



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

Board of County Commissioners Meeting

July 10, 2018
9:30 A.M.
Commission Chambers

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**BCC Meeting: July 10, 2018
Research Notes**

Item No. 5D

File No. 181454

Researcher: MF Reviewer: TD

ORDINANCE RELATING TO THE ELDER AFFAIRS ADVISORY BOARD; AMENDING SECTION 2-2349 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING THE MINIMUM AGE FOR A PERSON TO BE ELIGIBLE TO SERVE ON THE ELDER AFFAIRS ADVISORY BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 2-2349 of the Code of Miami-Dade County to revise the minimum age for a person to be eligible to serve on the Elder Affairs Advisory Board.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 2-2349 is not yet available online.

PROCEDURAL HISTORY

Prime Sponsor: Rebeca Sosa, District 6

The proposed ordinance was adopted on first reading at the June 18, 2018, Board meeting.

During the meeting, First Assistant County Attorney Geri-Bonzon-Keenan noted Commissioner Sosa wished to move that the Board's Rules of Procedure requiring committee review be suspended for the proposed ordinance so that the public hearing could be rescheduled and held with the second reading at the July 10, 2018, Board meeting.

FISCAL IMPACT

The proposed ordinance will not have a fiscal impact for the County.

ANALYSIS

Miami-Dade County has the largest number of older adult residents in Florida (over a half million are age 60+), and that number is expected to double in the next 25 years. The demographics of the local elder population (67 percent are Hispanic and 16 percent are Black) mean that they are more likely to experience chronic diseases, such as diabetes and cognitive disorders, such as Alzheimer's. Further, one in five (20 percent) of Miami's local seniors have monthly incomes below the federal poverty line. Older adults, particularly those over age 70, are less likely to drive and more likely to need alternative forms of transportation, such as public transit.

The Elder Affairs Advisory Board was created in May 2018, and was charged with serving as a liaison between the elderly population, the Board and the Mayor on matters that affect seniors in the County. The proposed ordinance seeks to amend Section 2-2349 of the Code of Miami-Dade County to revise the minimum age for a person to be eligible to serve on the Elder Affairs Advisory Board from 65 to 62 to allow more individuals to serve.

The table below contains the proposed changes to Section 2-2349 of the Code of Miami-Dade County. Words [[double bracketed]] shall be deleted. Words underscored constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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<u>Section 2-2349 Current Language</u>	<u>Section 2-2349 Proposed Changes</u>
<p>Section 1. 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>Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.</p> <p>Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.</p> <p>Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.</p>	<p>Section 1. 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]] >>62<< 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>Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.</p> <p>Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.</p> <p>Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.</p>

ADDITIONAL INFORMATION

An article in the Miami Herald, dated August 26, 2015 and entitled "Let's focus on our aging population," points out that Miami-Dade County has the largest number of older adult residents in Florida (over a half million are age 60+), and that number is expected to double in the next 25 years.

<https://www.miamiherald.com/opinion/op-ed/article32488794.html>

Collier County Florida established the Senior Advisory Committee in November 2017 to assist the Board of County Commissioners in compiling and identifying issues and relevant best practices concerning senior citizens in Collier County.

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<https://www.colliercountyfl.gov/your-government/advisory-boards-and-authorities/senior-advisory-group>

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following question to the Office of Commissioner Sosa, and received the following response:

Why does the proposed ordinance seek to revise the minimum age for a person to be eligible to serve on the Elder Affairs Advisory Board from 65 to 62? **This revision is being proposed to allow more individuals to serve on the Board.**

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**Item No. 5J & 5J Supplement
File No. 180499 & 181237**

Researcher: JFP Reviewer: TD

RESOLUTION TAKING ACTION ON A CLASS I PERMIT APPLICATION BY THE CITY OF MIAMI FOR THE INSTALLATION OF A KAYAK RAMP, INCLUDING NON-MAINTENANCE DREDGING AND FILLING OF TIDAL WATERS, EXCAVATION OF UPLANDS, SHORELINE STABILIZATION, AND INSTALLATION OF A NEW SEAWALL, ON THE MIAMI RIVER AND THE SEYBOLD CANAL AT THE SPRING GARDEN POINT PARK IN THE CITY OF MIAMI, MIAMI-DADE COUNTY, FLORIDA

ISSUE/REQUESTED ACTION

Whether the Board should approve a Class I permit by the City of Miami (City) for a kayak ramp and new seawall along the Miami River and the Seybold Canal at the Spring Garden Point Park.

APPLICABLE LEGISLATION/POLICY

Section 24-48.2 of the Code of Miami-Dade County, *Permit application forms; procedures*, relates to work relating to fixed or floating docks.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIVNABIENREPEPRREDRSYSTMA_DIV1WOCARI-WTIWASUBTTLAWEDECODRSY_S24-48.2PEAPFOPR

Section 24-48.3 of the Code of Miami-Dade County, *Factors for evaluation of permit applications; incomplete permit applications*, relates to the reasons for recommendation of the proposed project.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIVNABIENREPEPRREDRSYSTMA_DIV1WOCARI-WTIWASUBTTLAWEDECODRSY_S24-48.3FAEVPEAPINPEAP

Section 24-48.3(2) of the Code of Miami-Dade County, *Factors for evaluation of permit applications; incomplete permit applications*, relates to the criteria for the minimum dredging and filling for the creation and maintenance of docks.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIVNABIENREPEPRREDRSYSTMA_DIV1WOCARI-WTIWASUBTTLAWEDECODRSY_S24-48.3FAEVPEAPINPEAP

Section 24-48.4 of the Code of Miami-Dade County, *Mitigation plans for projects otherwise acceptable but having adverse environmental impact*, relates to the avoidance and minimization of adverse environmental impacts caused by projects.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIVNABIENREPEPRREDRSYSTMA_DIV1WOCARI-WTIWASUBTTLAWEDECODRSY_S24-48.4MIPLPROTACBUHAADENIM

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Ordinance No. R-16-73, adopted by the Board on July 6, 2016, amended Section 2-1 of the County Code relating to direct placement of quasi-judicial matters on the Board's agenda.

<http://intra/gia/legistarfiles/MinMatters/Y2016/160876min.pdf>

City of Miami Resolution No. R-18-0281, adopted with modifications at the June 28, 2018 City Commission Planning and Zoning meeting, denied an appeal of an approval with conditions of a Special Certificate of Appropriateness for alterations and repairs to the existing seawall and the construction of a new kayak launch ramp in Spring Garden Point Park.

http://miamifl.ig2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=1891&MediaPosition=21129.536&ID=4203&CssClass

PROCEDURAL HISTORY

Prime Sponsor: None

Requester: Regulatory and Economic Resources

5/15/18: Deferred by BCC

Commissioner Sosa moved to defer the District 5 item until the district has representation since several members of the public have spoken against the item in past meetings. A public hearing commenced wherein residents expressed concern about the historic seawall construction in the park that they would like preserved. The historic feature is a 100-year-old seawall pyramid. The residents filed an appeal that was to be heard by the City Commission on June 28, 2018.

A representative from the City of Miami Manager's Office offered the following historic information about the site. In the 1990s this site was originally slated to become 64 condominiums. The Trust for Public Land was able to buy the site. On May 5, 1999, the State of Florida, the Trust for Public Land, and the County transferred the site to the City of Miami to become a City park. The County Resolution mentioned kayak boat launch. The representative from the City of Miami Manager's Office stated that the seawall is very old, deteriorated, and is unsalvageable.

Commissioner Diaz posed the concern about the traffic on the Miami River, and whether the kayaks will present a navigational issue when launched into the river.

4/10/18: Deferred by BCC

3/20/18: Deferred by BCC

Commissioner Barreiro had the following concerns regarding the commercialization and the size of the proposed Kayak ramp. The Commissioner asked the City if the issue of the additional parcel is going to be added to the design if it is part of the grant process from the current dollars. Could water access be met with a smaller launching site? The Commissioner added that the neighborhood does not want it to become a commercialized area. There is no parking in the area; the park has no parking area. It should be a neighborhood park.

The City advised that instead of going through the process from beginning to end, it would save \$250,000 if it later amended the application for the permit to include the 100+ feet; it is being applied in 2018 as an amendment replacing the failing seawall at that site. The City is fine with it being a neighborhood park for the use of local residents and not to have any commercial activity. The City added that it is possible to reduce the width from 8-feet to 6-feet. There is nothing in the permit that would restrict a vendor to provide rental services.

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FISCAL IMPACT

The resolution is a regulatory approval and will not have a negative fiscal impact to the County.

ANALYSIS

The proposed resolution seeks approval of a City of Miami Class I permit application request authorizing the installation of a kayak ramp through non-maintenance dredging and filling of tidal waters and excavation of a portion of the upland property.

The property is located at 601 NW 7th Street Road at Spring Garden Point Park, along the Miami River in District 5, represented by Commissioner Higgins. The construction of the kayak ramp will involve non-maintenance dredging of 257 square feet of tidal waters and excavation of 351 square feet of uplands. The existing riprap will be reworked to improve shoreline stabilization along the Miami River and 297 linear feet of new sheet-pile seawall will be installed along the shoreline adjacent to the Seybold Canal.

The following mitigation of adverse environmental impacts will be implemented, in accordance with Section 24-48.4 of the County Code:

- Turbidity controls will be utilized during all phases of construction to ensure compliance with State of Florida and County water quality standards with mitigation for minor temporary impacts to water quality being satisfied through a contribution to the Biscayne Bay Environmental Enhancement Trust Fund; and
- the Class I permit will require that all standard construction permit conditions regarding manatees be followed during all in-water operations, given that the proposed project is located within an area designated as essential manatee habitat for the West Indian Manatee by the Miami-Dade County Manatee Protection Plan (MPP).

The proposed kayak ramp will be an 8 foot wide by 60 foot long ramp. The kayak launch project intends to provide access to kayak and non-motorized recreational vessels only. Resident concerns about the project pertain to a historic seawall that exists in the project area and the potential of drawing commercial activity to the area.

On June 28, 2018, at its Planning and Zoning meeting, the City of Miami Commission voted to deny an appeal by residents to preserve the historic seawall pyramid, in effect voting to proceed with the project.

The City is not opposed to the project remaining as a neighborhood park for the use of local residents and to barring commercial activity. The City ultimately addressed objections from the Spring Garden Park Neighborhood Association regarding commercial use of the kayak launch and new seawall by including conditions in the Class I permit that prohibit use of the kayak launch by commercial operators, and that prohibit mooring of any commercial vessels, including water taxis, along any portion of the new seawall or within the kayak launch.

ADDITIONAL INFORMATION

A similar project was constructed at Manatee Bend Park, located in District 3, in 2015. The scope of work also includes the installation of an 8-foot by 30 foot (240 sq. ft.) kayak launch.

http://www.miamigov.com/CapitalImprovements/docs/ProjectPages/Manatee_Bend/Manatee_Notice_to_Contractors.pdf

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Research Notes**

Item No. 7A

File No. 181139

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO PLANNING; AMENDING SECTION 2-110 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING THE MANNER IN WHICH THE CHAIRPERSON AND VICE CHAIRPERSON OF THE PLANNING ADVISORY BOARD ARE SELECTED AND THE TERMS FOR EACH; PROVIDING TERM LIMITATIONS FOR THE POSITION OF CHAIRPERSON AND VICE CHAIRPERSON OF THE PLANNING ADVISORY BOARD; MAKING TECHNICAL REVISIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 2-110 of the County Code to revise the manner in which the Chairperson and Vice Chairperson of the Planning Advisory Board are selected and the terms for each; to provide term limitations for both positions; and to make technical revisions.

APPLICABLE LEGISLATION/POLICY

Section 2-110 of the Miami-Dade County Code delineates the Rules of procedure of the County Commission.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1RUPRCOCO

The Planning Advisory Board is the County's Local Planning Agency which serves as the main advisory board to the BCC on matters related to planning, annexations, and incorporations. The membership consists of 17 voting members and two non-voting members who represent the Miami-Dade County Public Schools and the Homestead Air Reserve Base. The voting members are appointed by each BCC member with the remaining four being appointed by the BCC holistically.

<http://www.miamidade.gov/planning/planning-advisory-board.asp>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

The proposed ordinance was adopted on first reading at the Board meeting on May 15, 2018.

The proposed ordinance was forwarded to the BCC with a favorable recommendation on June 12, 2018 following a public hearing, in which no members of the public spoke.

FISCAL IMPACT

The implementation of this ordinance has no fiscal impact to Miami-Dade County.

ANALYSIS

The proposed ordinance amends Section 2-110 of the Code of Miami-Dade County to revise the manner in which the Chairperson and Vice Chairperson of the Planning Advisory Board are selected and the terms for each.

The Planning Advisory Board is the County's Local Planning Agency which serves as the main advisory board to the BCC on matters related to planning, annexations, and incorporations. The membership consists of 17 voting members and two non-voting members who represent Miami-Dade County Public Schools and Homestead Air Reserve Base. The voting members are appointed by each BCC member with the remaining four being appointed by the BCC holistically.

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This item intends to allow the remaining voting members to each serve as Vice Chairperson on a rotating basis for a term of six months each. Section 2-110 of the County Code states that the Planning Advisory Board shall elect a Chairperson from among its members for a one year term each year.

The proposed Ordinance amends Section 2-110 allowing the Chairperson and Vice Chairperson to serve elected terms of six months each, with no board member serving consecutive terms. Additionally, no board members who served as either Chairperson or Vice Chairperson shall serve as Chairperson and Vice Chairperson sooner than six months. This is to ensure all members of the Planning Advisory Board gain experience and the opportunity to serve in leadership positions.

The table below shows the original Section 2-110 of the Code of Miami-Dade County and the proposed changes to this section of the Code stricken through and >>double arrowed<<.

Section 2-110 of the County Code	Proposed changes to Section 2-110 of the County Code
<p>The Planning Advisory Board shall elect a Chairperson from among its voting members to serve for a one year term commencing March 1st of each year. Elections for Chairperson shall be held in February of each year, and the term of the member elected shall begin at the next meeting of the Planning Advisory Board. The remaining voting members of the Planning Advisory Board shall each serve as Vice Chairperson on a rotating basis for a term of six months each, beginning with the appointee from Commission District 1 and proceeding in numerical order through the appointees from the remaining Commission Districts, followed by the four at-large appointees in order of seniority, until all sitting members have had an opportunity to serve as Vice Chairperson. The Director shall be the executive director and secretary of the Planning Advisory Board. Such staff as may be necessary to assist and advise the Planning Advisory Board in the fulfillment of its duties shall be furnished by the Department. All meetings of the Planning Advisory Board shall be held in a public place and shall be open to the public. Six members of the Planning Advisory Board shall constitute a quorum, and, except as otherwise provided, decisions may be made by majority vote of the members present at a meeting at which a quorum is present. The Planning Advisory Board may prescribe other rules for the conduct of its affairs. The Chairperson, or in his or her absence, the Vice Chairperson, may administer oaths and compel the attendance of witnesses in the manner prescribed for the attendance of witnesses in the County Court. The</p>	<p>The Planning Advisory Board shall elect a Chairperson from among its voting members to serve for a one year term commencing March 1st of each year. Elections for Chairperson shall be held in February of each year, and the term of the member elected shall begin at the next meeting of the Planning Advisory Board. The remaining voting members of the Planning Advisory Board shall each serve as Vice Chairperson on a rotating basis for a term of six months each, beginning with the appointee from Commission District 1 and proceeding in numerical order through the appointees from the remaining Commission Districts, followed by the four at large appointees in order of seniority, until all sitting members have had an opportunity to serve as Vice Chairperson. >>(A) The Planning Advisory Board shall elect a Chairperson and a Vice Chairperson from among its voting members for terms of six months each commencing January 1st of each year. No board member shall serve consecutive terms as Chairperson, and no board member shall serve consecutive terms as Vice Chairperson. In addition, no board member shall serve as Chairperson and Vice Chairperson sooner than six months after serving as either Chairperson or Vice Chairperson.<<</p> <p>>>(B)<< The Director shall be the executive director and secretary of the Planning Advisory Board. Such staff as may be necessary to assist and advise the Planning Advisory Board in the fulfillment of its duties shall be furnished by the Department.</p>

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Planning Advisory Board shall keep minutes of its proceedings and records of its other official actions, showing the vote of each member on each question. If a member is absent or fails to vote, the record shall indicate such fact. All records shall be filed immediately in the office of the Department and shall be open to the inspection of the public.

>>(C)<< All meetings of the Planning Advisory Board shall be held in a public place and shall be open to the public.

>>(D)<< Six members of the Planning Advisory Board shall constitute a quorum, and, except as otherwise provided, decisions may be made by majority vote of the members present at a meeting at which a quorum is present.

>>(E)<< The Planning Advisory Board may prescribe other rules for the conduct of its affairs.

>>(F)<< The Chairperson, or in his or her absence, the Vice Chairperson, may administer oaths and compel the attendance of witnesses in the manner prescribed for the attendance of witnesses in the County Court.

>>(G)<< The Planning Advisory Board shall keep minutes of its proceedings and records of its other official actions, showing the vote of each member on each question. If a member is absent or fails to vote, the record shall indicate such fact.

>>(H)<< All records shall be filed immediately in the office of the Department and shall be open to the inspection of the public.

The Director shall be the executive director and secretary of the Planning Advisory Board. Such staff as may be necessary to assist and advise the Planning Advisory Board in the fulfillment of its duties shall be furnished by the Department. All meetings of the Planning Advisory Board shall be held in a public place and shall be open to the public. Six members of the Planning Advisory Board shall constitute a quorum, and, except as otherwise provided, decisions may be made by majority vote of the members present at a meeting at which a quorum is present. The Planning Advisory Board may prescribe other rules for the conduct of its affairs. The Chairperson, or in his or her absence, the Vice Chairperson, may administer oaths and compel the attendance of witnesses in the manner prescribed for the attendance of witnesses in the County Court. The Planning Advisory Board shall keep minutes of its proceedings and records of its other official actions, showing the vote of each member on each question. If a member is

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	absent or fails to vote, the record shall indicate such fact. All records shall be filed immediately in the office of the Department and shall be open to the inspection of the public.
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**Item No. 8C1
File No. 181367**

Researcher: LE Reviewer: TD

RESOLUTION APPROVING THE FUNDING OF TWENTY-EIGHT GRANTS FOR A TOTAL OF \$235,000.00 FROM THE FISCAL YEAR 2017-2018 THIRD QUARTER OF THE TOURIST DEVELOPMENT COUNCIL GRANTS PROGRAM ROOM TAX PLAN AND SURTAX CATEGORY TO PROMOTE MIAMI-DADE COUNTY TOURISM; WAIVING RESOLUTION NO. R-130-06, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENTS WITH VARIOUS ENTITIES AND TO EXERCISE ALL PROVISIONS, INCLUDING CANCELLATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the funding of 28 grants for a total of \$235,000.00 from the Fiscal Year 2017-18 Third Quarter Tourist Development Council Grants Program – Room Tax Plan and Surtax Category to promote tourism in Miami-Dade County; waive Resolution No. R-130-06; and authorize the County Mayor or County Mayor's Designee to execute grant agreements and all provisions.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-130-06 amends Resolution No. R-1198-05 to clarify that proposed agenda items seeking approval of a contract or conveyance and authority to execute, require contracts with non-governmental entities to be completely negotiated in final form and signed by all non-county parties in order to be placed on any committee or commission agenda. The County Manager may make only those changes necessary to correct, non-substantive, scrivener's errors, and provide exceptions.

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

Ordinance 16-104 approves, adopts, and ratifies proprietary budgets, special assessment district budgets, and other Miami-Dade County budgets for FY 2016-17; incorporates FY 2016-17 proposed budget; appropriates all budgeted revenues and expenditures; and allocated \$1.25 million to TDC for FY 2017-18.

<http://intra/gia/matter.asp?matter=162075&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Department of Cultural Affairs

The proposed ordinance was considered at the Economic Development and Tourism Committee on June 14, 2018 and forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

The fiscal impact of this proposed ordinance is countywide. The implementation of this proposed ordinance will draw funds from the two (2) percent Tourist Development Room Tax Revenue and the two (2) percent Hotel/Motel Food and Beverage Surtax revenues. The Greater Miami Convention and Visitors Bureau provides \$25,000 to the TDC through a multi-year agreement. TDC grants are drawn from Fund 150, Subfund 151. A remaining balance of \$213,072.00 from FY 2016-17 was carried over and appropriated into the FY 2017-18 program. TDC has been allocated \$1.25 million for FY 2017-18 with current Third Quarter recommendations totaling \$235,000.00 continuing the recommended grant allocations for this fiscal year. Grant funds are released on a reimbursement basis to the respective organizations to ensure appropriate usage of County funds subject to grant agreements.

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The table below shows the recommendation award amounts to each organization/project.

Organization/Project	FY 2017-2018 TDC Recommendation Award Amount
Bascomb Memorial Broadcasting Foundation, Inc.	\$8,750
Centro Cultural Boliviano Masis Corp	\$3,500
City Theatre, Inc.	\$6,000
Collaborative Development Corporation	\$10,000
Community Arts and Culture, Inc.	\$5,000
Community Television Foundation of South Florida, Inc.	\$10,250
Creation Art Center Corporation	\$5,000
Cuban Classical Ballet of Miami, Inc.	\$5,000
Edge Zones, Inc.	\$6,000
Fundarte, Inc.	\$8,000
Gotma, Inc.	\$8,000
Institute of Contemporary Art Miami, Inc.	\$8,000
Jorge M. Perez Art Museum of Miami-Dade County, Inc.	\$12,000
Marti Productions, Inc.	\$5,000
Miami Beach Gay Pride, Inc.	\$17,500
Miami Chamber Music Society, Inc.	\$7,000
Miami Gay & Lesbian Film Festival, Inc.	\$17,500
Miami International Jazz Fest, Inc.	\$9,000
Miami River Fund, Inc.	\$10,000
Michael-Ann Russell Jewish Community Center, Inc.	\$5,000
NWD Projects, Inc.	\$5,000
Siudy Flamenco Dance Theatre, Inc.	\$5,000
Teatro Avante, Inc.	\$10,500
The Dance Now! Ensemble, Inc.	\$5,000
The Deering Estate Foundation, Inc.	\$10,000
The Greater Miami Festivals and Events Association, Inc.	\$5,000
Tough Mudder, Inc.	\$15,000
University of Wynwood, Inc.	\$15,000
	Total: \$235,000

ANALYSIS

TDC provides funding to a diverse range of organizations and projects aimed to promote tourism in Miami. The projects listed above showcase a representative assortment of activities in varying locations across Miami-Dade County.

