATIONS, CANCELLATION, AND TERMINATION CLAUSES CONTAINED IN SUCH CONTRACT; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-130-06(Office of Management and Budget)

ISSUE/REQUESTED ACTION

Whether the Board should (1) approve a designated purchase to extend Contract No. BU3BSR27 with Behavioral Science Research Corporation for an additional 12 months, retroactive to March 1, 2018, in an amount of up to \$1,109,050 for the continued delivery of staff support services for the Miami-Dade HIV/AIDS Partnership and Quality Management Services for the Ryan White Part A and Minority AIDS Initiative (MAI) Programs; and (2) waive the County policy requiring the underlying contract to be signed by the non-County party and attached to the agenda item prior to placement on a Board agenda.

APPLICABLE LEGISLATION/POLICY

Ryan White HIV/AIDS Treatment Extension Act of 2009: the Ryan White HIV/AIDS Program legislation was first enacted in 1990 as the Ryan White Comprehensive AIDS Resources Emergency Act; it has been amended and reauthorized four times in 1996, 2000, 2006 and 2009; the extension Act of 2009 delineates the statutory requirements of the program; highlights of the extension Act include: (1) MAI funds under Parts A and B are distributed according to a formula based on the distribution of populations disproportionately impacted by HIV/AIDS and coincide with grant cycles under each Part; (2) Part A authorizes grant awards to eligible metropolitan areas and transitional grant areas; and (3) Part A and B grant recipients must develop comprehensive plans that include a strategy for identifying individuals with HIV who do not know their status and helping them seek medical services.

<http://legcounsel.house.gov/Comps/PHSA-merged.pdf>

Article LXXX of the County Code sets forth the County's HIV/AIDS Partnership; the purpose of the partnership is to enable the County and other governmental entities to apply for, receive, plan for, assess, and allocate financial assistance under Title XXVI of the Public Health Service Act as amended by the Ryan White HIV/AIDS Treatment Modernization Act of 2006, Healthy Communities 2010 Objectives, AIDS Housing Opportunity Act, and Housing and Community Development Act of 1992, State of Florida General Revenue Care and Treatment Allocations, and other HIV/AIDS related funding as it becomes available; and to advise the Board of County Commissioners, the Mayor, and other governmental entities on HIV/AIDS related issues.

https://library.municode.com/fl/miami_-

[dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTLXXXMIDECOHIAIPA](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTLXXXMIDECOHIAIPA)

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

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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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Section 2-8.1(b)(3) of the County Code sets forth procedures for authorizing a designated purchase; under this section, designated purchase shall mean a purchase when the procurement through the use of formal sealed bids is not practicable, including, but not limited to: (1) sole source purchases; (2) services where no competition exists such as public utility services; (3) where purchases or rates are fixed by law or ordinance; (4) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act; (5) purchases of goods and services necessary to address an emergency or where additional formal competition would not be practicable; and (6) a solicitation where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

Any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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>

Resolution No. R-130-06, adopted by the Board on January 24, 2006, requires that proposed agenda items seeking approval of a contract or conveyance shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-County parties.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

Resolution No. R-31-12, adopted by the Board on January 24, 2012, approved a contract award to Behavioral Science Research Corporation for staff support services for the Miami-Dade HIV/AIDS Partnership in the amount of \$510,300 under the HIV/AIDS Treatment Extension Act of 2009, Part A Funds and for quality management services in the amount of \$494,000 in Part A Funds and \$104,750 in MAI Part A Funds for a term of one year subject to automatic renewal on an annual basis for five years from the end of the initial contract term.

<http://intra/gia/matter.asp?matter=112433&file=true&yearFolder=Y2011>

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>

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PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Office of Management and Budget

This item was forwarded to the Board with a favorable recommendation by the Housing and Social Services Committee at the April 16, 2018 meeting.

FISCAL IMPACT

The total amount for this one-year extension is \$1,109,050. The item's Fiscal Impact section does not specify the funding source.

ANALYSIS

This item is requesting Board approval of a designated purchase to extend the County's contract with Behavioral Science Research Corporation for an additional 12 months in an amount up to \$1,109,050 for the delivery of staff support services for the Ryan White Part A and MAI Programs, including a training program for direct service personnel. The item is also requesting to waive Resolution No. R-130-06, which requires the underlying contract to be executed by the non-County party and attached to the agenda item prior to placement on the Board's agenda.

The current contract with Behavioral Science Research Corporation was effective on March 1, 2012 and expired on February 28, 2018. Accordingly, this item is also requesting retroactive approval of the extension, commencing on March 1, 2018. The mayoral memo neither relays information regarding Behavioral Science Research Corporation's performance under the contract nor the total amount expended.

The mayoral memo indicates that due to changes in federal grant guidelines and restrictions related to administrative costs, ongoing discussions with multiple representatives from the U.S. Department of Health and Human Services regarding various interpretations of the proper classification of administrative support costs, and staff turnover in the Office of Management and Budget (OMB), the Ryan White Program staff has been unable to develop and complete the Request for Proposal (RFP) process before the current contract expired. The extension affords OMB time to finalize the RFP process, including advertisement and contract award.

ADDITIONAL INFORMATION

Miami Dade County's Ryan White Program distributes federal grant funds to HIV/AIDS service organizations, community-based clinics, hospitals and public institutions. More than 9,600 people living with HIV or AIDS are served. Program services include, but are not limited to, outpatient medical care, prescription drugs, oral health care, mental health counseling, legal assistance and outreach services.

https://www8.miamidade.gov/global/service.page?Mduid_service=ser1482944607068715&Mduid_location=org1462994438372631&Type_collection=&Mduid_organization=org1462994438372631

The Miami-Dade HIV/AIDS Partnership is organized to eliminate disparities and improve health outcomes for all people living with or at risk for HIV/AIDS. The Partnership obtains input on community needs, sets priorities and allocates funds for Ryan White Part A/MAI, plans for services and housing and makes recommendations for Ryan White Part B, General Revenue and Housing Opportunities for people with AIDS. In addition, it serves as an advisory board to the County Mayor and County Commission.

<http://aidsnet.org/#>

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As of April 13, 2018, Behavioral Science Research Corporation is an active, Florida for-profit corporation per data found on sunbiz.org, the website for the Florida Department of State, Division of Corporations.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=BEHAVIORALSCIENCE%20RESEARCH%204721731&aggregateId=domp-472173-b4e6e609-8718-40b5-8e07-8186a3b99bc3&searchTerm=Behavioral%20science%20Research%20Corporation&listNameOrder=BEHAVIORALSCIENCE%20RESEARCH%204721731>

According to AIDSVu, an interactive online map illustrating the prevalence of HIV in the United States, Miami-Dade County's total population is 2,496,420; of that number, 25,457 people are living with diagnosed HIV as of 2015.

<https://aidsvu.org/state/florida/miami/>

DEPARTMENTAL INPUT

OCA sought input from OMB on this item by asking the following questions. The answers have been italicized.

1. Clarify the total amount of grant dollars expended under the contract with Behavioral Science Research Corp (BSR) since award of the contract on January 24, 2012 and whether there will be an increase in the annual allocation under the long-term replacement contract.

Total Amount Expended by BSR per Fiscal Year:

<i>Grant Fiscal Year (March to February)</i>	<i>Contract Type</i>	<i>Total Amount Expended (includes program/resolution allowable Sweeps/Reallocations, where applicable)</i>
<i>FY 2012</i>	<i>New</i>	<i>\$1,139,048.40</i>
<i>FY 2013</i>	<i>Continuation</i>	<i>\$1,109,050.00</i>
<i>FY 2014</i>	<i>Continuation</i>	<i>\$1,308,944.00</i>
<i>FY 2015</i>	<i>Continuation</i>	<i>\$1,397,416.00</i>
<i>FY 2016</i>	<i>Continuation</i>	<i>\$1,431,144.00</i>
<i>FY 2017</i>	<i>Continuation</i>	<i>\$1,135,050.00</i>
<i>TOTAL:</i>		<i>\$7,520,652.40</i>
<i>Grant Fiscal Year</i>		<i>Total Amount Allocated (no Sweeps/Reallocations indicated in pending Resolution)</i>
<i>FY 2018</i>	<i>Extension</i>	<i>\$1,109,050.00</i>

Quality Management services and Planning Council Staff Support are required components of the Ryan White Program's federal legislation. These funds are 100% federal.

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For the successful vendor/contractor on long-term replacement contract, it is possible that the total award could be different from the base amount that was awarded to BSR through Resolution No. R-31-12. The amount is dependent on the total amount awarded to the County each year from this grant – factoring in the 5% total award earmark limitations for Part A and Minority AIDS Initiative (MAI)-funded Quality Management services, and an additional limitation requiring Planning Council Staff Support to be included in the 10% maximum available for County administration of this grant.

Since the total amount of grant funding is not consistent from year to year, the amount available for Quality Management and Planning Council Staff Support may fluctuate. Any additional funds provided to BSR over the years was based on increased federal program requirements (e.g., development of a statewide Integrated HIV Prevention and Care Plan, travel to federal meeting, staffing the Getting to Zero Task Force, etc.), other staffing needs to support the Quality Management plan, and available funds; and could be different in the upcoming RFP. For example, the total award (formula + supplemental + MAI) in FY 2012 was \$24,886,625; versus \$26,631,455 in FY 2017. These amounts do not include carryover, since carryover funds can only be used for direct client services.

Any increases to the RFP award amount for Quality Management are approved by the program's planning council (i.e., the Miami-Dade HIV/AIDS Partnership) before any award and subsequent contract amendment. Increases to Planning Council Staff Support would be very unlikely as this would further reduce the amount of funds the County could use for program administration.

Ryan White Program grant awards are subject to annual appropriations by Congress. The County usually does not receive its final Notice of Award under the Ryan White Part A/MAI Program until several months into each grant year.

2. Explain the relationship between this item and Resolution No. R-1177-17, which authorized the Administration's receipt, disbursement and expenditure of funds under the Ryan White HIV/AIDS Treatment Extension Act.

Eligible Metropolitan Areas (EMAs) such as Miami-Dade County receive a portion of annual grant funds based on a formula (based on the number of living AIDS cases in the jurisdiction). MAI funds are also awarded. Additional resources must be requested through an annual competitive process for supplemental funds. This office annually prepares a resolution agenda item to apply for these supplemental funds. For example, Resolution No. R-1177-17, authorized the Mayor to apply, receive, disburse, and expend the Ryan White Program funds awarded for use during grant fiscal year FY 2018 (March 1, 2018 through February 28, 2019), in which the funds for Part A and MAI Quality Management, and the Planning Council Staff Support are included.

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Item No. 8H43
File No. 180926

Researcher: MF Reviewer: TD

RESOLUTION APPROVING A SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN MIAMI-DADE COUNTY AND URS CORPORATION SOUTHERN FOR MIAMI METROZOO IMPROVEMENTS, CONTRACT NO. 592500-06-003-01, PROJECT NO. A06-PARK-01, GOB, TO ALLOW COUNTY TO RETAIN \$606,342.02 OF CONTRACT FUNDS; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AND ACCEPT SAME AND EXERCISE ALL RIGHTS THEREUNDER

ISSUE/REQUESTED ACTION

Whether the Board should approve a Settlement Agreement and mutual release between Miami-Dade County and URS Corporation Southern for Miami Metro Zoo improvements, to allow the County to retain \$606,342.02 of contract funds.

APPLICABLE LEGISLATION/POLICY

Legislative File No. 081581, adopted by the Board on April 8, 2008, recommended the award of Contract No. 592500-06-003-1 to URS Corp., for the Miami Metrozoo Improvements project No. AO6-PARK-01 GOB.

<http://intra/gia/matter.asp?matter=081581&file=true&yearFolder=Y2008>

Resolution No. R-1148-10, adopted by the Board on December 7, 2010 approved significant modifications to Building Better Communities General Obligation Bond Program Project Nos. 47 – “Miami Metrozoo”, and 46 “Miami Metrozoo.”

<http://intra/gia/matter.asp?matter=102455&file=true&yearFolder=Y2010>

Resolution R-320-11, adopted by the Board on May 3, 2011, approved Amendment No. 1 to the Professional Services Agreement with URS Corp., for Zoo Miami improvements, Project No. A06-PARK-01, GOB, Contract No. 592500-06-003-1, deleting a dedicated allowance for special professional services in the amount of \$500,000 and increasing the basic services for the same amount, resulting in no net increase to the Professional Services Agreement.

<http://intra/gia/matter.asp?matter=110582&file=true&yearFolder=Y2011>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Parks, Recreation and Open Spaces Department

The proposed resolution has no procedural history.

FISCAL IMPACT

The funding source for the contract is Building Better Communities General Obligation Bonds (BCC-GOB), allocated to BCC GOB Project No. 47, Florida Exhibit, index code CPD047PR1624. The original allocation for this project was \$31 million, and it was increased in 2011 through Resolution R-1148-10 to \$43,281,130.

According to the Fiscal Impact Statement, there is a positive impact to the County from its execution of the Settlement Agreement and Release in the amount of \$606,342.02. This amount totals the claims by the County for errors and omissions.

ANALYSIS

In 2007, the County Manager issued a Notice to Professional Consultants announcing that professional architectural and engineering services would be required for Miami MetroZoo new exhibits and other zoo-wide improvements for the Miami-Dade Parks and Recreation Department. The Board through Legislative File No. 081581, adopted on April 8, 2008, recommended the award of Contract No. 592500-06-003-1 to URS Corp., for the Miami MetroZoo Improvements Project No.

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AO6-PARK-01 GOB. The project consisted of a new entry feature, zoo infrastructure and exhibit area enhancements. The proposed exhibits were to include native Florida birds, the Florida panther, Key deer, black bear, sea turtle, and large exhibit pools along with a boat dock and monorail station. The Florida exhibit was to celebrate the unique location of Miami Metrozoo and educate all visitors about the special characteristics of this location.

Resolution R-320-11, adopted by the Board on May 3, 2011, approved Amendment No. 1 to the Professional Services Agreement with URS Corp., for Zoo Miami improvements, Project No. A06-PARK-01, GOB, Contract No. 592500-06-003-1. The amendment transferred \$500,000 from Section 2.04, Dedicated Allowances, to Section 5.01.B.2, Basic Services, resulting in no net increase to the Professional Services Agreement.

During the design phase, URS encountered multiple staff difficulties, resulting in an unsatisfactory product. In 2014, AECOM purchased URS, and took over the responsibility of the project in May 2015. It was able to remedy some of the complaints resulting from URS' unsatisfactory workmanship. In June 2015, PROS suspended all payments to URS, pursuant to the Professional Services Agreement, once it became evident that the amount of damages could exceed the amount due to URS for professional services rendered. The amount of \$606,342.02 was used to cover the costs required to pay the construction contractor to correct the work performed by URS.

After the construction was completed, PROS and URS held a number of negotiation meetings to determine the balance of the damages resulting from URS' deficient work, and agreed on the following material terms to resolve their dispute:

- The County and URS both agree that the final settlement would be a mutual release with the County and URS agreeing on a final settlement of \$606,342.05 from both sides which equates to no further transactions needing to take place;
- No payment from the County to URS of its unpaid contract balance in the amount of \$606,342.05 related to Invoice #52;
- No payment from URS to the County in the amount of \$606,342.05 for errors and omissions;
- No admission of liability; and
- Mutual releases of any claims of any type arising from or relating to the project or the contract.

It is recommended that the County approve this Settlement Agreement, which would be beneficial to the County, as it would avoid possible lengthy and protracted litigation.

ADDITIONAL INFORMATION

On November 2, 2004, the voters of Miami-Dade County approved the \$2.9 billion Building Better Communities Bond Program, which allows the County to issue long-term bonds to fund more than 300 neighborhood and regional capital projects to be completed over the next 15 years. For further information please see the link below.

<https://www.miamidade.gov/bondprogram/building-better-communities.asp>

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Department of Transportation and Public Works, and received the following answers:

- If AECOM bought out URS, is the Settlement Agreement with AECOM or URS? **The Settlement is with URS, which was acquired by AECOM.**
- Are AECOM/URS able to contract with the County again? **Yes, both URS and AECOM are able to contract with the County again.**

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- Are they still in business? **Yes, both AECOM and URS are still in business, on handwritten page 12 of agenda item 8H43 is a corporate certificate for URS dated March 19, 2018 (AECOM acquired URS).**

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**Item No. 8I1
File No. 180828**

Researcher: SM Reviewer: TD

RESOLUTION RESCINDING RESOLUTION R-218-18 AND APPROVING THE TERMS OF THE MONEY LAUNDERING TASK FORCE MEMORANDUM OF UNDERSTANDING/VOLUNTARY COOPERATION MUTUAL AID AGREEMENT BETWEEN THE BROWARD SHERIFF'S OFFICE AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MONEY LAUNDERING TASK FORCE MEMORANDUM OF UNDERSTANDING/VOLUNTARY COOPERATION MUTUAL AID AGREEMENT, WHICH SUPERSEDES PREVIOUS VERSIONS OF AGREEMENTS FOR THIS TASK FORCE, AND TO EXERCISE ANY AND ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should adopt a resolution rescinding resolution R-218-18 and approving the terms of the money laundering task force Memorandum of Understanding/Voluntary Cooperation Mutual Aid Agreement between the Broward's Sheriff's office (BSO) and Miami-Dade County through the Miami-Dade County Police department (MDPD).

APPLICABLE LEGISLATION/POLICY

Resolution No. R-398-15, adopted by the Board on May 5, 2015, ratifies the execution of a Memorandum of Understanding between the Broward Sheriff's Office and Miami-Dade County, through the Miami-Dade Police Department, for the Workers' Compensation Fraud Task Force.

<http://intra/gia/matter.asp?matter=150344&file=true&yearFolder=Y2015>

Resolution No. R-218-18 adopted March 6, 2018 is resolution approving the terms of the first amended memorandum of understanding and addendum for the money laundering task force between the Broward sheriff's office and Miami-Dade County, through the Miami-Dade Police department and authorizing the county mayor or county mayor's designee to execute the first amended memorandum of understanding and addendum for the money laundering task force, and exercise the modification and cancellation provisions contained therein and to exercise any and all provisions contained therein.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2018/180178.pdf>

Florida Statutes 932, 7055 governs the disposition of liens and forfeited property as it relates to provisions supplemental to criminal procedure law.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0932/Sections/0932.7055.html

PROCEDURAL HISTORY

Prime Sponsor: Sally A. Heyman, District 4

Department/Requester: Miami-Dade County Police Department

This item was forwarded to BCC without discussion, with a favorable recommendation at the Public Safety and Health Committee meeting held on April 18, 2018.

FISCAL IMPACT

There is no fiscal impact to the County.

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ANALYSIS

This item will rescind Resolution R-218-18 if it receives Board approval. Furthermore, it will approve the County Mayor or County Mayor's Designee to execute the Money Laundering Task Force Memorandum of Understanding/Voluntary Cooperation Mutual Aid Agreement between Miami-Dade County via MDPD and BSO. Following the Board's adoption of Resolution R-218-18, the County was provided with the Memorandum of Understanding/Voluntary Cooperation Mutual Aid Agreement, which supersedes previous memoranda of understanding and agreements as to this Task Force. The Memorandum of Understanding/Voluntary Cooperation Mutual Aid Agreement provides that MDPD will participate in all Task Force cases and related asset forfeiture proceedings.

The Money Laundering Task Force Memorandum of Understand/Voluntary Cooperation Mutual Aid Agreement states that the participating agencies desire to utilize the Task Force as the sole method of facilitating state and local money laundering investigations. The following are the parties to the agreement:

- The Broward County Sheriff's Office
- The Florida Department of Law Enforcement
- The City of Hallandale Beach Police Department
- The City of Miramar Police Department
- The City of Coral Springs Police Department
- The Miami-Dade Police Department
- The Palm Beach County Sheriff's Office

The agreement further states that the Task Force is to effect dedicated and intensive investigative, preventative, and general law enforcement efforts primarily with regard to the investigation of illegal money laundering, including worker's compensation fraud, and in efforts to dismantle and disrupt the organizations committing such violations.

The principal goal of the Task Force will be the coordinated investigation of, and successful prosecution of perpetrators of such crimes, with particular emphasis on efforts designed to identify and dismantle organized criminal enterprises.

The agreement states that the parties are contributing personnel and/or resources in support of the Task Force efforts, with the operations of the Task Force being coordinated by the BSO and other Task Force members. No agency will participate in the Task Force unless it provides resource contributions and operates within the operational parameters related to Task Force efforts

Money laundering is the generic term used to describe the process by which criminals disguise the original ownership and control of the proceeds of criminal conduct by making such proceeds appear to have derived from a legitimate source.

There will be a designated BSO supervisor serving as Commander of the Task Force who will provide quarterly reviews to the other members. The Task Force Commander shall regularly receive performance reports to review whether resource contributions of participating agencies and funding are adequate to assure Task Force efforts are effective. The Task Force Commander will also review and approve the Task Force's annual operational budget and administrative expenses and financial status report.

The agreement states that there will be a determination whether forfeited property, other than currency, will be liquidated and awarded to the Task Force. From proceeds awarded to the Task Force, which result from the forfeiture of currency and liquidation of forfeited property, costs and liens shall be paid pursuant to the Florida Statutes 932, 7055, (See applicable legislation/policy section for reference), which payments shall include the reimbursement of any litigation costs advanced by a participating agency to the Task Force for the forfeiture proceeding. The remaining proceeds, 20 percent will be deposited in the BSO Law

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Enforcement Trust Fund and designated as operational funds for the Task Force while the 80 percent will be distributed among the participating agencies according to each participating agency's proportionate share.

The agreement states that it will remain in full force as to all participating parties until December 31, 2023 unless earlier canceled in writing by the BSO as to all or separate parties, or as canceled in writing by an individual party as related to that party. In order for the Task Force to continue operations beyond December 31, 2023, this agreement must be renewed in writing by the participating parties.

DEPARTMENT INPUT

The Office of the Commission Auditor asked the following question to the Miami-Dade Police Department and received the following response:

- 1) Since the adoption of R-398-15, how many workers' compensation fraud cases, per year, has the task force prosecuted or referred to another entity?

Since the Task Force's inception, approximately 4 years ago, 173 arrests have been made and the majority have been prosecuted and settled prior to trial, with the condition that they forfeit the illicit proceeds. The individuals arrested have either received credit time served, probation, and/or deported by the U.S. Department of Homeland Security to their country of origin. No cases were referred to another entity.

Our Economic Crimes Bureau is unable to provide the breakdown of the total cases, per year, at this time. The requested information is maintained by the Broward Sheriff's Office, and they need additional time to reconcile the information. We will forward the information once it becomes available to the Department.

In addition, Task Force members have participated in asset sharing, and as a result, the Miami Dade Police Department has received \$793,802.41 in awarded funds since the Task Force's inception. There is an additional \$1,094,903.33 of seized funds pending distribution within the agencies participating in the Task Force.

ADDITIONAL INFORMATION

Workers' compensation fraud occurs when someone willfully makes a false statement or conceals information in order to receive workers' compensation benefits or prevents someone from receiving benefits to which they might be entitled. Below are a just few examples of how workers' compensation fraud can be committed.

<http://www.laworks.net/Downloads/OWC/wcfrauddef.pdf>

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8I2
File No. 180831**

Researcher: SM Reviewer: TD

RESOLUTION APPROVING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE REQUEST TO EXPEND \$3,060,500.00 FROM THE MIAMI-DADE POLICE DEPARTMENT LAW ENFORCEMENT TRUST FUND; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO USE SUCH FUNDS FOR EXPENDITURES AS DESCRIBED HEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve this resolution approving the County Mayor or County Mayor's designee request to expend \$3,060,500 from the Miami-Dade County Police Departments (MDPD) Law Enforcement Trust Fund (LETF).

APPLICABLE LEGISLATION/POLICY

Sections 932.701-932.706 of the Florida Statutes governs the provisions supplemental to criminal procedure law.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0932/Sections/0932.701.html

Section 932.7055(5) (b) of the Florida Statutes governs the provisions supplemental to criminal procedure law as it relates to disposition of liens and forfeited property.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0932/Sections/0932.7055.html

Resolution R-1633-80 adopted December 2, 1980 established the LETF. Link is not available.

PROCEDURAL HISTORY

Prime Sponsor: Sally A. Heyman, District 4

Department/Requester: Miami-Dade County Police Department

This item was forwarded to BCC without discussion, with a favorable recommendation at the Public Safety and Health Committee on April 18, 2018.

FISCAL IMPACT

There is no negative fiscal impact to Miami-Dade County as the County will not incur any costs. LETF monies to MDPD are awarded from forfeiture litigation in state court and participation in federal asset sharing programs.

ANALYSIS

If this item receives Board approval then the County Mayor or County Mayor's designee will be authorized to expend \$3,060,600 from the MDPD LETF in accordance with the Report of Proposed Expenditures from the Law Enforcement Trust Fund.