It was recommended that the BCC waive Resolution R-130-06 in order to expedite grant allocations based on the time sensitivity for upcoming events. The TDC reviewed each grant applicant based on the following criteria: 1) tourism impact/marketing plan; 2) quality and track record of the organization and its event; 3) event coordination and management; 4) fiscal feasibility and accountability; and 5) efforts to comply and incorporate the America with Disabilities Act (ADA) in their projects.

Grant funds are released on a reimbursement basis to ensure that County funds are being used appropriately and strictly for the activities proposed in the memorandum and grant agreements. The grant recommendations are being

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submitted to the Board for expedited approval because of their thorough evaluation with TDC and would save one to two months of time in providing funding support.

ADDITIONAL INFORMATION

The Tourist Development Council (TDC) Grants Program reviews grant requests on quarterly basis to organizations/events that promote Miami-Dade County's appeal as a tourist destination by sponsoring tourist-orientated events including sports, cultural, visual and performing arts, and television origination projects. The TDC advisory board comprises of nine (9) volunteer members, meets to review and make funding recommendations to the Miami-Dade County Mayor and Board of County Commissioners.

<http://www.miamidadearts.org/tourist-development-council-tdc-grants-program>

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Item No. 8C2

File No. 181290

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING THE FUNDING OF A \$25,000.00 GRANT FROM THE DEPARTMENT OF CULTURAL AFFAIRS AS FISCAL AGENT FOR THE SOUTH FLORIDA CULTURAL CONSORTIUM TO FLORIDA ATLANTIC UNIVERSITY FOUNDATION, INC., FOR THE REGIONAL EXHIBITION OF THE SOUTH FLORIDA CULTURAL CONSORTIUM'S FY 2017-2018 VISUAL & MEDIA ARTISTS GRANT PROGRAM, WAIVING RESOLUTION R-130-06, AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE GRANT AGREEMENT AND TO EXERCISE ALL PROVISIONS, INCLUDING THE CANCELLATION PROVISIONS, CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a grant from the South Florida Cultural Consortium's FY 2017-18 general operating funds in the amount of \$25,000 to Florida Atlantic University Foundation, Inc. for a regional art exhibition of the recipients of the Consortium's FY2017-18 Visual & Media Artists Grant, and allow waiver of R-130-06 so that the proposed Resolution may be placed on the commission agenda even though the grant agreement has yet to be executed by the other parties and the grant process may be expedited.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-130-06, adopted January 24, 2006, clarifies 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. The proposed resolution seeks waiver of this provision.

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

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Javier D. Souto, District 10

Department/Requester: 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 June 13, 2018 meeting.

FISCAL IMPACT

The grant's funding source is the South Florida Cultural Consortium's adopted FY 2017-18 budget. The South Florida Cultural Consortium is an alliance of the local arts agencies of Martin, Palm Beach, Broward, Monroe and Miami-Dade counties. The Miami-Dade County Department of Cultural Affairs administers the grant program and serves as fiscal agent for the program's contributed funds from member counties for Consortium programs benefiting the South Florida region, with Broward and Palm Beach Counties contributing funds and providing full support to the FY 2017-18 exhibition. Thus, Miami-Dade County will incur no fiscal impact.

ANALYSIS

The grant will be used by Florida Atlantic University Foundation, Inc. for the presentation of an exhibition showcasing the work of the recipients of twelve grants from the South Florida Cultural Consortium's Visual & Media Artists Grant Program. These twelve South Florida artists were chosen from more than 420 applicants. The recipients will have their work displayed at the university art galleries at Florida Atlantic University in Boca Raton, FL in September 2018. Florida Atlantic University Foundation, Inc. will utilize the grant to host the exhibition, participation in which is part of the recipients' reward for being a grant recipient.

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Research Notes

The South Florida Cultural Consortium, an alliance of the local arts agencies of Martin, Palm Beach, Broward, Monroe and Miami-Dade counties established in 1988, is the source of funding for this grant. Since being established, the Consortium has awarded close to \$2 million in fellowships to over 200 artists.

The requested waiver of Resolution No. R-130-06 requiring that contracts with non-governmental entities be signed by the other parties before being placed on the commission agenda is for the purpose of expediting the grant agreement. Expediting the contract as requested accommodates the preparation of the exhibition, saving one or two months' time in delivering funding essential to the success of the event. The grant agreement underwent evaluation by the South Florida Cultural Consortium, with the Consortium's Board of Directors ultimately approving funding for the exhibition at its March 29, 2018 meeting.

ADDITIONAL INFORMATION

The South Florida Cultural Consortium Fellowship Program offers the largest regional, government-sponsored artists' grants in the United States, awarding \$15,000 and \$7,500 fellowships to resident visual and media artists from the counties of Broward, Martin, Miami-Dade, Monroe, and Palm Beach.

<http://www.miamidadearts.org/south-florida-cultural-consortium-sfcc>

**BCC Meeting: July 10, 2018
Research Notes**

Item 8C3

File No. 181281

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING THE FUNDING OF 29 GRANTS FOR A TOTAL OF \$105,501.00 FROM THE DEPARTMENT OF CULTURAL AFFAIRS FISCAL YEAR 2017-2018 COMMUNITY GRANTS PROGRAM – FOURTH 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 29 grants, totaling \$105,501, from the Fourth Quarter funds of the Department of Cultural Affairs Fiscal Year 2017-2018 Community Grants Program, and allow waiver of R-130-06 so that the proposed Resolution may be placed on the commission agenda even though the grant agreement has yet to be executed by the other parties so as to expedite the grant process.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-130-06, adopted January 24, 2006, clarifies 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. The proposed resolution seeks waiver of this provision.

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: 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 June 13, 2018 meeting.

FISCAL IMPACT

Funding for the Community Grants Program comes from Department of Cultural Affairs' approved departmental revenues, as adopted in the Fiscal Year 2017-18 County budget ordinance. Upon adoption of the FY 2017-18 ordinance, a total of \$575,000 is allocated for FY 2017-18 Community Grants. Through the first three quarters of this program, a total of \$469,499 in approved grant awards have been allocated, with any awards declined by grantees reallocated in the subsequent quarter, leaving the remaining balance of \$105,501.00 for fourth quarter disbursement.

ANALYSIS

The proposed resolution recommends a total of \$105,501 in grant funding from the Department of Cultural Affairs' Community Grants Program to the following grantees:

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Grantee	Recommended Award	District Location(s) of Project Activity
Alyans Atizay Ayisyen, Inc. d/b/a Haitian Cultural Arts Alliance, Inc. a/f/a for Art In The Sky	\$4,215	1, 3, 5, 7
Artefactus Cultural Project, Inc. a/f/a for La Casa del Teatro, Inc.	\$4,216	9
Bascomb Memorial Broadcasting Found, Inc. a/f/a for Jazz Educators Community Coalition	\$2,248	7
City of Miami - Little Haiti Cultural Center	\$1,405	3
COMPOSITUM MUSICAE NOVAE, INC.	\$4,215	3, 6, 11
Conecta: Miami Arts, Inc.	\$2,529	12
Cuatrogatos Foundation, Inc. a/f/a for Art for Us, Inc.	\$4,215	5
Culture and Community Association, Inc.	\$2,529	6, 7, 12
Facundo Rivero Performing Arts, Inc.	\$3,541	12
Fresh Start of Miami-Dade, Inc.	\$4,216	1, 3
Haitian Neighborhood Center Sant La, Inc.	\$4,159	3
IFE-ILE, Inc.	\$4,216	5
Instituto de Cultura Peruana, Inc.	\$3,372	5, 6, 10
Magic Slippers Fine Arts Academy, Inc.	\$2,810	4, 5
Major Players Cultural Arts Educational Development Center, Inc.	\$2,810	1
Miami Light Project, Inc. a/f/a for Flipside Kings	\$4,216	3
Miami Light Project, Inc. a/f/a for Greedy Pumpkin Head Projects	\$4,216	3
Miami Light Project, Inc. a/f/a for Literati Grove	\$3,372	5
Miami Youth for Chamber Music, Inc.	\$4,216	5, 6, 11
Moulin Blue Professional Entertainment, Inc.	\$3,091	5
SBC Community Development Corporation of Richmond Heights, Inc.	\$4,216	9
Seminole Cultural Arts Theatre, Inc.	\$4,216	9
SOUTH FLORIDA CHAMBER ENSEMBLE	\$3,372	1, 3, 4, 7, 8, 10, 12
Sunshine's Heart, Inc.	\$2,810	1
The Miami Foundation, Inc. a/f/a for Flaming Classics	\$4,216	3, 7
The Miami Foundation, Inc. a/f/a for Third Horizon	\$4,216	3
Troop of Actors, Inc.	\$4,216	9
Urgent, Inc.	\$4,216	2
Village of Palmetto Bay	\$4,216	8
TOTAL	\$105,501	

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Research Notes**

On May 10, 2018, the Community Grants Panel reviewed 29 applications requesting \$209,685, and ultimately recommended funding for all 29, but at the amount of \$105,501.

The requested waiver of Resolution No. R-130-06 requiring that contracts with non-governmental entities be signed by the other parties before being placed on the commission agenda is for the purpose of expediting the grant agreements, saving one to two months' time in an already lengthy grant process. The Cultural Affairs Council approved these recommendations at their May 16, 2018 meeting.

ADDITIONAL INFORMATION

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 and publications that have a strong artistic component.

The CG panel considers projects with strong community involvement and/or outreach component. 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. (See Guidelines for detailed information regarding eligibility and application process)

Each applicant organization was evaluated specifically based on the following competitive review criteria:

- 1) quality of the program;
- 2) administrative capability;
- 3) marketing strategy
- 4) fundraising efforts; and
- 5) geographic location of event

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

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Research Notes**

**Item No. 8C4
File No. 181282**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING \$165,000.00 IN FUNDING SUPPORT FOR 12 GRANT AWARDS TO SOUTH FLORIDA ARTISTS FROM THE SOUTH FLORIDA CULTURAL CONSORTIUM'S FY 2017-2018 GENERAL OPERATING FUNDS FOR THE VISUAL AND MEDIA ARTISTS GRANT PROGRAM; 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 \$165,000 in funding for twelve grant awards from the South Florida Consortium's FY 2017-18 general operating funds for the Visual & Media Arts Grant Program and allow waiver of R-130-06 so that the proposed Resolution may be placed on the commission agenda even though the grant agreement has yet to be executed by the other parties and the grant process may be expedited.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-130-06, adopted by the Board on January 24, 2006, clarifies 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. The proposed resolution seeks waiver of this provision.

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: 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 June 13, 2018 meeting. Prior to passage, Commissioner Monestime mentioned he would like to continue to work with Department of Cultural Affairs' director, Michael Spring, to improve arts development in the urban community, especially in the area west of North Miami. Director Michael Spring responded that he would work with Commissioner Monestime on this issue.

FISCAL IMPACT

The scope is countywide and regional, which affects the South Florida Cultural Consortium membership (Martin, Palm Beach, Broward, Monroe, and Miami-Dade counties).

The funding for the twelve Visual & Media Artists Grant Awards is from the adopted FY 2017-18 budget for the Department of Cultural Affairs, which administers the Grant Program and serves as the fiscal agent for the South Florida Cultural Consortium member County contributed funds.

ANALYSIS

The twelve grants subject to the Board's approval are for recipients recommended as part of the South Florida Cultural Consortium's Visual & Media Artists Grant Program. These twelve South Florida artists were chosen from over 420 by both a regional and national panel of arts experts.

The South Florida Cultural Consortium, an alliance of the local arts agencies of Martin, Palm Beach, Broward, Monroe and Miami-Dade counties established in 1988, is the source of funding for this grant. Since it was

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established, the Consortium has awarded close to \$2 million in grants to over 200 artists. The grant amounts recommended per County are at least equivalent to each County's cash contribution to the program.

Below are the grantees by County and the corresponding grant amount:

Grantee by County	Grant Amount
<i>Miami-Dade County</i>	
Levels and Bosses LLC (Leonardo Castaneda)	\$7,500.00
Rosa Naday Garmendia	\$7,500.00
Eddie Armondo Arroyo	\$15,000.00
Cristine Brache	\$15,000.00
WE ARE NICE N EASY LLC (Jeffrey Noble and Allison Matherly)	\$15,000.00
Joseriberto Perez	\$15,000.00
Katherine Hernandez	\$15,000.00
Total: \$90,000.00	
<i>Broward County</i>	
Marielle Plaisir	\$15,000.00
Samantha Salzinger	\$15,000.00
Keisha Witherspoon	\$15,000.00
Total: \$45,000.00	
<i>Palm Beach County</i>	
Rick Newton	\$15,000.00
Total: \$15,000.00	
<i>Martin County</i>	
Linda Finch	\$15,000.00
Total: \$15,000.00	
<i>Monroe County</i>	
Total: \$0	

The requested waiver of Resolution No. R-130-06 requiring that contracts with non-governmental entities be signed by the other parties before being placed on the commission agenda is for the purpose of expediting the grant agreements, saving one to two months' time in delivering funding. The grant agreements underwent evaluation by the South Florida Cultural Consortium, with the Consortium's Board of Directors ultimately approving the national panel's recommendations at its March 29, 2018 meeting.

ADDITIONAL INFORMATION

The South Florida Cultural Consortium Fellowship Program offers the largest regional, government-sponsored artists' grants in the United States, awarding \$15,000 and \$7,500 fellowships to resident visual and media artists from the counties of Broward, Martin, Miami-Dade, Monroe, and Palm Beach.

<http://www.miamidadearts.org/south-florida-cultural-consortium-sfcc>

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Research Notes**

**Item No. 8F2
File No. 181327**

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING EXECUTION OF AMENDED AND RESTATED CONTRACT NO. RFP868 BETWEEN MIAMI-DADE COUNTY, FLORIDA AND REVO SOCCER DEVELOPMENT PARTNERS, LLC FROM A LEASE AGREEMENT TO A LICENSE AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY OPTIONS OR TERMINATION OR DEFAULT PROVISIONS THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize execution of Amended and Restated Contract No. RFP868 between Miami-Dade County and Revo Soccer Development Partners, LLC from a Lease Agreement to a License Agreement.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 2-8.1, 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 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 No. R-104-14, adopted by the Board on February 4, 2014, authorized execution of a Lease Agreement with Revo Soccer Development Partners, LLC, to develop and operate a mini soccer complex at Miami-Dade Homestead Air Reserve Park.

<http://www.miamidade.gov/govaction/matter.asp?matter=140028&file=true&fileAnalysis=false&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

Department/Requester: Internal Services Department

The proposed resolution was considered at the June 13 Parks and Cultural Affairs Committee meeting.

Commissioner Diaz requested to meet with Commissioner Moss in the Sunshine to discuss the properties around the Homestead Air Reserve Base. He noted the County should proceed cautiously when deciding which of these properties to lease, as they may generate significant revenues for the County in the future; in addition, some of these properties abut the runway at the Base and are therefore located in a sensitive area.

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Commissioner Monestime stated that in light of the 2026 World Cup which will be hosted by Canada, the United States and Mexico, and the fact that there was not enough land in the urban core, he wished to sponsor a resolution requesting that the Mayor seek funding, through public/private partnerships to build more soccer fields throughout the County. He emphasized the importance of encouraging young children to train in soccer, as they could become professional players by the 2026 World Cup games.

Commissioner Diaz noted in the past some of the major football clubs in the world were considering leasing a property in Doral to build schools offering soccer training and this property was still available.

Ms. Maria Nardi, Director, Parks, Recreation and Open Spaces (PROS) Department, clarified that the property was designed to house a soccer academy; it had a number of soccer fields for training purposes; and it had accommodations for players to stay overnight.

Chairman Souto recalled that twenty years ago all of the children wanted to play baseball; however, over the years the focus shifted to soccer. He pointed out that there were soccer fields throughout the County, and Miami had produced some professional soccer players.

Commissioner Levine Cava suggested that an inventory of soccer programs in the County be undertaken. She also suggested that a meeting be scheduled to provide the PROS Director the opportunity to inform the commissioners about all of the soccer assets in the County.

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

FISCAL IMPACT

According to the Fiscal Impact Statement, this is a revenue-generating contract. Revo Soccer Development Partners, LLC is required to pay the County a guaranteed monthly fee and a percentage of the monthly gross receipts. The County is projected to collect a total of \$511,000 over the initial 10-year term of the agreement. This projected revenue includes: \$122,000 (the projected total minimum guarantee fee to be collected) and \$389,000 (the projected total percentage of gross receipts to be collected).

Since Fiscal Year 2014-15, the County has received \$39,797 of total revenue from this contract. The total revenue collected to-date is a combination of the total minimum guaranteed fee collected to-date and the total percentage of gross sales collected to-date. The County is currently receiving 7 percent of Revo Soccer Development Partners, LLC's monthly gross receipts. The percentage of gross receipts increases to 8 percent in year seven (2020-21) of the contract.

ANALYSIS

The proposed resolution seeks to approve the Amended and Restated Contract No. RFP868, Operation Mini Soccer Complex at Homestead Air Reserve Park, from a Lease Agreement to a License Agreement for the Parks, Recreation and Open Spaces Department (PROS).

In 1998, the County took fee title to 212.73 acres from the United States of America as surplus property from the former Homestead Air Force Base. This land, known as Homestead Reserve Park, was deeded to the County on June 24, 1998, and was administered by PROS. In February 2014, the Board awarded a competitively-established contract to Revo Soccer Development Partners, LLC, to operate the Mini Soccer Complex at Homestead Reserve Park.

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The contract was established for a term of 10 years, with two, five-year options to renew; and is currently in its initial term. According to the agreement, the tenant was to operate a soccer program in the park, including programs for youth and adults, a teaching academy, summer camps, and tournaments. In addition, the tenant was to ensure the provision of well-maintained equipment, experienced staff and diverse services normally associated with the soccer industry; and to provide turf comparable to the type typically used for these types of fields.

After the contract was awarded, PROS learned that the land where the Mini Soccer Complex is located has federal deed requirements that do not allow the County to lease the land. The deed provides that the County will not sell, lease, assign or otherwise dispose of the premises, except to another eligible government agency. However, the deed allows the County to provide related recreational facilities and services through agreements entered into with third parties, provided authorization is obtained by the National Park Service.

The County requested the National Park Service to review the existing lease with Revo Soccer Development Partners, LLC. They determined that the services could continue being rendered, not as a Lease Agreement but rather as a License Agreement. It is, therefore, recommended that the contract be restated from a Lease Agreement to a License Agreement in order to comply with federal deed requirements.

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following question to the Parks, Recreation and Open Spaces Department, and received the following response:

- How many leagues, children and adults have been impacted by this agreement? **The average daily attendance is 80 participants per night, Monday-Sunday. The average tournament participant attendance is 160. Tournaments are held 4 times per year. Revo soccer activities are primarily adult leagues. The leagues have about 12 -14 teams. This activity has become popular with the area residents, both youth and adults.**

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Research Notes**

Item No. 8F3

File No. 181348

Researcher: MF Reviewer: TD

RESOLUTION DECLARING SURPLUS COUNTY-OWNED PROPERTY LOCATED AT 325 NW 2 STREET, LOCATED IN HOMESTEAD, FLORIDA, WAIVING THE REQUIREMENTS OF ADMINISTRATIVE ORDER 8-4 AS THEY RELATE TO REVIEW BY THE PLANNING ADVISORY BOARD AND APPROVING PURSUANT TO FLORIDA STATUTES SECTION 125.38, TERMS OF THE LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE DADE COUNTY FIREMAN'S BENEVOLENT ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR A FIVE YEAR TERM, PLUS FIVE, FIVE-YEAR OPTIONS TO RENEW, FOR THE PURPOSE OF PROVIDING THE ORGANIZATION WITH OFFICE USE FOR GENERAL ADMINISTRATIVE AND STORAGE SPACE TO SUPPORT ITS MISSION TO HELP IMPROVE THE WELL BEING OF FIREFIGHTERS AND THEIR FAMILIES AND PARTICIPATE IN NUMEROUS COMMUNITY AND CHARITY EVENTS, AT AN ANNUAL RENT OF \$1.00 FOR THE FIVE-YEAR TERM AND EACH RENEWAL PERIOD THEREAFTER, WITH THE TOTAL FISCAL IMPACT TO THE COUNTY OF \$7,000.00 FOR THE INITIAL FIVE-YEAR PERIOD; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE LEASE AGREEMENT, TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, TO TAKE ALL NECESSARY STEPS TO EFFECTUATE THE FOREGOING, AND TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF ITS EXECUTION

ISSUE/REQUESTED ACTION

Whether the Board should declare surplus County-owned property located at 325 N.W. 2nd Street, in Homestead, Florida, and authorize execution of a Lease Agreement between Miami-Dade County and Dade County Firemen's Benevolent Association, a Florida not-for-profit corporation, for a five-year term, plus five, five-year options to renew, for the purpose of providing the organization with office use for general administrative use and storage space to support its mission to help improve the wellbeing of firefighters and their families and participate in numerous community and charity events, at an annual rent of \$1.00 for the five-year term and each renewal period thereafter.

APPLICABLE LEGISLATION/POLICY

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

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

Florida Statutes, Section 125.38, provides that [i]f the United States, or any department or agency thereof, the state or any political subdivision or agency thereof, or any municipality of this state, or corporation or other organization not for profit which may be organized for the purposes of promoting community interest and welfare, should desire any real or personal property that may be owned by any county of this state or by its board of county commissioner, for public or community interest and welfare, then the United States, or any department or agency thereof, state or such political subdivision, agency, municipality, corporation or organization may apply to the board of county commissioners for a conveyance or lease of such property.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.38.html

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

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

Resolution No. R-256-13, adopted by the Board on April 2, 2013, establishes County policy with respect to conveyances to not for profit corporations under Florida Statute Section 125.38.

<http://intra/gia/matter.asp?matter=130443&file=true&yearFolder=Y2013>

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

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

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

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

PROCEDURAL HISTORY

Prime Sponsor: Dennis C. Moss, District 9

The proposed resolution was considered at the Government Operations Committee on June 12, 2018; and was forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

According to the Fiscal Impact Statement, the fiscal impact to Miami-Dade Fire Rescue Department, through the Fire District Facilities Maintenance Budget, for the initial term of the lease is estimated to be \$7,000. This amount is comprised of structural repairs which may be needed to the building.