The LETF is regulated by Section 932.7055 of the Florida Statutes (See applicable legislation/policy) The legislative intent behind the creation and use of the trust fund is to utilize forfeited proceeds and personal or real property. The fund's use is limited to specific purposes and special non-budgeted law enforcement needs, not normal operating expenses of the Police Department.

Per the email attached to the mayoral memo, revenues and expenditures are documented in the County budget ordinance, the federal equitable sharing and certification report, and an annual audit to the County's Finance Department. Furthermore it states that the LETF project requests are reviewed by the MDPD LETF Committee. After approval it will be sent to the Fiscal

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Administration Bureau to ensure compliance with LETF requirements. The Police Legal Bureau reviews the request for legal sufficiency and prepares the Report of Proposed Expenditures from the Law Enforcement Trust Fund.

The LETF is comprised of three funding sources:

- State civil forfeitures
- U.S Department of Justice Asset Sharing Program
- U.S. Treasury Asset Sharing Program

The following proposed expenditures needing approval are included as an attachment in the mayoral memo.

Approval is requested for the proposed expenditures to be through completion of the projects as stated by the mayoral memo:

Financial Summary

Proposed State Asset Sharing Expenditures	\$2,359,000
State Crime Prevention Expenditures	\$75,000
Proposed Treasury Asset Sharing Expenditures	\$272,000
Proposed Justice Asset Sharing Expenditures	\$354,500
Total	\$3,060,500

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8L1
File No. 180680**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING THE DISBURSEMENT OF \$500,000.00 FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND TO CONDUCT ENVIRONMENTAL ENHANCEMENT IN BISCAYNE BAY THROUGH THE MIAMI-DADE COUNTY ARTIFICIAL REEF PROGRAM

ISSUE/REQUESTED ACTION

Whether the Board should authorize the disbursement of \$500,000.00 from the Biscayne Bay Environmental Enhancement Trust Fund to conduct environmental enhancement in Biscayne Bay through the Miami-Dade County Artificial Reef Program.

APPLICABLE LEGISLATION/POLICY

Section 24-40 of the Code of Miami-Dade County creates the Biscayne Bay Environmental Enhancement Trust Fund
[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV4TRFE_S24-40BIBAENENTRFU](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV4TRFE_S24-40BIBAENENTRFU)

Ordinance No. 18-30, adopted on March 6, 2018, amends Section 24-40 of the Code of Miami-Dade County to increase the scope of the Biscayne Bay Environment Trust Fund, allowing funds to be used towards artificial reefs and mooring buoys in the coastal waters of Miami-Dade County beyond Biscayne Bay. The funds from this disbursement will be used for artificial reefs located within Biscayne Bay.

<http://intra/gia/matter.asp?matter=172637&file=true&yearFolder=Y2017>

PROCEDURAL HISTORY

**Prime Sponsor: Economic Development and Tourism Committee
Department/Requester: Regulatory and Economic Resources**

The proposed Resolution was forwarded to the BCC with a favorable recommendation by the Economic Development and Tourism Committee at its April 19, 2018 meeting.

FISCAL IMPACT

This Resolution authorizes the disbursement of \$500,000 from the Biscayne Bay Environmental Enhancement Trust Fund. The unencumbered balance of Biscayne Bay Environmental Enhancement Trust Fund as of January 31, 2018 is \$5,392,000.

ANALYSIS

The proposed Resolution requests authorization of the disbursement of \$500,000 from the Biscayne Bay Environmental Enhancement Trust Fund to the Miami-Dade Department of Regulatory and Economic Resources for habitat and fisheries enhancement, maintenance, and monitoring of Biscayne Bay artificial reefs as part of the County's Artificial Reef Program, whose main focus is habitat restoration and enhancement.

The construction of artificial reefs attracts and supports marine life. While the funds from this disbursement will be used for artificial reefs located within Biscayne Bay, the ecological benefits extend far beyond the immediate area. In addition to aiding marine life, reefs in South Florida are critically important primarily due to the role they play in decreasing wave speed, thus protecting our coastal communities from the effects of storms, wave damage, and erosion.

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Research Notes

Miami-Dade County's Artificial Reef Program was established in 1981 and is currently managed by Environmental Resources Management's Restoration and Enhancement Section. It is currently funded through state and federal grants, permit or mitigation obligation, and private or corporate donations.

ADDITIONAL INFORMATION

Miami-Dade County's Artificial Reef Program webpage:

<https://www.miamidade.gov/environment/reefs-artificial.asp>

Input from the Department of Regulatory and Economic Resources

- 1) How many artificial reefs are expected to be constructed with the funding?
If approvable materials (i.e. unused concrete) are consistently donated over the 5 year period, 5-10 small artificial reefs would be created or expanded over the 5 year period. If materials are not donated, an estimated 2-3 large artificial reef projects would be constructed using a contractor and purchased materials (i.e. riprap) over the 5 year period
- 2) Who does the actual construction of artificial reefs? Is it County employees, or are private companies utilized?
Private companies deploy the material creating the artificial reef. County employees do not do the actual construction, but supervise the private company to ensure permit compliance and the material is placed in the correct location.
- 3) What other disbursements have been made from the Environmental Enhancement Trust Fund in FY 2017-18?
On Feb 6, 2018, the BCC approved a disbursement of \$98,000 for Baynanza 2018 (R-117-18). Also in FY2017-18, \$39,200 was used from the BEETF in the Bill Sadowski Critical Wildlife Area (adjacent to Virginia Key) for mitigation activities as specified as condition of a permit.

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8N1
File No. 180614**

Researcher: SM Reviewer: TD

RESOLUTION DESIGNATING A PORTION OF MIAMI-DADE COUNTY-OWNED PROPERTY KNOWN AS MODELLO WAYSIDE PARK, AS ROAD RIGHT-OF-WAY FOR SW 288 STREET, IN SECTION 5, TOWNSHIP 57 SOUTH RANGE 39 EAST AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE SAME

ISSUE/REQUESTED ACTION

Whether the Board should approve this resolution designating a portion of Miami-Dade County owned property known as Modello Wayside Park, as road right-of-way for SW 288 Street, in Section 5, Township 57 South Range 39 East.

APPLICABLE LEGISLATION/POLICY

Section 33-163.9 of the Code of Miami-Dade County governs the street *right-of-way* width and improvements.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH33ZO_ARTXIAVIDEDI_S33-163.9STRI-WWIIM](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXIAVIDEDI_S33-163.9STRI-WWIIM)

Section 18B-2 of the Code of Miami-Dade County governs them minimum landscape standards that applies to all right-of-ways both in the incorporated and unincorporated areas.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH18BMIDECORI-WLAOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH18BMIDECORI-WLAOR)

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

Department/Requester: Transportation and Public Works

This item was forwarded to BCC with a favorable recommendation at the Transportation and Public Works Committee on April 19, 2018.

FISCAL IMPACT

The fiscal impact to the county as it relates to this item will be \$88.29 per annum for the maintenance costs which will be charged to the Department of Transportation and Public Works (DTPW) general fund allocation, as stated by the mayoral memo.

ANALYSIS

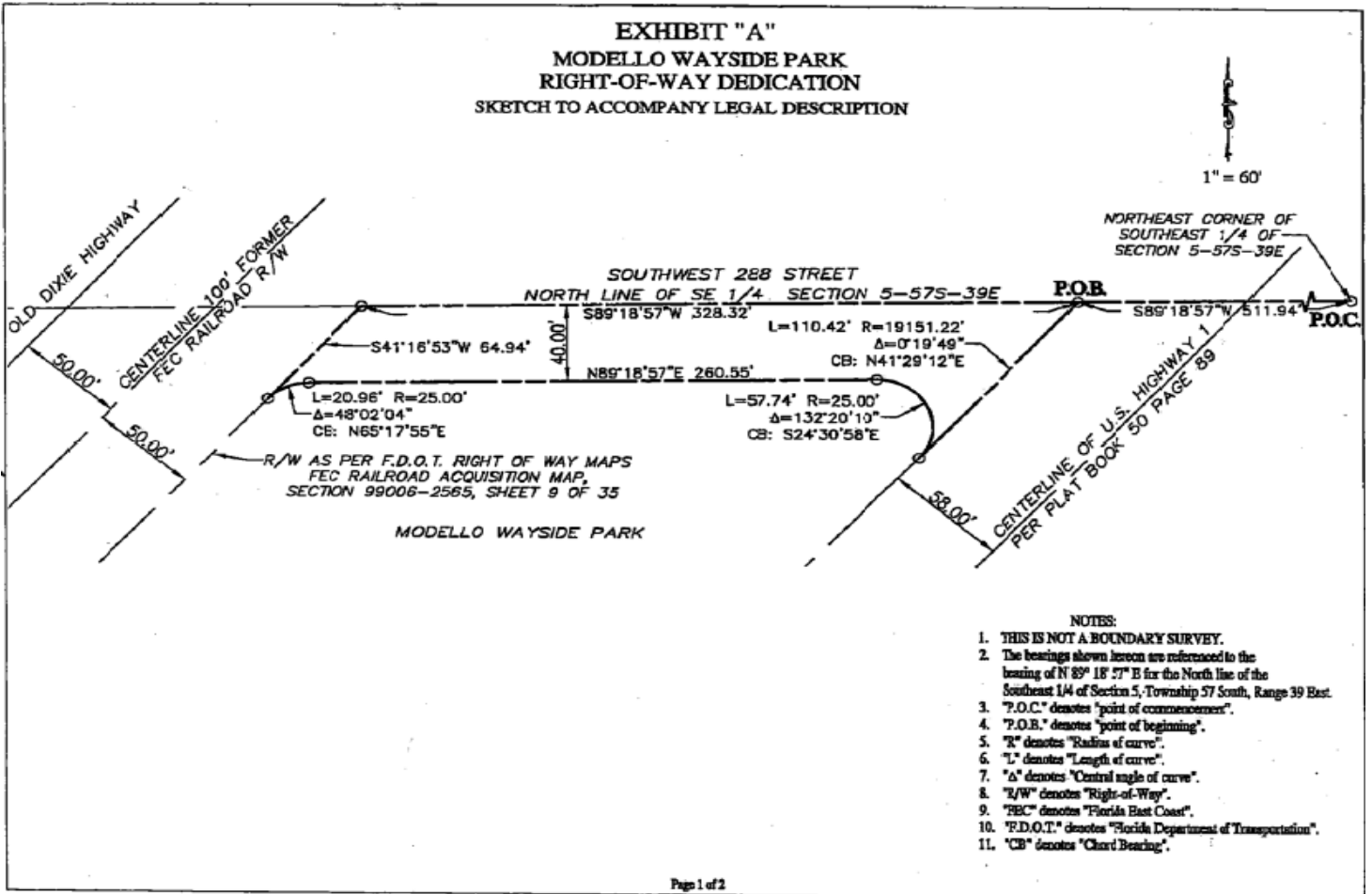
This item seeks to designate a portion of County-owned property known as Modello Wayside Park, as road right-of-way for SW 288 Street, in Section 5, Township 57 South Range 39 East.

The mayoral memo states that the request is made to ensure compliance with zoning requirements as it relates to the improvement of Modello Wayside Park. The portion of the property which lies within the zoned right-of-way of SW 288 Street is what Parks, Recreation and Open Spaces (PROS) has requested to be designated as a road right-of way. This project will have a Countywide impact, and is located within Commissioner Daniella Levine Cava's District 8.

A right-of-way is a type of easement granted or reserved over the land for transportation purposes, this can be for a highway, public footpath, rail transport, canal, as well as electrical transmission lines, oil and gas pipelines.

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Research Notes

The area contains a total of 13,839 square feet or .32 acres of land more or less. Below is the Modello Wayside Park right-of-way dedication:



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Research Notes

ADDITIONAL INFORMATION

On PROS website it states that the hours of operation for Modello Wayside Park is Sunrise to Sunset. The photo below is a google image:



**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8N2
File No. 180567**

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ACCEPT A COUNTEROFFER FROM FLORIDA POWER & LIGHT (FPL) FOR THE ACQUISITION OF PARCEL 133 FOR RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 137 AVENUE FROM US-1 (SR 5) TO SW 200 STREET; GRANTING FPL A UTILITY EASEMENT OVER THE PROPERTY ACQUIRED BY THE COUNTY AT NO COST FOR MAINTENANCE OF EXISTING POWER LINES AND OTHER INFRASTRUCTURE SUBJECT TO FPL'S SUBORDINATION OF SUCH EASEMENT TO THE COUNTY; AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should authorize the County Mayor to accept a counteroffer from Florida Power & Light (FPL) for the acquisition of Parcel 133 for right-of-way needed due to improvements to S.W. 137th Avenue from US-1 (SR5) to S.W. 200 Street, granting FPL a utility easement over the property acquired by the County, at no cost, for maintenance of existing power lines and other infrastructure subject to FPL's subordination of such easement to the County.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1006-16, adopted by the Board on November 1, 2016, declared the acquisition of the designated property known as Parcel 133 for improvements to S.W. 137th Avenue, from US-1 (SR 5) to SW 200 Street, to be a public necessity; and authorized the County Mayor or the County Mayor's designee to take any and all appropriate actions to accomplish the acquisition of the subject property in fee simple ... at values established by appraisals or tax assessed values ... and authorized the County Mayor or the County Mayor's designee to make an additional incentive offer to purchase Parcel 133 prior to the filing of an eminent domain action in a total amount not to exceed 15 percent over the appraised value, together with reasonable attorney fees and costs pursuant to Sections 73.091 and 73.092 of the Florida Statutes, or by eminent domain court proceeding.
<http://intra/gia/matter.asp?matter=162110&file=true&yearFolder=Y2016>

Miami-Dade County Code, Section 2-8.6.5, entitled "Purchase, sale, lease of real property," provides that "Prior to the County's entering into any contract, agreement or lease relating to the purchase, sale or leasing of real property by, to or from the County, all individuals, corporations, partnerships, joint ventures or other legal entities having any interest of any kind in the property to be purchased, sold or leased, shall file with the County a document identifying the extent of its ownership interest in the subject real property".

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.6.5

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

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

PROCEDURAL HISTORY

Prime Sponsor: Daniella Levine Cava, District 8

Department/Requester: Transportation and Public Works

The proposed resolution was considered by the Transportation and Public Works Committee on April 19, 2018; and was forwarded to the BCC with a favorable recommendation.

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Research Notes

FISCAL IMPACT

According to the Fiscal Impact Statement, funding for the right-of-way acquisition, design and construction of this Project is provided by the Charter County Transportation Surtax Bond Fund proceeds, and may be supplemented by other eligible funding sources.

Funding for this acquisition was already authorized by Resolution No. R-1006-16. Funding is programmed within the adopted Fiscal Year 2017-18 Right-of-Way Acquisition Projects Countywide (P2000000537) Site 76078 in Commission District 8. This project was specifically listed in the People's Transportation Plan (PTP) as one of the Board-requested improvement projects for Commission District 8. The negotiated purchase price is \$115,000.

ANALYSIS

The Department of Transportation and Public Works (DTPW) intends to implement a project entitled "Improvements to S.W. 137 Avenue, from US-1 to S.W. 200 Street". The project originally required the acquisition of 46 separate parcels. However, in an effort to minimize costs while maintaining the integrity of the project, it was value engineered and redesigned. The proposed project consists of roadway expansion, beautification, and improvements for a new tow-lane road with sidewalks, curb and gutter, a continuous storm drainage system, signalization, pavement markings and signage, a center turn lane, street lighting, bicycle facilities, a bridge crossing over one canal, and a culvert for a canal.

The project is currently in the final stages of right of way acquisition. Construction is expected to commence in January 2019 for completion two years later. To date 20 parcels have been acquired, with the remaining 4 parcels expected to close by the end of May. This project will improve connectivity and mobility for area residents, as well as provide another evacuation route for the area. This project is approximately 3.2 miles long, of which only about half of one mile is currently paved. Once completed, SW 137 Avenue will be completely paved from the HEFT to SR836.

Resolution No. R-1006-16 declared the acquisition of the designated property known as Parcel 133 for improvements to S.W. 137th Avenue, from US-1 (SR 5) to SW 200 Street, a public necessity, authorizing the County Mayor or the County Mayor's designee to take any and all appropriate actions to accomplish the acquisition of the subject property in fee simple from Florida Power and Light. However, the property is located underneath FPL's power transmission lines and the company informed the County that it still needs the property for the maintenance of existing power lines and other related infrastructure.

FPL has agreed to sell the property to the County at the appraised value, but it is also requesting the County grant a utility easement at no additional cost in order to continue its existing use as part of its transmission corridor. As the easement will not be inconsistent with the County's proposed use of Parcel 133 to build and expand S.W. 137th Ave, FPL will simultaneously provide the County with a subordination of such utility easement for the County's purposes, including construction and maintenance of the S.W. 137th Avenue project.

ADDITIONAL INFORMATION

The People's Transportation Plan (PTP), the half-penny transportation surtax approved by Miami-Dade County voters in November 2002, included \$476 million for public works projects. The PTP funds provided to the Transportation and Public Works Department were for major highway and road improvements totaling \$309 million, and for neighborhood improvements totaling \$167 million.

<http://www.miamidade.gov/publicworks/peoples-transportation.asp>

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DEPARTMENT INPUT:

The Office of the Commission Auditor posed the following questions to the Department of Transportation and Public Works, and received the following answers:

- **What is the status of the project for improvements to SW 137th Ave, from US-1 to SW 200 Street; and what is the timeline for project completion?** The project is currently in the final stages of right of way acquisition. Construction is expected to commence in January 2019 and be completed two years thereafter.
- **How many parcels have been acquired to facilitate the road improvements?** To date 20 parcels have been acquired, with the remaining 4 parcels expected to close by the end of May.
- **What impact will the construction have on traffic mobility and on residents of the area?** This project will improve connectivity and mobility for area residents, as well as provide another evacuation route for the area. This project is approximately 3.2 miles long, of which only about half of one mile is currently paved. Once completed, SW 137 Avenue will be completely paved from the HEFT to SR836.

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8N3
File No. 180537**

Researcher: SM Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS BETWEEN THE CITY OF DORAL AND MIAMI-DADE COUNTY, TO EXERCISE ALL RIGHTS SET FORTH THEREIN, AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should approve this resolution authorizing the County Mayor or County Mayor's Designee to execute an interlocal agreement to perform traffic engineering functions between the City of Doral and Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Resolution R-974-09 adopted July 21, 2009 directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments be recorded in the public records of Miami-Dade County.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2009/091900.pdf>

Section 2-8.3 of the County Code requires the County Mayor to review responses to solicitations and to recommend the appropriate action to the County Commission. The recommendation shall be in writing, filed with the Clerk of the Board, and mailed to all participants no later than 10 days prior to any Commission meeting in which such recommendation is scheduled to be presented. The Board may waive the requirements of this section by a 2/3 vote of the County Commission.

https://library.municode.com/fl/miami_-

[_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

Resolution No. 10-26 adopted February 10, 2010 is a resolution of the Mayor and the City Council of the City of Doral, Florida authorizing the City Manager to negotiate and enter into an intergovernmental agency agreement to perform traffic engineering functions with Miami-Dade County for the provision of implementing the section 7 traffic calming plan.

<https://www.cityofdoral.com/government/city-clerk/resolutions/?view=5e848b8b-6dae-e511-814c-1458d04e7900&page=9>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12

Requester/Department: Transportation and Public Works

This item was forwarded to BCC without discussion, with a favorable recommendation at the Transportation and Public Works Committee on April 19, 2018.

FISCAL IMPACT

This item has no fiscal impact to Miami-Dade County. The City of Doral will be responsible for all installation and recurring operations and maintenance cost.

BCC Meeting: May 1, 2018
Research Notes

ANALYSIS

If this item receives Board approval, the execution of an interlocal agreement for traffic engineering functions between the City of Doral and Miami-Dade County will be authorized. This agreement includes the installation and maintenance of pavement markings, and traffic calming devices. This item will allow the City of Doral to conduct engineering studies for the feasibility of traffic calming devices, and approved traffic calming devices and markings.

The agreement states that the City of Doral has represented to Miami-Dade County that they are capable, equipped, and qualified to perform the duties and functions requested.

The agreement further states that the County will install, operate, and maintain approved Intelligent Transportation System Devices such as traffic monitoring cameras, Bluetooth/WIFI traffic information systems, traffic data collection systems, etc., that may be provided by the City of Doral for use within City boundaries. Furthermore the City of Doral and the County shall share all intersection vehicle counts and traffic data that may be collected through any efforts including those not directly associated with the agreements.

The intergovernmental agency agreement to perform traffic engineering functions states that the City of Doral will assume sole and complete responsibility for maintenance of all such Traffic Calming Devices in addition to assuming sole and complete liability for any and all accidents, damages, claims, and/or injuries which may or are alleged to occur or arise out of the installation, operation or maintenance of said traffic calming devices, and indemnifies and saves the County from any and all claims and damages that could come from such installation, operation or maintenance of the traffic calming devices. The City of Doral must hire a County licensed contractor or perform the work in-house by the City Public Works crew.

The devices installed by the City of Doral must conform to the requirements established by the following publications:

- Florida Department of Transportation's Standard Specifications for Road and Bridge Construction.
- Manual on Uniform Traffic Control Devices for Street and Highways, U.S. Department of Transportation Federal Highway Administration.
- Standard Highway Signs, U.S. Department of Transportation, Federal highway Administration
- Miami-Dade County Public Works manual.

The following are the approved intersections:

NW 87 th Avenue and NW 13 th Terrace
NW 87 th Avenue and NW 14 th Street
NW 87 th Avenue and NW 17 th Street
NW 87 th Avenue and NW 27 th Street
NW 87 th Avenue and NW 58 th Street
NW 84 th Avenue and NW 12 th Street
NW 84 th Avenue and NW 36 th Street
NW 82 th Avenue and NW 12 th Street
NW 82 th Avenue and NW 36 th Street
NW 107 th Avenue and NW 14 th Street
NW 107 th Avenue and NW 17 th Street
NW 107 th Avenue and NW 27 th Street
NW 79 th Avenue and NW 41 th Street
NW 97 th Avenue and NW 25 th Street
NW 114 th Avenue and NW 58 th Street

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Research Notes**

**Item No. 8N7
File No. 180591**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND FILE A GRANT APPLICATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$1,000,000.00 FISCAL YEAR 2018 SECTION 5307 GRANT PROGRAM FLEXIBLE FUNDING FOR THE METRORAIL AND METRO MOVER GUIDEWAY BRIDGE INSPECTIONS; AUTHORIZING RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATION AND AGREEMENT AND OF ANY ADDITIONAL FUNDS AS SPECIFIED IN THE AGREEMENT SHOULD SUCH FUNDS BECOME AVAILABLE

ISSUE/REQUESTED ACTION

Whether the Board should authorize the execution and filing of a grant application with the United States Department of Transportation Federal Transit Administration (FTA) in the amount of \$1,000,000 for FY 2018 Section 5307 Grant program flexible funding for the Metrorail and Metromover Guideway Bridge Inspections project.

APPLICABLE LEGISLATION/POLICY

Section 335.074, Florida Statutes requires public transportation facilities to perform safety inspection of bridges for structural soundness and safety.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0335/Sections/0335.074.html

Resolution No. R-603-17, adopted on June 6, 2017, authorizes the execution and filing of a grant application with the United States Department of Transportation Federal Transit Administration in the amount of \$1,000,000 for FY 2017 Section 5307 Grant program flexible funding for the Metrorail and Metromover Guideway Bridge Inspections project. The grant funding was ultimately awarded for FY 2017.

<http://www.miamidade.gov/govaction/matter.asp?matter=170531&file=true&fileAnalysis=false&yearFolder=Y2017>

49 U.S.C. 5307 governs the Urbanized Area Formula Funding program, which makes federal resources available to urbanized areas and to governors for transit capital and operating assistance in urbanized areas and for transportation-related planning. An urbanized area is an incorporated area with a population of 50,000 or more that is designated as such by the U.S. Department of Commerce, Bureau of the Census.

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title49/pdf/USCODE-2011-title49-subtitleIII-chap53-sec5307.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation & Public Works

The public hearing required by federal regulations was held at the April 19, 2018 Transportation and Public Works Committee meeting, with no members of the public electing to participate. The Transportation and Public Works Committee then forwarded the proposed Resolution to the BCC with a favorable recommendation at this April 19, 2018 meeting.

BCC Meeting: May 1, 2018
Research Notes

FISCAL IMPACT

The proposed Resolution translates into a positive fiscal impact to the County since it calls for federal grant funding to the Department of Transportation and Public Works (DTPW). The required local match of \$250,000 will be provided in full by the Florida Department of Transportation (FDOT) through the use of State Transportation Development Credits.