ANALYSIS

Miami-Dade Fire Rescue Department owns a parcel of approximately 0.96 acres at 325 N.W. 2nd Street, in Homestead. The property currently contains two structures that were used by the department to operate Station No. 16. In 2012, the department built a new Station No. 16 to the north of the two structures (see photo below).

The proposed resolution seeks to establish a Lease Agreement between Miami-Dade County and the Dade County Firemen’s Benevolent Association (Tenant), for one of the two structures, for a five-year term, plus five, five-year options to renew. The structure to be utilized by the Tenant is the westernmost structure, and is adjacent to the second structure. It would be used by the Tenant for general administrative use and storage space to support its mission to help improve the wellbeing of firefighters and their families and participate in numerous community and charity events.

The Dade County Firemen’s Benevolent Association is a Florida not-for-profit corporation established in 1958. It consists of a non-political fraternal organization dedicated to improving the well-being of firefighters and their families. In addition to feeding and supporting first responders during extended assignments, the organization has raised thousands of dollars for charities such as Shake-a-Leg, Wounded Warriors, Muscular Dystrophy Association, Mothers Against Drunk Driving, The Dewey Henry Memorial, The Burn Center, and K9s for Warriors.

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The structure would be leased to the Tenant for a five-year term, plus five, five-year options to renew, for an annual rental payment of \$1.00 for both the initial and renewal terms. With the approval of the County, the Tenant shall be entitled, in its sole discretion and cost, to make alterations, modifications, or improvements to the interior of the structure. The Tenant shall provide its own janitorial services within the structure. The County shall maintain and repair the exterior of the structure as well as the parking and landscape areas on the property. The Tenant shall maintain, at its own cost and expense, all utilities, including electricity, gas, sewer, water, heating, and air conditioning to the structure.

The proposed resolution states that the structure to be leased to the Tenant has been included in the memorandum sent to County departments regarding properties to be declared as surplus; and no County department has expressed a need for, or interest in the structure.

Pursuant to Resolution No. R-333-15, the County's Internal Services Department has advised that the current annual market rental for the structure would range from a payment of \$24.00 to \$28.00 per square foot, for a total of \$45,000 to \$53,200 for the western structure, comprised of approximately 1,900 square feet.



**BCC Meeting: July 10, 2018
Research Notes**

Item No. 8F4

File No. 181195

Researcher: MF 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 CONTRACT IN THE AMOUNT OF \$560,000.00 FOR THE PURCHASE OF TRASH TRUCKS LOADER AND BODY (TRASH DUMP CRANES) FOR THE MIAMI-DADE DEPARTMENT OF SOLID WASTE MANAGEMENT; 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, E9955-SW, Trash Trucks Loader & Body (Trash Dump Cranes), for the Department of Solid Waste Management in the amount of \$560,000.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County, Section 2-8.1, 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

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. 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 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.

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

Miami-Dade County Home Rule Charter, Section 5.03(D), 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.

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Research Notes**

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

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>

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>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester: Internal Services Department

The proposed resolution was considered at the June 12, 2018, Infrastructure and Utilities Committee meeting.

Responding to Chairman Monestime's question as to whether the Solid Waste Department had already purchased the four trash dump cranes, Deputy Mayor Alina Hudak confirmed that they were purchased.

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

FISCAL IMPACT

The proposed resolution is requesting Board ratification for an emergency purchase totaling \$560,000. The purchase is to be funded by the Department of Solid Waste Management's proprietary funds.

In order to address illegal dumping, the Board approved a \$25 per household fee increase commencing in Fiscal Year 2017-18 to dedicate resources to collect illegally dumped trash from public right-of-way.

ANALYSIS

The proposed resolution seeks ratification of an emergency contract award, E9955-SW, Trash Trucks Loader & Body (Trash Dump Cranes), for the Department of Solid Waste Management (DSWM) in the amount of \$560,000. In the FY 2017-18 budget, DSWM was tasked with the responsibility of picking-up illegally dumped waste material throughout the County using four new dedicated crews. The emergency purchase order was created to make a one-time purchase of four trash dump cranes in order to address illegal dumping in the department's services area.

The department conducted research to consider the option of leasing the four dump cranes while the procurement process was finalized. A request for quote (RFQ) was issued to obtain pricing for the rental of the four cranes. Petersen Industries, Inc. was the only vendor that responded, but the rental price was deemed to be too high. After the specifications were modified, and the RFQ sent out again, Petersen Industries, Inc. was again the only vendor that responded. Even though Petersen Industries reduced its bid price, it was still deemed too high. DSWM determined that the most cost effective option for the County was to purchase the dump cranes from Petersen Industries instead of renting them.

BCC Meeting: July 10, 2018
Research Notes

A review of the County's SBE list of certified vendors conducted on June 26, 2018, under the commodity code 56039 - Cranes, All Kinds (Except Automotive and road), resulted in zero Certified Small Business Enterprises.

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 emergency was declared on December 18, 2017 and the one-time purchase, of four trash dump cranes, was executed on January 12, 2018. The item is slated for Board ratification at the July 10, 2018 meeting. Four crews were created to address the illegal dumping.

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. Petersen Industries, Inc., does not have a local address and does not employ any Miami-Dade County Residents.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Petersen Industries, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 12/08/1989. The principal address is registered as 4000 State Road 60 West, Lake Wales, FL 33859. Its registered agent is Hardee, Woodrow, 4000 State Road 60 West, Lake Wales, FL 33859.

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

**BCC Meeting: July 10, 2018
Research Notes**

**Item No. 8F5
File No. 181277**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY UNDER CONTRACT NO. RFP-00766 FOR THE PURCHASE OF ENERGY UTILITY BILLING MANAGEMENT SYSTEM FOR THE INTERNAL SERVICES DEPARTMENT IN A TOTAL AMOUNT UP TO \$574,000.00 FOR THE OPTION TO RENEW PERIODS; 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 additional expenditure authority for Contract No. RFP-00766, Energy Utility Billing Management System, provided by EnergyCap, Inc. (EnergyCap) for the Internal Services Department (ISD) in the amount of \$574,000 for third and fourth option to renew terms.

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.

[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, 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.

<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 No. R-98-12, adopted by the Board 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>

Resolution No. R-1047-11, adopted by the Board on December 6, 2011, ratified the contract to obtain a turnkey enterprise Utility Billing Management System.

<http://intra/gia/legistarfiles/MinMatters/Y2011/112348min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

BCC Meeting: July 10, 2018
Research Notes

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Government Operations Committee at its June 12, 2018 meeting. Prior to passage, Commissioner Sosa asked the following question and requested the following information from the administration:

- When is ISD going to start working on a new bid for a replacement contract on this item?
- Request made of the administration to provide 1) a list of all the procurement items that have been advertised in Miami-Dade County where the recommendation has been to erase the whole process and readvertise; 2) how many have been denied after advertising and readvertising; 3) how many have had new requirements added after the first bidding process; 4) how much it costs every time a recommendation is made and the County has to readvertise; and 5) how much it costs every time new requirements are added after the initial bidding process.

Commissioner Sosa referenced the County ordinance that states that the procurement process must begin 18 months before the contract is set to expire, and lamented that items where this rule has not been respected continue to come forward.

Commissioner Moss directed Deputy Mayor Ed Marquez and Director Tara Smith to have the requested report by the next meeting. A check of the Directive Database shows this request as *pending* as of July 6, 2018.

FISCAL IMPACT

The \$574,000 additional expenditure allocation request expands services for the Water and Sewer Department (WASD) bill processing and consumption analysis. The amount for the WASD is \$122,000. Also included in the allocation is \$452,000 for the third and fourth option to renew terms. If approved by the Board, the cumulative contract value will be \$1,691,000 and will expire on October 31, 2022.

Per information found in the Bid Tracking System on June 29, 2018, \$232,960 has been allocated to the current contract's Blanket Purchase Order, of which \$156,640 has been released leaving a balance of \$76,320.

ANALYSIS

Contract No. RFP-00766, Energy Utility Billing Management System, for ISD was approved by the Board on December 6, 2011, pursuant to Resolution No. R-1047-11 for a five-year term with two, two-year options to renew. The contract is currently in its second option to renew expiring on October 31, 2018.

The system provides unlimited user software license, configuration, historical data transfer, integration with the County's financial systems, testing, implementation, training and subsequent software maintenance and support services. It allows the County to analyze energy consumption based on numerous factors such as data normalization for weather conditions, actual versus estimated usage, and meter data.

The request for additional expenditure is due to the need to expand services for WASD bill processing and consumption analysis. The expansion is inclusive of necessary license meter setup, and interfacing necessary to allow WASD to import, validate, and audit water bills and transition to a comprehensive automated water bill database and reporting system. Moreover, approval of the option to renew terms will ensure continuity of maintenance and support services for the Utility Billing Management System.

ISD conducted market research to look for comparable contracts and alternative Energy Utilities Billing Management Systems. There are existing contracts with government entities in place. However, none of the contracts are similar in scope to the services provided to the County. Moreover, there were other vendors who provide similar billing management systems. However, the maintenance and support services are not available through other sources and the software and associated maintenance support services are proprietary to EnergyCap.

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Research Notes

Based on the market research conducted, ISD concluded that it is in the County's best interest to continue the contract with EnergyCap.

**BCC Meeting: July 10, 2018
Research Notes**

**Item No. 8F6
File No. 181278**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING REJECTION OF ALL PROPOSALS RECEIVED IN RESPONSE TO REQUEST FOR PROPOSALS NO. RFP-00276 FOR THE PURCHASE OF AN ENTERPRISE PERMITTING, LICENSING, INSPECTIONS, CODE ENFORCEMENT, AND LAND MANAGEMENT SOLUTION FOR THE INFORMATION TECHNOLOGY DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve the rejection of all proposals received in response to *Request for Proposals No. RFP-00276, Enterprise Permitting, Licensing, Inspections, Code Enforcements, and Land Management Solution* given that the negotiated prices significantly exceed the County's budget, making the award for this solicitation cost prohibitive.

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](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_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>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Infrastructure and Utilities Committee at its June 12, 2018 committee meeting. Prior to passage, Commissioner Martinez asked a question about the necessity of the system. The director of the Information Technology Department, Angel Petisco, replied that ITD was looking to replace its current system, but will reevaluate the market at a later time.

FISCAL IMPACT

There is no fiscal impact to the County for the rejection of proposals.

ANALYSIS

The proposed resolution is for approval of a rejection of proposals received in response to a 2015 competitive RFP to establish a contract for the Information Technology Department's acquisition of an Enterprise Solution to be used county-wide for enterprise permitting, licensing, inspections, code enforcement, and land management business processes. The Enterprise Solution is to provide mobile technology for remote work in the field, a front-end solution for administrative and support staff, and a citizen portal, all of which will facilitate data sharing and reporting.

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Research Notes

The County established a budget of \$15,640,000 for the acquisition of an Enterprise Solution. The two highest-ranked proposers were Accela, Inc. (Accela) and Tyler Technologies, Inc. (Tyler). After twenty-one internal negotiation strategy sessions (held from September 2016 through May 2017), and 11 vendor negotiation sessions (held from September 2016 through March 2017), the negotiated cumulative price of Accela's Solution was \$66,994,980 and that of Tyler's Solution was \$49,109,076.

Two Highest Ranked Proposers	Price	Price Difference from County's Budget of \$15,640,000
Tyler Technologies, Inc.	\$49,109,076	\$33,469,076 (+68.2%)
Accela, Inc.	\$66,944,980	\$51,304,980 (+76.6%)

Given the price deviation from the County's budget, and that neither Enterprise Solution would provide the total functionality required, the County determined it to be in its best interest to reject all proposals received in response to the solicitation.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Tyler Technologies, Inc. has an active status as a Foreign Profit Corporation and first filed and registered on 02/23/2005. The principal address is 5101 Tennyson Parkway, Plano, TX 75024. Its registered agent is Capitol Corporate Services, Inc. 515 East Park Avenue, 2nd Floor, Tallahassee, FL 32301.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=TYLERTECHNOLOGIES%20F050000011630&aggregateId=forp-f05000001163-c4de8305-13ec-4f6b-ab58-8086c9239d25&searchTerm=tyler%20technologies&listNameOrder=TYLERTECHNOLOGIES%20F050000011630>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Accela, Inc. has an active status as a Foreign Profit Corporation and first filed and registered on 06/07/2001. The principal address is 2633 Camino Ramon, Suite 500, San Ramon, CA 94583. Its registered agent is NRAI Services, Inc., 1200 South Pine Island Road, Plantation, FL 33324.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=ACCELA%20F010000031630&aggregateId=forp-f01000003163-50f4d9ab-3eb0-4f93-87a4-5e6963b82882&searchTerm=accela%2C%20inc.&listNameOrder=ACCELA%20F010000031630>

**BCC Meeting: July 10, 2018
Research Notes**

Item No. 8F7

File No. 181287

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING LEGACY CONTRACT NO. L9865-1/21, REVERSE 311 SMS TEXT/MASS CALL SYSTEM, FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE THE ONE, THREE-YEAR OPTION TO RENEW TERMS FOR LEGACY CONTRACT NO. L9865-1/21, REVERSE 311 SMS TEXT/MASS CALL SYSTEM, FOR THE INFORMATION TECHNOLOGY DEPARTMENT, IN A TOTAL AMOUNT NOT TO EXCEED \$397,000.00; 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 authorize Legacy Contract No. L9865-1/21, Reverse 311 SMS Text/Mass Call System for the Information Technology Department; and authorize the County Mayor or the county Mayor's designee to exercise the one, three-year option to renew terms for the Legacy Contract in a total amount not to exceed \$397,000.00.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 2-8.(b)(1), states that formal sealed bids shall not be required for Legacy Purchases which do not result in the budget for the user department(s) exceeding the amount approved by the County Commission during the annual budget approval process. Such Legacy Purchases may be awarded by the Board of County Commissioners upon a majority vote of those Board members present, where the amount of such award exceeds the threshold for purchases by the Mayor set forth in Section 2-8.1(b)(1). 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. For the purposes of this section, 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.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_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 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 No. R-98-12, adopted by the Board on January 24, 2012, directs the County or the County Mayor's designee 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>

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Research Notes**

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services Department

The proposed resolution was considered at the June 12, 2018, Infrastructure and Utilities Committee meeting.

Commissioner Martinez noted through the State of Florida's Division of Emergency Management, the County could obtain the Everbridge system at no cost; therefore, he did not understand why the County should enter into a contract with Airbus DS Communications.

Mr. Angel Petisco, Director, Information Technology Department, confirmed that the State contracted with Everbridge, and that contract would expire in June 2019. He said it was unclear whether the State would renew the contract. He noted ITD conducted Market Research for this contract, and determined that a number of companies provided this service. However, the system which the County was currently using was heavily interfaced with the Geographic Information System (GIS); and as it was uncertain whether the State would renew its contract with Everbridge, staff believed that it was in the County's best interest to extend the current contract using the option to renew. Mr. Petisco noted this would provide ITD the time to conduct a solicitation for this service in the open market. He said if the State decided to renew its contract with Everbridge, ITD would code its interface to the State's system; if the State decided not to renew its contract with Everbridge, ITD would conduct a solicitation for this service.

In response to Commissioner Martinez' question as to whether Everbridge was able to carry out all of the functions required by the County, Mr. Petisco confirmed that Everbridge would eventually be able to carry out all of the functions required by the County if it was interfaced with the GIS, which was a significant undertaking.

Commissioner Martinez said he was uncomfortable paying a company if the County could obtain the same services from free from the State.

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

FISCAL IMPACT

As stated in the Fiscal Impact Statement, the contract is in its initial term and expires on August 31, 2018. If the option to renew term is exercised, the contract will expire on August 31, 2021. The requested allocation for the option to renew term is based on negotiated rates in the contract.

Per information found in the Bid Tracking System on June 25, 2018, \$248,930 has been allocated to the current contract's Blanket Purchase Order, of which \$248,930 has been released. The allocation requested for the option to renew is \$397,000.

ANALYSIS

The proposed resolution is requesting the Board to authorize Legacy Contract No. L9865-1/21, Reverse 311 SMS Text/Mass Call System for the Information Technology Department. The contract is in its initial term and expires on August 31, 2018. If the option to renew term is exercised, at the County's discretion, the contract will expire on August 31, 2021.

The Reverse 311 System was purchased and installed to ensure compliance with Resolution No. R-741-09 approved by the Board on June 2, 2009, directing the County Mayor or designee to continue to develop and report on plans to

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use text-messaging, robo-calls, and other new technologies to better communicate with the residents of Miami-Dade County. The System sends automatic telephone and e-mail notifications to residents regarding Miami-Dade County emergency updates, services and events announcements. The Water and Sewer Department, The Transportation Department, Fire Rescue, Public Works and Waste Management, Animal Services, and the Communications Department, are among the many County agencies that use the system.

In 2012, the System was purchased to replace the Wireless Emergency Notifications System that had reached the end of its useful life, and has been undergoing expansion to enhance functionality and to meet additional capacity. Additional user agencies, minutes and two modules, the mass calls module (robo-calls), and short message service (text messages) have been added to the system as part of the expansion contributing to the increase in required maintenance and support costs. The allocation being requested includes equipment and upgrades needed for the continued expansion of the System and its functionality through 2021 to be able to support the increasingly large volume of announcements and calls.

The Information and Technology Department has invested several years in the development and expansion of the System that is already interwoven into the department's infrastructure. The System has proven that it can distribute announcements expeditiously in the event of natural disasters and also broadcast important community information. The current vendor, Airbus DS Communications, Inc., is the sole proprietor of the Reverse 311 Solution that is currently being used and owns all the rights to the required software licensing, maintenance and support.

In April 2017, the Board adopted a Memorandum of Agreement (MOA) with the State of Florida's Division of Emergency Management (FDEM). As mandated by revisions to Florida's legislature, FDEM contracted Everbridge, Inc. (Everbridge), to establish a system of mass notification and warning for emergency scenarios. Thus, through the MOA, the County was to obtain, at no cost, the aforementioned notification system from Everbridge while simultaneously comparing it to the existing County notification system with Airbus DS Communications, Inc. (Airbus). The County's Office of Emergency Management (OEM) acts as the liaison, administering the use of the Everbridge notification system between the County and municipalities.

The FDEM contract with Everbridge established a three-year term that will soon expire on June 30, 2019 and is subject to State funding approval on an annual basis. Staff is not aware if the state has any intention of extending the Everbridge contract. In the event the FDEM does not renew the contract with Everbridge or fails to subsidize all costs, the County will be forced to enter into a legacy contract with Everbridge.

With this awareness, ITD and OEM have compared both the Everbridge and Airbus notification systems to plan a long term fixed priced solution. While both systems meet the County's needs, research of the current marketplace revealed several additional possible competitors that can provide an equivalent system. Approval of the proposed resolution will furnish the County sufficient time to develop system specifications and conduct a competitive procurement for a long-term contract.

Pursuant to Resolution No. R-98-12, staff contacted the vendor to negotiate a reduction in pricing for the option to renew term. This initiative resulted in the vendor maintaining the pre-negotiated pricing established at the beginning of the contract.

A review of the County's SBE list of certified vendors conducted on June 25, 2018, under the commodity code 92045 – Software Maintenance/Support Services, resulted in ten SBE vendors:

- Amiritech Group, LLC.
- ATS COM Inc.

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- Computer-Based Assosicate, Inc.
- Geek USA, LLC.
- Giganetworks, Inc.
- Insinet Group, LLC.
- Meridian Partners, LLC.
- The Ashvins Group, Inc.
- Trust Technology Soluitons, Inc.
- Visual Data Solutions, Inc

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Airbus DS Communications, Inc., has an active status as a Foreign Profit Corporation and first filed and registered on 1/11/2000. The principal address is registered as 42505 Rio Nedo, Temecula, CA 92590. Its Chief Executive Officer is Mr. Gino Bonanotte. Its registered agent CT Corporation System, 1200 S. Pine Island Rd., Plantation, FL 33324.

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

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Everbridge, Inc., has an active status as a Foreign Profit Corporation and first filed and registered on 11/2/2015. The principal address is registered as 25 Corporate Drive, Burlington, MA 01803. Its Chief Executive Officer is Ellertson, Jamie. Its registered agent Corporation Service Company, 1201 Hays Street, FL 32301.

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

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following question to the Information Technology Department, and received the following responses:

- Has the State renewed its contract with Everbridge, Inc., and if it has not done so yet, do you know when it will renew its contract with the company?

In April 2017, the Board of County Commissioners adopted a Memorandum of Agreement (MOA) with the State of Florida's Division of Emergency Management (FDEM). As mandated by revisions to Florida's legislature, FDEM contracted Everbridge, Inc. (Everbridge), to establish a system of mass notification and warning for emergency scenarios. Thus, through the MOA, the County was to attain, at no cost, the aforementioned notification system from Everbridge while simultaneously comparing it to the existing County notification system with Airbus DS Communications, Inc. (Airbus). The County's Office of Emergency Management (OEM) acts as the liaison, administering the use of the Everbridge notification system between the County and municipalities.

The FDEM contract with Everbridge established a three-year term that will soon expire on June 30, 2019 and is subject to State funding approval on an annual basis. We are not aware if the state has any intention of extending the Everbridge contract. In the event the FDEM does not renew the contract with Everbridge or fails to subsidize all costs, the County will be forced to enter into a legacy contract with Everbridge. With this awareness, ITD and OEM have compared both the Everbridge and Airbus notification systems to plan a long term fixed priced solution.

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Research Notes

While both systems meet OEM's need, the County utilizes Airbus for additional countywide needs not covered under the MOU. Evaluation of the current marketplace yielded several possible competitors that can provide an equivalent system. It is in the best interest of the County, to advertise a competitive solicitation that will yield the best and lowest priced system, while engaging as many competitors as possible.

**BCC Meeting: July 10, 2018
Research Notes**

**Item No. 8F8
File No. 181328**

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL TIME OF FOUR YEARS AND EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$5,526,000.00 FOR PREQUALIFICATION POOL NO. 6277-0/12 FOR PURCHASE OF MARINE SERVICES AND EQUIPMENT RENTAL FOR COUNTY DEPARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE 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 additional time of four years and expenditure authority in a total amount of up to \$5,526,000.00 for pre-qualification pool 6277-0/12 for the purchase of marine services and equipment rental for County departments.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 2-8.1, 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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_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 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 No. R-161-13, adopted by the Board, on March 3, 2013, authorized modification of competitive contracts for purchase of goods and services in a total amount of up to \$9,060,300.

<http://intra/gia/matter.asp?matter=130171&file=true&yearFolder=Y2013>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services Department

The proposed resolution was considered at the Government Operations Committee meeting of April 12, 2018; and was forwarded to the BCC with a favorable recommendation.

BCC Meeting: July 10, 2018
Research Notes

FISCAL IMPACT

The pool term expires on August 31, 2018 and has a cumulative allocation of \$23,706,000 for a term of 10 years and nine months. If this request is approved, the pool will have a modified cumulative value of \$29,232,000 and will expire on August 21, 2022. The requested allocation for the extension period is based on anticipated expenditures.

Per information found in the Bid Tracking System on June 22, 2018, \$23,705,512 has been allocated to the current contract's Blanket Purchase Order, of which \$19,166,960 has been released leaving a balance of \$4,538,551.

ANALYSIS

The proposed resolution seeks to authorize additional time of four years and expenditure authority in a total amount of up to \$5,526,000.00 for pre-qualification pool 6277-0/12 for the purchase of marine services and equipment rental for County departments. The current pool was established to pre-qualify bidders 10 years and 6 months ago, and it expired on May 31, 2018. County departments utilize this pool to purchase marine services and equipment rentals needed to maintain marinas, relocate coral reefs, create artificial reefs, carry out underwater salvage and berth/intercoastal re-alignment projects, stabilize shorelines and repair and improve meetings and seawalls.

There are currently 13 pre-qualified vendors, of which six have a local address and one is a Certified Small Business Enterprise. It is necessary to utilize a pool that includes both local and non-local vendors in order to have sufficient availability of services to support departmental operations.

Vendor	Principal Address	Principal	Sunbiz Registration
Adventure Environmental, Inc.	10 Pigeon Drive Key Largo, FL	Christopher L. Colarusso	Active since 7/18/97
Blackwater Divers, Inc.	1610 Newport Avenue Deland, FL	Leivy Bosinski	Active since 3/23/10
Blue Water Marine Services, Inc. (SBE)	23950 SW 129 Avenue Miami, FL	Yoslaine Otero	Active since 11/21/94
Callaway Marine Technologies	2765 Vista Parkway Building H-4 West Palm Beach, FL	Charles E. Callaway	Active since 4/19/2000
Dock and Marine Construction, Corp.	752 NE 79 Street Miami, FL	Glen Larson	Active since 8/1/2000
Ebsary Foundation Co.	2154 NW North River Drive, Miami, FL	Scott A. Alfele	Active since 8/8/1930
Ground Works Solutions, Inc.	601 Bayshore Boulevard Suite 850, Tampa, FL	Richard Kelecyc	Active since 2/4/11
Industrial Divers Corp., Inc.	2901 SW 3 Ave., Unit 5 Fort Lauderdale, FL	Frances Galletta	Active since 12/19/84
Kearns Construction Company	4010 Braganza Avenue Coconut Grove, FL	Charles S. Kearns	Active since 2/12/2001
Manson Construction Co.	5209 E. Marginal Way South Seattle, WA	Gary L. Kendricks	Active since 8/20/97
Orion Marine Construction, Inc.	5440 W. Tyson Avenue Tampa, FL	Mark R. Stauffer	Active since 2/8/67
Pac Comm, Inc.	4226 SW 70 Court	Emmanuel Pacin	Active since 12/1/05

BCC Meeting: July 10, 2018
Research Notes

	Miami, FL		
Shoreline Foundation, Inc.	2781 SW 56 Avenue Pembroke Park, FL	Barry S. Reed	Active since 6/2/96

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine vendor responsibility, including verifying corporate status and review of performance and compliance issues through various vendor responsibility lists. The lists that were referenced included convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to vendor responsibility.

A review of the County's SBE list of certified vendors conducted on June 11 2018, under the commodity code 97521 – Rental or Lease of Boats, Motors and Marine, resulted in one SBE vendor: CMS International Group, Corp.

**BCC Meeting: July 10, 2018
Research Notes**

Item No. 8F9

File No. 181333

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$14,000,000.00 FOR CONTRACT NO. 7122-1/23 FOR HAULING AND DISPOSAL OF CLASS B BIOSOLIDS FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO COUNTY CODE SECTION 2-8.1 AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority to Contract No. 7122-1/23, Hauling and Disposal of Class B Biosolids, for the Miami-Dade Water and Sewer Department for the contract term.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 2-8.1, 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 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 No. R-212-14, adopted by the Board on March 4, 2014, authorized award of competitive contracts in a total amount of up to \$46,535,000.00, the establishment of a pre-qualification pool contract in an amount not to exceed \$75,000,000.00, access of another entity's competitively established contract in an amount not to exceed \$3,180,000.00, rejection of bids tendered in response to solicitations, authorizing additional expenditure authority in a total amount of up to \$23,246,000.00 for various contracts for the purchase of goods and services, and authorizing the use of Charter County Transportation Surtax Funds for such contract.

<http://intra/gia/matter.asp?matter=140771&file=false&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services Department

The proposed resolution was considered at the June 12, 2018, Infrastructure and Utilities Committee meeting; and was forwarded to the BCC with a favorable recommendation.

BCC Meeting: July 10, 2018
Research Notes

FISCAL IMPACT

The Board approved the competitively-established contract for a five-year term on March 4, 2014. According to the Fiscal Impact Statement, the contract term expires on April 20, 2019 and has a current cumulative allocation of \$51,042,000. If the proposed resolution is approved, the contract will have a modified cumulative value of \$65,042,000. The requested increase in expenditure authority is based on projected needs through the remainder of the contract term.

Per information found in the Bid Tracking System on June 8, 2018, \$51,042,000 has been allocated to the current contract's Blanket Purchase Order, of which \$50,950,784 has been released leaving a balance of \$91,215.

ANALYSIS

The Miami-Dade Water and Sewer Department is requesting \$14,000,000 in additional expenditure authority to continue purchasing transportation and disposal services of Class B Biosolids, which are a by-product generated during the treatment of domestic wastewater at the County's wastewater treatment plants, defined by the Florida Administrative Code Statute 62-640.200 to meet certain pathogen reduction requirements, metal concentrations requirements and vector attraction reduction requirements. The department uses this contract for the transportation and disposal of Class B Biosolids that may not be used as fertilizer. Through Resolution No. R-212-14, the Board approved the competitively-established contract for a five-year term on March 4, 2014.

The Department requires additional funding to continue to haul and dispose of Class B Biosolids from the wastewater treatment plants. Class B Biosolids that cannot be land applied must be disposed of via the landfill method so as not to disrupt the disposition process due to limited storage capacity at the plants, health concerns, and the malodorous nature of the product.

The South and Central District Wastewater Treatment Plants have had operational issues with their digesters which break down the solid waste material and reduce the volume of the Biosolids for proper disposal. The digester tanks have not been processing the Biosolid product effectively thereby creating additional mixed grit products that need to be removed and legally disposed of by the landfill method. At this time, there are 8 Digesters being cleaned and restored at the Central District Plant and 4 being restored at the South District Plant. It takes approximately 2 years to clean and restore a Cluster of Digester tanks (4 or more tanks).

The unanticipated circumstances that have developed due to these factors have caused a revision in the amounts the Department has determined are needed to cover the costs for disposal for the remainder of the contract term. Staff projects that \$1.5 million will be needed for the remainder of the contract per month; and staff has incorporated a 20 percent contingency fee to be able to respond to unforeseeable events, including above average rainfall during the summer season.

Awarded Vendors

Vendor	Principal Address	Principal	Sunbiz Registration
Biosolids Distribution Services, LLC	8025 Associate Boulevard Sebring, FL	Daniel Anderson	Active since 2/24/2005
H & H Liquid Sludge Disposal, Inc.	6990 US Highway 27 Branford, FL	Rick D. Hacht	Active since 7/24/1978

**BCC Meeting: July 10, 2018
Research Notes**

Synagro South, LLC	435 Williams Court Suite 100 Baltimore, MD	Stephen W. Cole	Active since 2/17/2006
Waste Management Inc. of Florida	1001 Fannin Street Houston, TX	Timothy B. Hawkins	Active since 3/30/1964

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine vendor responsibility, including verifying corporate status and review of performance and compliance issues through various vendor responsibility lists. The lists that were referenced included convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to vendor responsibility.

A review of the County's SBE list of certified vendors conducted on June 28, 2018, under the commodity code 91027 – Garbage/Trash Removal and Disposal, resulted in the following eight vendors:

- Lawn Keepers of South Florida, Inc.
- Conwell & Associates Consulting Company
- MAG Construction, Inc.
- Recover Right, LLC
- Plumbing Services
- SJ Brighter Clear, Inc.
- Three Hearts Lawn Care, LLC
- Zorta Construction, Inc.

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Internal Services Department, and received the following responses:

- What is the definition of Class C Biohazard? **Class B Biosolids are a by-product generated during the treatment of domestic wastewater at our wastewater treatment plants, defined by the Florida Administrative Code Statute 62-640.200 to meet certain pathogen reduction requirements, metal concentrations requirements and vector attraction reduction requirements.**
- How much of this product is produced per month? **17,000 Tons/month.**
- Does the department plan on repairing or replacing the digesters, and if so how long will it take to repair or replace them? **The plan has already gone into effect as part of the Consent Decree. At this time, there are 8 Digesters being cleaned and restored at the Central District Plant and 4 being restored at the South District Plant. It takes approximately 2 years to clean and restore a Cluster of Digester tanks (4 or more tanks).**

**BCC Meeting: July 10, 2018
Research Notes**

**Item No. 8F10
File No. 181351**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00779 FOR PURCHASE OF WASTE TRANSFER TRAILERS FOR THE DEPARTMENT OF SOLID WASTE MANAGEMENT IN A TOTAL AMOUNT NOT TO EXCEED \$5,406,000.00 FOR A FIVE YEAR TERM; 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 should approve a replacement contract award, *Waste Transfer Trailers*, for the Department of Solid Waste Management (SWM) for a five-year term in an amount of \$5,406,000.

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

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>

Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directs the 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 in memoranda to the Board pertaining to vendors being recommended for contract award.

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

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

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

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

**BCC Meeting: July 10, 2018
Research Notes**

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

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: Internal Services

This item was considered by the Infrastructure and Utilities Committee at its June 12, 2018 meeting and forwarded to the Board with a favorable recommendation. At the meeting, Commissioner Monestime requested more information on the item from the Administration. Deputy Mayor Hudak provided a response, stating that (1) the item covers the purchase of 68 waste transfer trailers over the next five years; (2) the purchase is part of the fleet replacement plan that was approved as part of the budget; and (3) the actual schedule and financing has already been Board-approved.

FISCAL IMPACT

The fiscal impact for the five-year term is \$5,406,000. The current contract (#6326-0/18) is valued at \$5,423,000 for a term of five-years and six months. Per data found in the Bid Tracking System on July 5, 2018, a total of \$5,423,000 was allocated to the current contract's Blanket Purchase Order. Of that sum, \$5,422,634.70 has been released, leaving a balance of \$365.30. The annual allocation under the current contract is \$986,000 while the annual allocation under the replacement is \$1,081,200. Pricing shall remain fixed for the first two years of the contract.

ANALYSIS

This item is requesting approval of a replacement contract for purchase of 68 waste transfer trailers over the next five years in an amount of up to \$5,406,000 for SWM. The County uses waste transfer trailers to transport refuse from various sites. The trailers are required to travel at highway speeds after loading garbage at a transfer station and are then required to unload at a landfill dump or similar site which may be a paved or an off-road surface. Transfer trailers, which are custom-built per SWM specifications, will be used in combination with existing SWM tractors.

The Invitation to Bid was advertised on February 6, 2018. Three bids were received in response to this solicitation. The recommended awardee is Warren Equipment, Inc., the incumbent vendor whose principal address is in Plant City, Florida. The awardee offered a unit price of \$79,495, while the vendors not recommended for award submitted higher bids - \$79,996 by KNL Holdings, LLC and \$98,961 by Palm Peterbilt Truck Centers, Inc.

Under the solicitation, the awardee must satisfy the following criteria:

- Be a trailer manufacturer, fabricator or a licensed dealer;
- Have or partner with a local service facility capable of performing maintenance or warranty repairs;
- Be licensed by the State of Florida as a motor vehicle dealer;
- Provide two business reference letters attesting to performance of similar work; and
- Provide a dedicated employee to serve as the primary contact for contract issues and maintenance.

BCC Meeting: July 10, 2018
Research Notes

A prototype is required for inspection by the County no later than 120 days from the date of issuance of the purchase order. Upon final approval of the prototype, the initial units shall be delivered to the County no later than 270 calendar days from the date of issuance of the purchase order. The County anticipates purchasing 24 trailers during the first contract year, 10 during the second year, none during the third year, 24 during the fourth year and 10 during the final year.

Commodity Codes – 07060; 07061; 07081; and 07084 – were included on the Internal Services Department Small Business Development Division Project Worksheet for this solicitation. A July 5, 2018 search of the Business Management Workforce System for Small Business Enterprise Goods and Services Certified Firms found no certified vendors for any of those commodity codes.

The Market Research for this solicitation indicates that the Internal Services Department engaged in efforts to increase local vendor participation in the re-procurement of this contract; such efforts included an internet search that identified three potential local vendors as well as sourcing registered County vendors by commodity code, which identified 71 potential vendors.

ADDITIONAL INFORMATION

Warren Equipment, Inc., the recommended awardee, sells a full line of both steel and aluminum dump trailers as well as quarter frame dump trailers, steel frame dump trailers, aluminum frame dump trailers, and frameless dump trailers. See the link to the vendor's website below.

<https://warrentrailers.com/>

**BCC Meeting: July 10, 2018
Research Notes**

**Item No. 8F11
File No. 181566**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE AN ENERGY PERFORMANCE CONTRACT AND SERVICE AGREEMENT WITH HONEYWELL, INC. AND TO ENTER INTO A THIRD-PARTY FINANCING AGREEMENT IN AN AMOUNT NOT TO EXCEED \$18,548,042.00 TO IMPLEMENT ENERGY CONSERVATION MEASURES AT SIX COUNTY-OWNED FACILITIES

ISSUE/REQUESTED ACTION

Whether the Board should (1) approve an Energy Performance Contract and Service Agreement with Honeywell, Inc. for the purpose of implementing energy conservation measures for County-owned facilities in an amount of up to \$18,205,557 and (2) authorize the County Mayor to enter into and execute a financing agreement for the financing of the contract cost, capitalized interest during construction of the project and related financing costs.

APPLICABLE LEGISLATION/POLICY

Section 489.145 of the Florida Statutes sets forth the State of Florida's guaranteed energy, water and wastewater performance savings contracting policy and procedures. The Legislature finds that investment in energy, water, and wastewater efficiency and conservation measures in agency facilities can reduce the amount of energy and water consumed and wastewater produced and produce immediate and long-term savings. It is the policy of the state to encourage each agency to invest in energy, water, and wastewater efficiency and conservation measures to minimize energy and water consumption and wastewater production and maximize energy, water, and wastewater savings. It is further the policy of the state to encourage agencies to reinvest any savings resulting from energy, water, and wastewater efficiency and conservation measures in additional energy, water, and wastewater efficiency and conservation measures.

Under Section 489.145, a guaranteed energy, water and wastewater performance savings contractor must be selected in compliance with s. 287.055, except that if fewer than three firms are qualified to perform the required services, the requirement for agency selection of three firms, as provided in s. 287.055(4)(b) and the bid requirements of s. 287.057 do not apply.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0489/0489.html

Resolution No. R-795-12, adopted by the Board on October 2, 2012, authorized the County Mayor to execute the U.S. Department of Energy's Better Buildings Challenge Community Partnership Agreement and amendments thereto.

<http://intra/gia/matter.asp?matter=121751&file=true&yearFolder=Y2012>

Resolution No. R-740-08, adopted by the Board on July 1, 2008, authorized the creation of an energy performance contracting program pursuant to State of Florida Statute 489.145 in the amount of \$40,000,000 for a five-year period and waived competitive bidding to authorize the County Mayor to enter contracts valued at less than \$1,000,000 with vendors in the State of Florida pool of firms prequalified to perform guaranteed energy performance contracting services and authorized the County Mayor to enter into leasing or other financial arrangements with third parties to finance the purchases.

<http://intra/gia/matter.asp?matter=081720&file=true&yearFolder=Y2008>

**BCC Meeting: July 10, 2018
Research Notes**

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

This item was considered at the June 12, 2018 meeting of the Government Operations Committee and was forwarded to the Board with a favorable recommendation, as amended. The CAO read the amendment into the record, stating: (1) the amount being financed is being reduced from \$18,548,042 to \$18,205,057; (2) the changes will be reflected in the Mayor's recommendation, the title, Section 1 of the resolution and the attached contract including Schedule O; and (3) the fiscal statement deletes the language regarding the contract being budget neutral.

The following dialogue transpired at the committee meeting:

- Commissioner Moss commended Honeywell, Inc. for its inclusivity as the company provides opportunities for small business vendors.
- Commissioner Suarez requested clarification on the term "revenue neutral," asking if the County would receive any subsidies, paybacks or reimbursements to reduce the \$18 million fiscal impact. The CAO explained that the cost savings exceed the amount being financed, which is why the contract is no longer budget neutral. Suarez then asked whether the cost savings referred to historical expenditures; the CAO responded, "yes, from the baseline utility utilization." Suarez then requested a meeting with Deputy Mayor Marquez to discuss the predictability of the return.

FISCAL IMPACT

The total energy and operational cost avoidance over the 16-year term of the contract is equal to or greater than \$18,548,042.

ANALYSIS

This item is requesting approval of an Energy Performance Contract and Service Agreement with Honeywell, Inc. and administrative authority to enter into a third-party financing agreement. The contract provides for the installation and monitoring of energy saving equipment at project sites (i.e., six County-owned facilities) in an amount not to exceed \$18,205,557. The facilities covered under the project scope are: (1) Joseph E. Caleb Center; (2) Downtown Miami Cultural Center; (3) Medical Examiner's Building; (4) Overtown Transit Village North; (5) Overtown Transit Village South; and (6) the Stephen P. Clark Center. The Internal Services Department manages the facilities.

On July 17, 2017 Honeywell, Inc. was selected to conduct an energy survey and provide an Investment Grade Audit Report of the above-mentioned facilities. Honeywell International Inc. is a foreign for-profit corporation, having a principal address at 115 Tabor Road, Morris Plains, New Jersey, per the Florida Department of State Division of Corporations website (sunbiz.org). Pursuant to the audit, Honeywell recommends certain energy conservation measures at the facilities and summarizes the costs of those measures. The audit ultimately provides an estimate of the amount of cost savings resulting from the energy conservation measures. The County finds that the amount it would spend on energy conservation measures would not likely exceed the amount of the cost savings for up to 20 years after the date of installation based on the calculations required under Florida law.

BCC Meeting: July 10, 2018
Research Notes

The table below summarizes the energy conservation measures that will be implemented under the project's scope of work across the covered facilities for the 16-year term.

Facility	Energy Conservation Measures
Caleb Center	Lighting retrofits; building envelope weatherization; chiller plant replacements; electric boiler room replacements; chilled water air handling unit replacements; building automation systems; variable frequency drives for air handling units; FPL rate shift; and roof replacements
Medical Examiner	Lighting retrofits; water conservation; building envelope weatherization; and natural gas boiler replacements
Cultural Center	Lighting retrofits; water conservation; building envelope weatherization; electric boiler replacements; building automation systems; and transformers
Stephen P. Clark Center	Lighting retrofits; water conservation; and transformers
Overtown Transit Village	Lighting Retrofits; water conservation; building automation systems; and variable frequency drives for air handling units

**BCC Meeting: July 10, 2018
Research Notes**

**Item No. 8F12
File No. 181354**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00798 IN A TOTAL AMOUNT UP TO \$2,370,000.00 FOR THE PURCHASE OF TRUCK SCALE PURCHASE, MAINTENANCE AND REPAIR FOR VARIOUS COUNTY DEPARTMENTS FOR A TEN-YEAR 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 prequalification pool, RTQ-00798, Truck Scale Purchase, Maintenance and Repair, for the Department of Solid Waste Management and PortMiami at a value of \$2,370,000 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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_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 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.

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

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directs the County Mayor or the 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 a contract to a non-local vendor or to establish a prequalification pool of vendors where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Government Operations Committee at its June 12, 2018 meeting.

FISCAL IMPACT

The fiscal impact for the establishment of Prequalification Pool RTQ-00798, Truck Scale Purchase, Maintenance and Repair, for the Department of Solid Waste Management and PortMiami, for a ten-year term is \$2,370,000. The funding will be provided by proprietary funds.

A June 25, 2018 search on the Bid Tracking System produced the following information for the current prequalification pool, 8143-0/18: \$2,362,999.94 has been allocated to the contract's Blanket Purchase of which \$1,601,135.23 has been released, leaving a balance of \$761,864.71. The pool has a current value of \$2,417,000.00 and expires on August 31, 2018.

An annual cost allocation is provided below to compare the current prequalification pool and the proposed prequalification pool.

Prequalification Pool	Term	Contract Value	Annualized Cost
Current Pool: 8143-0/18	5.5 Years	\$2,417,000	\$439,455
Proposed Pool: RTQ-00798	10 Years	\$2,370,000	\$237,000

According to the Mayoral Memorandum, the allocation under the replacement pool is lower due to the prior use and forecasted demand.

ANALYSIS

The proposed Prequalification Pool RTQ-00798, Truck Scale Purchase, Maintenance and Repair, is a for a ten-year term, at a value of \$2,370,000. The pool would provide Solid Waste and PortMiami with prequalified vendors capable of performing routine maintenance and repairs on the existing motor truck and deep pit scales as well as the option to purchase new truck scales as needed. This is an open pool and will remain open, allowing qualified vendors to be added once they have completed the prequalification criteria.