Toll or transportation development credits are a federal transportation funding tool used to meet federal funding matching requirements. State credits are accrued when capital investments are made in federally approved tolled facilities including toll roads and bridges.

Federal law—Fixing America’s Surface Transportation Act (FAST Act)—signed into law on December 4, 2015 authorizes state transportation departments to make available to public transit agencies the use of transportation development credits on selected federally assisted public transit capital projects. By using the credits to substitute the required non-federal share on a new federal-aid project, the federal share can effectively be increased to 100 percent.

ANALYSIS

The proposed Resolution authorizing the execution and filing of a grant application for \$1 million in federal grant funding for the inspections of structural elements of the Metrorail and Metromover guideways is in furtherance of the Guideway Bridge Inspection Program. The program was established in 1986 with the purpose of performing preventive inspections on the now 25 miles of Metrorail and 4.4 miles of Metromover elevated guideway superstructures.

The Surface Transportation Block Grant Program (STBG) promotes flexibility in state and local transportation decisions and provides flexible funding to best address state and local transportation needs. Under this program, recipients are permitted to transfer funds to FTA for public transportation projects that are eligible for funding under the Federal Highway Administration program and 49 U.S.C. 5307 (Section 5307). A flexible fund transfer request has already been made by the County so that FTA may administer these funds in a Section 5307 grant for the proper purpose of inspections of structural elements of the Metrorail and Metromover guideways.

Miami-Dade County received \$1 million in funding for this purpose through the same mechanism in FY 2017.

ADDITIONAL INFORMATION

Fixing America's Surface Transportation Act (FAST Act) Program:
<https://www.fhwa.dot.gov/fastact/factsheets/surftransfundaltfs.cfm>

Surface Transportation Block Grant (STBG) Program:
<https://www.fhwa.dot.gov/fastact/factsheets/stbgfs.cfm>

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8N8
File No. 180920**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING A CONSTRUCTION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CSX TRANSPORTATION, INC. FOR THE REPLACEMENT OF THE RAILROAD CROSSING SURFACE AT SW 112 STREET IN THE VICINITY OF SW 108 COURT IN AN AMOUNT ESTIMATED AT \$287,927, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize a resolution authorizing the execution of a Construction Agreement between the County and CSX Transportation, Inc. (CSX) for replacement of the railroad crossing surface at SW 112 Street in the vicinity of SW 108 Court, at an estimated amount of \$287,927.

APPLICABLE LEGISLATION/POLICY

Resolution R-10614, adopted by the Board on April 26, 1965. The County is responsible for costs associated with the replacement of railroad crossing surfaces.
This resolution is not available online.

Chapter 33E, of the County Code of Miami-Dade County, Road Impact Fee Ordinance, was intended to o implement and be consistent with the Miami-Dade County Comprehensive Development Master Plan adopted pursuant to Chapter 163, Florida Statutes. The purpose of this chapter in regulating development is to ensure that all new development bears its proportionate share of a portion of the capital cost of roadway capacity improvements necessary to allow an adequate level of roadway service.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH33EROIMFEOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33EROIMFEOR)

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

4/19/18: Forwarded to BCC with a favorable recommendation by Transportation and Public Works Committee;
Passed 4 – 0.

Commissioner Moss inquired about railroad crossing throughout the County that may have deteriorated and to address areas that can cause drivers to lose control of their vehicles.

FISCAL IMPACT

Pursuant to resolution R-10614, the County is responsible to fund the replacement of railroad crossing surfaces. The estimated fiscal impact for the cost of construction is \$287,927. The construction cost will be funded with Road Impact Fees, through the Resurfacing Countywide Improvements Project in the 2017-2018 Adopted Multi-Year Capital Plan. The link below is to the FY 2017-18 Adopted Budget and Multi-Year Capital Plan: (Project 2000000539, pg. 168).

<http://www.miamidade.gov/budget/library/fy2017-18/adopted/volume-2/transportation-and-public-works.pdf>

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ANALYSIS

The proposed Resolution authorizes the execution of a Construction Agreement between the County and CSX for the replacement of railroad crossing surface at SW 112 Street and SW 108 Court (vicinity) at an estimated amount of \$287,927.

Pursuant to resolution R-10614, the County is responsible to fund the replacement of railroad crossing surfaces. The County is to deposit with CSX upon the execution of the Notice to Proceed.

A search of the County Legislative Information System resulted in the list below regarding agreements the County has recent Railroad Crossing Agreements.

Number	Date	Title
180920	4/11/2018	CSX CONSTRUCTION CONTRACT SW 12TH ST
172044	8/24/2017	REPLACEMENT OF THE RAILROAD CROSSING SURFACE AT SW 137
162742	11/30/2016	RAILROAD CROSSING SURFACE SW 152 ST

Below is a summary of party responsibilities according to the Construction Agreement:

The County shall:

- Not perform any of the Project work; and
- Review and approve detour routes for maintenance of traffic flow.

CSX shall:

- Construction and installation of a new concrete crossing surface at SW 112 Street;
- Removal and disposal of waste materials, clean-up of the work site;
- Construction engineering and inspection to protect the interest of CSX;
- Flagging services and other protective services and devices as may be necessary;
- Work to be in accordance with FDOT Indexes No. 560 and 304; and
- Installation of 2 each surface apply detectable warning devices.

The FDOT Index No. 560 provides design standard as it relates to railroad crossing. A link to this design standard is provided below:

<http://www.fdot.gov/roadway/ds/12/IDx/00560.pdf>

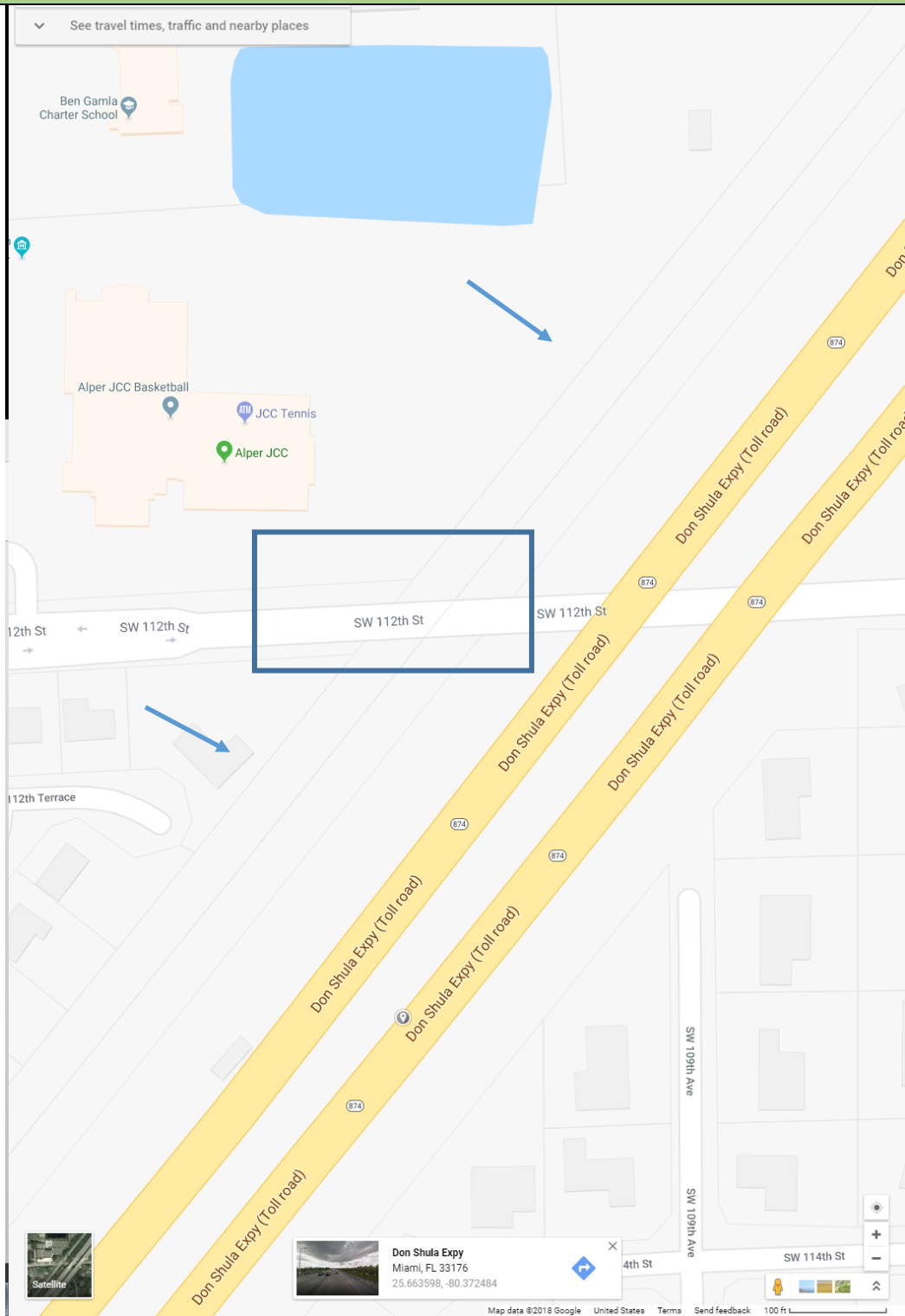
The FDOT Index No. 304 provides design standards as it relates to public sidewalk curb ramps. A link to this design standard is provided below:

<http://www.fdot.gov/roadway/ds/13/idx/00304.pdf>

Per a conversation with the DTPW, the project is expected to take two days to complete. It is a standard project and no study has been conducted as to the effect the project will have to residents. The project is scheduled in the month of July allowing the school year to finish.

The image below is a map of the area where the resurfacing of the railroad crossing is to take place. The railroad crossing is marked with the blue box and the train tracks are referenced with the blue arrows.

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ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), CSX Transportation, Inc., has an active status as a Foreign for Profit Corporation and first filed and registered on 03/26/1946. The company has its principal address registered as the following: 500 Water Street, C-160, Jacksonville, FL., 32202.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=CSXTRANSPORTATION%208060993&aggregateId=forp-806099-d855ad42-7d14-4daf-b212-bb91e0f08672&searchTerm=csx%20transportation&listNameOrder=CSXTRANSPORTATION%208060993>

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**Item No. 8N9
File No. 180923**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1 (B)(3) OF THE MIAMI-DADE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT WITH OUTFRONT MEDIA GROUP LLC FOR THE CONTINUATION OF BUS SHELTER CLEANING; MAINTENANCE OF SHELTER ILLUMINATION; PREVENTIVE MAINTENANCE, TRASH REMOVAL, AND REPAIR OF DAMAGED BUS SHELTERS SERVICES FOR A PERIOD NOT TO EXCEED ONE YEAR, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN(Transportation and Public Works)

ISSUE/REQUESTED ACTION

Whether the Board should approve a designated purchase authorizing the Administration to execute a one-year contract extension with Outfront Media Group LLC (Outfront Media) for the continued delivery of bus shelter cleaning and maintenance services for DTPW.

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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Section 2-8.1(b)(3) of the County Code sets forth procedures for authorizing a designated purchase; under this section, designated purchase shall mean a purchase when the procurement through the use of formal sealed bids is not practicable, including, but not limited to: (1) sole source purchases; (2) services where no competition exists such as public utility services; (3) where purchases or rates are fixed by law or ordinance; (4) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act; (5) purchases of goods and services necessary to address an emergency or where additional formal competition would not be practicable; and (6) a solicitation where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

Any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

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Resolution No. R-18-15, adopted by the Board on January 21, 2015, approved award of an agreement with Outfront Media to develop and manage a revenue-generating advertising program for the Transit Department over an initial five-year term and two, five-year renewal options.

<http://intra/gia/matter.asp?matter=150046&file=true&yearFolder=Y2015>

Resolution No. R-327-16, adopted by the Board on April 19, 2016, authorized a designated purchase to execute an agreement with Outfront Media for a one-year term for continuation of bus shelter cleaning and maintenance services provided for under a permit agreement.

<http://intra/gia/matter.asp?matter=160596&file=true&yearFolder=Y2016>

Resolution No. R-448-17, adopted by the Board on April 18, 2017, authorized a designated purchase to execute an agreement with Outfront Media for a one-year term for continuation of bus shelter cleaning and maintenance services.

<http://intra/gia/matter.asp?matter=170892&file=true&yearFolder=Y2017>

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>

Resolution No. R-841-06, adopted by the Board on July 6, 2006, requires the Administration to seek approval for award of successor contracts or extensions 30 days prior to contract expiration.

<http://www.miamidade.gov/govaction/matter.asp?matter=061720&file=true&yearFolder=Y2006>

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>

Administrative Order No. 8-5 sets forth the process whereby permits to conduct private business on County property may be applied for and approved.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-5.pdf>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

This item was forwarded to the Board with a favorable recommendation by the Transportation and Public Works Committee at its April 19, 2018 meeting. At that meeting, the following discussion was held:

- Commissioner Edmonson stated that while Outfront Media has performed well under its contract, the vendor's cleanup trucks often block traffic around Biscayne Boulevard and 36 Street.
- Commissioner Sosa expressed concerns about the procurement process, specifically the lack of competition and the need to extend the contract for a second consecutive year. She questioned why no bids were received following the most recent re-solicitation and requested information from the Department of Transportation and Public Works regarding the advertisement process for the re-solicitation.

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FISCAL IMPACT

There is no fiscal impact to the County under this item. As indicated in the mayoral memorandum, the cleaning and maintenance services will be delivered by Outfront Media at no cost to the County at approximately 1,035 bus shelters. The value of the work for the one-year term is \$1,669,900.

ANALYSIS

This item is requesting Board approval of a designated purchase to authorize the Administration to execute a one-year contract extension with Outfront Media for delivery of cleaning, maintenance and repair services at approximately 1,035 County-owned bus shelters. The existing agreement with Outfront expires on May 1, 2018. A designated purchase is being requested to afford DTPW sufficient time to finalize a long-term bus shelter contract.

Pursuant to Resolution No. R-448-17, the Board authorized a designated purchase on April 18, 2017 to extend the bus shelter cleaning and maintenance contract with Outfront Media for one year. During that year, DTPW advertised a replacement solicitation. The solicitation resulted in the receipt of no bids, ultimately leading to the current request to further extend the contract.

As communicated in the mayoral memorandum, new modifications to the RFP are in the process of completion, and a modified RFP is scheduled to be advertised during the Second Quarter of Fiscal Year 2018. It is unclear from the mayoral memorandum the steps taken by DTPW to ensure that this re-advertisement will generate competition.

Under the extension agreement, Outfront will be authorized to continue selling and posting advertisement at the County-owned bus passenger shelters and will also be required to continue cleaning, maintaining and repairing the County's bus passenger shelters. The following specific services shall be delivered by Outfront under the agreement:

- Repairing all vandalized bus shelters;
- Repairing all bus shelters damaged by vehicular accidents;
- Replacing all missing bus shelter glass panels or any other missing component;
- Maintaining the existing solar system components located on top of and inside the bus shelters;
- Emptying bus shelter trash receptacles and trimming and mowing the grass at bus shelters; and
- Relocating existing County bus shelters due to roadway widening construction projects and bus route changes.

ADDITIONAL INFORMATION

Per information found on sunbiz.org, the official website of the Florida Department of State Division of Corporations, Outfront is a foreign limited liability company with a principal address of 405 Lexington Avenue, New York, New York.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=OUTFRONTMEDIAGROUP%20M140000012921&aggregateId=forl-m14000001292-b045d326-cf0e-486d-9175-6b9eb536b822&searchTerm=Outfront%20Media%20Group%20LLC&listNameOrder=OUTFRONTMEDIAGROUP%20M140000012921>

According to its website, Outfront is one of the largest out-of-home media companies in North America, holding a diverse portfolio which includes more than 400,000 digital and static displays located in the most high-traffic locations throughout the 25 largest markets in the U.S. Outfront is the advertising partner of choice for major municipal transit systems, reaching millions of commuters daily in the largest U.S. cities.

<https://www.outfrontmedia.com/whoweare/pages/aboutus.aspx>

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DEPARTMENTAL INPUT

OCA sought input from DTPW by asking the following questions. The answers to the questions have been italicized.

3. Clarify how the \$1,669,900 estimated monetary benefit to the County was measured and determined for the one-year extension period;

The \$1,669,900 have been measured in the following way:

Outfront Media will be responsible during the one-year extension period to perform the following responsibilities in the 1035 DTPW existing solar powered bus shelters:

- **Completing LED lighting upgrades at 359 LED illumination systems previously installed in our existing shelters from March 2, 2015 thru March 1, 2016.**

The lighting upgrade includes the replacement of the batteries on those 359 illumination systems. Two batteries per system.

Cost of the batteries is \$250 each one. For a total of 359 systems that will be upgraded, the math works in the following way:

$\$250 \times 2 \text{ batteries per system} = \$500 \text{ per system} \times 359 \text{ systems} = \underline{\$179,500 \text{ for the 359 LED systems that will be upgraded.}}$

- **Outfront Media will be also responsible during the one-year extension period to perform these other following tasks in the 1035 DTPW existing bus shelters with a total cost of \$120 per shelter monthly:**

Bus shelters cleaning.

Bus shelters structural shelter components maintenance.

Bus shelters repairs due to vehicular accidents and vandalisms.

Bus shelters illumination systems maintenance/repairs.

Bus shelters preventive maintenance.

Bus shelters trash removal.

Bus shelter removals/relocations and/or reinstallations due to a variety of reasons, such as required by DTPW, prior to the effective dates for bus service changes, or due to roadways widening construction projects.

They will be also responsible for the payments of any permits fees associated to these shelters removals, relocations and/or reinstallations.

- *As stated above the cost to fulfill the above tasks in the 1035 DTPW existing bus shelters is \$120. Per shelter monthly, the math works in the following way:*
 $\$120 \text{ per shelter} \times 12 \text{ months} = \$1,440 \text{ per shelter per year} \times 1035 \text{ shelters} = \$1,490,400 \text{ yearly.}$
- **$\$179,500 \text{ for the 359 LED systems illumination upgrades} + \$1,490,400 \text{ yearly for all the activities mentioned above is a total of } \$1,669,900.$**

4. What strategies will be used during the re-solicitation of the long-term replacement agreement to ensure a competitive procurement process and forestall an additional time extension;

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Strategies that will be used during the re-solicitation of the RFP:

- **It will be permanently eliminated from the last advertised RFP 00463 RFP, the following requests that we had in points 2.14 , 2.14.1 and 2.15 of the Scope of Service :**

Eliminated:

2.14.1- New Premium Transit Hubs with Air-Conditioning and Smart Shelter Technology

Eliminated:

- A. *The selected Proposer shall design, furnish, install and maintain these 30 Premium Transit Hubs within five (5) years commencing from the Contract Effective Date. The selected Proposer shall submit an installation schedule to the County for approval within sixty (60) days commencing from the Contract Effective Date. Installation shall commence no later than ninety (90) calendar days from the NOA issued by the County for the Premium Transit Hub design.*
- B. *The selected proposer will furnish and install thirty (30) new premium transit hubs with Air-Conditioning and smart shelter technology, selecting the sites where they will be installed from the bus stop locations identified by the County in Exhibit K "Premium Transit Hub Locations" in unincorporated Miami-Dade County.*
- C. *The selected proposer will be responsible for the following aspects in reference to these thirty (30) new premium transit hubs with Air-Conditioning and smart shelter technology:*

Eliminated:

- 1) *The selected Proposer working in conjunction with the County's Project Manager shall develop and propose an innovative, new-design Premium Transit Hub unit complying with all appropriate ASHRAE standards, with a fully-enclosed, air-conditioned environment for ten to fifteen (10 to 15) comfortably-seated and standing bus passengers, to also include Smart Shelter technology, as described and specified in Paragraph 2.15 "Smart Shelter Technology", with Interactive advertising panel, Wi-Fi, USB Charging, and Passenger Security System, to include interactive advertising panel; built-in hotspot for public free Wi-Fi access; USB Charging Stations; Security Panic Button with Built-in Webcam for remote access for live-feed audio/video Interaction with County/DTPW police and security personnel, and with incident recording capability; and high-level interior and exterior security lighting. The windows and door window of the Premium Transit Hub unit shall be fabricated using hurricane impact window panels, as approved by the Florida Building Code.*
- 2) *The air-conditioning unit and lighting may be mechanically attached to the Transit Hub unit, but shall be electrically isolated from the Hub unit, so as to prevent any electrical current from the electrical grid system from flowing into the Hub structure or other areas that are accessible to the passengers. The main electrical panel breaker shall have a ground fault interrupter ("GFI"), which will detect a fault to ground, trip open and cut off the electrical power to the air-conditioning unit and lighting to the Transit Hubs. The selected Proposer shall also ensure that the electrical power meter will have a lightning surge arrester built into it or added to*

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the main electrical panel, which will absorb the surge and provide additional protection for passengers as well as for the Transit Hub.

- 3) Digital data sensors/ loggers shall be provided in the Transit Hub design to monitor the Transit Hub parameters, such as temperature and humidity within the Hub. The digital loggers shall be programed to take readings at specified intervals (every fifteen minutes or every thirty minutes, etc.) and also to monitor the outside temperature and humidity. The monitored data must be able to be downloaded to a computer on a monthly basis and analyzed to determine how the Transit Hub air-conditioning is performing versus the outside environment conditions.*
- 4) The illumination provided to passengers inside and outside the Premium Transit Hubs shall be equal to the illumination as provided by the SESCO-brand IP66 LEDway Streetlight – Type III Medium, or approved equal, as described in Exhibit J, SESCO Lighting.*
- 5) Within one hundred and eighty (180) calendar days from the effective date of the resultant contract, the selected Proposer shall submit to the County’s Project Manager its proposed Premium Transit Hub design, to include proposed structural design, electrical/ mechanical design drawings; specifications of the proposed materials/ components to be used; designs and specifications for the Smart Shelter technology; and drawings and specifications for the installation of Transit Hubs in unincorporated Miami-Dade County, as detailed in Exhibit K, Required Locations for Premium Transit Hubs.*
- 6) The County’s Project Manager will coordinate with the selected Proposer to resubmit design proposals which require changes or clarification for approval.*
- 7) The selected Proposer shall manufacture a full-scale prototype model of the Premium Transit Hub of the County approved design at their expense for the purpose of conducting a mandatory wind-load testing of the unit in a certified wind load laboratory testing facility within one (1) year from the Contract Effective Date.*
- 8) Following successful wind-load testing of the prototype Premium Transit Hub unit and final wind-load certification of the unit, the selected Proposer shall apply to the County’s Department of Regulatory and Economic Resources (“RER”) Product Control Section within thirty (30) days of the certification date for a Notice of Acceptance (“NOA”) for the new Premium Transit Hub unit design.*
- 9) The selected Proposer shall copy the County’s Project Manager on all written communications with RER regarding application of the NOA.*
- 10) The selected Proposer shall respond expeditiously and within a reasonable timeframe to all requests as received from RER regarding the NOA application/ request to ensure successful NOA issuance by RER.*
- 11) The selected Proposer shall within sixty (60) business days of receiving the County’s NOA approval of its Premium Transit Hub design, and following receipt of positive results from the wind load laboratory testing of the prototype Premium Transit Hub shelter unit, commence with the manufacture of the Premium Transit Hubs by a qualified fabrication company; conduct the required bus stop site surveys at the County selected bus stop sites to receive the Transit Hubs as detailed in Exhibit K, Premium Transit Hub Locations and Map;*

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and prepare the required Engineering site drawings necessary to obtain the required Construction Permit and Electrical Permit per each Premium Transit Hub installation.

- 12) The selected Proposer shall obtain all required approvals and permits and be responsible for fees as required by the County or other agencies, for any instance, to properly and effectively install these mandatory thirty (30) Premium Transit Hubs at the required bus stop locations as identified by the County in Exhibit K "Premium Transit Hub Locations and Map" in unincorporated Miami-Dade County.*
- 13) The selected Proposer shall ensure that the Premium Transit Hubs are properly illuminated during the evening hours, from dusk to dawn, and shall ensure a sufficient stock of lighting system components to make immediate repairs. See Exhibit J, SESCO Lighting, for the County's minimum lighting requirements.*
- 14) The selected Proposer will be responsible of the cost for the required trenching from the nearest authorized electrical power source to the Premium Transit Hub shelter sites; the cost for the laying of electrical conduit in the trench leading from the authorized power source to necessary electrical transformers; and the cost for the installation of necessary transformers to provide electrical power to the Premium Transit Hub shelter units. The selected Proposer shall, however, be responsible for the cost of connecting the Premium Transit Hub shelters to the nearby power source as provided by the County, to include the cost for trenching and electrical conduit laying/ connection to the electrical transformer.*
- 15) The selected Proposer shall warehouse all manufactured Premium Transit Hubs until they are installed. The selected Proposer shall be responsible for these Hub units while warehoused, in transit, and prior to installation, and shall be responsible for any loss or damage up to the end of installation and the closing of the open building permit by the County for construction of the Premium Transit Hubs.*

Eliminated:

2.15 Smart Shelter Technology - Smart Shelter Technology with Interactive Kiosk, Wi-Fi, USB Charging, and Passenger Security System

The selected proposer shall propose, furnish, install, and maintain in a proper operational state Smart Shelter Technology and components for installation by the selected Proposer in the new-design Premium Transit Hub bus shelter model, see Section 2.14 "New Premium Transit Hubs Design, Manufacture, Install and Maintain".