The purpose of this solicitation is to establish a contract for the replacement of motor truck deep pit and above ground scales, and for the preventive maintenance, repair and calibration for new and existing scales.

The contract will consist of two groups as specified below:

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- 1. Group A** – Pre-Qualification and Subsequent Spot Market Quotations for Replacement of Motor Truck Deep Pit and Above Ground Scales.
- 2. Group B** – Quarterly Preventative Maintenance Services to include inspection, testing, and calibration of the scales. The awarded Bidder shall also perform repair and emergency services as determined necessary by the County, for a separate fee from the preventative maintenance services.

The Solid Waste Department has more than 20 motor truck and deep pit scales located throughout the County, used to weigh incoming and outgoing garbage, trash trucks and trailers. PortMiami truck scales are located in self-contained, self-service weighing terminals with touch screen kiosks.

The County reached out to approximately 1,750 vendors registered under the corresponding commodity code. Of the total vendors, 160 were considered local vendors. In response to its solicitation regarding the prequalification pool, the county received responses from four vendors. Three vendors are currently recommended for inclusion into the prequalification pool while one is pending submission of required documents.

Of the three recommended vendors, two vendors, Cardinal Scale Manufacturing Company and Scale-Rite, Inc., are awarded under the current prequalification pool, 8143-0/18. Only one of the recommended vendors, Scale-Rite, Inc., has 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. Below is a summary of the vendor submission information:

Vendor	Local Address	Prequalification Status
ScaleMen of Florida, Inc.	No	Prequalified for Pool
Cardinal Scale Manufacturing Company	No	Prequalified for Pool
Scale-Rite, Inc.	Yes	Prequalified for Pool

A June 25, 2018 search of the Miami-Dade County Certified Vendor Directory on the Business Management Workforce System resulted in no SBE firms appearing under commodity code 93879 – Maintenance and Repair of Scales and Weighing Apparatus.

ADDITIONAL INFORMATION

OCA searched on the Florida Department of State Division of Corporations website (Sunbiz.org) and determined that all of the recommended vendors were registered and active to do business in the state of Florida.

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**Item No. 8F13
File No. 181356**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00716 TO KEMIRA WATER SOLUTIONS, INC. FOR PURCHASE OF LIQUID FERRIC SULFATE AND STORAGE EQUIPMENT FOR THE WATER AND SEWER DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$22,818,000.00 FOR THE FIVE-YEAR TERM; 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 should approve a replacement contract award, *Liquid Ferric Sulfate and Storage Equipment*, for the Water and Sewer Department (WASD) in an amount of up to \$22,818,000 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-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>

Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directs the 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 in memoranda to the Board pertaining to vendors being recommended for contract award.

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

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

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

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to

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award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

Resolution No. R-841-06, adopted by the Board on July 6, 2006, requires successor contracts or extensions of existing contracts be presented for Board approval no later than 30 days prior to the contract's expiration date.

<http://www.miamidade.gov/govaction/matter.asp?matter=061720&file=true&yearFolder=Y2006>

Resolution No. R-29-18, adopted by the Board on January 23, 2018, approved the rejection of all bids received in response to Formal Bid No. 00529 for purchase of liquid ferric sulfate for WASD.

<http://intra/gia/matter.asp?matter=172539&file=true&yearFolder=Y2017>

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: Internal Services

This item was considered at the June 12, 2018 meeting of the Infrastructure and Utilities Committee and was forwarded to the Board with a favorable recommendation.

FISCAL IMPACT

The fiscal impact for the five-year term is \$22,818,000. The previous contract (#9568-0/17) was valued at \$12,528,600 for a term of five-years and six months and expired on April 30, 2018. Per data found in the Bid Tracking System on July 5, 2018, a total of \$12,528,600 was allocated to the current contract's Blanket Purchase Order. Of that sum, \$11,428,296.70 has been released, leaving a balance of \$1,100,303.30. The annual allocation under the current contract is approximately \$2,277,927.24 while the annual allocation under the replacement is \$4,563,600. The initial contract pricing shall remain fixed for a period of no less than 12 months from the contract's initial effective date.

ANALYSIS

This item is requesting approval of a replacement contract for purchase and delivery of liquid ferric sulfate and storage equipment for WASD in the amount of \$22,818,000 for a five-year term. Ferric sulfate is used as a coagulant or flocculant in water and wastewater treatment. The current contract expired on April 30, 2018. It is unclear from the mayoral memorandum how WASD currently satisfies its requirements for liquid ferric sulfate and associated storage equipment.

The solicitation was advertised on December 22, 2017. Three bids were received in response to the solicitation, including one "No Bid." The recommended awardee is Kemira Water Solutions, Inc., the incumbent vendor whose principal address is located in Atlanta, Georgia.

Under the solicitation, a bidder shall satisfy the following to be eligible for award:

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- Be the manufacturer of the offered product and equipment or be authorized by the manufacturer as a direct distributor;
- Provide an American National Standard Institute/National Science Foundation Standard 60 Certification for Drinking Water Treatment Chemicals;
- Provide a Certification of Analysis of the material identified throughout the solicitation indicating that the bidder meets the requirements of American Water Works Association standards;
- Provide safety data sheets supplied by the manufacturer; and
- Provide three different references of current or previous customers.

WASD will require approximately 6,500,000 pounds, annually, of ferric sulfate for its wastewater treatment processes. The awardee is required to deliver the solicited product in tanker trucks at the North, Central and South districts' wastewater treatment plants. Moreover, the awardee is responsible for the maintenance of the chemical feed pumps and storage tanks as well as providing 16 hours of safe handling training to County personnel regarding the proper application of ferric sulfate.

The following commodity codes were included in the Internal Services Department Small Business Development Division Project Worksheet for this solicitation: 88544; 88546; 88560; 88576; 88578; and 88582. A search of the County's Small Business Enterprise Goods and Services Certified Firms by Trade Code List dated June 6, 2018 found Pancar Industrial Supply Corporation under codes 88544; 88546; 88560; 88576; and 88578. In addition to Pancar Industrial, the following certified vendors were found: Pappu Natural Products Corp. under 88546 and Allied Paper Co under 88582.

The Market Research for this item indicated that the Internal Services Department conducted outreach to maximize local vendor participation in the contract's re-procurement; such efforts included posting the draft solicitation under future solicitations on the County's website; electronic mail notification of the solicitation through the National Institute of Governmental Purchasing; and contacting the Beacon Council for referral of qualified local vendors.

ADDITIONAL INFORMATION

OCA found an U.S. Environmental Protection Agency Consent Agreement and Final Order relating to violations of chemical and pesticide laws for Kemira Water Solutions, Inc.

<https://www.epa.gov/sites/production/files/documents/kemirawater-cafo.pdf>

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**Item No. 8F14
File No. 181366**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING DESIGNATED PURCHASES PURSUANT TO SECTION 2-8.1(B)(3) OF THE MIAMI-DADE COUNTY CODE, BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; EXTENDING THE TERM OF COUNTY HEAD START CONTRACTS WITH 17 DELEGATE AGENCIES FOR UP TO ONE YEAR, WITH OPTION TO EXTEND SUCH CONTRACTS FOR UP TO TWO, ONE-YEAR TERMS; AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY FOR THE EXTENDED CONTRACT TERM OR TERMS IN AN AMOUNT UP TO \$180,000,000.00, SUBJECT TO THE RECEIPT OF APPLICABLE FEDERAL FUNDS AND APPROPRIATION, FOR CONTRACT NO. RFAHEADSTART-5(5) FOR THE HEAD START PROGRAM SERVICES; WAIVING RESOLUTION NO. R-130-06; AUTHORIZING THE EXTENSION OF AUTHORITY PREVIOUSLY GRANTED TO THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE PURSUANT TO RESOLUTION NO. R-94-12; 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 a designated purchase to extend contracts with 17 delegate providers for delivery of Head Start and Early Head Start Program services for the Community Action and Human Services Department for one year plus two, one-year options to renew in an amount up to \$180,000,000.

APPLICABLE LEGISLATION/POLICY

The Improving Head Start for School Readiness Act of 2007 authorizes the national Head Start program, which provides comprehensive developmental services, including health, nutritional, educational, social and other services, to economically disadvantaged preschool children and their families.

<https://www.gpo.gov/fdsys/pkg/PLAW-110publ134/pdf/PLAW-110publ134.pdf>

45 CFR Chapter XIII sets forth the Head Start Program Performance Standards, including program governance, operations, financial and administrative requirements, and federal administrative procedures.

<https://eclkc.ohs.acf.hhs.gov/sites/default/files/pdf/hspps-final.pdf>

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

Section 2-8.1(b)(3) of the County Code (Designated Purchase) sets forth the requirements for a purchase of goods or services where formal sealed bids would not be practicable. Such purchases include: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations 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.

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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. A recommendation for award of a Designated Purchase shall not be subject to the protest procedures set forth in Section 2-8.4 of the Code.

[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-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>

Resolution No. R-391-17, adopted by the Board on April 4, 2017, directs the County Mayor to provide specific findings of fact in any item presented to the Board seeking to authorize additional scope in a contract as to why the provision of goods and services through competition instead of via adding additional scope is not feasible.

<http://intra/gia/matter.asp?matter=170534&file=true&yearFolder=Y2017>

Resolution No. 94-12, adopted by the Board on January 26, 2012, relates to the Head Start Program and authorized the County Mayor to (1) advertise a Request for Expression of Interest and a Request for Applications; (2) evaluate applications and conduct processes set forth therein, including appeals; (3) award conditional contracts; (4) enter lease and sublease agreements with nonprofit delegate agencies; and (5) execute contracts up to \$46,920,000 for Head Start services.

<http://intra/gia/matter.asp?matter=120256&file=false&yearFolder=Y2012>

Resolution No. 130-06, adopted by the Board on January 24, 2006, amended Resolution No. R-1198-05 to clarify 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>

Resolution No. 841-06, adopted by the Board on July 6, 2006, changes the deadline to seek approval for award of successor contracts or extensions of existing contracts from 60 to 30 days prior to expiration.

<http://intra/gia/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>

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PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

The item was considered at the June 11, 2018 Housing and Social Services Committee and forwarded to the Board with a favorable recommendation (i.e., 4-1; Martinez dissenting). At that committee meeting, the following discussion transpired:

- A Representative from the School Board of Miami-Dade County voiced that (1) the School Board is the largest delegate agency for the program; (2) since 2012, approximately 1,935 Head Start students have been served and approximately 192 Early Head Start students have been served; and (3) the 13th Amendment to the Interlocal Agreement is still being negotiated by the parties; the School Board further shared that it desires to reconcile all differences expeditiously and has submitted its proposed revisions to the CAO.
- Commissioner Edmonson asked the CAO why the Board is considering the item while negotiations are underway; the CAO responded that (1) the school Board received a copy of the proposed 13th amendment on May 21 and did not submit its revisions until June 8, 2018; (2) once the revisions have been reviewed, if necessary, amendments will be brought to the Board; and (3) the item otherwise brings the School Board's contract in line with the agreements of the other 16 delegate agencies.
- Commissioner Martinez voiced that the item is requesting waiver of the Board's policy requiring items to be negotiated and signed by the non-County party prior to Board consideration; he further stated that he will not support the item as the agreements have not been negotiated, and the true contract value is unknown.
- Commissioner Jordan requested clarification on the nature of the time sensitivity and the commencement of the Head Start Program Year; the CAO responded that the fifth option to renew expires at the end of July 2018; the 13th amendment authorizes an extension of the contract term by one year plus two, one-year options to renew, aligning the contract term with the grant program term; the other revisions align the School Board's contract to that of the other delegate agencies; and the CAHSD Head Start Program Director stated that the Program Year is from August 1 to July 31.

FISCAL IMPACT

The contract is currently in its fifth and final option to renew term, which commenced on August 1, 2017 and expires on July 31, 2018, and aligns with the budget period of the U.S. Department of Health and Human Services Administration for Children and Families (DHHS). Based on information found in the Bid Tracking System on July 5, 2018, a total of \$58,724,000 was allocated to the option term's Blanket Purchase Order, of which \$50,760,155 has been released, leaving a balance of \$7,963,845.

The contract has a cumulative term of six years, commencing its initial term on August 1, 2012 and expiring on July 31, 2018, and a cumulative value of \$341,978,000. If the requested additional allocation of \$180,000,000 is approved, the modified cumulative allocation would be \$521,978,000.

Per the DHHS Notice of Award for the current budget period, the award computation is as follows: federal share of \$59,304,599 (80 percent) and non-federal share of \$14,826,150 (20 percent).

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ANALYSIS

This item is requesting Board approval of a designated purchase to extend the Head Start and Early Head Start Program (Head Start) with the 17 delegate agencies for a one-year period plus two, one-year option terms for a value of up to \$180,000,000. Authorization for a designated purchase requires a two-thirds vote of the members present of the County Commission. The Head Start contract is in its fifth and final option term, which expires on July 31, 2018. The departmental justification for the designated purchase is to align the contract end date with the DHHS project period, August 1, 2015 through July 31, 2020. Accordingly, it is unclear why a second, one-year option term is being requested as exercise of such option would extend the Head Start contract through July 31, 2021, a full year beyond the DHHS project period expiration date.

To effectuate the designated purchase, the County will execute an Interlocal Agreement with the School Board of Miami-Dade County and Supplemental Agreements with the other delegate agencies. Under the agreements, the delegate agencies are required to (1) meet monthly with the County to enhance the delivery of comprehensive, integrated services; (2) maintain a 100 percent attendance rate and participation in monthly Executive Director meetings, and the annual Program Governance training; and (3) ensure that all staff paid with Head Start funds, in whole or in part, attend the annual Pre-Service Training Conference, Infant and Toddler Conference, New Staff Orientation and In-Service Staff Development Training Programs, including the Classroom Assessment Scoring System.

During the current option term, the County issued a notice of default to the School Board for relocating a mobile unit without authorization. The proposed 13th Amendment to the County-School Board Interlocal Agreement requires that the School Board repair the ADA access ramp to the portable located at Bunche Park Elementary School at its own expense and in a safe and workmanlike manner no later than August 1, 2018.

Head Start provides comprehensive child development services for low income children and families throughout the County. The program is open to children ages newborn through age five and provides care and instruction for children in a classroom setting. Program eligibility is based on U.S. federal poverty guidelines as set forth in the table below. Note that for families with more than eight persons, add \$4,320 for each additional person.

Persons in Family/Household	Poverty Guideline
1	\$12,140
2	\$16,460
3	\$20,780
4	\$25,100
5	\$29,420
6	\$33,740
7	\$38,060
8	\$42,380

Program services are delivered in designated target geographic areas throughout the County. For the current budget period, the Head Start population is 6,310 children, and the Early Head Start population is 446 infants, toddlers and pregnant women. Head Start provides a variety of services (e.g., Education and Early Childhood Development; Health, Nutrition and Mental Health; Disability Services; Family Support Services; and Parent Involvement) that are aimed at enhancing the lives of children, building strong family units, and providing opportunities to obtain self-sufficiency through collaboration with and referrals to other services provided by the County.

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Head Start administrators are given flexibility to design service delivery to be responsive to cultural, linguistic, and other contextual needs of local communities, leading to considerable variability in the services offered. Head Start service models also vary according to family needs, such that children and families may be served through center-based or family childcare, home visits, or a combination of programs that operate full or half days for eight to 12 months per year.

ADDITIONAL INFORMATION

A U.S. Department of Education study found that Head Start has potentially positive effects on general reading achievement and no discernable effects on mathematics achievement and social-emotional development for three- and four-year-old children.

https://ies.ed.gov/ncee/wwc/Docs/InterventionReports/wwc_headstart_042517.pdf

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Item No. 8F15
File No. 181280

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00618 IN A TOTAL AMOUNT UP TO \$250,210,000.00 FOR THE PURCHASE OF EMERGENCY DEBRIS REMOVAL FOR VARIOUS COUNTY DEPARTMENTS 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 authorize the establishment of pre-qualified pool RTQ-00618 in a total amount of up to \$250,210,000.00 for the purchase of emergency debris removal for various County departments for an initial term of five years and one, five-year option to renew term.

APPLICABLE LEGISLATION/POLICY

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

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

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

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

Miami-Dade County Section 29-124(f)(ii) provides that [w]here no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars (\$1,000,000.00) unless the Trust has submitted a recommendation to the County Commission regarding said contract award ... If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch29_artxvi_sec29-124

Resolution 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>

BCC Meeting: July 10, 2018
Research Notes

Resolution R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor 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.

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

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services Department

The proposed resolution was considered at the June 12, 2018 Infrastructure and Utilities Committee meeting.

Commissioner Martinez referred to some issues that occurred during Hurricane Irma with vendors who did not perform the work they were paid for. He inquired whether any of those vendors were being recommended for inclusion in the pool.

Deputy Mayor Alina Hudak noted the complaints that Commissioner Martinez was referring to must have occurred in other jurisdictions, because Miami-Dade County was able to conduct the solicitation immediately after the hurricane, and was therefore able to attract all of the trucks that were needed for debris removal. She stated that at the height of the debris removal program, the County had more than 3,000 certified trucks. She requested that the Board's Rules of Procedure be waived to place this item on the next BCC agenda in order to finalize the contract before the current pool expires.

In response to Commissioner Diaz' question regarding whether safeguards were in place to ensure that the vendors in the pool would not end up working for a County that was willing to offer them more money, Ms. Hudak pointed out that it would be difficult for any jurisdiction to be fully protected against this eventuality in a case involving a catastrophic hurricane such as Irma. She noted the County was very lucky during Hurricane Irma because it was able to keep the trucks and most of the vendors were local.

Ms. Namita Uppal, Chief Procurement Officer, Internal Services Department, explained that the County would conduct the solicitation immediately after the storm, and this would allow the vendors to take into consideration the market conditions at that time; therefore, the bids would reflect those market conditions.

Responding to Chairman Monestime's question as to whether the contract language would provide the necessary safeguards to ensure that vendors would honor their contracts, Ms. Uppal noted at this time the County was simply pre-qualifying the vendors for the pool. She explained that the majority of the counties and municipalities faced the problem to which Commissioner Diaz was referring because they entered into fixed rates contracts with the vendors four or five years ago, and they wanted the vendors to honor those contracts. Ms. Uppal explained that because the County would be conducting a spot marketing solicitation, the bids would reflect the market conditions at that time.

Commissioner Diaz suggested that the contracts include the necessary safeguards, and requested to meet with Ms. Hudak and Ms. Uppal before the item was sent to the BCC to discuss this matter further.

Assistant County Attorney Jugo Benitez advised that some protections could be included into the contracts. However, he said while some of the companies may decide that it was more profitable for them to breach their contracts, if they did so, it would be difficult for them to be awarded future County contracts.

Ms. Hudak cautioned that the County had to be competitive, meet FEMA regulations, and she did not want to frighten the companies from participating in the solicitation process.

**BCC Meeting: July 10, 2018
Research Notes**

Pursuant to Chairman Monestime's question as to whether the companies could still apply to be included in the pool, Ms. Uppal confirmed that they could, and noted ISD would be holding workshops in all of the districts to encourage additional vendors to apply.

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

FISCAL IMPACT

According to the Fiscal Impact Statement, the fiscal impact for the five-year term is \$125,105,000. The current pool, 6417-0/17, has a cumulative value of \$104,925,000 for a five-year, seven-month term, expiring on July 30, 2018.

Per information found in the Bid Tracking System on June 22, 2018, \$104,748,000 has been allocated to the current contract's Blanket Purchase Order, of which \$84,539,468 has been released leaving a balance of \$20,208,532.

Should the County choose to exercise, the one, five-year option to renew, the estimated cumulative value will be \$250,210,000. The allocation under the replacement pool is higher than the previous pool due to departments forecasted future operational needs, anticipated services and prior usage during recent hurricane events.

ANALYSIS

The proposed resolution would authorize the establishment of pre-qualification pool RTQ-00618 for the purchase of emergency debris removal for various County departments in a total amount of up to \$250,210,000.00 for an initial term of five years and one, five-year option to renew term. The current pool, 6417-0/17, has a cumulative value of \$104,925,000 for a five-year, seven-month term, and expires on July 30, 2018.

The work to be performed under the proposed pre-qualification pool consists of removing debris caused by a disaster occurring in Miami-Dade County, natural or otherwise, and transporting and depositing the debris at staging areas and/or disposal sites designated by the County. The debris may be required to be sorted, at the sole discretion of the County. Sorted emergency debris includes but is not be limited to the following categories:

- Trees and vegetation;
- Burnables – miscellaneous lumber, paper, furniture, etc.;
- Construction debris – miscellaneous concrete items, metal, plaster, glass, etc.;
- White goods – stoves refrigerators, washers, dryers, water heaters, etc.;
- Tires

Immediately after a declared emergency, County departments issue Invitations to Quote to all pre-qualified vendors. The qualification criteria for the vendors are as follows:

- Vendors shall hold a General Hauler Permit pursuant to Section 15.17 of the Miami-Dade County Code;
- At a minimum, one vehicle must be permitted at the time of qualification;
- Vendors shall produce acceptable proof of ownership or long-term lease (12 months or more) of the equipment necessary to perform the work, with the capacity to load and remove a minimum of 1,400 cubic yards of debris on a daily basis, and a minimum of 10 crews;
- Vendors shall produce acceptable proof of having been an established, duly-licensed firm engaged in business anywhere in the United States within any of the following activities: bulk hauling, construction involving land clearing, demolition, trash and garbage hauling, for a minimum period of one year of the date of the initial bid submittal.

BCC Meeting: July 10, 2018
Research Notes

The pool may be used to clean up various types of debris as long as the debris is caused by a disaster that was declared by the County Mayor as “a local state of emergency.” An emergency may be declared by the County Mayor for any or all areas of Miami-Dade in response to an imminent threat of, or an occurring emergency or disaster.

A Request to Qualify was advertised and a total of 24 vendors responded to the solicitation. Fifteen vendors are recommended for inclusion in the pool, of which 9 are local. Both non-local and local firms are needed in case of emergency. Local and non-local vendors are needed for fast mobilization, high removal capacity for debris clean up, efficient handling and minimization of overall impact to Miami-Dade County residential and business communities. The pool will remain open to allow additional vendors meeting the pre-qualification criteria to be added. The pool allows the County to issue spot market competitions for the required services among multiple pre-qualified firms that have the necessary experience, qualifications and equipment.