Eliminated:

- A. *The selected Proposer shall propose, furnish, install and maintain in proper working order the following items as part of the smart shelter technology:*
- 1) An interactive advertising panel capable of displaying a County provided real-time predictive bus arrival information feed*
 - 2) Passenger security system with panic button linked to a built-in Digital Video Recorder (DVR)*
 - 3) Cameras with infrared night-vision capabilities*
 - 4) Shelter security lighting. LED type. Day light. Minimum of 5000K.*
 - 5) Built-in hotspots for public free Wi-Fi access with unlimited data*
 - 6) Two way communication allowing for current operational status of all shelter digital devices*

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- 7) Dual Port USB ruggedized charging station
- 8) Content management solution, allowing the County to approve respective ads
- 9) Built in wireless connectivity via supporting the latest LTE generation modem with an unlimited data plan at no cost to the County.
- 10) Passenger security system with panic button linked to a built-in Digital Video Recorder (DVR) with 180 degree external viewing angles through color cameras capable of remote access for live-feed audio/video interaction between the passenger and Miami-Dade County Police and/or DTPW security personnel.
- 11) Incident recording capability with 30 days onboard video storage, and be capable of recording at 4k resolution 60 frames per second for all connected cameras.

- B. The selected Proposer shall ensure the new-design Premium Transit Hub shelters will properly and effectively accommodate the Smart Shelter components.
- C. The selected Proposer shall provide a technology-refresh every five (5) years of the resultant contract to ensure the components being used for the Smart Shelter provide for the most current technology and technological components available at the new Premium Transit Hubs.
- D. Any components designed, developed, tested and installed by the selected Proposer at the Premium Transit Hubs under this contract shall remain in place at the Hubs and become the sole property of the County at the conclusion of this contract.

Modified

- The request that we had in point **4.2 - Evaluation Criteria** in the recently advertised RFP 00463, where we were requesting from the selected proposer the provide a minimum of 1000 new model of shelter # 3-Cantaliver Shelter, **has been reduced from 1000 to 300 new shelters.**
5. What's the current status of the RFP and the anticipated contract award date; include a summary of the new modifications to the RFP mentioned in the mayoral memorandum; and

New modifications to the RFP are in the process of completion at this point, after an extensive round of meetings and encounters with the Industry to obtain feedback. A modified RFP for advertising should be completed and advertised during the Second Quarter of Fiscal Year 2018.

6. What's the status of Outfront Media's performance under the revenue-generating advertising program (RFP No. 00039) and how much actual revenue has the County received thus far.

Contract #0039 – Advertising Services for Transit Vehicles, Metrorail Stations, and the South Miami- Dade Transitway
Contract Start Date: February 10, 2015
Contract Term: 5 years
OTR: Two additional five-year periods

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Revenue received to date:

- *First contract year (Feb 2015 – Jan 2016):* \$ 4,889,184
- *Second contract year (Feb 2016 – Jan 2017):* \$ 5,000,403
- *Third contract year (Feb 2017 – Jan 2018):* \$ 5,044,213
- *Fourth contract year (Feb 2018 to Apr 1, 2018):* \$ 1,015,165

<i>TOTAL</i>	<i>\$15,948,965</i>
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Outfront Media's overall performance is good. Outfront Media is willing to cooperate with all of DTPW's requests in a timely manner. Outfront has submitted all scheduled revenue payments and monthly reports in a timely manner.

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**Item No. 8N10
File No. 180529**

Researcher: SM Reviewer: TD

RESOLUTION APPROVING AGREEMENTS FOR THE COORDINATION OF TRANSPORTATION DISADVANTAGED SERVICES IN MIAMI-DADE COUNTY WITH CERTAIN AGENCIES; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY, TO EXECUTE ANY ADDITIONAL AGREEMENTS FOR 2018-19 PROGRAM TERM WITH ENTITIES MEETING PROGRAM ELIGIBILITY REQUIREMENTS FOR TRANSPORTATION DISADVANTAGED SERVICES, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether this Board should approve this resolution approving agreements for the coordination of transportation disadvantaged services in Miami-Dade County with certain agencies.

APPLICABLE LEGISLATION/POLICY

Section 49 U.S.C. 5310 Grant Program provides formula funding to states for the purpose of assisting private nonprofit groups in meeting the transportation needs of older adults and people with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs. Funds are apportioned based on each state's share of the population for these two groups. Formula funds are apportioned to direct recipients; for rural and small urban areas, this is the state Department of Transportation, while in large urban areas, a designated recipient is chosen by the governor. Direct recipients have flexibility in how they select sub recipient projects for funding, but their decision process must be clearly noted in a state/program management plan. The selection process may be formula-based, competitive or discretionary, and sub recipients can include states or local government authorities, private non-profit organizations, and/or operators of public transportation.

<https://www.transit.dot.gov/funding/grants/enhanced-mobility-seniors-individuals-disabilities-section-5310>

Chapter 427 of the Florida Statutes mentions that there is established in the State Treasury the Transportation Disadvantaged Trust Fund to be administered by the Commission for the Transportation Disadvantaged. All fees collected for the transportation disadvantaged program shall be deposited in the trust fund.

<https://www.flsenate.gov/Laws/Statutes/2017/427.0159>

Rule 41-2 of the Florida Administrative Code relates to the commission for the transportation disadvantaged.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=41-2>

Section 341.061 of the Florida Statutes governs the transit safety standards; inspections and system safety reviews.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0341/Sections/0341.061.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item was forwarded to BCC without discussion, with a favorable recommendation at the Transportation and Public Works Committee on April 19, 2018.

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Research Notes

FISCAL IMPACT

Staff time is limited to coordinating with the social service agencies in obtaining and reviewing the agreements, and collecting required agency operating data. That will be tied to how much the fiscal impact to the County will be as it can decrease or increase depending on the amount of staff time that will be dedicated.

ANALYSIS

This item seeks to approve agreements for the coordination of transportation disadvantaged services in Miami-Dade County with 45 different agencies. The providers have offered to provide transportation services that shall conform to the requirements of their respective agreements. The Department of Transportation and Public Works has been assigned by the Board to carry out the requirements of the Community Transportation Coordinator (CTC) for the County's Transportation Disadvantaged Program, which services the elderly, disabled, children-at-risk, and economically disadvantaged, as stated by the mayoral memo.

The agreement attached in the mayoral memo is one out 45 agreements, it is between the County and Better Way of Miami, Inc. The mayoral memo states that this agreement will be similar in format, and contain standard language as it relates to the various other agreements.

The agreement attached in the mayoral memo states that the terms and conditions of the agreements shall be effective from July 1, 2018 and will continue through June 30, 2019. Furthermore it states that the Commission nor the CTC shall be obligated to reimburse the cost to the provider to provide these services, therefore it will not have a fiscal impact the County.

The agreement states that the provider shall perform the following services which are to provide clients with transportation to and from the agency for medical, psychiatric, entitlement and other appointments related to their treatment and care at Better Way.

The provider's cost in providing each one way trip is \$7.33, and the calculation methodology used to justify the provider's cost is as follows: total Transportation Expenses divided by Total Trips.

The provider must maintain a daily travel log containing the dates of operation, the number of trips, the amount of miles, and the number of clients transported each trip. They must submit to the CTC an annual operating report detailing demographic, operational, and financial data regarding coordination activities in the designated service area on a yearly basis.

The agreement states that the CTC shall assure that these records will be subject to inspection, review, or audit at all reasonable times by persons duly authorized by the Commission or this Agreement. They shall have full access to and the right to examine any of the records and documents during the retention period.

ADDITIONAL INFORMATION

Better Way of Miami, Inc. has based on the information from their website, a 501(c) (3) non-profit health care facility, and has provided one of the most effective long term treatment programs in the southeast for those seeking a real answer to their drug and alcohol addictions. Better Way is proud to be a vital and integral part of the developing systems of care for the homeless, the addicted, the dually diagnosed and the HIV Positive in Miami-Dade County.

<http://www.betterwaymiami.org/>

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 8N11
File No. 180945**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING, PURSUANT TO RESOLUTION NO. R-611-17, A RETROACTIVE ONE-YEAR OPTION TO RENEW EFFECTIVE FEBRUARY 27, 2018 WITH LIMOUSINES OF SOUTH FLORIDA, INC., FOR THE PROVISION OF TRANSIT SERVICES AT THE RATE OF \$45.09 PER BUS REVENUE HOUR; FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE DOCUMENTS NECESSARY TO EFFECTUATE THE SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, EXCEPT THAT THE EXERCISING OF ANY OPTIONS TO RENEW SHALL REQUIRE THIS BOARD'S APPROVAL(Transportation and Public Works)

ISSUE/REQUESTED ACTION

Whether the Board should authorize a retroactive one-year option to renew, effective February 27, 2018, with Limousines of South Florida, Inc. for provision of transit services at the rate of \$45.09 per bus revenue hour.

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)

Resolution No. R-611-17, adopted by the Board on June 6, 2017, authorized access of a City of Miami contract with Limousines of South Florida, Inc. for the delivery of transit services in the County at a rate of \$45.09 per bus revenue hour.

<http://intra/gia/matter.asp?matter=171963&file=false&yearFolder=Y2017>

Resolution No. R-235-18, adopted by the Board on March 6, 2018, directed the County Mayor to provide a report describing any planned fare or service adjustments to County transit services as well as any contracting out of routes prior to the enactment of such adjustments and to place such reports on a Board agenda.

<http://intra/gia/matter.asp?matter=180411&file=true&yearFolder=Y2018>

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>

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>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

BCC Meeting: May 1, 2018
Research Notes

FISCAL IMPACT

According to the mayoral memorandum's Fiscal Impact section, DTPW has realized \$1,251,773 in transit operation savings from September 2017 to January 2018 due to contracting 14 bus routes to Limousines of South Florida, Inc. DTPW is expecting an annualized savings amount of over \$3,000,000. The increase of two routes, which restored service and added an additional \$1,000,000 in cost, bring the net budgetary savings to approximately \$2,000,000.

ANALYSIS

This item is requesting Board authorization of a retroactive one-year option to renew, effective February 27, 2018, of the County's contract with Limousines of South Florida, Inc. (LSF) for provision of transit services at the rate of \$45.09 per bus revenue hour. The County accessed this competitively-established City of Miami contract on June 6, 2017 pursuant to Resolution No. R-611-17. DTPW assigned LSF 14 low-ridership routes in an effort to improve service and maximize efficiencies. Under the contract, LSF delivers bus service to the following existing transit routes: 1, 29, 46, 82, 101, 202, 211, 212, 246, 254, 267, 272, 286 and 344. The contract allows the County to add routes as DTPW makes continued adjustments to its bus service.

This extension enables to LSF to continue to service the contracted routes and adds new routes – 56, 71, 72, 115, 210 and 217 – as well as Life Line routes Green Hills, Kings Creek, Sierra Lake, Robert Sharp, Ahepa, and Fed Gardens. Life Line routes are transportation services for the disadvantaged.

Pursuant to Resolution No. R-235-18, DTPW prepared a report, included with the agenda item, summarizing performance for the first six months (from September 2017 to February 2018) of LSF's delivery of services for the 14 contracted bus routes. In the report, a performance assessment of contract expenses, realized savings, on-time performance, customer complaints, and ridership were compared for services provided directly by DTPW versus services contracted to LSF for similar time periods.

The report concludes that the outsourced bus routes are performing slightly above the on-time performance level previously reported for the same routes under DTPW's direct operation. Additionally, the number of customer complaints and accidents reported per month have decreased. Finally, the total savings for the first five months of contracted operations is \$1,251,773, and is expected to be over \$3,000,000 annualized. That represents an approximate 49 percent cost savings to DTPW's operating budget for these routes. DTPW will continue to closely monitor and work with LSF in an effort to improve customer's experience and to ensure customer satisfaction.

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 9A1
File No. 180847**

Researcher: BM Reviewer: TD

RESOLUTION RELATING TO GRANT FUNDING FOR THE 2018 MIAMI-DADE COUNTY YOUTH SUMMER JOB PROGRAM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECEIVE \$1,500,000.00 IN GRANT FUNDS FROM THE CHILDREN'S TRUST FOR THE PROGRAM; AUTHORIZING A GRANT TO THE FOUNDATION FOR NEW EDUCATION INITIATIVES, INC., A DIRECT SUPPORT ORGANIZATION TO MIAMI-DADE COUNTY PUBLIC SCHOOLS, OF \$2,556,625.00, INCLUSIVE OF THE \$1,500,000.00 FROM THE CHILDREN'S TRUST AND \$1,056,625.00 IN COUNTY FUNDING, FOR THE SUMMER YOUTH INTERNSHIP PROGRAM

ISSUE/REQUESTED ACTION

Whether the Board should authorize a resolution which:

- 1) Approves a grant funding the for the 2018 Miami-Dade County Youth Summer Job Program;
- 2) Authorizes the Mayor or designee to enter into an agreement between the County and The Children's Trust (Trust) to receive \$1,500,000 in grant funding and with the County, The School Board of Miami-Dade (MDCPS) County, and the Foundation (Foundation) for New Education Initiatives, Inc., to grant up to \$2,556,625 to the Foundation which will fund the Summer Youth Internship Program (SYIP);
- 3) Authorizes the Mayor or designee to execute grant agreements, other required agreements, documents and the like to implement the program; and
- 4) Authorizes the Mayor or designee to apply for and receive grant funding for future Miami-Dade County Youth Summer Job programs.

APPLICABLE LEGISLATION/POLICY

Resolution R-235-15, adopted by the Board on March 3, 2015, directed the Mayor or Designee to create the Miami-Dade County Youth Summer Job Program.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-235-15.pdf>

Resolution R-330-16, adopted by the Board on April 19, 2016, authorized the County to expand its Youth Summer Job Program and collaborate with The Children's Trust, Miami-Dade County Public Schools, and the Foundation for New Education Initiatives, Inc., to launch the Summer Youth Internship Program.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-330-16.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Xavier L. Suarez, District 7

Requester/Department: Juvenile Services Department

4/18/18: Forwarded to BCC with a favorable recommendation by Public Safety and Health Committee; Passed 5 – 0.

Commissioner Jordan wanted to ensure that guidelines requirements were not restrictive and that it be open and objective.

Commissioner Levine-Cava commented that the Magnet School Programs had the lock on the program and it was not an open process to refer people and there were no open spots. She inquired about amending the item to say that the applications will be open and not restricted to magnet groups.

The Deputy Attorney advised that the concern was addressed by directing at least 40 percent of the participants were eligible for free and reduced meal programs.

Language has been included to require uniform advertisement of the program.

Commissioner Diaz commented that the questions could be brought up when the item is presented before the Board.

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Research Notes**

FISCAL IMPACT

If the proposed resolution is approved, fiscal impact to the County is \$1,056,625 from the general fund. The Trust will provide \$1,500,000 in grant funds to the County.

ANALYSIS

This item seeks Board approval for a grant agreement to fund the County's 2018 Youth Summer Job Program in the amount of \$1,056,625 from the County's general fund and \$1,500,000 funded by The Children's Trust.

In July 2015, pursuant to Resolution R-235-15, the County launched the Youth Summer Job Program employing approximately 300 young people 30 hours per week for five weeks. In April 2016, the County expanded the program to collaborating with MDCPS and the Foundation for New Education Initiatives, Inc., launching YIP.

In 2016, SYIP's inaugural year, consisted of the following results: 13 percent of the 1,463 participating youth were youth with disabilities; 717 employers participated in the SYIP; 97 percent of employers and 94 percent of youth reported they were satisfied with the SYIP; 98 percent of the youth who participated completed the SYIP; each youth was signed up for a bank account with South Florida Educational Federal Credit Union; 100 percent of the youth who completed the SYIP earned high school credit.

In 2017, the collaboration was expanded to include the South Florida Workforce Investment Board as a SYIP funding agency. During that year 2,176 youth applied to participate in the program and, with funding from all contributing partners, 1,827 youth completed the program; 539 employers participated in the SYIP; 98 percent of employers and 97 percent of youth reported they were satisfied with the SYIP; 94 percent of the youth who participated completed the SYIP

The goal for the 2018 SYIP, is to enroll a minimum of 2,650 participants through Miami-Dade County Public Schools. Reasonable efforts will be made to enroll no fewer than 100 students from each commission district. The program provides funding for participants to receive a stipend of \$1,237. They will also be eligible to receive a transportation stipend of \$100 to cover transportation and other incidental expenses. Additionally, in an effort to reach the most vulnerable students, the County restricted a minimum of 40 percent of its funding to support internship placements of students who receive free and reduced price meals.

The programs will recruit youth between the ages of 15 and 18 currently enrolled in MDCPS and residing in the County. The SYIP intends to hire approximately 28 certified teachers as independent contractors to serve as instructional supervisors to guide the participants and as liaisons between employers and SYIP administrators. There will be approximately 16 dedicated instructional supervisors to work with disabled youths.

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Research Notes**

**Item No. 9A2
File No.180903**

Researcher: SM Reviewer: TD

RESOLUTION APPROVING AND RATIFYING THE 2014-2017 COLLECTIVE BARGAINING BETWEEN MIAMI-DADE COUNTY AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES UNION (AFSCME), LOCAL 121, WATER AND SEWER EMPLOYEE, LOCAL 121

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution that will approve and ratify the 2014-2017 Collective Bargaining Agreement between Miami-Dade County and the American Federation of State, County, and Municipal Employees (AFSCME), Local 121, Water and Sewer Employee, Local 121.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 16-20 adopted February 2, 2016 is an Ordinance creating Article X of Chapter 11A of the Code of Miami-Dade County, Florida establishing paid parental leave for Miami-Dade County employees.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2016/160383min.pdf>

Administrative Order No. 7-40 adopted March 1, 2005 states that each Miami-Dade County employee, upon approval by his/her department director, may use one hour of administrative leave per week, up to a maximum of five hours per month, to volunteer at one or more of the following activities, assuming that such volunteer work is performed during normally scheduled work hours.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO7-40.pdf>

Resolution No. R-86-03 adopted January 23, 2003 resolution directing the county manager to establish rules allowing Miami-Dade County employees one hour per week to mentor or participate in other school- or community-related activities.

<http://www.miamidade.gov/govaction/matter.asp?matter=023601&file=false&fileAnalysis=false&yearFolder=Y2002>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Human Resources.

This item has no procedural history.

FISCAL IMPACT

As stated by the mayoral memo, the retroactive cost for the cost of living adjustment (COLA) will be in the amount of \$4,033,000, the potential change in the overtime calculation from weekly to daily will cost \$1,135,000. The costs will be funded by the reserves of the Water and Sewer Department (WASD) for a total amount of \$5,168,000.

ANALYSIS

The Collective Bargaining Agreement between Miami-Dade County and AFSCME will be ratified for the fiscal years of 2014 – 2017 if this item receives Board approval.

The County conducted labor negotiations with this union for over three years. The County declared impasse with AFSCME on July 14, 2016, as stated by the mayoral memo. The memo further states that a Special Magistrate appointed by the Florida Public Employees Relations Commission issued recommendations. Portions of the recommendations were rejected by the parties. The Board of County Commissioners held an impasse hearing on February 7, 2018, to render a decision on six unresolved articles. At the hearing, the parties agreed to resolve two issues and the Board rendered decisions for the remaining four unresolved

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Research Notes

articles (Article 10: Union Stewards and Representatives; Article 15; Overtime Compensation; Article 20; Productivity; and Article 28; Wages), producing the contract attached in the mayoral memo, which was ratified by the Union membership on March 21, 2018.

As stated in the fiscal impact section, the cost to retroactively implement the COLA of four percent will be \$5,168,000 that will be taken out of the WASD reserve fund.

The agreement states that the ratification will provide for salaries, fringe benefits, and conditions of employment which would not otherwise be provided for by Statute, Ordinance, Resolution, Administrative Order, Implementing Order, County Leave Manual, or Personnel Rules. It also states that the agreement will promote harmonious relationships between County.

The agreement states that all full time and regular part-time personnel employed by Miami-Dade County and WASD will be included if their job classification falls under the category pertaining to such an agreement. The excluded employees will be all professional, supervisory, managerial, and confidential personnel employed by the County and WASD, in addition to all temporary, seasonal, substitute and emergency personnel employed by the County and WASD.

The agreement further clarifies that employees covered will not generally be required to work out of classification when personnel are available, except under emergency conditions that are declared by the County Mayor or his authorized representative.

If there is a proposed change in job description or title of class within the bargaining unit, it will be the County's responsibility to discuss with the Union the proposed change in job description. Furthermore the Union may in writing, within five calendar days, request a hearing before the Human Resource director if the Union is not satisfied with the proposed change in job description. The Human Resource Directors decision will be the final and binding decision as it will not be subject to any further appeal.

The agreement states that any employee who participates in or promotes a strike, work stoppage, slowdown, sick out, or concerted failure or refusal to perform assigned work or who participates in or promotes a picket line while working may be discharged or disciplined by the County or the Department. The agreement states that the Union will guarantee to support the County and the Department to fully maintain operations in every way since it does not allow work stoppages, strikes, sick outs, picketing while working, slowdowns, or other concerted failure or refusal to perform assigned work by the employees or the Union, and there will be no lockouts by the County or the Department for the duration of this agreement.

The paid parental leave portion states that the employee will be authorized to care for their newborn child, newly adopted child, or newly placed foster child or children. The period of leave will be for an amount of six weeks where the employee will receive 100 percent pay for the first two weeks, 75 percent pay for the following two weeks, and 50 percent pay for the remaining two weeks. This is in accordance with Ordinance No. 16-20 of Miami-Dade County. (See applicable legislation/policy sections).

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 11A1
File No. 180837**

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING ACCESS OF BROWARD COUNTY CONTRACT, SOLICITATION # N2111734PL, FOR THE PROVISION OF EMERGENCY LOAN PROGRAM TO MIAMI-DADE COUNTY EMPLOYEES; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE DOCUMENTS NECESSARY TO ACCESS SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize access to Broward County Contract, Solicitation #N2111734PL, for the provision of emergency loan program to Miami-Dade County (County) employees.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases, Generally); this section requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved, including legacy and 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

Master Procurement Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services, including professional services.

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

PROCEDURAL HISTORY

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

4/17/18: Forwarded to BCC with a favorable recommendation by Government Operations Committee; Passed 5 – 0.

Commissioner Moss referred to the Jackson program inquiring of how well that program had done and if Jackson piggybacks on this RFP. He also inquired about the interest rate.

County Attorney responded that Jackson is piggybacking on the Broward County plan they reviewed. He has heard no complaints from Jackson. The interest rate is 23.9% is non-compounded, it is a simple interest rate.

Commissioner Martinez and Commissioner Monestime requested clarity of the interest charge amount.

Tom McCormick advised that the County is not put in referring position. He provided an explanation of how their simple interest rate charge relates to compounding interest rates. The answer being the loan is more expensive than the credit union and less expensive than a pay day loan.

FISCAL IMPACT

If the proposed resolution is approve, it will not have a negative fiscal impact on the County as the contract states that there will be no compensation, fee, charge, cost, or expenditure paid to BMG Money, Inc. (BMG) by Broward County arising from the agreement. Employees will be responsible to pay for interest and principal repayment through payroll deductions.

Broward County's contract solicitation #N2111734Pl, is an agreement with BMG for emergency loans to their County employees. The resolutions would allow the County to access the contract to provide the access to the emergency loans to Miami-Dade County employees.

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Research Notes

ANALYSIS

This item seeks Board approval for access to Broward County Contract, Solicitation #N2111734PL, for the provision of emergency loan program to Miami-Dade County employees. The vendor, BMG, would provide employees of Miami-Dade County an alternative to predatory payday lenders by providing access to fairly priced loans at competitive rates. Implementing Order No. 3-38 allows for accessing contracts from other government entities. The County may award a contract by accessing the competitively solicited contract of any other governmental or quasi-governmental entity or not-for-profit organization, provided the goods or services are not available through an existing Miami-Dade County contract at same or lower price.

Miami-Dade County employs approximately 25 thousand employees. Some of these County employees have poor or no credit history and may lack access to fairly priced loans through banks or traditional lenders. Often, interest rates charged by payday lenders are substantially higher than market rates and may charge hidden fees. Short-term payday loans may be a useful tool to help employees through an emergency if they are paid back in full and on time. However, failing to pay the loan back on time may lead to additional borrowing at higher interest rates. Interest rates charged can often reach triple digits.

Below is a table providing example of the fees and annual percentage rate charged for 14-day loans at a payday lender:

The chart below shows the fees and APR based on a loan term of 14 days

Loan Amount	Lender Interest (10% per annum)	CSO Fee	Total Finance Charge	Total Amount Due To CSO / To Lender / Equals			Annual Percentage Rate (APR) (assumes 14-day term)
\$200	\$0.76	\$50	\$50.76	\$50	\$200.76	\$250.76	661.69%
\$300	\$1.14	\$75	\$76.14	\$75	\$301.14	\$376.14	661.69%
\$400	\$1.52	\$100	\$101.52	\$100	\$401.52	\$501.52	661.69%
\$500	\$1.90	\$125	\$126.90	\$125	\$501.90	\$626.90	661.69%
\$1,000	\$3.81	\$250	\$253.81	\$250	\$1,003.81	\$1,253.81	661.71%
\$1,500	\$5.72	\$375	\$380.72	\$375	\$1,505.72	\$1,880.72	661.72%

The agreement between BMG and Broward County is intended to benefit County employees by providing them with a fixed rate, fixed payment voluntary emergency employee loan program for benefit-eligible County employees. Broward County engaged in an open solicitation for a qualified firm to administer the emergency loan program for its employees. The services will be on non-exclusive basis as the County is entitled to do business with other vendors offering similar programs. BMG shall host a fast and convenient on-line enrollment and approval process for said program and should provide employees with 24/7 on-line access to their loan information and status.

The program will offer employees with access to loans between \$500 and \$5,000 and biweekly payback terms or 6, 12, 18, or 24 months. Upon approval, the funds should be made available to employees within two days. The simple interest for the loans may not exceed an APR 23.99%. The contract does not provide set criteria for the classification of an emergency. Should the employee separate from the County, BMG will have no rights or entitlement to deduct remaining balances from the employee's final paycheck or require "balloon payments" to satisfy any outstanding loans. BMG must report to at least one nation-wide credit bureau the employee's loan performance.

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Research Notes

The following municipalities throughout Florida offer loan-at-work employee benefit programs:

- Broward County
- Leon County
- Seminole County
- City of Miami
- City of Orlando

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), BMG Money, Inc., has an active status as a Foreign For Profit Corporation and first filed and registered on 12/10/2009. The company is registered locally at the following principal address: 1221 Brickell Avenue, Miami, FL 33131.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=BMGMONEY%20F090000049040&aggregateId=forp-f09000004904-399556fe-3820-4e3f-b492c0c14e475cfc&searchTerm=BMG%20Money%2C%20Inc.%20&listNameOrder=BMGMONEY%20F090000049040>

The Office of the Commission Auditor contacted the Broward County Government Benefits office on April 24, 2018 to inquire about statistics they may have since implementing the Emergency Loan Program in their County. They advised that since the program is relatively new, they do not yet have studies as to the success rate of the program.

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 11A2
File No. 180866**

Researcher: MF Reviewer: TD

RESOLUTION DESIGNATING THE UNINCORPORATED AREAS WITHIN THE MIAMI-DADE COUNTY TRANSPORTATION INFRASTRUCTURE IMPROVEMENT DISTRICT, WHICH INCLUDES THE SMART PLAN CORRIDORS, AS AREAS OR FACILITIES OF COUNTYWIDE SIGNIFICANCE PURSUANT TO SECTIONS 20-8.6 AND 20-28.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA

ISSUE/REQUESTED ACTION

Whether the Board should designate the unincorporated areas within the Miami-Dade County Transportation Infrastructure Improvement District, which includes the SMART Plan Corridors, as areas or facilities of Countywide significance pursuant to Sections 20-8.6 and 20-28.1 of the Code.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 20-8.6 defines “Areas and Facilities of Countywide Significance” as consisting of any private or public lands ... located in unincorporated Miami-Dade County ... that are deemed necessary by the Board of County Commissioners for the coordinated use of lands, development and service delivery within the County to promote the health, safety, order, convenience, prosperity, and welfare of the current and future residents and tourists of this County. It also states that “jurisdiction over areas or facilities of Countywide significance for purposes of comprehensive planning, zoning and building and other development approvals, water and sewer installations, compliance with environmental regulations, and utility regulation shall be and are hereby vested in Miami-Dade County regardless of any municipal code, charter, or ordinance provision to the contrary.”

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.6ARFACOSI

Miami-Dade County Code, Section 20-28.1 defines “Areas and Facilities of Countywide Significance” as consisting of any private or public lands ... located in unincorporated Miami-Dade County ... that are deemed necessary by the Board of County Commissioners for the coordinated use of lands, development and service delivery within the County to promote the health, safety, order, convenience, prosperity, and welfare of the current and future residents and tourists of this County. It also states that “jurisdiction over areas or facilities of Countywide significance for purposes of comprehensive planning, zoning and building and other development approvals, water and sewer installations, compliance with environmental regulations, and utility regulation shall be and are hereby vested in Miami-Dade County regardless of any municipal code, charter, or ordinance provision to the contrary.”

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIINPR_S20-28.1ARFACOSI

Resolution No. R-523-16, adopted by the Board on June 7, 2016, endorsed the Strategic Miami Area Rapid Transit Plan as approved by the Miami-Dade Metropolitan Planning Organization.

<http://intra/gia/matter.asp?matter=161290&file=true&yearFolder=Y2016>

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Research Notes**

Ordinance No. 18-8, adopted by the Board on February 6, 2018 related to Tax Increment Financing and Transportation Infrastructure Development; created Article CLIX of Chapter 2 of the Code of Miami-Dade County; created the Miami-Dade County Transportation Infrastructure Improvement District; provided that the District shall be within a certain distance of proposed alignments of the SMART Plan Rapid Transit Corridors; established a Trust Fund; defined SMART Plan Rapid Transit Corridor projects eligible for Trust Fund revenues; limited the use of Trust Fund revenues to the development, construction, maintenance, and operation of SMART Plan Rapid Transit Corridor projects; and provided for the funding of the Trust Fund from tax increment revenues within the District.

<http://intra/gia/matter.asp?matter=180354&file=false&yearFolder=Y2018>

Ordinance No. 18-8 creates **Article CLIX, Chapter 2, Section 2-2363 of the Miami-Dade County Code**, which governs the Transportation Infrastructure Improvement District (no link exists at present other than through Ordinance No. 18-8).

PROCEDURAL HISTORY

Prime Sponsor: Esteban L. Bovo, District 13

The proposed resolution was considered by the Chairman's Policy Council at its April 12, 2018 meeting.

Pursuant to Commissioner Moss' question regarding whether the proposed resolution would affect the Tax Increment Financing, Ms. Jennifer Moon, Director, Office of Management and Budget, stated that designating an area as being of Countywide significance meant that if in the future that area was incorporated, the County would retain control over it; therefore it would not affect the fiscal impact calculations for the area.

The proposed resolution was forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

There is no fiscal impact Statement attached to the proposed resolution.

ANALYSIS

Sections 20-8.6 and 20-28.1 of the Code define "Areas and Facilities of Countywide Significance" as consisting of any private or public lands ... located in unincorporated Miami-Dade County ... that are deemed necessary by the Board of County Commissioners for the coordinated use of lands, development and service delivery within the County to promote the health, safety, order, convenience, prosperity, and welfare of the current and future residents and tourists of this County.

Sections 20-8.6 and 20-28.1 of the Code provide that "any future designation of lands as an Area or Facility of Countywide Significance may be made by resolution by the Board of County Commissioners, upon finding that:

- The area of facility is susceptible to substantial change and development that will detrimentally affect the facility or land;
- There is a need for the continued, unimpaired functioning of the area or facility by the greater community; and
- The service provided at or by the area of facility, or at a combination of areas or facilities, is a significant resource to the greater community."

Sections 20-8.6 and 20-28.1 of the Code state that "jurisdiction over areas or facilities of Countywide significance for purposes of comprehensive planning, zoning and building and other development approvals, water and sewer installations, compliance with environmental regulations, and utility regulation shall be and are hereby vested in Miami-Dade County regardless of any municipal code, charter, or ordinance provision to the contrary."

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On June 7, 2016, the Board adopted Resolution No. R-523-16, which approved the SMART Plan, which calls for expanding the central metropolitan transit system with six rapid transit corridors: Beach Corridor, East-West Corridor, Kendall Corridor, North Corridor, Northeast Corridor, and South Dade Transitway.

On February 6, 2018, the Board adopted Ordinance No. 18-8, related to Tax Increment Financing and Transportation Infrastructure Development; created Article CLIX of Chapter 2 of the Code of Miami-Dade County; created the Miami-Dade County Transportation Infrastructure Improvement District (TIID or District); provided that the District shall be within a certain distance of proposed alignments of the SMART Plan Rapid Transit Corridors; established a Trust Fund; defined SMART Plan Rapid Transit Corridor projects eligible for Trust Fund revenues; limited the use of Trust Fund revenues to the development, construction, maintenance, and operation of SMART Plan Rapid Transit Corridor projects; and provided for the funding of the Trust Fund from tax increment revenues within the District.

Ordinance No. 18-8 creates Article CLIX, Chapter 2, Section 2-2363 of the Miami-Dade County Code, which governs the Miami-Dade County Transportation Infrastructure Improvement District (TIID or District), and provides that it shall “include all real properties wholly or partially located with ½ mile of the existing Metrorail corridor and proposed alignments, pursuant to Resolution No. R-253-16, or the SMART Plan rapid transit corridors, except for the East-West Corridor. With respect to the East-West Corridor, all real properties wholly or partially located within 1 mile of the proposed alignment, pursuant to Resolution No. R-523-16, shall be included within the District. If any portion of a parcel of real property is located within the geographical boundaries of the District, the whole parcel shall be deemed to be located within the District. The geographical boundaries of the District and the legal descriptions of the real properties included therein shall be based on the Property Appraiser’s 2017 first certified tax roll as of October 26, 2017. A document listing the real properties that are within the boundaries of the District, in accordance with this section, shall be kept on file with the Miami-Dade County Department of Regulatory and Economic Resources or its successor department.”

The Federal Transit Administration’s (FTA) New Starts Process considers existing and potential land uses around transportation corridors as part of its evaluation criteria in awarding federal funding. Redevelopment and intensification of all areas within the TIID are essential to the viability of a central metropolitan transit system, which is the aim of FTA funding.

Therefore, it is in the interest of the County to designate the unincorporated areas within the Miami-Dade County Transportation Infrastructure Improvement District, which includes the SMART Plan Corridors, as areas or facilities of countywide significance pursuant to Sections 20-8.6 and 20-28.1 of the Code.

ADDITIONAL INFORMATION

On February 16, 2016, the Transportation Planning Organization (TPO) Governing Board unanimously approved a policy to set as highest priority the advancement of rapid transit corridors and transit supportive projects for the County. Then, on April 21, 2016, the Miami-Dade TPO Governing Board officially adopted and endorsed the proposed Strategic Miami Area Rapid Transit (SMART) Plan. The SMART Plan intends to advance six of the People’s Transportation Plan’s rapid transit corridors, along with a network system of Bus Express Rapid Transit service, in order to implement mass transit projects in Miami-Dade County. For more information, see the link below.

<http://www.miamidadetpo.org/smartplan.asp>

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Research Notes**

**Item No. 11A9
File No. 180924**

Researcher: MF Reviewer: TD

RESOLUTION AMENDING IMPLEMENTING ORDER 2-12 MIAMI-DADE COUNTY DIVERSION PROGRAM TO INCLUDE VIOLATIONS OF SECTION 21-118 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THEFT OF PLANTS AND FRUITS AND TRESPASS AS ELIGIBLE FOR PARTICIPATION IN THE DIVERSION PROGRAM [SEE ITEM NO. 7C]

ISSUE/REQUESTED ACTION

Whether the Board should amend Miami-Dade County Implementing Order 2-12 to include violators of Section 21-118 of the Code of Miami-Dade County relating to theft of plants and fruits and trespass as eligible for participation in the Diversion Program.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 21-118, provides that (a) “It is unlawful for any person, with the intent to injure or defraud, to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent. (b) It is unlawful for any person to enter upon the premises of any nursery or upon private or public property with the intent to injure, damage, take or carry away any plant, fruit, plant product or nursery stock, without the written or oral consent of the owner of the property or his agent.”.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch21_artix_sec21-118

Miami-Dade County Implementing Order 2-12

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-12.pdf>

Miami-Dade County Code, Section 1-5, states that “Unless otherwise specifically provided herein, any person violating any of the provisions of this Code shall be punished by a fine not to exceed five hundred dollars or by imprisonment in the County jail for a period not to exceed sixty days, or by both such fine and imprisonment, in the discretion of the court having jurisdiction over the cause. Any person who violates or fails to comply with this Code shall also be subject to fines in accordance with Chapter 8CC of the Code of Miami-Dade County.

[https://library.municode.com/fl/miami - dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE)

Miami-Dade County Code, Section 8CC-10, governs the schedule of civil penalties.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch8cc_sec8cc-10

Miami-Dade County Code, Section 8CC-5.1, governs the Miami-Dade County Diversion Program.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch8cc_sec8cc-5.1

Florida Statutes, Section 812.014, provides that (1) A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently:

(a) Deprive the other person of a right to the property or a benefit from the property.

(b) (b) Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.

<https://www.flsenate.gov/laws/statutes/2011/812.014>

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PROCEDURAL HISTORY

Prime Sponsor: Daniella Levine Cava, District 8

The proposed resolution was considered at the Public Safety and Health Committee on April 18, 2018; and was forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

There was no Fiscal Impact Statement included in the item.

ANALYSIS

On June 20, 2009, the Board adopted Resolution No. R-868-09 directing the Mayor or designee to study the benefit of the County to decriminalize certain violations of the Miami-Dade County Code. As a result of the report's findings, the Board created the Diversion Program. In 2015, the Board amended Miami-Dade County Code, Section 8CC-10 to make additional misdemeanor offenses eligible for civil penalties, and has amended Miami-Dade County Code Section 8CC-5.1 to make those additional offenses eligible for civil penalties.

On March 7, 2018, the Miami-Dade Agricultural Practices Advisory Board voted unanimously to support changes to Section 21-118 of the Florida Statutes that would provide law enforcement officers greater flexibility to respond to circumstances of minor fruit and vegetable theft. Agenda Item 1G1 on the April 18, 2018 PSHC seeks the Board's approval to amend Section 21-118 and Section 8CC as they relates to thefts of plants and fruits and trespass. Currently, a law enforcement officer only has discretion to initiate criminal proceedings against a person who has committed a violation of Section 21-118 of the Code of Miami-Dade County or Section 812.014 of the Florida Statutes. The amendment would provide that these violations be treated as civil in nature, and be subject to a uniform fine rather than court proceedings and potential imprisonment. Therefore, the requirement that potential violators act with criminal intent to injure or defraud would no longer be applicable.

The proposed resolution differs from its companion Agenda Item No. 7C in that it allows violations of Section 21-118 to be eligible for alternative enforcement through the Miami-Dade County Diversion Program, as provided in Section 8CC-5.1 of Miami-Dade County. The proposed resolution seeks to amend Miami-Dade County Implementing Order 2-12 to include violations of Section 21-118 of the Code of Miami-Dade County relating to theft of plants and fruits and trespass as eligible for participation in the Diversion Program, as follows:

Eligibility:

When a violator is arrested or given a Civil Violation Notice (8-CC) for one of the Miami-Dade County Code violations listed below, he/she is eligible and may elect to voluntarily participate in the Diversion Program:

7-3	Swimming or fishing from prohibited roads or bridges
8A-172	Conducting business without a local business tax receipt
8A-276(b)	Failure to display commercial vehicle markings
21-22	Sale, offer for sale, purchase with intent to sell or public display for sale of synthetic cannabinoid herbal incense
21-22.1	Sale, offer for sale, purchase with intent to sell or public display for sale of synthetic stimulant bath salts, synthetic cathinones, synthetic amphetamine and other synthetic stimulants that mimic illegal drugs
21-28	Producing loud or excessive noise
21.31.2(b)(1))	Consumption of alcohol in open containers near store

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21.31.2(b)(2))	Possession of alcohol in open containers near store
21.31.4(B)	Obstructing traffic or aggressively begging
21-81(d)	Any one of the specific misdemeanors enumerated in Section 21-81(d)(1) through and including 21-81(d)(7)
>>21-118	Theft of plants and fruits and trespass<<
21.287	Rafting
26-1	Park violations

Words [[double bracketed]] and underlined shall be deleted. Words in **bold** and >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

ADDITIONAL INFORMATION

For additional information on the Miami-Dade County Diversion Program, see the Miami-Dade Police Department page below.
<https://www.miamidade.gov/police/diversion-program.asp>

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**Item No. 11A10
File No. 181046**

Researcher: SM Reviewer: TD

RESOLUTION APPROVING ALLOCATION OF \$1,606,612.00 FROM PROJECT NO. 223 - "NOT-FOR-PROFIT COMMUNITY ORGANIZATION CAPITAL FUND" TO THE SOUTH FLORIDA PIONEER MUSEUM, INC., A FLORIDA NON-PROFIT CORPORATION, AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE STANDARD GENERAL OBLIGATION BOND GRANT AGREEMENT WITH THE GRANTEE

ISSUE/REQUESTED ACTION

Whether the Board should approve this resolution approving allocation of \$1,606,612 from project No.223 'Not-for-Profit Community Organization Capital Fund', to the South Florida Pioneer Museum, Inc.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-917-04 adopted July 20, 2004 is a resolution providing for holding of General Obligation Bond special election in Miami-Dade County, Florida, with respect to authorization of not exceeding \$255,070,000 general obligation bonds to construct and improve public service outreach facilities.

<http://www.miamidade.gov/govaction/matter.asp?matter=042289&file=false&fileAnalysis=false&yearFolder=Y2004>

Resolution No. R-1206-17 November 14, 2017 is a resolution rescinding grant award in amount of \$2,500,000.00 from the Building Better Communities General Obligation Bond ("GOB") Program Project no. 223 - "Not-for-Profit Community Organization Capital Fund" to the Institute for Child and Family Health, Inc.; allocating \$893,388.00 of such funds to the Center for Haitian Studies, Inc., a Florida non-profit corporation, and authorizing county Mayor or Mayor's designee to execute standard gob grant agreement and the recordation of a declaration of restrictive covenants in favor of the county.

<http://www.miamidade.gov/govaction/matter.asp?matter=172532&file=true&fileAnalysis=false&yearFolder=Y2017>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8.

Requester/Department: None

This item was approved as amended at the Infrastructure and Utilities Committee on April 17, 2018. There was a scrivener's error, the change is to the General Obligations Bond project reference on handwritten page 4 of the item from "Historic Preservation Fund" to "The Redland Farm life School".

During the Infrastructure and Utilities Committee on April 17, 2018, Commissioner Cava from District 8 spoke on the importance of this item, and that she has been working on approval for more than three years. She further stated that the exterior of the building is restored but the interior, still needing renovation, is where the kitchen and culinary classes will be held. She expects the school to be an agro tourism and culinary destination.

FISCAL IMPACT

The allocation of Project No. 223 Bond Program funds in an amount of \$1,606,612 to the South Florida Pioneer Museum, Inc.

Resolution No. R-1206-17 granted funds in the amount of \$893,388 to the Center for Haitian Studies Inc. This was done after rescinding a grant award in the amount of \$2,500,000 to the Institute for Child and Family Inc. The remaining amount of \$1,606,612 will be allocated to the South Florida Pioneer Museum, Inc.

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ANALYSIS

The purpose of this item is to allocate funds to repurpose the Redland Farm Life School into the Redland Farm Life Culinary Center.

On September 25, 2017 the Institute for Child and Family Health Inc., sent an email requesting to rescind the GOB funding for that project since construction was never initiated. They underwent a business restructuring which significantly impacted their revenue and their ability to secure funding to move forward with the project. They had to cancel the associated permits and could therefore no longer continue the project.

The Center for Haitian Studies Inc., was consequently approved to receive an amount of \$893,388 out of the \$2,500,000 previously allocated to the Institute for Child and Family Health which leaves the unallocated amount of \$1,606,612 to still be awarded.

The mayoral memo states that the South Florida Pioneer Museum, Inc. has developed a business plan to repurpose the Redland Farm Life School into the Redland Farm Life Culinary Center where they wish to create a commercial kitchen, food processing and packaging space, farm-to-farm dining, community outreach, culinary education, a farmers market and event space for the rural community. Pursuant to the business plan there will be a community building focused on both celebrating and preserving local agricultural and culinary traditions and on cooperative programs for processing and marketing local farm output. The anticipated construction completion date is June 1, 2018 and the anticipated operations will commence on June 2, 2018. The estimated square footage of the new or expanded facility will be 100,000 square feet.

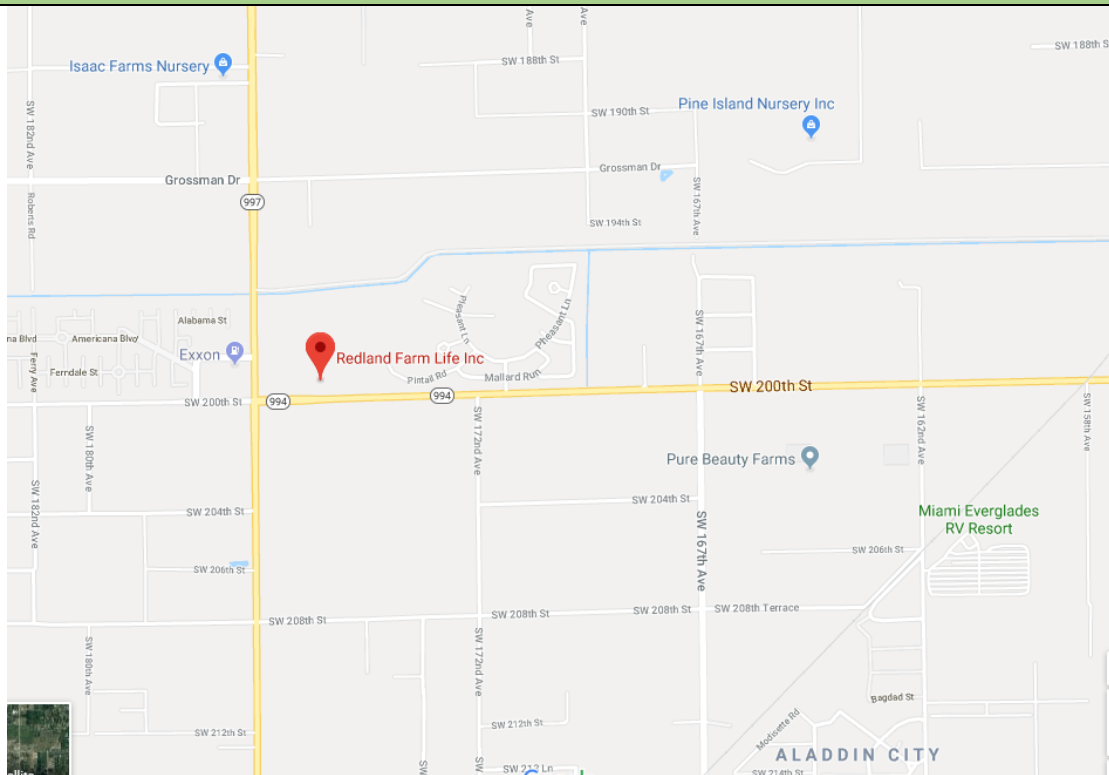
ADDITIONAL INFORMATION

Miami Today article of September 12, 2017 stated “The Redland Farm Life School, built in 1916 and active until Hurricane Andrew devastated it in 1992, could become the site of a new farm life culinary center and be placed on a list of enterprises seeking a slice of the county’s \$75 million list of game-changing projects. The Redland Farm Life Culinary Center would be active in the former school building, now county owned. The county has already spent \$10 million to restore the structure but it still needs significant infrastructure investment, including electrical and plumbing work and interior finishes, to be ready for use. The Redland Farm Life Culinary Center would be promising to create 19 new jobs. It would also assist in economic development, by “vertical integration of value-added products for farm operations, and an educational and vocational pipeline for high school and college students from multiple fields of study. “The business plan,” , “calls for the development of a commercial kitchen, food processing and packaging space, farm to table dining, culinary education, and a farmer’s market and event space for the rural community.”