Vendor	Principal Address	Principal	Sunbiz registration
A Native Tree Service, Inc. (SBE)	15733 SW 117 Avenue Miami, FL	Dayne Tomasetti	Active since 12/16/85
Able Business Services, Inc. (SBE)	1234 NW 79 Street Miami, FL	William L. Berry	Active since 11/18/01
Action Sales, LLC dba Action Sod & Landscape Gardens	5700 SW 123 Avenue Miami, FL	Barbara Lopez	Active since 10/8/09
All Florida Land Cleaning, Inc. (SBE)	3805 NW 132 Street Opa Locka, FL	Armando De Leon	Active since 5/3/91
Austin Tupler Trucking, Inc.	6570 SW 47 Court Fort Lauderdale, FL	Glen D. Tupler	Active since 8/9/72
Bergeron Emergency Services, Inc.	19612 SW 69 Place, Pembroke Pines, FL	Ronald M. Bergeron, Jr.	Active since 4/14/06
Ceres Environmental Services, Inc.	3825 85 Avenue N Brooklyn Park, MN	David A. McIntyre	Active since 6/19/96
CNC Management Group, Inc.	12865 SW 216 Street, Miami, FL	Carlos M. Vazquez	Active since 12/20/04
Eastern Waste Systems, Inc.	1660 NW 19 Avenue Pompano Beach, FL	Angelo Marzano	Active since 7/21/03
G7 Holdings, Inc.	8600 NW 36 Avenue Miami, FL	Gregory R. Davis	Active since 4/27/2000
KDF Enterprises, LLC	310 Tidwell Drive Alpharetta, GA	Baillie Kilpatrick	Active since 10/25/10
SFM Services, Inc.	9700 NW 79 Avenue Hialeah Gardens, FL	Christian H. Infante	Active since 1/9/87
T.F.R. Enterprises, Inc.	601 Leander Drive Leander, TX	Tipton F. Rowland	Active since 9/10/02
U.S. Sweeping, Inc.	20533 Biscayne Boulevard, Suite 443, Aventura, FL	Iris Bakar	Active since 10/29/10
Weed-A-Way, Inc. (SBE)	5900 Dewey Street Suite 202, Hollywood, FL	Monday Okotogbo	Active since 1/14/99

**BCC Meeting: July 10, 2018
Research Notes**

A review of the County's SBE list of certified vendors conducted on June 22, 2018 under the commodity code 91027 – Garbage/Trash Removal and Disposal, resulted in the following seven vendors:

- Lawn Keepers of South Florida, Inc.
- MAG Construction, Inc.
- Recover Right, LLC
- SJ Brighter Clear, Inc.
- Three Hearts Lawn Care, LLC
- Zorta Construction, Inc.
- Conwell & Associates Consulting Company

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Internal Services Department on June 11, 2018, and received the following responses:

- How is an emergency declared? Must it be declared by the Governor in order to qualify for FEMA and State reimbursement? **An emergency may be declared by the County Mayor for any or all areas of Miami-Dade in response to an imminent threat of, or an occurring emergency or disaster.**

- Will FEMA reimburse 75 percent, and will the State reimburse 12.5 percent of the \$125,105,000? **The Public Assistance Program administered by the Federal Emergency Management Agency (FEMA) awards grants to assist State and local governments with the response to and recovery from disasters. FEMA Public Assistance program will generally reimburse for 75 percent of the actual eligible expenditures incurred by the County during emergency debris removal. In addition the State of Florida will reimburse the County for the one half of the remaining balance of eligible costs that was not reimbursed by FEMA or 12.5 percent of eligible costs. FEMA has options of providing up to 100 percent reimbursement of eligible costs for certain disasters. Reimbursement for emergency debris removal costs are contingent upon proper filing of applications/reports/paperwork with respective agencies.**

Miami-Dade County has a separate contract through RFP-00172 that provides monitoring, management and facilitates communications with FEMA, the State of Florida and other federal agencies. This contract is used by the County to coordinate with FEMA liaisons/submission assistants the submission of County applications for public assistance from FEMA and the State of Florida.

- Why are non-local and local firms needed in case of an emergency? **Local and non-local vendors are needed for fast mobilization, high removal capacity for debris clean up, efficient handling and minimization of overall impact to Miami-Dade County residential and business communities.**

Per FEMA guidelines § 200.319(b), [a]ll procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of § 200.319(b). In order to ensure that FEMA recipients are in compliance with federal requirements procurement transactions cannot have any local geographical preference for local contractors.

- Can this contract be utilized to remove debris occasioned by tropical storms or is it only meant to be utilized in cases of hurricanes? **The pool may be used to cleanup various types of debris as long as the debris is caused by a disaster that was declared by the County Mayor as “a local state of emergency.”**

**BCC Meeting: July 10, 2018
Research Notes**

Item 8F16

File No. 181288

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00580 IN A TOTAL AMOUNT UP TO \$9,937,000.00 HYDRAULIC PARTS, SUPPLIES, AND REPAIRS FOR VARIOUS COUNTY DEPARTMENT FOR A TERM OF EIGHT 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 authorize the establishment of pre-qualification pool RTQ-00580 in a total amount of up to \$9,937,000.00 for Hydraulic Parts, Supplies, and Repairs for various County departments for a term of eight years.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 2-8.1, 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

Miami-Dade County Code, Section 29-124(f), provides that “[n]o 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://miamidade.fl.elaws.us/code/coor_ptiii_ch29_artxvi_sec29-124

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 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-140-15 directs the County Mayor 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.

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

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services Department

BCC Meeting: July 10, 2018
Research Notes

The proposed resolution was considered at the Government Operations Committee on June 12, 2018; and was forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

According to the Fiscal Impact Statement, the fiscal impact for the eight-year term is \$9,937,000. The current pool, 7271-0/18, is valued at \$13,882,000 for a ten-year term and expires on February 28, 2019. The allocation under the pool is lower than the previous contract due to lower projected usage during the pool's term.

Per information found in the Bid Tracking System on June 22, 2018, \$13,881,200 has been allocated to the current contract's Blanket Purchase Order, of which \$10,693,086 has been released leaving a balance of \$3,188,113.

ANALYSIS

The proposed resolution seeks the Board's approval for the establishment of a pre-qualification pool, RTQ-00580, Hydraulic Parts, Supplies and Repairs, for the following County departments: Aviation, Corrections and Rehabilitation, Fire Rescue, Internal Services, Parks, Recreation and Open Spaces (PROS), PortMiami, Public Housing and Community Development (PHCD), Solid Waste Management, Transportation and Public Works, Water and Sewer.

Pre-qualified vendors will be invited to participate in future spot market competitions. The pool will remain open for the term of the RTQ, enabling vendors to qualify at any time after the initial RTQ opening date. Currently, Contract No. 7271-0/18 for Hydraulic Parts, Supplies, and Hydraulic Repair Services, is used to procure these goods and services. This contract is currently under its initial nine-year term with no options to renew.

A Request to Qualify was issued under full and open competition. The solicitation was divided into four groups:

Group 1, Hydraulic Parts;
 Group 2, Hydraulic Repairs;
 Group 4, Hydraulic Parts for the PHCD; and
 Group 4, Hydraulic Repairs for the PHCD.

Six vendors responded to the solicitation and all six are being recommended for inclusion in the pool as set forth in the table below:

Awardee	Principal Address	Principal	Group(s) Awarded	Sunbiz Registration
B&G Auto Parts Warehouse, Inc.	2013 SW 1 Street Miami, FL	Manuel Gomez, Jr.	Group 1	Active since 4/15/85
Hydraulic Sales & Service, Inc.	3700 NW South River Drive Miami, FL	Cleveland H. Jones	Groups 1, 2, 3, and 4	Active since 2/22/71
Aero Hardware & Supply dba Hydraulic Supply Co.	300 International Parkway Sunrise, FL	James H. Inglis	Groups 1, 2, 3, and 4	Active since 1/2/58
Jobbers' Equipment Warehouse, Inc.	5440 NW 78 Avenue Miami, FL	Ronald M. Ahearn	Groups 1, 2, 3, and 4	Active since 6/29/62

BCC Meeting: July 10, 2018
Research Notes

Ramar Enterprises of Broward, Inc. dba L&L Distributors, LLC	1511 North Powerline Road Pompano Beach, FL	Raymond Marchesiello	Group 1	Active since 1/8/03
Power Brake Exchange, Inc.	8493 NW 64 Street Miami, FL	Thomas C. Kennedy	Groups 1 and 2	Active since 4/28/71

This item is placed for Committee review pursuant to Miami-Dade County Code Section 29-124(f). The Board may only consider this item if the Citizens' Independent Transportation Trust (CITT) has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or 45 days have elapsed since the issuance of this recommendation. If CITT has not forwarded a recommendation and 45 days have not elapsed since the issuance of this recommendation, a withdrawal of this item will be requested.

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department's Procurement Guidelines to determine vendor responsibility, including verifying corporate status and that there are no performance and compliance issues. The lists that were referenced included convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to vendor responsibility.

An online search was conducted for contracts with the same scope of service from other governmental agencies. The search revealed that Broward County has one contract for hydraulic maintenance and repair. However, this contract is meant to service Stanley Hydraulic Equipment only; the amount of the contract is for \$16,000. Staff contacted Broward County and was informed that this contract will not be renewed. The City of Miami currently utilized the County's current contracts 7271-0/18 and RTQ-00095 (hydraulic parts and repair services for mobile equipment for \$3,040,000). Staff contacted the State of Florida and was informed that they do not have a contract in place for this type of commodity.

Pursuant to Resolution No. R-140-15, prior to re-procurement, a full review of the scope of services was conducted to ensure the replacement pool reflects the County's current needs. The review included conducting market research, posting a draft solicitation for industry comment, and holding meetings and drafting sessions with the user department.

A review of the County's SBE list of certified vendors conducted on June 7, 2018, under the commodity code 06061 – Hydraulic System Components and Parts, Automotive, resulted in three SBE vendors:

- P.S. Systems, Inc.
- PER Car Inc.
- The Tool Place Corp.

**BCC Meeting: July 10, 2018
Research Notes**

**Item No. 8F17
File No. 181042**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00654 FOR PURCHASE OF FIREFIGHTER PROTECTIVE UNIFORMS FOR MIAMI-DADE FIRE RESCUE DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$4,500,000.00 FOR THE INITIAL FIVE-YEAR TERM; 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 should approve the award of Contract No. FB-00654, for purchase of Firefighter Protective Uniforms, for the Miami-Dade Fire Rescue Department, in a total amount not to exceed \$4,500,000 over a five-year term.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 2-8.1, 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=PTIIICOR_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.

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

Implementing Order 2-13 governs the guidelines and procedures regarding legal opinions with respect to the County's competitive processes.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf>

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>

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

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

Resolution R-140-15 directs the County Mayor 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.

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

BCC Meeting: July 10, 2018
Research Notes

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Internal Services Department

The proposed resolution was considered at the June 13, 2018, Public Safety and Health Committee meeting.

Commissioner Diaz thanked Chief David Downey, Miami Dade Fire and Rescue Department, for donating surplus equipment and uniforms to Guatemala. He lamented that the firefighters in that country were volunteers and did their work sometimes without respirators.

Chairwoman Heyman explained that the shelf-life of the firefighters' personal protection gear was based on the date they were manufactured. She noted once the gear reached the end of its shelf-life it had to be destroyed or donated to Third World countries for training purposes; it could not even be donated to volunteer fire departments in the United States. She said she would be putting forth proposed legislation seeking to change this law.

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

FISCAL IMPACT

According to the Fiscal Impact Statement, the fiscal impact to the County from this item is an estimated \$4,500,000 for a five-year term. The current contract, 9186-0/15, is valued at \$5,884,000 for a six-year and eleven-month term and expires on August 31, 2018. The proposed cost allocation, even though slightly higher, is in line with the current pool's cost allocation. The increase in cost allocation can be attributed to the replacement of gear that has reached the end of its useful life and to anticipated increase in usage due to new hires over the five-year term.

Per information found in the Bid Tracking System on June 26, 2018, \$5,884,000 has been allocated to the current contract's Blanket Purchase Order, of which \$3,901,013 has been released leaving a balance of \$1,982,986.

ANALYSIS

The proposed resolution seeks to approve a competitive contract award for the Miami-Dade Fire Rescue (MDFR) Department. Contract No. FB-00654, Firefighter Protective Uniforms, will be used to purchase structural and wildland firefighting ensembles (jackets, trousers, helmets, boots, and gloves).

The personal protective clothing ensemble addressed in these specifications will be designed and manufactured to protect firefighters against adverse environmental effects during structural firefighting operations. The ensemble consists of: coat, pants, boots, hood, gloves and helmet. All materials, design and construction methods will meet or exceed the National Fire Protection Association standards on protective ensembles for structural firefighting and proximity firefighting.

Below is the summary of the firefighting equipment expected to be purchased under the proposed contract:

Description	Estimated Usage	Current Prices	New Prices
Structural Fire Jacket	500	\$915.03	\$851.00
Structural Fire Trouser	500	\$675.88	\$715.00
Wildland Fire Jacket	245	\$155.15	\$240.00
Wildland Fire Trouser	245	\$170.66	\$237.00
Structural Fire Helmet	500	\$249.90	\$259.00

BCC Meeting: July 10, 2018
Research Notes

Search and Rescue Helmet	200	\$247.61	\$210.00
Wildland Fire Helmet	500	\$92.00	\$39.00
Structural Fire Boots	600	\$137.82	\$228.00
Gloves	3000	\$92.68	\$77.50

Results of Open Competition:

The County issued an invitation to bid to identify potential proposers and relevant price information. Approximately 3,800 vendors were notified. Eleven responses were received, including two “No Bids”. Due to regulations related to the type of equipment under this item, limited vendors are capable of providing the unique and specialized equipment.

Of the eleven responsive vendors the department is currently recommending four vendors for award of the Contract. Three out of the four recommended vendors are non-local vendors and one is a local vendor. Resolution No. R-1011-15, directs the 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 directs the County Mayor to include such information in a memorandum to the Board pertaining to a vendor being recommended for contract award.

None of the non-local vendors recommended for award employ any Miami-Dade residents. However, the one recommended local vendor, Viking Life-Savings Equipment (America), Inc., employs approximately 80 percent (34 employees) of its workforce from Miami-Dade County residents. Two of the recommended vendors, Bennet Fire Products Company, Inc. and Municipal Equipment Company, LLC, are already awarded under the current contract.

The table below lists the recommended vendors for award on the proposed contract.

Recommended Vendor	Local Address	Number of Employees residing in Miami-Dade County	Sunbiz Registration
Bennett Fire Products Company, Inc.	No	0	Active since 10/22/2002
Municipal Equipment Company, LLC	No	0	Active since 12/28/1999
Viking Life-Saving Equipment, Inc.	Yes	34	Active since 8/7/1981
WS Acquisition, LLC d/b/a Western Shelter Systems	No	0	Active since 6/3/2013

A review of the County’s SBE list of certified vendors conducted on June 26 2018, under the commodity code 20037 – Hazardous Environment Clothing, resulted in zero SBE vendors.

ADDITIONAL INFORMATION

The Miami-Dade Fire Rescue Department has grown into one of the top 10 largest fire-rescue departments in the United States with an annual operating budget of \$361 million and a \$54 million five-year capital plan. MDRF is staffed by 2,429 employees; of which, almost 2,000 are uniformed firefighters.

**BCC Meeting: July 10, 2018
Research Notes**

**Item No. 8F18
File No. 181553**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING AWARD OF A CONTRACT TO STATE CONTRACTING & ENGINEERING CORPORATION FOR DESIGN-BUILD SERVICES FOR THE NEW HIALEAH GARDENS BRANCH LIBRARY PROJECT, ISD PROJECT NO. DB17-ISD-02 GOB ESP, ISD CONTRACT NO. Z000176; IN AN AMOUNT NOT TO EXCEED \$7,476,475.00 FUNDED WITH BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS, FOR A TERM OF 900 DAYS; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND TO EXERCISE THE PROVISIONS THEREOF, INCLUDING THE TERMINATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

The proposed resolution approves the award of a contract in an amount not to exceed \$7,476,475 to State Contracting & Engineering Corporation for design-build services for the new Hialeah Gardens Branch Library Project.

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/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Miami-Dade County Code, Section 2-8.2.7, *Economic stimulus ordinance*, intends to provide an expedited process to award certain contracts with the express purpose of stimulating the local economy; sets forth expedited processes therein.

<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/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR)

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: Commissioner Jose "Pepe" Diaz, District 12

Requester/Department: Internal Services Department

This proposed resolution has no procedural history.

FISCAL IMPACT

The award of the contract is in an amount not to exceed \$7,476,475, funded through Building Better Communities – General Obligation Bond proceeds.

BCC Meeting: July 10, 2018
Research Notes

The firm for which this contract is recommended proposed a base contract price of \$6,950,000 (breakdown below).

Element	Proposed Price
Engineering and Design	\$660,500
Construction	\$6,289,500
Total: Base Proposal Contract Price (Lump Sum)	\$6,950,000

ANALYSIS

The proposed resolution relates to ISD Contract No. Z000176, approving an award in an amount not to exceed \$7,476,475 funded with Building Better Communities – General Obligation Bond Program funds, for design-build services for the new Hialeah Gardens Branch Library Project.

As outlined in the Scope of Services section of the Request for Proposals, the project focus should be on creating a destination that encourages creativity, literacy, digital learning, and recreation with the primary challenge being to express a design concept that incorporates the use of 21st century technology/innovation and fosters a strong spirit of community collaboration. The new Hialeah Gardens Branch Library shall at a minimum incorporate the following broad types of public library space uses:

- Collection space (for display and browsing of library materials)
- Digital Technology/Innovation Lab (multi-media center)
- Public co-working space
- Children's browsing and activity room
- Public Digital workstations (computers)
- Lounge and reading areas
- Staff work areas
- Meeting space (large multi-purpose room and small meeting/study rooms)
- Special use spaces (Café, Outdoor Reading Area, and Courtyard)
- Non-assignable space (including mechanical space).

Four proposals were received in response to the solicitation issued on August 3, 2017. One firm withdrew its proposal leaving the following three firms to be reviewed and evaluated for compliance with SBE contract measures:

Firm	Qualitative Score	Bid Price (Base Contract Price)	Adjusted Bid (Bid Price/Qualitative Score)	Final Ranking
State Contracting & Engineering Corp.	457	\$6,950,000	15,208	1
D. Stephenson Construction, Inc.	462	\$8,586,477	18,585	2
Link Construction Group, Inc.	408	\$8,556,325	20,971	3

State Contracting & Engineering Corp. has been in business for 44 years and is an active, Florida Profit Corporation, registered to do business in Florida since 04/20/1993, according to the Florida Department of State Division of Corporations website (Sunbiz.org).

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ADDITIONAL INFORMATION

The Building Better Communities General Obligation Bond (BBC-GOB) Program

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.

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

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Research Notes**

**Item No. 8H1
File No. 180144**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING THE AMENDED AND RESTATED AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE DEERING ESTATE FOUNDATION OF MIAMI-DADE, INC., AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approved the Amended and Restated Agreement between the Deering Estate Foundation, Inc. and the County to allow the parties to continue to work collaboratively to optimize resources between them, coordinate efforts for the betterment of the Deering Estate and to raise resources for the benefit of the Deering Estate.

APPLICABLE LEGISLATION/POLICY

Resolution No. R493-05, adopted by the Board on May 3, 2005, authorizes the execution of an operating agreement with the Deering Estate Foundation Inc. for support of the Deering Estate and authorizes the County Manager to execute the same for and on behalf of Miami-Dade County. The agreement was approved for an initial 10 years with two, five-year renewals.

<http://intra/gia/matter.asp?matter=050770&file=true&yearFolder=Y2005>

Miami-Dade County Code Section 2-1, Rule 9.04, states that the Presiding Officer may designate members of the Commission to represent the Commission at various meetings and events with the consent of the designee, when necessary. The representatives shall not hold any power to act for or on the behalf of the Commission or County. Such representatives will report in writing to the Commission regarding the meeting or event.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1RUPRCOCO

Administrative Order 8-7 establishes limited authority guidelines and procedures for the waiver of rental fees by the County Manager for use of facilities at the Deering Estate at Cutler.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-7.pdf>

Administrative Order 8-3 establishes standard procedures of the application, evaluation, and permitting of Special Events in county-owned and operated park and recreation facilities to ensure public safety, benefit and well-being, meet the conditions of the Miami-Dade County Charter Article 6, and ensure that events remain for public park purposes only.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-3.pdf>

Florida Statute 440 outlines workers' compensation. Specifically in regards to this item, Workers' Compensation Insurance is required for all employees of the Deering Estate Foundation.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0440/0440ContentsIndex.html

Administrative Order 1-3 allows the Department Director of the department receiving, the authority to accept or reject gifts, donations, artwork, commemorative and/or memorial structures, and devises or bequests offered to the County with a market value of less than \$1000. All departments must send out a report of accepted and rejected gifts on a quarterly basis to the County manager.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO1-3.pdf>

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Florida Statutes, Section 768.28 waives sovereign immunity for liability for torts, but only to the extent specified in this act, in the case of negligent acts by the County, its agents, and employees.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0768/Sections/0768.28.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Parks, Recreation and Open Spaces

The proposed resolution was considered at the June 13, 2018 Parks and Cultural Affairs Committee meeting.

Commissioner Levine Cava commended the work accomplished by the Deering Estate Foundation. She noted Ms. Mary Pettit, Executive Director of the Foundation, had recently retired; and Ms. Larissa Siegal Lara, Councilwoman in Palmetto Bay, had been appointed as her successor.

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

FISCAL IMPACT

According to the Fiscal Impact Statement, the proposed resolution will have a positive fiscal impact on the Deering Estate through increased opportunities to leverage resources through the public-private partnership between the County and the Foundation. The Foundation raised more than \$6.5 million in cash, including memberships and donations, in-kind resources in the last five years and a recently completed capital campaign resulted in property donations of approximately 8.6 acres. The Foundation generated \$142,200 in admissions for visits to Deering Estate in 2017; and the use of the Foundation's office space amounts to approximately \$29,000 per year based on current market sales.