<http://www.miamitodaynews.com/2017/09/12/hurricane-battered-school-become-farm-life-culinary-center/>

Below is the Google Maps

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<https://www.google.com/maps/place/Redland+Farm+Life+Inc/@25.58028,-80.4759293,15z/data=!4m5!3m4!1s0x0:0xaa3b66af5bd3d5f4!8m2!3d25.58028!4d-80.4759293>

DEPARTMENT INPUT

The following questions were sent out to the department representative on April 26, 2018 and received the following response, answers in blue:

1. Will there be any tuition costs associated with the Redland Farm Life Culinary Center for the culinary education? The Pioneer Museum and the County has had productive conversations with FIU and Miami Dade College about opportunities to provide culinary training at the site. We would expect that it would be an extension of their curriculum. There may be opportunities for other partnerships. The facility is also expected to provide commercial kitchen access for local farmers looking to process their products (jams, juices, extracts, baked goods, etc.) and I believe there would be an access fee for that service to help with the costs of running the facility.
2. According to the mayoral memo, if this item receives Board approval there will be some type of community outreach, can you please elaborate on those efforts? The Pioneer Museum is clearly committed to making this a cultural center for the Redland area. With the limited available use of the building (due to its unfinished state), they've managed to launch a farmer's market on the property and had the site and the future plans featured in local magazines and newspapers.
3. Will the approval of this item result in any job creation, and if so how many jobs will be created? The majority of the job growth would be from other businesses incubating new business ventures and product lines. That's obviously hard to calculate. I believe the EDF application included a rough jobs number. I don't believe any of the non-profit capital funding grants had a jobs number associated with them.

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**Item No. 11A13
File No. 180854**

Researcher: JFP Reviewer: TD

RESOLUTION RELATED TO SMALL BUSINESS ENTERPRISE PROGRAMS; APPROVING AMENDMENTS TO IMPLEMENTING ORDER NOS. 3-22, 3-24, AND 3-32; UPDATING TITLES, DEFINITIONS, AND OTHER RELEVANT SECTIONS INCLUDING THE STRUCTURE AND REQUIREMENTS FOR JOINT VENTURE PARTICIPATION AND MENTOR-PROTÉGÉ PROGRAM, AND REQUIRING USE OF MIAMI-DADE COUNTY'S WEB-BASED SYSTEM FOR COUNTY CONTRACTS

ISSUE/REQUESTED ACTION

Whether the Board should approve amendments to Implementing Orders governing Small Business Enterprise Programs and requiring use of Miami-Dade County's web-based system in County contracts related to Small Business Enterprise Programs.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 18-33, adopted on April 10, 2018, amends 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; renames and amends the duties of the Miami-Dade County Advisory Board related to the Small Business Enterprise Program.

<http://intra/gia/matter.asp?matter=180276&file=true&yearFolder=Y2018>

Implementing Order No. 3-22 governs the Community Small Business Enterprise (CSBE) Program for the purchase of construction services.

<https://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-22.pdf>

Implementing Order No. 3-24 relates to responsible wages and benefits for County construction contracts.

<https://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-24.pdf>

Implementing Order No. 3-32 relates to the Community Business Enterprise (CBE-A/E) Program for the purchase of professional architectural, landscape architectural, engineering, or surveying and mapping services.

<https://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-32.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Vice Chairwoman Audrey M. Edmonson, District 3

Department/Requester: None

This item was forwarded to the BCC with a favorable recommendation by the Government Operations Committee at its April 17, 2018 meeting.

FISCAL IMPACT

Implementation of this Resolution 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.

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ANALYSIS

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. Increasing usage of the 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 ordinance amending the Code of Miami-Dade County to require use of Miami-Dade County's web-based system in County contracts related to Small Business Enterprise Programs was passed by the Board at its April 10th commission meeting. The following are the proposed substantive amendments to the corresponding Implementing Orders, including language to incorporate the web-based system (new language is underlined):

I-O No. 3-22 Small Business Enterprise Construction Services Program ("CSBE")

- Adds *Certificate of Assurance* to definitions. Certificate of Assurance means 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.
- Deletes *Community Small Business Enterprise or CSBE* from definitions
- Deletes *Commitment Letter* from definitions
- Adds *Compliance Audit* to definitions. Compliance Audit is generated the month after payment is made from the County to the Successful Bidder/Proposer and requires the Successful Bidder/Proposer to report payments made to subcontractors, and for the subcontractors to confirm receipt of these payments, via the County's web-based system within the timeframe specified by SBD.
- Amends definition of *Compliance Monitor* to include a designee from the Minority Affairs Division of the Miami-Dade Aviation Department in addition to the Director of SBD or designee assigned to review and enforce compliance with Section 10-33.02 of the Code of Miami-Dade County as amended, and this Implementing Order.
- Deletes *DPM* from definitions.
- Amends definition of *Graduation* to mean the CSBE has exceeded either the personal net worth or the specific size limits stated for the program, based on the firm's three-year average annual gross revenues, and may no longer be eligible for participation in the Program.
- Adds *ISD* to definitions. ISD means the Internal Services Department.
- 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 SBD.
- Adds definition of *Mentor*. Mentor means a firm with an established business which has applied for and been approved by SBD, in accordance with applicable procedures, for participation as a mentor in the Mentor-Protégé Program. A Mentor may not provide mentoring services to more than one (1) Protege firm at any one time, but is allowed to serve as a Mentor for an unlimited number of times (pursuant to SBD approval).
- Adds definition of *Mentor-Protégé Program Coordinator*. Mentor-Protégé Program Coordinator means the Small Business Development staff designated as the individual(s) responsible for coordinating and administering the various activities of the Mentor-Protégé Program.
- Adds definition of *Mentor-Protégé Project Plan*. Mentor-Protégé Project Plan is a description of the type of training the Mentor will provide to the Protégé during the identified project. This document will be developed by the Mentor with

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the Protégé's input and submitted along with a signed Mentor-Protégé Development Agreement; all to be reviewed and approved by Small Business Development.

- Adds definition of *Mentor-Protégé Development Agreement*. Mentor-Protégé Development Agreement is a signed agreement between a Mentor (prime) and a certified CSBE firm (subcontractor/sub-consultants) Protégé.
- Deletes definition of *Monthly Utilization Report*.
- Adds to *Program Incentive* definition the following program incentive: For participation in a Joint Venture – up to 10% of bid price or up to 10% of the total evaluation points.
- Adds definition of *Protégé*. Protégé means a firm: (i) certified as a CSBE with SBD; (ii) actively conducting business for a minimum of two (2) years; (c) maintaining an actual place of business where it provides its products and services in Miami-Dade County; (d) in good legal standing with the State of Florida, Miami-Dade County, and all other local jurisdictions; and (e) without any SBE violations within the preceding two (2) year period from its application to the MPP. Such participation cannot exceed two (2) years, and a firm may only be a Protégé one time. A Protégé agrees to follow all MPP guidelines and devote the necessary time, staff and resources to fulfill its responsibility as a Protégé, including attending all meetings scheduled with the Mentor and/or SBD.
- Adds to the definition of *Review Committee* the following language. Review Committee (“RC”) means the means the committee established by the County Mayor or designee to review proposed projects for the application of contract measures where SBD and the contracting department have not established consensus and when public input requires deliberation regarding the measures/goals recommendations. The RC will make recommendations to the Mayor or designee as needed.
- Deletes definition of *Schedule of Intent Affidavit*
- Adds definition of *Small Business Enterprise for Construction Services or CSBE*. Small Business Enterprise for Construction Services or CSBE means a construction related enterprise including a design-build firm, and any firm providing trades and/or services for the completion of a construction project, as defined in Chapter 10 of the Code of Miami-Dade County, which has an actual place of business in Miami-Dade County and whose average annual gross revenues for the last three (3) years do not exceed: \$10,000,000 for SIC 15 - Building Construction, General Contractors and Operative Builders \$6,000,000 for SIC 16 - Heavy Construction, other than Building Construction: or \$5,000,000 for SIC 17 - Specialty Trade Contractors. A CSBE shall be categorized by the type of construction it performs in accordance with SIC code, or NAICS code, of the Census applicable to such type of construction. A CSBE will graduate out of the program upon notification by SBD that it has exceeded these size limits based on its three-year average annual gross revenues. A certified CSBE that graduates out of the program shall continue to submit financial information as to cumulative gross revenue and bonding capacity to SBD annually for 3 years thereafter in order to further the County's ability to assess the effectiveness of the program.

A CSBE must go through a certification process which will be used to determine which of the three Contracting Participation Levels the CSBE will be placed in based on the firm's average annual gross revenues for the last three (3) years. The Contracting Participation Levels are as follows:

1. Level I-3 year average annual gross revenues of \$0 - \$2,000,000;
2. Level II - 3 year average annual gross revenues above \$2,000,000 but not exceeding \$5,000,000 or
3. Level III - 3 year average annual gross revenues above \$5,000,000 but not exceeding \$10,000,000.

A firm's eligibility to participate in the CSBE program and the Contracting Participation Level at which it will participate shall be determined based on the three year average gross revenues of the applicant firm in combination with that of all of the firm's affiliates. No firm shall be certified as a CSBE where the individual net worth of any of its owners is more than one million five hundred thousand dollars (\$1,500,000). Representations as to gross revenues and net worth of owners shall be subject to audit.

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The County Mayor or designee shall be authorized to adjust the CSBE size limits every five (5) years at his/her discretion based on the Consumer Price Index for All Urban Consumers (CPI-U) calculated by the U.S. Department of Commerce or other appropriate tool of inflation measures as applied to Miami-Dade County for the preceding five (5) years. The first indexing adjustment shall occur for the 2013-2014 calendar year using figures provided for the calendar year ended December 31, 2012, and every five (5) years thereafter. The County Mayor or designee shall advise the Board of any such adjustment.

- 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 *Virtual Office* to definitions. Virtual Office means an agreement that provides a receptionist, mail and facsimile services, and similar services, that give the appearance of having a business presence at a location, but the business entity has no ongoing, fulltime physical presence in the building. Virtual Offices are invalid for certification purposes.
- Under Certification, removes the SBD responsibility of publishing at least every other week an updated list of CSBEs.
- Changes to the Certification Process are as follows: Interested parties shall complete an SBE certification application via the County's web-based system. An explanation of the certification requirements is also available on SBD's Web Page at www.miamidade.gov/smallbusiness.
- The following addition is made to Joint Ventures, Program Requirements and Incentives:
Joint Ventures must submit their joint venture agreements for approval by SBD, no later than thirty (30) calendar days prior to the date set for receipt of bids on an eligible project. SBD shall review the joint venture agreements for approval by considering the following factors:
 - Allocation of profits and losses to each venture partner;
 - allocation of the management and control; and
 - capital investment from each venture partner.

As a Joint Venture under the SBE programs, a written joint venture agreement must be completed by all parties, lawfully established with the State of Florida, and executed before a notary public, which clearly delineates the rights and responsibilities of each member or partner. The agreement must state that the Joint Venture will continue for the duration of the project, at minimum.

A proposal/bid submitted by a Joint Venture that does not include a written joint venture agreement approved by SBD in accordance with the requirements of this 10, shall be deemed a non-qualified Joint Venture, and ineligible to participate in the CSBE Program. An eligible Joint Venture may bid on County projects. Upon the approval of the contracting department and SBD, all projects valued over \$5,000,000 shall require each bidder to be a Joint Venture, as long as availability exists.

Joint Ventures will receive a Bid Preference or Selection Factor based on the percentage ownership of the CSBE, as follows:

- Less than ten percent (10%) CSBE ownership will result in a 0% bid preference or 0% selection factor.
- Between ten percent (10%) to twenty percent (20%) CSBE ownership will result in a 3% bid preference or 3% selection factor.
- Between twenty-one (21 %) to fifty percent (50%) CSBE ownership will result in a 5% bid preference or 5% selection factor.

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- Fifty-one percent (51%) and greater CSBE ownership will result in a 10% bid preference or 10% selection factor.

The Joint Venture will receive credit towards any CSBE measures based on the percentage ownership of the SBE that is part of the joint venture. A Joint Venture that includes fifty-one percent (51%) or above CSBE ownership may also bid on set-aside contracts.

- 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 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 this Implementing Order.
- 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
 - Termination of the CSBE's contract without prior approval from SBD; or
 - Reduction of the CSBE's scope of work without prior approval of SBD.
- Under Contract Administration – Subcontractor Goals or Trade Set-Asides, 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. A CSBE firm may fulfill a subcontractor goal in only one goal type per contract.
- Under subcontractor goals, removes Schedule of Intent Affidavit language and replaces with Certificate of Assurance and Utilization Plan language, specifying that failure to submit the Certificate of Assurance or a Utilization Plan upon request within the time frame specified by SBD shall render the bidder non-compliant.
- The following is added to the Construction Manager-at-Risk's responsibilities:
 - In order to assure at the time of bid submission, agreement upon the above information between the bidder and the first tier CSBE subcontractor so identified, bidders must submit (*previously* Schedule of Intent Affidavits signed by the first tier CSBE subcontractors) a Utilization Plan and the listed subcontractors must confirm participation via the County's web-based system within the time frame specified by SBD (*previously* signed by the identified first tier CSBE subcontractors to the Contracting Officer by no later than 4:00 p.m. on the second business day following the bid submission date. Upon notification by the Department of Small Business Development, bidders may correct defeats that exist on the Schedule of Intent Affidavit within forty eight (48) hours after notification by SBD. Submission of a defective form uncorrected within the required time frame shall render the bid voidable). Failure to submit a Utilization Plan confirmed by the listed CSBEs within the specified time frame shall render the bidder noncompliant, and their bid voidable.

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- The following is added to the violations as they relate to a contract which has a CSBE subcontractor goal:
 - 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
 - Deviation from the Utilization Plan (*previously* Schedule of Intent Affidavit) or listing of first tier subcontractors as required on a CM-at-Risk contract 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) or on a list of first tier subcontractors as required on a CM-at-Risk contract;
 - Failure to comply with CSBE 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 relation violations; or
 - Failure to maintain certification as a CSBE.
- Under Bidder Responsibilities on Trade Set-Asides, removes Schedule of Intent Affidavit language and replaces with Certificate of Assurance and Utilization Plan language, specifying that failure to submit the Certificate of Assurance or a Utilization Plan upon request within the time frame specified by SBD shall render the bidder non-compliant.
- The following is added to the violations as they relate to a contract which has a Trade Set-aside:
 - 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, or not obtaining or retaining CSBE certification while performing work designated for CSBE firms.
- In Post-Award Compliance and Monitoring (under Contract Administration), "Utilization Reporting" replaces "Monthly/Quarterly Reporting" with the following added specifications:
 - The Successful Bidder on a project that is a CSBE contract set-aside or on a project with CSBE Trade Set-asides, aggregate set-asides or subcontractor goals shall complete all required Compliance Audits.
 - The Successful Bidder must receive approval for substitution from SBD by submitting a request via the County's web-based system.
- Under Sanctions for Contractual Violations, Schedule of Intent Affidavit language is removed and replaced with Utilization Plan language, and the following is added to contractual violations
 - 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;
 - Deviations from the Utilization Plan (*previously* Schedule of Intent Affidavit) or listing of first tier subcontractors as required on a CM-at-Risk contract 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) or a listing of first tier subcontractors as required on a CM-at-Risk contract. Failure to enter into a written second, third or fourth tier subcontract with a CSBE utilized to meet a second, third or fourth tier subcontractor goal.
- Mentor-Protégé Program
 - Removes Definitions, Individual Goals, Measurable Objectives, and General Program Objectives subsections.
 - Adds the following language to General Objectives:
The primary objectives of Miami-Dade County's CSBE MPP are
 - To develop and strengthen Protégé firms through coaching and counseling from Mentors.
 - To expand business opportunities for Protégé firms.
 - To enable Protégés to become competent and viable well managed businesses subsequent to graduation.

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- To assist mentoring companies in carrying out their civic and corporate responsibilities by furnishing opportunities to provide development assistance to other emerging Miami-Dade County firms.
- To enhance Miami-Dade County's overall business and economic environments.
- Incentives- In addition to the benefits provided in the Program Mission section above, Mentors can be compensated for their participation in the MPP for one year (the "Commitment Period"), and will be eligible for an incentive on bidding on Miami-Dade County contracts for one year after completion of the Commitment Period. This incentive shall consist of either a (i) two percent (2%) bid preference or (ii) ten percent (10%) selection factor, for bid/proposal evaluation purposes only. The incentive may only be used for one contract award per Commitment Period, and must be utilized within one (1) year from the end of the Commitment Period. A Mentor claiming an incentive on bidding on Miami-Dade County contracts based on the MPP must continue to meet the eligibility requirements in this Implementing Order.
- Adds the following language to Measurable Objectives:
 - To create an environment that promotes a firm's ability to increase its capital, net earnings and profit margins; therefore, increasing its bonding capacity and credit rating.
 - Increase in Protégé firm's capacity to perform as depicted in equipment owned or leased, size of payroll, materials purchased, and overhead costs.
 - Identify tools to increase the volume and value of Protégé's current and future work.
 - Increase in Protégé's longevity and viability during and after concluding MPP participation.
 - Achievement of goals outlined in the Protégé's business plan
- In Mentor Eligibility Requirements, *removes* language stating that the Mentor firm must be local throughout the duration of the mentorship, but maintains language stating that Mentors must be solvent and licensed to do business in Miami-Dade County. Adds language stating that Mentors shall not have any SBE violations within the preceding two (2) years from its application to the MPP.
- Adds the following language to Protégé Eligibility Requirements:
 - The Protégé shall: (a) be a company certified as a CSBE with SBD; (b) have been actively conducting business for a minimum of two (2) years; (c) be ready for expansion; and (d) agree to participate fully in the MPP.
 - The Protégé must maintain an actual place of business where it provides its products and services, in Miami-Dade County throughout the duration of its MPP participation.
 - The Protégé firm must be and remain in good legal standing with the State of Florida, Miami-Dade County, and all other local jurisdictions. Protégés must be solvent and licensed businesses when applicable.
 - The Protégé agrees to follow all MPP guidelines and devote the necessary time, staff and resources to fulfill its responsibility as a Protégé, including attending all meetings scheduled with the Mentor and/or SBD. Additionally, Protégés shall not have any SBE violations within the preceding two (2) years from its application to the MPP.
- *Deletes* Mentor Application Process language and replaces with the following language:
 - The Mentor shall complete the application process to participate in the MPP. SBD may request additional documentation to ensure that eligibility requirements are met.
 - All documentation and information provided by the Mentor throughout the application process is subject to verification by SBD.
 - SBD will assign one Protégé to one Mentor. Both parties must sign a Mentor-Protégé Development Agreement to formalize their commitment to the MPP. Pairing Mentors with Protégés with a current or previous working relationship with each other will be strongly discouraged since an objective of the MPP is to establish new productive relationships in the architecture and engineering industry.
- *Deletes* Protégé Application Process language and replaces with the following language:

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- The Protégé shall apply with SBD on the appropriate application form to be considered for program participation as a Protégé. Accompanying the application should be a completed business plan and all required documentation, which may be pertinent to the Protégé's current financial standing, bonding level, capacity, staffing, workload, and other key business indicators. SBD may request additional documentation to determine MPP eligibility requirements are met.
- All documentation and information provided by the Protégé throughout the application process is subject to verification by SBD.
- SBD will assign one Protégé to one Mentor and both parties must sign a Mentor-Protégé Development Agreement to formalize their commitment to the MPP.
- The following changes are made to Mentor Responsibilities:
 - Meetings – The Mentor shall conduct monthly face-to-face coaching and counseling meetings with the Protégé and assigned SBD staff to review the Protégé's strategic business plan and to discuss problems, strategies, and objectives for timely and efficient completion of projects and effective management. These meetings shall be conducted in Miami-Dade County.
 - *Deletes the following subsections:* Reporting Problems to SBD, Incentives, Protégé Eligibility Requirements
- *Deletes* Protégé Responsibilities language and replaces with the following:
 - Goals and Objectives - The Protégé shall prepare and strive to achieve targeted goals and objectives, which shall serve as a guideline and benchmark for evaluating the Protégé's progress in the MPP.
 - Meetings - The Protégé shall take part in monthly face to face coaching and counseling meetings with the Mentor and assigned SBD staff to review its strategic business plan and to discuss problems, strategies, and objectives for timely and efficient completion of projects and effective management. These meetings shall be conducted in Miami-Dade County. The Protégé will also be expected to provide reports using SBD's approved format on its efforts in implementing the established phases of its business plan or any actions suggested by the Mentor at the previous counseling session(s). Both parties should establish target dates for any further improvements or enhancements.
 - Informal Contacts - The Protégé is encouraged to routinely communicate with the Mentor to discuss daily problems and situations encountered by the Protégé and to obtain periodic counseling and guidance as needed.
 - Use of Training Resources - In an effort to enhance its business and industry knowledge and effectiveness, the Protégé is encouraged to attend training conferences, coursework, or workshops that will assist them in reaching targeted goals and objectives.
 - Independence - The Protégé is not permitted to relinquish managerial or administrative control to the Mentor.

I.O. No. 3-24 - Responsible Wages and Benefits for County Construction Contracts

- *Deletes* 3 year debarment time period from *debar* definition, making the debarment period “for a specified period of time.”
- Adds *SBD* to definitions. SBD means the Division of Small Business Development or successor division or department
- The following is added to Responsibility of Contracting Officer: 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.
- The following is added to Responsibility of Successful Awardee: Submit to the County by the 10th of each month (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

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produce for inspection and copying its payroll records for any or all of its covered employees for the prior three-year period.

- The following underlined language is added to Procedures for Resolution of Complaints of Practices Prohibited: Coordinate, mediate and encourage resolution of the complaint between the contracting officer, the contractor and/or subcontractor, and the complainant; 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 \$250 nonrefundable filing fee with the County Mayor within 30 calendar days to reschedule an administrative hearing before a hearing officer to appeal the determination as provided below.
- The following underlined language is added to Procedures for Administrative Hearing:
 - Upon timely receipt of a request for an administrative hearing before a hearing officer to appeal a determination of non-compliance, the County Mayor or designee shall appoint a hearing officer pursuant to Section SCC-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 Section 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.
- The following underlined language is added to Penalties and Sanctions for County Contracts:
 - If the determination of the County Mayor or his or her designee is that the contractor or subcontractor failed to comply and that such failure was limited to isolated instances and was not pervasive, the County Mayor may, in the case of underpayment of the required overall per hour rate, order an amount equal to the amount of such underpayment be withheld from the contractor and remitted to the employee(s) and also fine the contractor or subcontractor for such noncompliance as follows: for the first underpayment, a penalty in an amount equal to 20% (previously 10%) of the amount thereof; for the second underpayment, a penalty in an amount equal to 40% (previously 20%) thereof; for the third and successive underpayments, a penalty in an amount equal to 60% (previously 30%) thereof. A fourth violation and finding of noncompliance, shall constitute a default of the subject contract and may be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. Monies received from payment of penalties imposed hereunder shall be deposited in a separate account and shall be utilized solely to defray SBD's costs of administering Section 2-11.16 of the Code of Miami-Dade County.
 - Any employee of a contractor or subcontractor who performed work on a contract subject to this section. may instead of adhering to the County administrative procedure set forth in this section but not in addition to such procedure, bring an action by filing suit against the contractor or subcontractor in any court of competent jurisdiction to enforce the provisions of Section 2-11.16 of the Code of Miami-Dade County, and may be awarded back pay, benefits, attorney fees, costs. The applicable statute of limitations of such a claim will be two (2) years as provided in Section 95.11 (4)(c). Florida Statutes, in an action for payment of wages. The court may also impose sanctions on the employer, including those persons or entities aiding or abetting the employer, to include wage restitution to the affected employee and damages payable to the covered employee in the sum of up to five hundred dollars (\$500.00) for each week each employer is found to have violated Section 2-11.16 of the Code of Miami-Dade County.