ANALYSIS

The proposed resolution seeks Board approval of the Amended and Restated Agreement between Deering Estate Foundation, Inc. and Miami-Dade County to allow the parties to continue to work collaboratively optimizing resources between them, coordinate efforts for the betterment of the Deering Estate and raise resources for the benefit of the Estate. The Amended and Restated Agreement specifically states that the Deering Estate Foundation is not an agency or instrumentality of the Estate or County. The term of the new agreement is 30 years, the term of the current agreement is 15 years.

The Deering Estate is the legacy of Charles Deering, a prominent Chicago industrialist, early preservationist, environmentalist, art collector, and philanthropist, who wintered and then resided in Miami during the first quarter of the 20th century. It is located at 16701 SW 72 Avenue in Palmetto Bay.

In 1985, the County entered into a 50-year lease with the State of Florida to operate and maintain the Estate. Since that time, several additional parcels that were part of the original Estate have been acquired to bring the total property to 443 acres. The Parks, Recreation and Open Spaces Department operates and maintains the Estate to promote conservation, education and recreation.

The purpose of the Agreement is to (1) formalize a public-private partnership between the County and the Foundation for the support, preservation, and development of the Estate as a world class destination with unique landscapes and ecosystems, historic architecture and furnishings, archeology and as a place of environmental and

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cultural significance; and (2) empower the Foundation to materially contribute to the support, preservation and development of the Estate.

The Agreement also seeks to delineate the respective responsibilities of the County and the Foundation and thereby promote the optimization of resources and prevent duplication of efforts in the conduct of their affairs so as to better accomplish their separate and collective missions to improve and preserve the Deering Estate as a public park, and historic site, a cultural and ecological field station, National Natural Landmark, National Historic Landmark, State Center for Conservation and Culture, National Park and World Heritage site for the benefit of the residents of Miami-Dade County and visitors from around the United States and the world.

The Amended and Restated Agreement is similar to the original 2005 agreement. One new feature is that the County has the authority in the proposed new agreement to terminate the agreement with 30 days' notice to the Foundation. In the previous agreement, there was no such 30-day notice for termination. The old agreement could only be terminated for default. This agreement increases the protection to the County should it wish to terminate the agreement. However, the Deering Estate Foundation has been a good partner for the last 12 years and it is expected that the amicable relationship will continue.

ADDITIONAL INFORMATION

The Deering Estate preserves the 1920s era Miami estate of Charles Deering, Chicago industrialist, early preservationist, environmentalist, art collector, and philanthropist. Nestled along the coast in South Dade, the Deering Estate is a cultural asset and historic site listed on the National Register of Historic Places.

<http://www.deeringestate.org/>

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following question to the Parks, Recreation and Open Spaces Department, and received the following responses:

- This resolution requests the Board to approve the Amended and Restated Agreement between the County and the Deering Estate Foundation; yet, the item does not clearly explain how the agreement was amended. Can you please clarify?

- **The Amended and Restated Agreement is similar to the original 2005 agreement. One new feature is that the County has the authority in the proposed new agreement to terminate the agreement with 30 days' notice to the Foundation. In the previous agreement, there was no such 30 day notice for termination. The old agreement could only be terminated for default. This agreement increases the protection to the County should it wish to terminate the agreement. However, the Deering Estate Foundation has been a good partner for the last 12 years and we expect the amicable relationship to continue.**
- **The term of the new agreement is 30 years, the term of the current agreement is 15 years.**

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Item No. 8I2

File No. 181240

Researcher: LE Reviewer: PGE

RESOLUTION RATIFYING THE ACTION OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE IN ENTERING INTO A CONTRACT WITH THE FLORIDA DEPARTMENT OF JUVENILE JUSTICE IN THE AMOUNT OF \$45,000.00, FOR A TERM ENDING ON JUNE 30, 2019; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE'S TO EXECUTE ANY AMENDMENT, MODIFICATION, RENEWAL AND EXTENSION PROVISIONS, AND TERMINATION CLAUSES

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution ratifying award of Contract No. 10592, between the County and the Florida Department of Juvenile Justice in the amount of \$45,000 for the crime prevention initiative until June 30, 2019.

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Chapter 985, Juvenile Justice; Interstate Compact on Juveniles, was intended to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen and reform the lives of children.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0985/0985.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Hayman, District 4

Requester/Department: Miami Dade Police Department

The proposed Resolution was considered at the Public Safety and Health Committee of June 13, 2018 and was forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

If approved, this item will not have a fiscal impact to the County. The contract provides for cost reimbursement by the Florida Department of Juvenile Justice for up to \$45,000.

ANALYSIS

This item requests Board ratification for a contract with the Department of Juvenile Justice in the amount of \$45,000 for services to be provide the by the Miami-Dade Police Department for approximately 50 at-risk youths.

Per analysis of the item this initiative is in its initial stage.

The Juvenile Services Department (JSD) provides a continuum of comprehensive services to arrested and at-risk juveniles, and their families. These services are designed to address the root causes of juvenile crime and prevent further delinquent behavior. As part of the public safety strategic area, the Department processes all arrested juveniles in Miami-Dade County in a 24 hour, 7 days a week, safe and secure facility. The Department also supports the County's portion of the Guardian Ad Litem (GAL), which advocates for the rights and interests of children involved in dependency court proceedings. JSD has served over 195,000 youth and their families since October 1997.

In 2017 3,070 juvenile arrests were made and since 1998 arrests have decreased by 81%.

<http://www.miamidade.gov/juvenileservices/library/juvenile-arrest-report.pdf>

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The Miami-Dade County Prevention Program provides services to at-risk youth and their families. The program utilizes assessment, referrals, and case management services. The goal is to intervene early in the lives of youth, in order to identify at-risk behaviors and prevent them from entering the juvenile justice system.

The Miami-Dade County Prevention Program is designed for youth between the ages of five and 17 years of age who may be experiencing behavior and family difficulties, as well as those at risk of being arrested.

Utilizing proven and successful juvenile justice tools and interventions, psychosocial issues of youth at-risk are identified so that suitable treatment plans and referrals to appropriate services can be developed, with the goal of preventing juvenile arrests.

The Prevention Program will receive referrals through community outreach, schools, other JSD diversion programs, parents, and other concerned adults.

Upon completion of the 90 day program, each participant will write a brief essay about their experience and may be recruited to serve as program speakers, mentors, and or role models for future programs such as the Violence Intervention Project.

A summary of the general services to be provided, per the contract, are listed below:

- Screening and Evaluation
- Transportation Services
- Mentoring Services
- DMC Youth Focus Groups
- DMC Educational Field Trips
- Drug and Violence Educational Sessions

Since the Prevention Program's inception, it has served over 1,600 youth with a 79% successful completion rate.

<http://www.miamidade.gov/juvenileservices/library/juvenile-prevention-report.pdf>

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**Item No. 8K1
File No. 181332**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO SUBMIT MIAMI-DADE COUNTY'S PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT'S FISCAL YEAR 2018-2019 PUBLIC HOUSING AGENCY PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FINAL APPROVAL; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO REVISE AND SUBMIT THE PUBLIC HOUSING AGENCY PLAN, SUBJECT TO THE LIMITATIONS OF THE "SIGNIFICANT AMENDMENT AND SUBSTANTIAL DEVIATION" DEFINITION CONTAINED THEREIN; APPROVING ADMISSIONS AND CONTINUED OCCUPANCY POLICY, PUBLIC HOUSING DWELLING LEASE, PUBLIC HOUSING SMOKE-FREE DWELLING LEASE ADDENDUM, AND PUBLIC HOUSING COMMUNITY POLICIES; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO MODIFY THE POLICY AND ADMINISTRATIVE PLAN AS MAY BE REQUIRED BY REGULATORY, STATUTORY, COURT ORDER OR INTERNAL POLICY CHANGES

ISSUE/REQUESTED ACTION

Whether the Board should approve the following policies, procedures, and other related documents for Miami-Dade County's Public Housing and Community Development Department:

1. Public Housing Agency Plan;
2. Public Housing Admission and Continued Occupancy Policy;
3. Conventional Public Housing Dwelling Lease;
4. Smoke-Free Dwelling Lease Addendum; and
5. Public Housing Community Policies.

Whether the Board should authorize the County Mayor or the County Mayor's designee to submit the Public Housing Agency Plan to the United States Department of Housing and Urban Development (HUD) for final approval no later than July 15, 2018.

Whether the Board should approve the Plan and the Policy, Lease, Addendum and Community Policies for implementation of a smoke-free policy in compliance with Resolution No. R-582-16 and HUD's regulations found in Title 24 of the Code of Federal Regulations (CFR), Parts 965 and 966.

Whether the Board should authorize the County Mayor or County Mayor's designee to make any necessary revisions to the Public Housing Agency Plan subject to the limitations of the Plan's "Significant Amendment and Substantial Deviation" definition.

Whether the Board should authorize the County Mayor or County Mayor's designee, on behalf of Miami-Dade County to modify the Policy, Lease, Addendum and Community Policies as may be required by regulatory, statutory, court order or internal policy changes without further approval of the Board.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1003-15, adopted by the Board on November 3, 2015, directs the County Mayor or the County Mayor's designee to:

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- (1) develop, in consultation with the residents and resident councils, a smoke-free policy for all multi-family public housing and affordable housing developments owned and operated by Miami-Dade County;
- (2) survey and hold community meetings with the residents, the resident councils and their advocates;
- (3) as it relates to the Public Housing Program, incorporate such smoke-free policy into the County's Fiscal Year 2016-2017 Public Housing Agency Plan, Admissions and Continued Occupancy Policy, Public Housing Community Policies and Public Housing Lease, subject to the Board's approval;
- (4) amend leases and community policies for County-owned multi-family affordable housing development to incorporate such smoke-free policy, subject to the Board's approval; and
- (5) provide a 30-day public comment period regarding the smoke-free policy in accordance with applicable laws, regulations, notices and this resolution; urging private property owners participating in the county's Section 8 Housing Choice Voucher and Section 8 Moderate Rehabilitation programs to implement smoke-free policies for their multi-family properties.

<http://intra/gia/matter.asp?matter=152082&file=true&yearFolder=Y2015>

Resolution No. R-582-16, adopted by the Board on July 6, 2016, approves Miami-Dade County Public Housing and Community Development Department's Fiscal Year 2016-2017 Public Housing Agency Plan; authorizes the Department Director to submit the Plan to the United States Department of Housing and Urban Development for final approval, to make any necessary revisions, subject to the limitations of the "Significant Amendment and Substantial Deviation" definition contained therein, as may be required by regulatory and statutory changes, court orders or internal policy changes; and waives the requirement of Resolution No. R-1003-15 that the Admissions and Continued Occupancy Policy, Section 8 Administrative Plan, Public Housing Dwelling Lease, and public housing community policies be submitted with a smoke-free policy by April 2016 and extending the submission date of the smoke-free policy for the Board's final approval no later than 18 months of the effective date of the final rule adopted by the United States Department of Housing and Urban Development pertaining to the implementation of smoke free policies by public housing agencies or such other date as determined by the United States Department of Housing and Urban Development.

<http://intra/gia/matter.asp?matter=161675&file=false&yearFolder=Y2016>

Resolution No. R-1149-16, adopted by the Board on December 6, 2016, approves Miami-Dade County Public Housing and Community Development Department's Admission and Continued Occupancy Policy, Public Housing Dwelling Lease, and Public Housing Community Policies; authorizes the Department Director to make any necessary revisions as may be required by regulatory and statutory changes, court orders or internal policy changes.

<http://intra/gia/matter.asp?matter=162374&file=true&yearFolder=Y2016>

Resolution No. R-653-17, adopted by the Board on June 20, 2017, approved, after a public hearing, Miami-Dade County Public Housing and Community Development Department's Fiscal Year 2017-2018 Public Housing Agency Plan; and authorized the Department Director to submit the Plan to the United States Department of Housing and Urban Development for final approval, and to make any necessary revisions, subject to the limitations of the "Significant Amendment and Substantial Deviation" definition contained therein, as may be required by regulatory and statutory changes, court orders or internal policy changes.

<http://intra/gia/matter.asp?matter=171571&file=true&yearFolder=Y2017>

Title 24 of the Code of Federal Regulations (CFR), Part 965.653 (a), provides that "PHAs must design and implement a policy prohibiting the use of prohibited tobacco products in all public housing living units and interior areas (including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures), as well as in outdoor areas within 25 feet from public housing and administrative office buildings (collectively, "restricted areas") in which public housing is located.

<https://www.law.cornell.edu/cfr/text/24/965.653>

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Title 24 of the Code of Federal Regulations (CFR), Part 966.4 (f)(12), states that [t]he lease shall provide that the tenant shall be obligated to assure that no tenant, member of the tenant's household, or guest engages in (B) Civil Activity. For any units covered by 24 CFR part 965, subpart G, any smoking of prohibited tobacco products in restricted areas, as defined by 24 CFR 965.653 (a), or in other outdoor areas that the PHA has designated as smoke-free.

<https://www.law.cornell.edu/cfr/text/24/966.4>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Public Housing and Community Development Department

The proposed resolution was considered at the June 11, 2018 Health and Social Services Committee meeting.

In response to Chairwoman Edmonson's question as to whether the implementation of a smoke-free policy for public buildings was a mandate from the United States Department of Housing and Urban Development (HUD), Mr. Michael Liu, Executive Director, Public Housing and Community Development Department (PHCD), confirmed that it was; however, he noted, it could be amended within the guidelines set by HUD. He emphasized that evictions would only be initiated as a last resort, and PHCD's goal was to educate the residents on the harmful effects of smoking. Mr. Liu further explained that residents who were disabled or had special needs had the right to request reasonable accommodation.

Responding to Chairwoman Edmonson's question regarding whether E-cigarettes were harmful for the health, Mr. Liu stated that the Center for Disease Control (CDC) had not yet issued guidelines on this subject. He said he sought guidance from the State Department of Health on this subject, and it was recommended to err on the side of caution, and to treat them as cigarettes. He noted PHCD's approach to E-cigarettes was to educate the residents on the potential harmful effects which they could have on their health.

Commissioner Martinez noted the Mayor's memorandum indicated that in 2015 HUD released a proposed rule on "Instituting Smoke-Free Housing," and he requested clarification on that proposal.

Mr. Liu indicated that since that time this rule became mandatory.

In response to Commissioner Martinez' question as to whether violation of that mandate could lead to an eviction, Mr. Liu reiterated that evictions would only be initiated as a last resort. He clarified that the County was adopting HUD's guidelines. He explained that under current County rules, residents could be evicted for a number of reasons, including disruption in the ability of neighbors to enjoy their unit. Therefore, he noted, an argument could be made that under current County rules, residents could be evicted in extreme cases where smoking could have the impact of harming the air quality of neighboring units.

Pursuant to Commissioner Jordan's question regarding whether there would be an opportunity for smokers who were trying to stop smoking to be enrolled in a treatment program, Mr. Liu indicated that PHCD had worked closely with the State Department of Health to make available counselling and assistance to help smokers stop smoking.

Responding to Commissioner Jordan's question as to whether any actions had been initiated against residents, Dr. Uche Oluku, Director, HUD's Office of Public Housing in Florida, noted this mandate was still very new; and all Public Housing Agencies (PHA) had been given until July 31, 2018, to begin implementation. He stated that he had

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reached out to all of the PHAs in Florida to verify that they were taking steps to comply with this new mandate; and he had not been informed that any of the PHAs had taken action against any of the residents.

Pursuant to Commissioner Jordan's question regarding whether HUD would be reviewing this mandate in a year, Mr. Oluku said he was unsure as to whether there would be a review after a year; if there was a review, it would take place in Washington D.C. He recalled that the rule was proposed in 2015, and all PHAs were given 18 months, until July 31, 2018, to implement it.

Commissioner Jordan indicated that she shared her colleagues' concerns. However, she noted she also had concerns regarding E-cigarettes, which were not safe; therefore, they should be included in the ban.

Commissioner Suarez said he was informed by Mr. Liu that approximately 15 percent of Miami-Dade residents were smokers; and according to research conducted by his staff, 18.5 percent of residents in the Midwest, 16.9 percent in the South, 13.3 percent in the Northeast, and 12.3 percent in the West were smokers.

Responding to Commissioner Suarez' question regarding the percentage of residents in public housing who were smokers, Mr. Liu noted PHCD had not conducted a formal survey on this matter, but could do so within 90 days. He pointed out that the PHCD held public meetings at all of the public housing facilities to explain the new policy to the residents; and he intended to organize follow-up meetings within six months. He clarified that residents could smoke in the courtyards within 25 feet from the buildings.

In response to Commissioner Levine Cava's question as to whether HUD's policy included E-cigarettes, Mr. Liu confirmed that it recommended that E-cigarettes be included in the ban, and that the residents be allowed to smoke within 25 feet from the buildings.

Pursuant to Commissioner Levine Cava's question regarding whether the County was allowed to consider mitigating circumstances for each case, Mr. Liu confirmed that it was; and that in addition the PHCD would provide access to health and mental health service practitioners to assist the smokers. However, he pointed out that it was also important to consider the impact that smokers had on non-smoking residents.

Responding to Commissioner Levine Cava's question as to the impact of the policy on the disabled, Mr. Liu stated that subject to the availability of units, the PHCD would consider requests for reasonable accommodation for the disabled. He pointed out that there may be some detached sites in which the disabled smokers could be placed; however, the department would work with them to help them stop smoking.

In response to Chairwoman Edmonson's question regarding how the PHCD planned to enforce this policy, Mr. Liu noted the PHCD would respond to complaints made by neighbors. He expressed the hope that with the assistance of peer pressure and the PHCD sensitization efforts, there would gradually be a reduction in the numbers of smokers in public housing, as had happened in society generally. Mr. Liu pointed out that during the meetings organized by the PHCD to inform residents of this new policy, the response was overwhelmingly positive.

Chairwoman Edmonson suggested that the policy be amended to specifically state that smokers would be provided the opportunity to participate in programs to help them stop smoking.

Ms. Jacqueline Dana, Compliance Manager, PHCD, clarified that this was already included in the policy; and the State Department of Health had been working closely with the University of Miami to provide assistance and patches free of charge to the residents to help them stop smoking.

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

FISCAL IMPACT

According to the Fiscal Impact Statement, the approval of the proposed resolution will not result in a fiscal impact to the County.

ANALYSIS

Miami-Dade County Public Housing and Community Development Department is responsible for providing decent and clean affordable housing opportunities to the income groups defined by the United States Department of Housing and Urban Development (HUD) as extremely low, low and very-low income residents living in public, Section 8 and other federally subsidized housing.

The Section 8 Administrative Plan is a supporting document to Miami-Dade Public Housing and Community Development's (PHCD) Public Housing Agency Plan. The purpose of the Section 8 Administrative Plan is to establish written policies for the Section 8 Housing Choice Voucher, Section 8 programs. Privately-owned rental housing is available for persons with low and moderate income who will generally pay 30 percent of their adjusted income towards rent.

<http://www.miamidade.gov/housing/rental-housing-private.asp>

The proposed resolution seeks the Board's approval of the following policies, procedures, and other related documents for Miami-Dade County's Public Housing and Community Development Department:

1. Public Housing Agency Plan;
2. Public Housing Admission and Continued Occupancy Policy;
3. Conventional Public Housing Dwelling Lease;
4. Smoke-Free Dwelling Lease Addendum; and
5. Public Housing Community Policies.

I. Department's Plan

There are two parts to the department's Public Housing Agency Plan (Plan) PHA Plan: the 5-Year Plan, which must be submitted to HUD once every 5th fiscal year, and the Annual Plan, which is submitted to HUD every fiscal year. The Plan includes the Department's mission and goals over the next five-year period, objectives for the upcoming fiscal year regarding operations, programs and capital spending, and strategies for meeting the needs of the local community.

On June 20, 2017, the Board approved Resolution No. R-653-17, which set forth the PHCD's Fiscal Year 2017-2018 Public Housing Agency Plan. The Fiscal Year 2018-19 Plan presented for the Board's consideration includes the following proposed revisions:

A. Significant Changes in the Five-Year Plan Only:

1. Section B2 (I)(B)(3)(g) – The Department will implement measures, as recommended by police departments, to deter criminal behavior through the Crime Prevention Through Environmental Design concept.
2. Section B2 (I)(B)(3)(i) – The Department may apply for available hazard mitigation funds to replace or install generators and shutters in public housing developments.

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B. Significant Changes in Annual Plan Only:

1. Section B1 (II)(B)(2)(b)(1) – The Department established two admission preferences to benefit vulnerable populations, as specified below:

- Elderly for zero and one bedroom units at Elizabeth Virrick I and Elizabeth Virrick II Projects.
- Homeless families referred by the Miami-Dade County Homeless Trust to the Department pursuant to the executed Memorandum of Understanding to implement a homeless pilot program.

2. Section B1 (IV)(B) – The Department will adhere to HUD’s Notice PIH-2017-23 when calculating the flat rent. Families must be provided the choice of paying income-based rent (generally up to 30 percent of adjusted income) or a flat rate rent, which is based on the market rent charged for comparable units in the private market (24 CFR § 960.253).

3. Section B2 (III) – The Department revised the tables of properties that may be considered for demolition and/or disposition, subject to the Board and HUD’s approval.

C. Significant Changes in Five-Year Plan and Annual Plan:

The Department is implementing a smoke-free policy pursuant to HUD Regulations Resolution Nos. R-1003-15 and R-582-16.

The Department adopted HUD’s Final Rule on the requirements of the 2013 reauthorization of the Violence Against Women Act (VAWA).

II. Department’s Policy, Lease, and Community Policies

On December 6, 2016, the Board adopted Resolution No. R-1149-16 approving the following documents:

- The Policy is a supporting document to the Plan and provides the policies and procedures for the Public Housing Program.
- The Lease provides the due date for rent payment, penalty for late payment, lists the authorized members of the household, and establishes the resident’s obligations, the County’s obligations, and the conditions for termination of the Lease.
- The Community Policies document is an attachment to the Lease that provides the rules for various aspects of program residency.

The Policy, Lease, and Community Policies are being presented for the Board’s consideration and include the following proposed revisions:

A. Smoke-Free Policy

On November 3, 2015, the Board adopted Resolution No. R-1003-15, directing the County Mayor or the County Mayor’s designee to develop, in consultation with residents and resident councils, a smoke-free policy for all multi-family, public housing, and affordable housing developments owned and operated by the County. Subsequent to the adoption of the resolution, on November 17, 2015, HUD released a proposed rule on

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“Instituting Smoke-Free Housing” that makes it mandatory for all public housing authorities to implement a smoke-free policy. On July 6, 2016, the Board adopted Resolution No. R-582-16, which amended Resolution No. R-1003-15 to extend the submission date of the smoke-free policy to no later than 18 months of the effective date of HUD’s adopted final rule (Final Rule). The effective date of the Final Rule was February 3, 2017. The Final Rule, which is codified in HUD Regulations, requires that all public housing agencies must implement a smoke-free policy by July 30, 2018.