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I.O. No. 3-32 Small Business Enterprise Architecture and Engineering Program (CBE-A/E)

- 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.
- *Community Business Enterprise (CBE-A/E)* is amended to read: Community Business Enterprise (CBE-A/E)" means a firm providing architectural, landscape architectural, engineering, or surveying and mapping professional services, including a design-build firm, which has a valid business tax receipt issued by Miami-Dade County at least one (1) year prior to certification, an actual place of business in Miami-Dade County, not a Virtual Office, and whose three (3) year average annual gross revenues do not exceed \$500,000.00 for all Tier 1 CBE-A/Es, two million (\$2,000,000) dollars for all Tier 2 CBE-A/Es, four million five hundred thousand (\$4,500,000) dollars for Tier 3 CBE-A/Es in the case of architectural services, or six million (\$6,000,000) dollars for Tier 3 CBE-A/Es in the case of landscape architectural, engineering or surveying and mapping services. A CBE-A/E will graduate out of the Program once it has exceeded these Tier 3 size limits based on its three year average annual gross revenues. As part of the certification process, CBE-A/Es must go through a technical certification process, which will be used to determine which of the technical certification categories the CBE-A/E will be placed in. A firm's eligibility to participate in the CBE-A/E program shall be determined based on the cumulative adjusted gross revenues of the applicant firm in combination with that of all of the firm's affiliates as provided in Section II E. Representations as to gross revenues shall be subject to audit. The Contracting Participation Levels are as follows:
 - Tier 1 CBE-NEs in the case of architectural, landscape architectural, engineering, or surveying and mapping professional services - 3 year average annual gross revenues of \$0 to \$500,000.00 (previously to \$2,000,000.00).
 - Tier 2 CBE-NEs in the case of architectural, landscape architectural, engineering, or surveying and mapping services - 3 year average annual gross revenues of \$500,000.01 to \$2,000,000.00 (previously \$2,000,001.00 to \$4,500,000.00).
 - Tier 3 CBE-NEs in the case of architectural services - 3-year average annual gross revenues of \$2,000,000.01 to \$4,500,000.00
 - Tier 3 CBE-A/Es in the case of landscape architectural services, engineering, or surveying and mapping professional services 3 year average annual gross revenues of \$2,000,000.01 (previously \$2,000,000.01) to \$6,000,000.00
- Adds Compliance Audit to definitions. Compliance Audit is generated the month after payment is made from the County to the Successful Bidder/Proposer and requires the Successful Bidder/Proposer to report payments made to subcontractors, and for the subcontractors to confirm receipt of these payments, via the County's web-based system within the timeframe specified by SBD.
- Adds the following underlined language to *Graduation* in definitions: Graduation means the CBE-A/E has exceeded either the personal net worth or the specific size limits stated for the Program and thus may no longer be eligible for participation in the Program.
- 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 SBD.
- Adds *Mentor* to definitions. Mentor means a firm with an established business which has applied for and been approved by SBD, in accordance with applicable procedures, for participation as a mentor in the Mentor-Protégé Program. A

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Mentor may not provide mentoring services to more than one (1) Protégé firm at any one time, but is allowed to serve as a Mentor for an unlimited number of times (pursuant to SBD approval).

- 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 definition of *Mentor-Protégé Program Coordinator*. *Mentor-Protégé Program Coordinator* means the Small Business Development staff designated as the individual(s) responsible for coordinating and administering the various activities of the *Mentor-Protégé Program*.
- Adds definition of *Mentor-Protégé Project Plan*. *Mentor-Protégé Project Plan* is a description of the type of training the Mentor will provide to the Protégé during the identified project. This document will be developed by the Mentor with the Protégé's input and submitted along with a signed *Mentor-Protégé Development Agreement*; all to be reviewed and approved by Small Business Development.
- Adds definition of *Mentor-Protégé Development Agreement*. *Mentor-Protégé Development Agreement* is a signed agreement between a Mentor (prime) and a certified CBE-A/E firm (subcontractor/sub-consultants) Protégé.
- Adds definition of *Protégé*. *Protégé* means a firm: (i) certified as a CBE-A/E with SBD; (ii) actively conducting business for a minimum of two (2) years; (c) maintaining an actual place of business where it provides its products and services in Miami-Dade County; (d) in good legal standing with the State of Florida, Miami-Dade County, and all other local jurisdictions; and (e) without any SBE violations within the preceding two (2) year period from its application to the MPP. Such participation cannot exceed two (2) years, and a firm may only be a Protégé one time. A Protégé agrees to follow all MPP guidelines and devote the necessary time, staff and resources to fulfill its responsibility as a Protégé, including attending all meetings scheduled with the Mentor and/or SBD.
- Adds *Tier 3 Set-Aside* to definitions. *Tier 3 Set-Aside* means reservation for competition solely among Tier 1, Tier 2 and/or Tier 3 CBE-A/E prime consultants and Tier 1, Tier 2 and/or Tier 3 CBE-A/E subconsultants of a given prime County agreement for architectural, landscape architectural engineering, or surveying and mapping professional services when the estimated cost of professional service fees \$2,000,000.01 or greater. Tier 1 and Tier 2 CBE-A/Es may compete for Tier 3 CBE-A/E set-asides as prime consultants.
- 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 *Virtual Office* to definitions. *Virtual Office* means an agreement that provides a receptionist, mail and facsimile services, and similar services, that give the appearance of having a business presence at a location, but the business entity has no ongoing, fulltime physical presence in the building. Virtual Offices are invalid for certification purposes.
- The following addition is made to Joint Ventures, Program Requirements and Incentives:
Joint Ventures must submit their joint venture agreements for approval by SBD, no later than thirty (30) calendar days prior to the date set for receipt of bids on an eligible project. SBD shall review the joint venture agreements for approval by considering the following factors:
 - Allocation of profits and losses to each venture partner:
 - allocation of the management and control; and
 - capital investment from each venture partner.

As a Joint Venture under the SBE programs, a written joint venture agreement must be completed by all parties, lawfully established with the State of Florida, and executed before a notary public, which clearly delineates the rights and responsibilities of each member or partner. The agreement must state that the Joint Venture will continue for the duration of the project, at minimum.

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A proposal/bid submitted by a Joint Venture that does not include a written joint venture agreement approved by SBD in accordance with the requirements of this 10, shall be deemed a non-qualified Joint Venture, and ineligible to participate in the CBE-A/E Program. An eligible Joint Venture may bid on County projects. Upon the approval of the contracting department and SBD, all projects valued over \$5,000,000 shall require each bidder to be a Joint Venture, as long as availability exists.

Joint Ventures will receive a Bid Preference or Selection Factor based on the percentage ownership of the CBE-A/E, as follows:

- Less than ten percent (10%) CBE-A/E ownership will result in a 0% bid preference or 0% selection factor.
- Between ten percent (10%) to twenty percent (20%) CBE-A/E ownership will result in a 3% bid preference or 3% selection factor.
- Between twenty-one (21 %) to fifty percent (50%) CBE-A/E ownership will result in a 5% bid preference or 5% selection factor.
- Fifty-one percent (51%) and greater CBE-A/E ownership will result in a 10% bid preference or 10% selection factor.

The Joint Venture will receive credit towards any CBE-A/E measures based on the percentage ownership of the SBE that is part of the joint venture. A Joint Venture that includes fifty-one percent (51%) or above CBE-A/E ownership may also bid on set-aside contracts.

- Under Agreement Set-Asides, the following changes are made:
 - A recommendation of a set-aside is appropriate when:
 - The estimated professional services fee is \$1 - \$500,000.00 (*previously* \$1,000,000) for Tier 1 CBE-A/Es, between \$500,000.01 and \$2,000,000.00 for Tier 2 CBE-A/Es, and \$2,000,000.01 (*previously* \$1,000,001) or greater for Tier 3 CBE-AEs for architectural, landscape architectural, engineering, or surveying and mapping professional services;
 - The quality, quantity and type of opportunities provided by the agreement are appropriate for applying a Tier 1, Tier 2, and/or Tier 3 set-aside(s);
 - Three (3) or more Tier 1, Tier 2, and/or Tier 3 CBE-A/Es as appropriate are available to provide the quality, quantity and type of opportunities afforded by the proposed agreement.
- Under Respondent's Responsibilities for CBE-A/E Set-Asides, the following underlined language is added.
 - Proposal documents shall require proposers to submit a Certificate of Assurance at time of proposal submission. Upon request, proposers must submit a Utilization Plan via the County's web-based system within the time frame specified by SBD. Failure to submit the required Certificate of Assurance (*previously* Letter of Agreement, or equivalent) at the time of proposal submission or Utilization Plan upon request within the time frame specified by SBD shall render the proposal non-compliant.
- The following is added to violations of the IO as they relate to an agreement that is set-aside:
 - Submission of a Utilization Plan (*previously* Letter of Agreement) of CBE-A/E subconsultants that the respondent knew or should have known is incomplete or inaccurate, or failure to maintain certification as a CBE-A/E;
 - Deviation from the Utilization Plan without the prior approval of SBD;
 - The utilization of a non-certified CBE-A/E, or a prime successful proposer not meeting CBE-A/E Program set-aside requirements;
 - Failure to report payments to subconsultants or subcontractors via the County's web-based system, or failure of subcontractors or subconsultants to confirm payments upon notification by the prime contractor, within the specified time frame;
 - Failure to enter into a written subconsultant agreement with a CBE-A/E after listing the firm on a Utilization Plan;

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- Termination of the CBE-A/E's agreement without prior written approval from SBD;
- Reduction of the scope of work of a CBE-A/E subconsultant agreement without prior approval from SBD; or
- Failure to pay subconsultants promptly and in accordance with Section 2-10.4.01 of the Code of Miami-Dade County.
- The following is added to Subconsultant Goals:
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.
- In “Respondent Responsibilities for Subconsultant Goals”, “Letter of Agreement” is replaced with Certificate of Assurance and/or Utilization Plan along with the following changes:
 - In order to assure at the time of proposal submission, agreement upon the above information between the prime consultant and the CBE-A/E subconsultant so identified, proposal documents shall require the prime consultants 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 a 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 is *deleted* from this 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.
- In addition to replacing “Letter of Agreement” language with “Utilization Plan” language, the following is added to violations as it relates to an agreement which has a CBE-A/E subconsultant goal:
 - The utilization of a non-certified CBE-A/E, or failure to maintain certification as a CSBE
 - Failure to report payments to subconsultants or subcontractors via the County’s web-based system, or failure of subcontractors or subconsultants to confirm payments upon notification by the prime contractor, within the specified time frame.
 - Failure to comply with CBE-A/E certification requirements including not maintaining a place of business in Miami-Dade County, not reporting organizational and operational changes, providing inaccurate or false information, and other certification related violations; or
 - Failure to pay subconsultants promptly and in accordance with Section 2-10.4.01 of the Code of Miami-Dade County.
- In Sanctions, Section 2-10.4.01 of the Code of Miami-Dade County is added as authority, violation of which may result in the imposition of sanctions. The following underlined changes were made to this sections:
 - If the determination of the County Mayor or his or her designee is that the contractor or subcontractor failed to comply and that such failure was limited to isolated instances and was not pervasive, the County Mayor may, in the case of underpayment of the required overall per hour rate, order an amount equal to the amount of such underpayment be withheld from the contractor and remitted to the employee(s) and also fine the contractor or subcontractor for such noncompliance as follows: for the first underpayment, a penalty in an amount equal to

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20% (previously 10%) of the amount thereof; for the second underpayment, a penalty in an amount equal to 40% (previously 20%) thereof; for the third and successive underpayments, a penalty in an amount equal to 60% (previously 30%) thereof. A fourth violation and finding of noncompliance, shall constitute a default of the subject contract and may be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. Monies received from payment of penalties imposed hereunder shall be deposited in a separate account and shall be utilized solely to defray SBD's costs of administering Section 2-10.4.01 of the Code of Miami-Dade County.

- For any future contracts, a Make-up Plan must be submitted as part of the Utilization Plan for any proposal at the time of proposal submittal. The Utilization Plan must identify all CBE-A/Es to be utilized to meet the first tier subconsultant goal in satisfaction of the make-up, in addition to any other goals that may be applicable. Failure to include the required Make-up plan with proposals for any future contracts shall result in the submittal being deemed non-compliant.
- Any respondent 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 respondent that fails to comply with any of the materials 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 respondent 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 evaluated for debarment 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 (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.
- Below are changes to some of the agreement violations that may result in the imposition of sanctions:
 - Failure to report payments to subconsultants or subcontractors via the County's web-based system, or failure of subcontractors or subconsultants to confirm payments upon notification by the prime contractor, within the specified time frame;
 - Failure to pay subconsultants promptly and in accordance with the administrative procedures in Section 2-10.4.01 of the Code of Miami-Dade County.
- The following section regarding the Mentor-Protégé Program is added:
 - Program Mission
 - Miami-Dade County seeks to build effective working relationships between leaders of mature established companies and emerging small business enterprises for the latter to benefit from the knowledge and experience of the established Mentor firms. Mentors will assist with the development of the Protégé's business plan by identifying the most critical needs to achieve the plan, and implementing the actions to obtain the desired results.

The Mentor-Protégé Program ("MPP") is a community-based effort, involving leaders of major firms, financial and bonding institutions, contracting associations, small business enterprises, and support service organizations. The MPP was created to assist in overcoming barriers that typically inhibit or restrict the success of small businesses. The program is designed to produce a broad base of high quality, competitive and profitable companies through incremental improvement. As a result of the MPP, Protégés will experience a greater than industry average success rate and realize the growth and profitability objectives of their business plans, as well as long range stability. By implementing the MPP, Miami-Dade County will provide a community benefit by strengthening emerging businesses and

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providing them with the tools to benefit from opportunities in Miami-Dade County's economic development.

○ General Objectives

- The primary objectives of Miami-Dade County's CBE-AIE MPP are
 - a. To develop and strengthen Protégé firms through coaching and counseling from Mentors.
 - b. To expand business opportunities for Protégé firms.
 - c. To enable Protégés to become competent and viable well managed businesses subsequent to graduation.
 - d. To assist mentoring companies in carrying out their civic and corporate responsibilities by furnishing opportunities to provide development assistance to other emerging Miami-Dade County firms.
 - e. To enhance Miami-Dade County's overall business and economic environments.
 - f. Incentives- In addition to the benefits provided in the Program Mission section above, Mentors can be compensated for their participation in the MPP for one year (the "Commitment Period"), and will be eligible for an incentive on bidding on Miami-Dade County contracts for one year after completion of the Commitment Period. This incentive shall consist of either a (i) two percent (2%) bid preference or (ii) ten percent (10%) selection factor, for bid/proposal evaluation purposes only. The incentive may only be used for one contract award per Commitment Period, and must be utilized within one (1) year from the end of the Commitment Period. A Mentor claiming an incentive on bidding on Miami-Dade County contracts based on the MPP must continue to meet the eligibility requirements in this Implementing Order.

○ Measurable Objectives

- To create an environment that promotes a firm's ability to increase its capital, net earnings and profit margins; therefore, increasing its bonding capacity and credit rating.
- Increase in Protégé firm's capacity to perform as depicted in equipment owned or leased, size of payroll, materials purchased, and overhead costs.
- Identify tools to increase the volume and value of Protégé's current and future work.
- Increase in Protégé's longevity and viability during and after concluding MPP participation.
- Achievement of goals outlined in the Protégé's business plan

○ MPP Eligibility Requirements

- Mentor Eligibility Requirements
 - The Mentor shall be a company which is successful and productive in its area of work or services with a minimum of five (5) years of experience in its principal industry and which agrees to provide development assistance through the MPP.
 - The Mentor must be, and remain in good legal business standing with the State of Florida, Miami-Dade County and all other local jurisdictions. Mentors must be solvent and licensed to do business in Miami-Dade County.
 - The Mentor shall follow all MPP guidelines and devote the necessary time, staff and resources to fulfill its responsibilities as a Mentor, including attending all meetings scheduled with Protégé and/or SBD. Additionally, Mentors shall not have any SBE violations within the preceding two (2) years from its application to the MPP.
- Protégé Eligibility Requirements
 - The Protégé shall: (a) be a company certified as a CBE-A/E with SBD; (b) have been actively conducting business for a minimum of two (2) years; (c) be ready for expansion; and (d) agree to participate fully in the MPP.
 - The Protégé must maintain an actual place of business where it provides its products and services, in Miami-Dade County throughout the duration of its MPP participation.

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- The Protégé firm must be and remain in good legal standing with the State of Florida, Miami-Dade County, and all other local jurisdictions. Protégés must be solvent and licensed businesses when applicable.
- The Protégé agrees to follow all MPP guidelines and devote the necessary time, staff and resources to fulfill its responsibility as a Protégé, including attending all meetings scheduled with the Mentor and/or SBD. Additionally, Protégés shall not have any SBE violations within the preceding two (2) years from its application to the MPP.
- Mentor Application Process
 - The Mentor shall complete the application process to participate in the MPP. SBD may request additional documentation to ensure that eligibility requirements are met.
 - All documentation and information provided by the Mentor throughout the application process is subject to verification by SBD.
 - SBD will assign one Protégé to one Mentor. Both parties must sign a Mentor-Protégé Development Agreement to formalize their commitment to the MPP. Pairing Mentors with Protégés with a current or previous working relationship with each other will be strongly discouraged since an objective of the MPP is to establish new productive relationships in the architecture and engineering industry.
- Protégé Application Process language and replaces with the following language:
 - The Protégé shall apply with SBD on the appropriate application form to be considered for program participation as a Protégé. Accompanying the application should be a completed business plan and all required documentation, which may be pertinent to the Protégé's current financial standing, bonding level, capacity, staffing, workload, and other key business indicators. SBD may request additional documentation to determine MPP eligibility requirements are met.
 - All documentation and information provided by the Protégé throughout the application process is subject to verification by SBD.
 - SBD will assign one Protégé to one Mentor and both parties must sign a Mentor-Protégé Development Agreement to formalize their commitment to the MPP.
- Mentor Responsibilities:
 - Meetings – The Mentor shall conduct monthly face-to-face coaching and counseling meetings with the Protégé and assigned SBD staff to review the Protégé's strategic business plan and to discuss problems, strategies, and objectives for timely and efficient completion of projects and effective management. These meetings shall be conducted in Miami-Dade County. The Protégé will also be expected to provide reports using SBD's approved format on its efforts in implementing the established phases of its business plan or any actions suggested by the Mentor at the previous counseling session(s). Both parties should establish target dates for any further improvements or enhancements.
 - Informal Contacts - The Mentor is encouraged to routinely communicate with the Protégé to discuss daily problems and situations encountered by the Protégé and to provide periodic review.
 - Introduction to Resources - The Mentor shall facilitate networking opportunities in the banking, bonding, management, and business industries.
 - Independence - The Mentor must not assume managerial or administrative control of the Protégé during or following the mentorship period.
 - Working Relationships - Nothing in Mentor-Protégé Program regulations shall prohibit Mentors and Protégés from working together on joint ventures or in contractor-subcontractor arrangements on architecture, landscape architecture, engineering, surveying and mapping, or

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other projects provided that control of the Protégé firm remains with the Protégé itself. Protégés may be used to meet subcontractor goals on which the Mentor bids.

▪ Protégé Responsibilities

- Goals and Objectives - The Protégé shall prepare and strive to achieve targeted goals and objectives, which shall serve as a guideline and benchmark for evaluating the Protégé's progress in the MPP.
- Meetings - The Protégé shall take part in monthly face to face coaching and counseling meetings with the Mentor and assigned SBD staff to review its strategic business plan and to discuss problems, strategies, and objectives for timely and efficient completion of projects and effective management. These meetings shall be conducted in Miami-Dade County. The Protégé will also be expected to provide reports using SBD's approved format on its efforts in implementing the established phases of its business plan or any actions suggested by the Mentor at the previous counseling session(s). Both parties should establish target dates for any further improvements or enhancements.
- Informal Contacts - The Protégé is encouraged to routinely communicate with the Mentor to discuss daily problems and situations encountered by the Protégé and to obtain periodic counseling and guidance as needed.
- Use of Training Resources - In an effort to enhance its business and industry knowledge and effectiveness, the Protégé is encouraged to attend training conferences, coursework, or workshops that will assist them in reaching targeted goals and objectives.
- Independence - The Protégé is not permitted to relinquish managerial or administrative control to the Mentor.

▪ Program Coordination

- SBD is responsible for the overall coordination and administration of the CBE-A/E MPP. SBD's duties will include:
 - Advertising and promoting the MPP.
 - Organizing related business events.
 - Identifying and approving Mentors.
 - Identifying and certifying Protégés.
 - Assigning Mentors to Protégés as available.
 - Informing and reminding Mentors and Protégés of their roles and responsibilities.
 - Attending Mentor-Protégé meetings to promote effective cooperation and participation.
 - Reviewing meeting and progress status reports.
 - Maintaining program records.
 - Attracting the support of larger corporate sponsors.

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**Item No. 11A16
File No. 180767**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE WEST PERRINE COMMUNITY REDEVELOPMENT AGENCY AND MIAMI-DADE COUNTY IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR IMPROVEMENTS WITHIN THE COMMUNITY REDEVELOPMENT AREA ALONG S.W. 186 STREET ("QUAIL ROOST DRIVE"); AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS REQUIRED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the execution of a Memorandum of Understanding between the West Perrine Community Redevelopment Agency and the County for improvements within the Community Redevelopment Area along Quail Roost Drive in an amount not to exceed \$40,000.

APPLICABLE LEGISLATION/POLICY

Chapter 163, Part III, Florida Statutes governs community redevelopment programs.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0163/0163PARTIIIContentsIndex.html

Resolution No. R-744-07, adopted on June 5, 2007, approves the Community Redevelopment Plan for the West Perrine CRA.
<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2007/R-744-07.pdf>

Resolution No. R-745-07, adopted on June 5, 2007, appointed the Board of County Commissioners as the Community Redevelopment Agency for the West Perrine Community Redevelopment District.
<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2007/R-745-07.pdf>

Ordinance No. 07-79, adopted on June 5, 2007, established the West Perrine CRA Trust Fund.
<https://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2007/07-79.pdf>

Ordinance No. 16-92, adopted on June 7, 2016, amended the Trust Fund Ordinance to extend the sunset provision until September 20, 2046.
<https://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2016/16-92.pdf>

Resolution No. R-765-16, adopted on September 7, 2016, approved an amendment to the Plan and extended the life of the Agency and the Area until September 30, 2046.
<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-765-16.pdf>

Resolution No. CRA-1-18, adopted by the CRA on February 6, 2018, approved the proposed Resolution at the Agency level.
<http://www.miamidade.gov/cob/library/Registry/Resolutions/Community-Redevelopment-agencies/2018/cra-1-18-west-perrine.pdf>

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PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

Department/Requester: None

The proposed Resolution was forwarded to the BCC with a favorable recommendation by the Housing and Social Services Committee at its April 16, 2018 meeting.

FISCAL IMPACT

The Agency's main revenue source is tax increment financing (TIF), which earmarks a specific portion of property tax dollars collected by the County for the CRA. The amount of \$40,000 is budgeted in the CRA's FY 2017-18 budget.

ANALYSIS

This item is for the approval of the execution of a Memorandum of Understanding between the West Perrine Community Redevelopment Agency and the County for improvements within the CRA, located within District 9, at an amount not to exceed \$40,000. Resolution No. R-745-07 appointed the Miami-Dade Board of County Commissioners as the Community Redevelopment Agency for the West Perrine Community Redevelopment District. The MOU for the stated improvements was approved by the Board acting as the West Perrine CRA on February 6, 2018. Board approval of the MOU is now required so that the CRA may proceed with the improvements.

The project consists of median beautification along Quail Roost Drive, a major arterial road in south Miami-Dade County, at the east and west entrances of the Florida Turnpike. As stated in the CRA's Community Redevelopment Plan, Quail Roost Drive is the corridor in need of a landscaped median more than any other improvement. The total project cost is estimated at \$80,000, with \$57,300 budgeted for plant material, and \$22,700 budgeted for watering, maintenance, design and construction management/field supervision.

In October of 2017, the Miami-Dade Parks, Recreation and Open Spaces Department (PROS) applied for a beautification grant from the Florida Department of Transportation (FDOT) and was subsequently awarded the grant in the amount of \$40,000. With FDOT providing \$40,000, the proposed Resolution would authorize the remaining \$40,000 required to fully fund the project, which is located within the boundary of the Community Redevelopment Area.

Per the MOU, the County will administer the project from bid notification to contract completion, with contractors submitting bids for the improvement project. Landscape improvements are to be completed within 12 months of execution of the MOU.

The West Perrine Community Redevelopment Area boundary is generally defined as the area bounded on the: North by SW 169th Street, South and East by US 1 and West by Florida's Turnpike.

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<https://www.miamidade.gov/redevelopment/west-perrine.asp>

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**Item No. 11A18
File No. 180943**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING (1) A FIFTH AMENDMENT TO THE TRANSIT ORIENTED DEVELOPMENT LEASE AGREEMENT WITH CARIBBEAN VILLAGE, LTD, WHICH IS AN ENTITY AFFILIATED WITH PINNACLE HOUSING GROUP, FOR PROVISION OF AN AFFORDABLE HOUSING DEVELOPMENT AT SW 110 COURT AND SW 200 DRIVE, ON THE NORTH SIDE OF SW 200 STREET (CARIBBEAN BOULEVARD) IN COUNTY COMMISSION DISTRICT 9 RELATING TO MINIMUM RENT TO BE PAID BY THE DEVELOPER, THE REQUIRED NUMBER OF RESOLUTION UNITS, EXTREMELY LOW INCOME HOUSEHOLDS, AND OTHER CLARIFYING CHANGES, (2) AN ACCOMPANYING DECLARATION OF EASEMENTS AND LICENSES, AND (3) A GROUND LEASE JOINDER AS REQUIRED BY A LENDER FOR THE PROJECT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AMENDMENT, AGREEMENT, AND JOINDER AND ALL OTHER DOCUMENTS, CERTIFICATES, AND ASSURANCES NECESSARY TO COMPLETE PHASE I OF THE PROJECT

ISSUE/REQUESTED ACTION

Whether the Board should approve 1) a fifth amendment to the Transit Oriented Development Lease Agreement with Caribbean Village, Ltd. related to minimum rent to be paid by the developer, the required number of resolution units, extremely low income households, among other clarifying changes 2) an accompanying declaration of easements and licenses, and 3) a ground lease joinder as required by a lender for the project.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-343-13 authorizes a Transit Oriented Development Lease Agreement with Caribbean Village, Ltd. for the development of affordable housing on two County-owned properties.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2013/R-343-13.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

Department/Requester: None

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Transportation and Public Works Committee at its April 19, 2018 meeting.

FISCAL IMPACT

In addition to the lease of County-owned properties to the Developer, \$5,000,000 from the Building Better Communities General Obligation Bond has been allocated as a portion of the total development costs of the project.

The developer has requested an amendment to the Lease to reduce the minimum rent payment made to the County from \$429,762 to \$195,000 for phase one of the project. The reduction of rent for Phase I is to have no effect on the rent amount for Phase II. Phase I of the project is fully funded, pending financial loan closings, while funding has not yet been obtained for Phase II of the project. In the event the developer is unable to secure financing for or complete construction of Phase II, the Phase II site will be deleted from the property and no longer leased to the developer.

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ANALYSIS

The lease is a ground lease for the development of Caribbean Village, affordable housing and Park and Ride parking spaces for Miami-Dade Transit on County-owned properties located at SW 110 Court and SW 200 Drive, on the north side of SW 200 Street (Caribbean Boulevard) adjacent to the County Busway in Commission District 9.

The approved site plan for Phase I consists of a single seven-story residential building, with surface parking and a transit Park and Ride facility located onsite. This is the first phase of a two-phase development to redevelop land owned by Miami-Dade County Transit in furtherance of the goal of achieving proximity of affordable housing to the County's transit systems.

Below is the rendering and map image demonstrating location:



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The following are amendments proposed to the lease:

- reduction in the minimum rent payment to the County from a total of \$429,762 to \$195,000 for Phase I
- an increase in the minimum number of resolution units in phase I of the project from 70 to 75
- a reduction in the percentage of units to be leased to extremely low income households from 20 percent of the total units to five percent of the total units in each phase
- authorization for the project to be developed in substantial accordance with the site plan for the property approved through the County administrative site plan review process, stamped July 28, 2017 and approved by letter dated August 9, 2017
 - the site plan approved by the administrative departments for Phase I of the Project authorizes the construction of
 - 123-unit, seven story housing structure for elderly residents towards the center of the Property,
 - a 100-space, surface parking lot for Miami-Dade Transit patrons toward the eastern portion of the Property, and
 - the remaining surface parking for the elderly residents of Phase I
 - the site plan approved by the administrative departments for Phase II of the project authorizes the construction of a
 - four story parking garage with roof top parking containing 389 parking spaces that will be built on the portion of the Property on which the surface parking for MDT patrons was previously located, providing that during construction of the garage the MDT patrons will be relocated to another location at the expense of the developer of Phase II; and
 - a 126-unit, affordable housing structure (for families)

If the developer is unable to secure financing or complete construction of Phase II and this site is deleted from the property leased to the developer, the developer has requested to have certain easements on or access to the Phase II site to assure that the developer and the elderly residents housed in Phase I will have necessary access to the Phase II site so that parking will be available to them.

Also under consideration in the proposed resolution is the authorization of a ground lease joinder. The construction lender has requested that Miami-Dade County also execute a joinder which sets forth certain rights of the lender regarding the Phase I property, including the right to an additional 30-day notice of any developer default.

ADDITIONAL INFORMATION

Developer website:

<https://www.pinnaclehousing.com/communities/florida/miami-dade/caribbean-village/caribbean-village.html>

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**Item No. 11A19
File No. 180822**

Researcher: JFP Reviewer: TD

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DISCLOSE TO BOARD REASONS GOODS AND SERVICES ARE NOT BEING PROCURED THROUGH LOCAL BUSINESSES WHEN RECOMMENDATION IS TO AWARD CONTRACT TO NON-LOCAL VENDOR OR ESTABLISH A PREQUALIFICATION POOL OF VENDORS WHERE LESS THAN 75% OF THE POOL MEMBERS ARE LOCAL BUSINESSES

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution directing the County Mayor or County Mayor's Designee to disclose to the Board reasons goods and services are not being procured through local businesses when the recommendation is to award contracts to non-local vendors or establish a prequalification pool of vendors where less than 75 percent of the pool members are local businesses.

APPLICABLE LEGISLATION/POLICY

Section 2-8.5 of the County Code provides definitions, establishes a preference for local businesses and locally headquartered businesses, establishes exceptions, and allows for reciprocity agreements.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO

Implementing Order 3-38 governs the County's processes and procedures 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. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Requester/Department: None

This item was forwarded to the BCC with a favorable recommendation by the Government Operations Committee at its April 17, 2018 meeting. During the meeting, Commissioner Sosa stated that the purpose of this item is to promote economic development by providing local vendors the opportunity to be granted contract awards which in turn will promote job growth for the Miami-Dade County residents.

FISCAL IMPACT

The fiscal impact will be County-wide since this relates to the economic growth and opportunity of Miami-Dade County. Nonetheless the exact amount is undeterminable.

ANALYSIS

The proposed Resolution is in furtherance of the Local Preference policy set forth in Section 2-8.5 of the County Code and Implementing Order 3-38, with the ultimate purpose of promoting economic development throughout Miami-Dade County through the creation and retention of local businesses.

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The method by which this item seeks to achieve these goals is by requiring the disclosure of information related to reasons and factors why the County is not procuring the goods and services from a local business when the County Mayor recommends a contract award to a vendor that is not a local business. Such reasons and factors may include:

- That the non-local vendor(s) are being recommended via the terms of the County's competitive processes;
- That the non-local vendor provided better pricing and cost savings to the County;
- That no local businesses or a small number of local businesses submitted bids or proposals to the County's solicitation;
or
- that there exists a diminished local market for the goods and services that the County is attempting to procure.

Regarding prequalification pools, 75% of the recommended vendors in the prequalification pool should be local businesses. In the event that that threshold is not met, the proposed Resolution directs the County Mayor to include in the memorandum to the Board disclosure of information relating to reasons and factors as to why less than 75% of the prequalified vendors in the pool are local businesses. Such factors and reasons may include:

- that no local businesses or a small number of local businesses submitted qualifications to be included in the pool of vendors; or
- that there exists a diminished local market for the goods and services that the County is attempting to procure.

Any outreach efforts or other relevant steps taken by the County to ensure that local businesses have a full opportunity to openly and fairly compete for the goods and services being solicited must also be disclosed.

As stated in the Resolution, the disclosure of the reasons why the County cannot purchase goods and services from local businesses will assist the Board and the County Mayor to better assess the effectiveness of policies fostering local businesses and remove and potential barriers to local businesses openly and fairly competing for the award of County contracts for the purchase of goods and services.

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Item No. 11A21

File No. 180829

Researcher: SM Reviewer: TD

RESOLUTION APPROVING ALLOCATION OF \$1,000,000.00 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 305 - "PRIMARY HEALTH CARE FACILITIES" TO COMMUNITY HEALTH OF SOUTH FLORIDA, INC., A FEDERALLY QUALIFIED HEALTH CARE FACILITY OPERATOR, FOR EXPANSION OF ITS HEALTH CARE FACILITY LOCATED AT 3831 GRAND AVENUE, MIAMI, FL 33133 IN DISTRICT 7 AND DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENT FOR SUCH PURPOSE

ISSUE/REQUESTED ACTION

Whether the Board should approve the resolution approving the allocation of \$1,000,000 from the Building Better Communities General Obligation Bond (GOB) Program project No. 305-“Primary Health Care Facilities” to Community Health of South Florida Inc. (CHI), a Federally Qualified Health Care (FQHC) Facility, for expansion of its health care facility.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-916-04 adopted July 20, 2004 is a resolution providing for holding General Obligation Bond special elections in Miami-Dade County, Florida, on November 2, 2004 with respect to authorization of not exceeding \$171,281,000 general obligation bonds of said county to construct and improve emergency and healthcare facilities.

<http://www.miamidade.gov/govaction/matter.asp?matter=042288&file=false&fileAnalysis=false&yearFolder=Y2004>

Resolution No. R-895-15 adopted October 6, 2015 is a resolution amending resolution No. R-191-13 relating to grant from Building Better Communities General Obligation Bond Program Project No. 305- “Primary Health Care Facilities” to Jessie Trice Community Health Center, Inc. to change location of new clinic in District 1 to NW 27th Avenue and 207th Street, Miami Gardens, FL 33130.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2015/151885.pdf>

Resolution No. R-426-16 adopted May 17, 2016 amends resolution No. R-855-08 to rescind \$3,000,000.00 allocation to the Helen B. Bentley Family Health Center, Inc. from Building Better Communities General Obligation Bond Program Project No. 305 - "Primary Health Care Facilities"; approving allocation of \$1,000,000.00 of Project No. 305 funds to a health care facility to be located in Commission District 6; and directing County Mayor or Mayor's designee to identify and seek to contract with a federally qualified health care facility operator for development or expansion of such health care facility in District 6 and to report back to board within 90 days on status of this directive.

<http://www.miamidade.gov/govaction/matter.asp?matter=160323&file=true&fileAnalysis=false&yearFolder=Y2016>

Resolution No. R-459-17 adopted April 18, 2017 is a resolution rescinding resolution No. R-431-16; approving allocation of \$1,000,000.00 from Building Better Communities General Obligation Bond Program Project No. 305 - "Primary Health Care Facilities" to fund a health care facility to be located in Commission District 7; further approving allocation of \$1,000,000.00 from Project No. 305 funds to fund a health care facility to be located in Commission District 10; and directing County Mayor or Mayor's designee to identify and seek to contract with federally qualified health care facility operators for development or expansion of such health care facilities in Districts 7 and 10 and to report back to Board within 90 days on status of this directive.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2017/170837.pdf>

BCC Meeting: May 1, 2018
Research Notes

Resolution No. R-855-08 adopted July 17, 2008 is a resolution approving allocations from Building Better Communities General Obligation Bond Program Project No. 305 - "Primary Health Care Facilities" to Borinquen Health Care Center, Inc. in an amount equal to \$2.4 million; Camillus Health Concern, Inc. in an amount of \$ 6 million; Helen B. Bentley Family Health Center, Inc. in an amount equal to \$3 million; and Jessie Trice Community Health Center, Inc. in an amount of \$4 million.

<http://www.miamidade.gov/govaction/matter.asp?matter=083130&file=false&fileAnalysis=false&yearFolder=Y2008>

Resolution No. R-356-12 adopted May 1, 2012 is a resolution amending resolution No. R-855-08 relating to grant from Building Better Communities General Obligation Bond Program Project No. 305- "Primary Health Care Facilities"

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/120894.pdf>

Resolution No. R-383-10 adopted April 6, 2010 is a resolution amending R-855-08 to cancel \$500,000 allocation from BBC GOB Program Project No. 305 to a site in North Miami and approving reallocation of such funds to Borinquen Health Care Center, Inc.'s main clinic site.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2010/100483.pdf>

Resolution No. R-1398-05 adopted December 20, 2005 is a resolution authorizing the purchase of the property located at 710-720 Alton Road, Miami Beach utilizing funds from the Building Better Communities Bond Program's Healthcare fund and advance funding to 2005.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2005/053527.pdf>

Resolution No. R-630-10 adopted June 3, 2010 is a resolution amending resolution No. R-1237-01 to fund construction of a primary care and behavioral health center for children, Kendall Health Center and expansion of Doris Ison Community Health Center.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2010/101095.pdf>

Resolution No. R-708-13 adopted September 4, 2013 is a resolution amending resolution Nos. R-1237-07 and R-630-10 to approve location and updated project description of primary care and behavioral health center for children and a Kendall Health Center funded by previous \$5 million allocation of Building Better Communities General Obligation Bond Program Project No. 305 - "Primary Health Care Facilities" funds to Community Health of South Florida, Inc. to fund development of such facilities

<http://www.miamidade.gov/govaction/matter.asp?matter=131365&file=false&fileAnalysis=false&yearFolder=Y2013>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Xavier L. Suarez, District 7

Requester/Department: None

This item was forwarded to BCC with a favorable recommendation at the Infrastructure and Utilities Committee on April 17, 2018.

Commissioner Joe A. Martinez from District 11, mentioned that the only District 11 which is not receiving any FQHC funds and that when the time comes he hopes will receive support on this.

FISCAL IMPACT

This item will approve the allocation of \$1,000,000 of Project No. 305 funds to the Center for Community Health of South Florida Inc.

BCC Meeting: May 1, 2018
Research Notes

ANALYSIS

If this item receives Board approval, Center for Community Health of South Florida Inc. will receive additional funding of \$1,000,000 for expansion of their facilities.

Project No. 305, Primary Health Care Facilities, received an allocation of \$25,000,000 to be distributed throughout all 13 Districts for FQHC. It is a reimbursement designation from the Bureau of Primary Health Care and the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services. Community Health of South Florida Inc. received via Board approval an allocation of \$5,000,000 for the construction and expansion of three of its facilities. Community Health of South Florida Inc. is asking for additional funds of \$1,000,000 to expand their facilities. This will serve District 7 which is under Commissioner Xavier L. Suarez.

The mayoral memo states that the Board approved the following amounts for the various districts:

Amount Approved	Districts Represented
\$8,000,000	4 and 5
\$5,000,000	8 and 9
\$2,000,000	12 and 13
\$2,400,000	6 or 10
\$1,900,000	6 or 10
\$600,000	3
\$4,000,000	1,2, and 3
\$1,000,000	6
\$1,000,000	7
\$1,000,000	10
Total \$ 26,900,000	

Resolution No. R-916-04 states that the GOB is not to exceed the amount of \$171,281,000. Project No. 305 had an original amount allocation of \$25,000,000 to increase the number of health care facilities in the communities.

The mayoral memo does not state the impact on the community as it relates to economic development i.e. job creation, local vendors being hired, what the reason for the need of the expanded facility, and who it will serve as it relates to patients.

Resolution No. R-459-17 adopted April 18, 2017, approved an allocation \$1,000,000 of Project No. 305 funds to fund a health care facility in District 7. This was due to Helen B. Bentley Family Health Center, Inc. losing their status as FQHC bringing about their ending operations as a primary health care provider in Miami-Dade County and the \$3,000,000 allocated to the Helen B. Bentley Family Health Center, Inc. was rescinded. This left Commission Districts 6, 7, and 10 with a void in health care services. From those rescinded funds, \$1,000,000 was approved to be allocated from Project 305 funds for the development of a health care facility in Commission District 7.

BCC Meeting: May 1, 2018
Research Notes

ADDITIONAL INFORMATION

CHI is a nonprofit health care organization providing affordable quality primary and behavioral health care services to the residents of South Florida. CHI operates 11 primary care centers and 31 school-based programs. All centers offer primary and behavioral health care services. CHI physicians are board certified or board eligible. CHI is accredited by the Joint Commission and as a Level 3 Patient-Centered Medical Home by the National Committee for Quality Assurance (NCQA). CHI offers a “one-stop-shop” model for the delivery of health care services. <http://www.chisouthfl.org/about-us/>
CHI has an active status on sunbiz.org with a filing date of May 12, 1971. Their principal address is 10300 S.W 216 Street Miami, FL 33190.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=COMMUNITYHEALTHSOUTHFLORIDA%207209242&aggregateId=domnp-720924-d8c0824b-adb8-4c39-9b9b-df5554c139c3&searchTerm=Community%20health%20and%20south%20florida&listNameOrder=COMMUNITYHEALTHSOUTHFLORIDA%207209242>

**BCC Meeting: May 1, 2018
Research Notes**

**Item No. 11A28
File No. 181005**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING ALLOCATION, SUBJECT TO RECAPTURE, OF UP TO \$4,500,000.00 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 124 - "ECONOMIC DEVELOPMENT FUND" TO FUND PUBLIC INFRASTRUCTURE COSTS ASSOCIATED WITH THE CONSTRUCTION OF THE GROVE CENTRAL PROJECT TO BE LOCATED AT OR ADJACENT TO THE COCONUT GROVE METRORAIL STATION; WAIVING BOND PROGRAM ADMINISTRATIVE RULE REQUIRING PROJECT 124 FUNDS TO BE ALLOCATED IN MINIMUM AMOUNT OF \$10,000,000.00

ISSUE/REQUESTED ACTION

Whether the Board should approve the allocation, subject to recapture, of up to \$4,500,000.00 from Building Better Communities General Obligation Bond Program Project No. 124 – "Economic Development Fund" to fund public infrastructure costs associated with the construction of the Grove Central Project to be located at or adjacent to the Coconut Grove Metrorail Station; and waive the bond program administrative rule requiring Project 124 funds to be allocated in minimum amount of \$10,000,000.00.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-914-04, adopted by the Board on July 20, 2004, provided for holding of a General Obligation Bond Special Election in Miami-Dade County on November 2, 2004 with respect to the authorization of not exceeding \$352,182,000 General Obligation Bonds of the County to construct and improve bridges, public infrastructure, and neighborhood improvements.

<http://intra/gia/matter.asp?matter=042286&file=false&yearFolder=Y2004>

Resolution No. R-123-15, adopted by the Board on February 3, 2015, set forth Miami-Dade County's policy related to Building Better Communities General Obligation Bond Program Project No. 124 - "Economic Development Fund"; and directed the County Mayor or the County Mayor's designee to complete negotiations by July 21, 2015 with proposed grant recipients of Project 124 funding allocations approved by the Board on or before January 21, 2015; to prepare and submit a report detailing results of negotiations to the Board, and for any application submitted on or before January 15, 2015 and under review by the County Mayor or the County Mayor's designee, to complete negotiations with proposed grant recipients within six months following Board approval of a Project 124 funding application for such application.

<http://intra/gia/matter.asp?matter=150088&file=true&yearFolder=Y2015>

Resolution No. R-668-10, adopted by the Board on June 15, 2010, approved amendments to the Administrative Rules governing the Building Better Communities General Obligation Bond Program and authorized corresponding modifications to standard grand and interlocal agreements after consultation with the County Attorney's Office.

<http://intra/gia/matter.asp?matter=101672&file=false&yearFolder=Y2010>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Xavier L. Suarez 7

Department/Requester:

The proposed resolution has no procedural history.

BCC Meeting: May 1, 2018
Research Notes

FISCAL IMPACT

The Grove Central mixed-use project will be constructed on land leased from Miami-Dade Transit. According to Grass River Property LLC, annual rent in the third year will be \$450,000 and is expected to stabilize at that level for the foreseeable future thereafter.

The millage rates currently being levied for ad valorem tax purposes by the governmental entities are shown in the table below. The ad valorem tax revenues projected were calculated by applying these millage rates to the proposed projects' estimated taxable value, which was assumed to be \$110.5 million. Since the residential units will be rented, they will not be eligible for the Homestead Exemption.

Governmental Entity	Rate/\$1000 Taxable Value	Taxes
City of Miami		
General Fund	7.4365	\$821,733
Debt Service Fund	0.5935	\$ 65,581
Miami-Dade County		
General Fund	4.6669	\$555,692
Debt Service Fund	0.4000	\$ 44,200
Library	0.2840	\$ 31,382
Miami-Dade County Public Schools		
Operating	6.7740	\$748,527
Debt Service	0.2200	\$ 24,310
Children's Trust	0.4673	\$ 51,637

(Source: GRP Grove Metro Station LLC; Miami-Dade County Property Appraiser; Miami Economic Associates, Inc.)

Miami-Dade County will collect a 1-cent County option sales tax on all rents paid at the proposed project as well as on the overwhelming preponderance of the sales receipts of the project's retailers and restaurants. The amounts collected will be shared equally by the Miami-Dade Health Trust and Miami-Dade Transit. It is estimated that approximately \$105.47 million in revenues will be subject to sales tax including \$11.67 million in rents paid and \$93.8 million in retail and restaurant sales. Accordingly, it is anticipated that Miami-Dade County will collect \$1,054,700 annually in local option sales tax revenues.

ANALYSIS

Resolution No. R-914-04, adopted by the Board on July 20, 2004, provided for holding of a General Obligation Bond Special Election in Miami-Dade County on November 2, 2004 with respect to the authorization of not exceeding \$352,182,000 General Obligation Bonds of the County to construct and improve bridges, public infrastructure, and neighborhood improvements. Appendix A to this resolution listed projects that were eligible for funding from the Building Better Communities-General Obligation Bond (BBC-GOB) Program by project number, municipal location, commission district, project description, street address and project funding allocation.

One of the projects listed in Appendix A and approved by the voters for funding was Project No. 124 – "Economic Development Fund," which intended to "provide infrastructure improvements to spur economic development and attract new businesses to the community in order to create jobs." Resolution No. R-123-15, adopted by the Board on February 3, 2015, set forth Miami-Dade County's policy related to BBC-GOB Program Project No. 124 - "Economic Development Fund"; and directed the County Mayor or the County Mayor's designee to complete negotiations by July 21, 2015 with proposed grant recipients of Project 124 funding allocations approved by the Board on or before January 21, 2015; to prepare and submit a report detailing results of negotiations to the Board, and for any application submitted on or before January 15, 2015 and under review by the County Mayor or the County Mayor's designee, to complete negotiations with proposed grant recipients within six months following Board approval of a Project 124 funding application for such application.

BCC Meeting: May 1, 2018
Research Notes

The Board has allocated the entire Project 124 funds to other infrastructure projects, subject to the negotiation by the County Mayor or the County Mayor's designee of a Grant Agreement or Interlocal Agreement for each of those other infrastructure projects to be presented to the Board for approval. Should the County Mayor be unable to successfully negotiate a Grant Agreement or Interlocal Agreement and/or the Board does not approve the award of the Project 124 funds to one or more of the proposed grant recipients, such funds will be recaptured and be available for re-allocation to other eligible Project 124 projects.

Resolution No. R-668-10, adopted by the Board on June 15, 2010, approved amendments to the Administrative Rules governing the Building Better Communities General Obligation Bond Program and authorized corresponding modifications to standard grant and interlocal agreements after consultation with the County Attorney's Office. The Administrative Rules provide that each Project 124 allocation be a minimum of \$10,000,000.00.

On April 6, 2018, GRP Grove Metro Station LLC, prepared and submitted an application for Project 124 funding, to obtain funding of public infrastructure costs associated with the construction of the Grove Central project to be located on County-owned land at or adjacent to the Coconut Grove Metrorail station.

Grove Central is planned to be an urban, transit-oriented, mixed use development to be located on the Miami-Dade County-owned Coconut Grove Metrorail Station site. GRP Grove Metro Station LLC, a joint partnership of Grass River Property LLC and Terra Group, is the lease holder under a 90-year ground-lease with Miami-Dade County Transit. The project will be developed on approximately 135,000 square feet, and will be comprised of leasable retail space and 288 residential units. Both the retail and residential component of the development will connect to a parking garage in the center of the site. The project will include parking for commuters, customers, resident and employees of the project. The ground-lease requires the developer to renovate the Miami-Dade County Metrorail and Metrobus stations at the property.

During the development phase of the Grove Central mixed-use project, it is anticipated that 1,590 jobs will be created, including 959 construction jobs on-site. The remainder of the jobs will be either in businesses that support the construction industry, such as building supply and trucking companies, or in establishments in which all of these workers spend their earnings. After the completion of the project, it is expected that over 140 workers will be employed on-site annually on a full-time equivalent basis in the proposed retail and restaurant space. The project team for Grove Central will coordinate with both the construction contractor and permanent retail tenants to host job fairs that will attract a diverse group of applicants and aim to maximize the employment of persons with family incomes under 80 percent of the County's median household income.

The proposed ordinance recommends, if any Recaptured Funds become available for re-allocation, that the Board prioritize and approve an allocation of up to \$4,500,000.00 from Project 124 to fund the Grove Central Project in accordance with the Administrative Rules of the Bond Program, to allow the Grove Central Project to be next in line to receive any Recaptured Funds. The proposed ordinance recommends that the bond program administrative rule requiring Project 124 funds to be allocated in minimum amount of \$10,000,000.00 be waived.

ADDITIONAL INFORMATION

On November 2, 2004, the voters of Miami-Dade County approved the \$2.9 billion Building Better Communities Bond Program, which allows the County to issue long-term bonds to fund more than 300 neighborhood and regional capital projects to be completed over the next 15 years. For further information please see the link below.

<https://www.miamidade.gov/bondprogram/building-better-communities.asp>