The language to prohibit the use of tobacco products in all public housing living units, interior common areas and outdoor areas within 25 feet from public housing and administrative office building was incorporated into the Policy (specifically, Appendix V). As part of the Implementation and Enforcement of Smoke-Free Policy section, the Department has included the following provisions:

- Post non-smoking signs at entrances and exits, in interior areas, and in noticeable places adjoining the grounds of the no-smoking areas.
- Designate specific smoking areas, which will be located no less than 25 feet away from County-owned public housing buildings, including community centers, office buildings or interior areas such as entryways, porches, balconies and patios. The designation of such smoking areas is subject to funding and as permitted by availability of space.
- Pursue lease termination only as a last resort.

As part of the Penalties for Violations of Smoke-Free Policy Section, the Department has established a gradual enforcement approach consisting of written warnings followed by a fine of \$10.00, with subsequent incremental increases of \$10.00 per infraction up to \$50.00, for each smoking incident reported to or detected by Landlord, upon verification.

As part of the Resident's Obligations section of the Lease, it was added that all residents and guests are required to abide by the Smoke-Free Policy.

B. Violence Against Women Act (VAWA)

On November 16, 2016, HUD published in the Federal Register (81 Fed. Reg. 80724 [November 16, 2016]) its VAWA final rule that mandated public housing agencies to adopt regulatory requirements by June 14, 2017. Therefore, the Department proceeded to implement regulatory requirements into the Policy, Lease, and Community Policies, in consultation with the County Attorney’s Office. Major changes for the Public Housing program include the implementation of the model Emergency Transfer Plan, addition of protections for victims under VAWA, and notification of protections available for victims of domestic violence, dating violence, sexual assault, or stalking.

ADDITIONAL INFORMATION

A fact sheet from the American Lung Association states that “[s]econdhand smoke is a serious health hazard causing more than 41,000 deaths per year. It can cause or make worse a wide range of damaging health effects in children, and adults, including lung cancer, respiratory infections and asthma.”

<http://www.lung.org/stop-smoking/smoking-facts/health-effects-of-secondhand-smoke.html>

A newspaper article dated September 23, 2015, entitled “Domestic Violence: Face of a South Florida Epidemic” states that “Miami-Dade has the highest number of domestic violence cases reported in Florida, according to the

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Florida Department of Law Enforcement. Its figures show that 9,811 cases were reported last year in the county, which also has the largest population in the state, with 2.6 million residents. Domestic violence in Miami-Dade is a “grave phenomenon” because of the number and brutality of the cases, said Barbara Brewer, a social worker with the county police who has been helping local victims for two decades.”

<http://www.miamiherald.com/news/local/community/miami-dade/article35715309.html>

A newspaper article dated May 24, 2016, entitled “How poor is Miami? The rich earn \$40 for every \$1 earned by the poor,” states that “Miami-Dade County has one of the least affordable housing markets in the nation. People are considered ‘cost-burdened’ by housing when more than 30 percent of income goes toward a place to live. By that measure, Miami-Dade has the third most cost-burdened housing market in the country, behind two counties in the New York area. In Miami-Dade, 51 percent of households are considered cost-burdened”.

<http://www.miamiherald.com/news/local/community/miami-dade/article79670752.html>

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Public Housing and community Development Department, and received the following answers:

Can you please provide some background information on the proposed resolution?

Background Facts

PHA Plan

There are two parts to the PHA Plan: the 5-Year Plan, which must be submitted to HUD once every 5th fiscal year, and the Annual Plan, which is submitted to HUD every fiscal year. The Plan includes the Department’s mission and goals over the next five-year period, objectives for the upcoming fiscal year regarding operations, programs and capital spending, and strategies for meeting the needs of the local community.

Smoke-Free Policy, Lease, Addendum and Community Policies

The Board adopted Resolution No. R-582-16, which amended Resolution No. R-1003-15, to extend the submission date of the smoke-free policy to no later than 18 months of the effective date of HUD’s adopted final rule (Final Rule).

The effective date of HUD’s Final Rule was February 3, 2017, which requires that all public housing agencies implement a smoke-free policy by July 30, 2018.

Issues/Concerns

Approval by the Board is needed in order for PHCD to submit PHA Plan to HUD and implement the Smoke-Free Policy.

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Item No. 8L2

File No. 181319

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FLORIDA RESILIENCY AND ENERGY DISTRICT (FRED) FOR A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM WITHIN THE UNINCORPORATED AREA; APPROVING INDEMNIFICATION AGREEMENTS BETWEEN MIAMI-DADE COUNTY AND RENOVATE AMERICA INC., FLORIDA DEVELOPMENT FINANCE CORPORATION, DIVIDEND FINANCE, AND PACE FUNDING GROUP FOR THE BENEFIT OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THESE AGREEMENTS, EXECUTE INDEMNIFICATION AGREEMENTS WITH FUTURE ADMINISTRATORS OF FLORIDA RESILIENCY AND ENERGY DISTRICT FOR THE BENEFIT OF MIAMI-DADE COUNTY, AND EXERCISE CERTAIN PROVISIONS IN THE AGREEMENTS

ISSUE/REQUESTED ACTION

Whether this Board should approve this resolution which 1) approves an agreement between the County and Florida Resiliency and Energy District (FRED) for a Property Assessed Clean Energy (PACE) program within the unincorporated area; 2) approves an indemnification agreement, for the County's benefit, between the County and Renovate America, Inc., Florida Development Finance Corporation, Dividend Finance, and PACE Funding Group; and 3) executes an indemnification agreement, for the benefit of the County, with future administrators of Florida Resiliency and Energy District.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-324-16, adopted by the Board on April 19, 2016, directed the Mayor to: develop, negotiate, and present agreements with PACE providers to the Board; establish policy for the County with respect to PACE.

<http://intra/gia/legistarfiles/MinMatters/Y2016/160764min.pdf>

Section 163.01(7) Florida Statutes, Florida Interlocal Cooperation Act of 1969, relates to the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.01.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12

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 June 14, 2018 meeting. Prior to passage, Commissioner Moss expressed concern about needing better consumer protections, especially with respect to senior citizen homeowners unable to pay property taxes.

FISCAL IMPACT

There is no anticipated fiscal impact to the County with the approval of these agreements.

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ANALYSIS

This item seeks to approve agreements between the County and FRED, a PACE District, and its four administrators: 1) Renovate America Inc.; 2) Florida Development Finance Corporation; 3) Dividend Finance; and 4) PACE Funding Group. The four administrators agree to indemnify the County pursuant to the agreement with the County and FRED.

The purpose of the PACE District is to facilitate the financing of qualifying improvements for residential, commercial, and industrial property owners in accordance with Section 163.08 of the Florida Statutes. The Districts make it clear to the property owners that PACE contractual agreements are not directly entered into with the County, and that the County is not responsible for operating or administering the PACE District's program in any way. The County may impose administrative fees to recoup the County's administrative expenses associated with implementing the PACE District.

The District shall be solely responsible for all matters associated with origination, funding, financing, and administration of each of the District's authorized non-ad valorem assessments, including responding to any complaints or inquiries by participants, tax certificate holders, lenders or others relating to the special assessments, the financing agreements, the qualifying improvements, or any other aspect of the PACE program. The District shall provide quarterly reports to the County. Examples of the reports to be provided from the District to the County are: 1) list of PACE projects started and/or completed; 2) for each project identified, qualifying improvements made to the property, energy baseline for each PACE project and the project energy savings, etc.; and 3) jobs created for the reporting period.

ADDITIONAL INFORMATION

Miami-Dade County homeowners, businesses and industries in unincorporated Miami-Dade County interested in solar panels, hurricane windows and other energy saving upgrades can utilize another financing option through the property assessed clean energy (PACE) program.

PACE allows property owners to receive upfront financing for a variety of energy-related home improvements, then repay the debt through voluntary assessments on their property tax bills. Approved third-party administrators will provide funding, and the assessment can be amortized over a period of five to up to 20 years, which allows for the cost savings resulting from the improvements to be used to pay back the annual amount owed.

PACE-funded improvements must be properly permitted and installed by licensed contractors, and they must meet applicable federal, state, and local energy, wind and building code standards.

Although the County has to authorize PACE programs to operate in unincorporated Miami-Dade County, the County does not administer or operate the programs in any way. All contractual PACE agreements are between property owners and the PACE district, a non-County entity.

To foster competition and protect consumers, Miami-Dade County has included compliance requirements in its agreements with each PACE provider such as provisions for clear communication with customers, disclosure of all fees and risks associated with participating in the program, prepayment penalties and hardship exceptions, and mandatory data reporting.

<https://www.miamidade.gov/green/energy.asp>

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Item No. 8L4

File No. 181259

Researcher: JFP Reviewer: TD

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 10 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND ALFONSO ROBAINA AND EDUARDO ROBAINA AS SELLERS FOR A PURCHASE PRICE OF \$50,000.00 USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AUTHORIZING USE OF ENVIRONMENTALLY ENDANGERED LANDS ACQUISITION TRUST FUND FOR THIS PURCHASE IN THE EVENT BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS ARE NOT AVAILABLE; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE ASSIGNMENT OF OPTION TO PURCHASE AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SUCH TRANSACTIONS; AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RECORD IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY THE INSTRUMENT OF CONVEYANCE AS REQUIRED BY RESOLUTION NO. R-974-09

ISSUE/REQUESTED ACTION

The proposed resolution accepts the "Assignment of Option to Purchase" approximately 10 acres of South Dade Wetlands Project within the Environmentally Endangered Lands Program acquisition site for a purchase price of \$50,000 using Building Better Communities General Obligation Bond Program (BBC-GOB) funds, and authorizing use of Environmentally Endangered Lands Acquisition Trust Fund for this purchase in the event BBC-GOB funds are not available. Nature Conservancy is the assignor, Miami-Dade County is the assignee, and Alfonso Robaina and Eduardo Robaine are the sellers in this County acquisition.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 2-8.6.5, governs the purchase, sale 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

Resolution No. R-974-09 directs that any resolution authorizing the execution of instruments creating a county interest in real property are to be recorded in the Miami-Dade County Public Records 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: Dennis C. Moss, District 9

Requester/Department: Regulatory and Economic Resources

This proposed resolution was forwarded to the BCC with a favorable recommendation by the Infrastructure and Utilities Committee at its June 12, 2018 meeting.

FISCAL IMPACT

The negotiated purchase price of the parcel is \$50,000, while the appraised value of the 10-acre parcel is \$40,000*.

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Building Better Communities General Obligation Bond (BBC-GOB) Program funding under Project No. 2, Site #70230 will be used for this purchase. As of February 28, 2018, the remaining balance under the BBC-GOB Program for allocations towards EEL acquisitions is \$11,028,999.

In the unlikely event that BBC-GOB Program funds are not available, the EEL Acquisition Trust Fund may be used towards the acquisition of the property. As of February 28, 2018, the balance of the EEL Trust Fund (GF 080) is \$33,911,473.33, of which \$21,329,747.91 is reserved for acquisition and \$12,581,725.42 is reserved for management.

ANALYSIS

The proposed resolution authorizes the County's acquisition of approximately 10 acres of South Dade Wetlands Environmentally Endangered Lands Project, a wetland system situated in District 9 that represents a critical acquisition due to its strategic location between the Everglades National Park and the Biscayne National Park, and within the watersheds of Florida Bay, Biscayne Bay, and Card and Barnes Sounds.

In furtherance of the Environmentally Endangered Lands (EEL) Program, the Board approved the South Dade Wetlands Acquisition Project Area, of which the subject property is a part, in 1993, and subsequently in 2000 and most recently in 2010. Miami-Dade County's EEL Program's focus is the protection and conservation of endangered lands, funded by a voter-approved property tax that was collected between 1990 and 1992 to fund the acquisition, protection and maintenance of environmentally endangered lands.

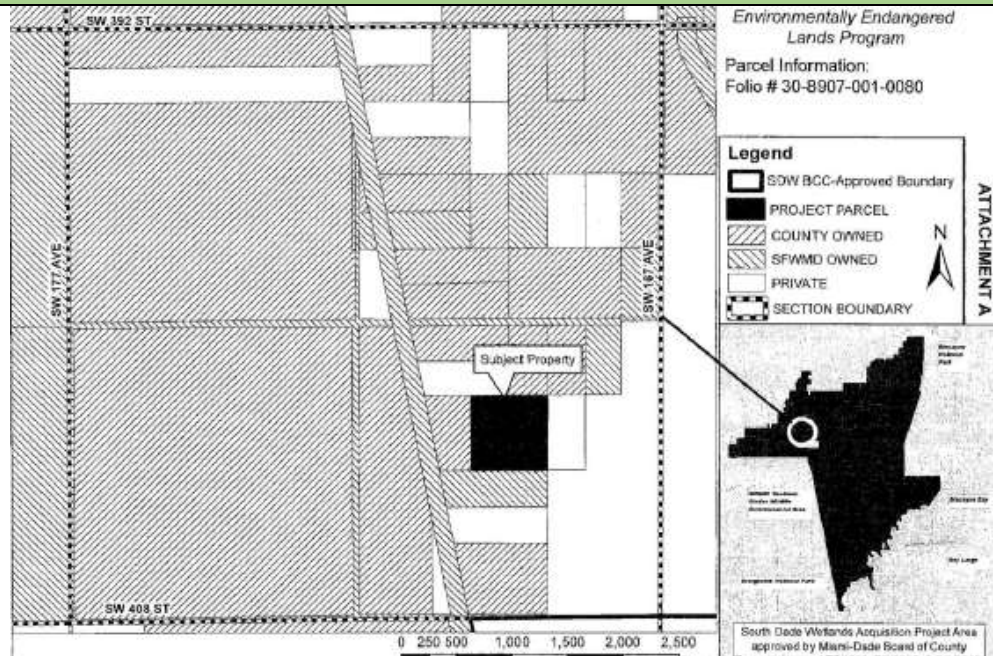
Below are the details of the subject property:

Folio	Size	Value	Purchase Price	Sellers
30-8907-001-0080	Approximately 10 acres	\$40,000*	\$50,000	Alfonso Robaina and Eduardo Robaina

**The preliminary 2018 assessment of this property as shown on the County Property Appraiser's website is \$40,000; the Mayoral Memorandum lists the appraised value as \$65,000.*

The parcel is located south of theoretical SW 392 Street, north of theoretical SW 408 Street, east of theoretical SW 177 Avenue, and west of SW 167 Avenue. The parcel is outside the Urban Development Boundary.

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ADDITIONAL INFORMATION

Environmentally Endangered Lands (EEL) Program

The EEL Program and its partners have brought more than 20,700 acres of environmentally endangered lands into public ownership since 1990. Additionally, the EEL Program manages 2,800 acres of natural lands within Miami-Dade County Parks, for a total of more than 23,500 acres protected.

<https://www.miamidade.gov/environment/endangered-lands.asp>

The Building Better Communities General Obligation Bond (BBC-GOB) Program

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.

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

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**Item No. 8L7
File No. 180707**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF 4041 COLLINS AVENUE, MIAMI BEACH, FLORIDA, PURSUANT TO SECTION 196.1997, FLORIDA STATUTES, AND SECTION 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DIRECTING THE MAYOR OR DESIGNEE TO EXECUTE AND RECORD COVENANT; AND AUTHORIZING MAYOR OR MAYOR'S DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize the ad valorem tax exemption for the historic hotel located at 4041 Collins Avenue, Miami Beach, Florida, pursuant to the provisions of Florida Statutes 196.1997 and Section 16A-18 of the Code of Miami-Dade County, as the property is of architectural significance and has been deemed a local historic site.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 196.1997 (Ad valorem tax exemptions for historic properties) states that the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow ad valorem tax exemptions (under s. 3, Art. VII of the State Constitution) to historic properties if the owners are engaging in the restoration, rehabilitation, or renovation of such properties in accordance with guidelines established in this section.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=196.1997&URL=0100-0199/0196/Sections/0196.1997.html

Section 16 of the Code of Miami-Dade County declares as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the County.

Section 16A-18 of the Code of Miami-Dade County states:

- a) Scope of tax exemptions. A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County.
- b) Duration of tax exemptions. Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the resolution approving the exemption.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH16AHIPR

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

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

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PROCEDURAL HISTORY

Prime Sponsor: Sally A. Heyman, District 4

Department/Requester: Regulatory and Economic Resources

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Government Operations Committee at its June 12, 2018 meeting.

FISCAL IMPACT

Based on the Property Appraiser's calculation using the ad valorem tax exemption methodology, the estimated tax exemption for one year for this property is \$57,832. The annual amount of ad valorem taxes to be exempted for the ten-year period is determined by applying countywide operating millage against the taxable value of the qualifying improvements of the property. However, the annual value of the tax exemption during the ten-year period may fluctuate based on adjustments to either the countywide operating millage or the Property Appraiser's taxable value of the qualifying improvements to the property. Countywide operating ad valorem property taxes will still be assessed and collected on the remaining taxable value that did not qualify for the exemption. Following the ten-year incentive period, the County will begin to assess and collect the countywide operating millage on the full value of the property, inclusive of the previous exempt improvements.

Although the property is located within Commission District 5, the impact of the tax exemption is countywide. The tax exemption would run for 10 years beginning on January 1st of the year that the Property Appraiser prepares and signs the revenue implication form, which for this property began on January 1, 2015 and would end on December 31, 2024.

ANALYSIS

The property at the focus of this resolution is a historic hotel located at 4041 Collins Avenue, Miami Beach, Florida, originally known as the Hotel Tartleton, later known as the Crown Hotel, then the Thompson Hotel, and most recently The Confidante. Originally constructed in 1940, the hotel was designed by local prominent architect Victor Nellenbogen with a 1955 addition by another local prominent architect, Melvin Grossman. It has been deemed to be of architectural and historic significance by the City of Miami Beach Historic Preservation Board, earning the designation as a local historic landmark as part of the Collins Waterfront Historic District on January 31, 2001, upon approval by the City of Miami Beach Commission. The current property owners, HT Miami Beach LLC c/o Hyatt Corporation, seek ad valorem tax exemption pursuant to Section 196.1997 Florida Statutes and Section 16A-18 of the Code of Miami-Dade County for the following restoration work:

- construction of a new, historically appropriate porte-cochere;
- installation of storefront windows;
- demolition of non-historic parking structure;
- installation of at-grade garden and pool deck;
- reconstruction of previously renovated residential tower;
- reconstruction of historic hotel signage;
- restoration of historic hotel pedestrian entrance; improvements to historic hotel lobby; and
- renovation of a historic residence to serve as hotel concessions.

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The table below details the amount spent by the property owner on the renovation, and the applicable taxable value and corresponding exemption.

Costs of Total Renovation (amount spent by property owner)	Amount Attributed to Work on the Historic Structure	Taxable Value of the Qualifying Improvements (as determined by the Property Appraiser's office)	Estimated ad valorem Tax Exemption (for one year; Countywide operating taxes only)
\$51,036,000	\$39,750,000	\$12,391,921	\$57,832*

*The proposed exemption of \$57,832 is not for the entire assessed value of the property; the tax exemptions are calculated from what the value of the renovations to the historic property were, and only apply to the countywide portion of the property's tax bill.

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**Item No. 8N5
File No. 181283**

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 FOR FISCAL YEAR 2018, SECTION 5307 GRANT PROGRAM FLEXIBLE FUNDING IN THE AMOUNT OF \$602,160.00; AUTHORIZING RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATION AND AGREEMENT; AND AUTHORIZING RECEIPT OF ANY ADDITIONAL FUNDS AS SPECIFIED IN THE AGREEMENT SHOULD THEY BECOME AVAILABLE

ISSUE/REQUESTED ACTION

Whether the Board should approve the terms of a FY 2018 grant application with the United States Department of Transportation Federal Transit Administration's Section 5307 Grant Program in the amount of \$602,160, and authorize the County Mayor or his designee to execute and file the grant application. Grant funding will be used to purchase a bus to be used on routes in the City of North Miami Beach.

APPLICABLE LEGISLATION/POLICY

The Consolidated Appropriations Act of 2016, signed into law on December 18, 2015, is federal omnibus appropriations legislation for FY 2016-2017. Included therein is a Department of Transportation Appropriations Act repurposing provision allowing states and territories to repurpose certain funds originally earmarked for specific projects over ten years ago.

<https://www.gpo.gov/fdsys/pkg/PLAW-114publ113/pdf/PLAW-114publ113.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Transportation and Public Works Committee at its June 14, 2018 meeting following a public hearing in which no members of the public elected to participate. Prior to passage, Commissioner Sosa asked about the item's fiscal impact. DTPW Grants Manager, Edward Carson, clarified that the Florida Department of Transportation (FDOT) toll revenues (State Transportation Development Credits) effectively make the purchase of the bus fully covered by federal funds. Mr. Carson further elaborated that the City of North Miami Beach's request that the County purchase the bus was the result of the City having earmarked funds that were unused, repurposed, and were going to otherwise lapse.

FISCAL IMPACT

There will be no fiscal impact to the County for the funding applied for in this grant application as the required local match of \$150,540 will be provided in full by the 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.

Once the United States Department of Transportation Federal Transit Administration (FTA) reimburses the County for the purchase of the bus, the Department of Transportation and Public Works (DTPW) has agreed to enter into an Interlocal Agreement to provide local funds to the City, whereby bond proceeds from the Charter County Transportation System Surtax will be used to reimburse the City.

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ANALYSIS

The proposed resolution requests approval of a grant application for the County's purchase of one forty-foot Compressed Natural Gas (CNG) bus to be used on County bus routes within the boundary of City of North Miami Beach. The funds in question were originally earmarked for the City's Reconstruction of Hanford Boulevard roadway improvement project. The County will apply for a federal grant in the amount of \$602,160 on behalf of the City of North Miami Beach to avoid a lapsing of the unused, repurposed funds, as the project was completed under budget.

Given that these funds remained after the project was completed, the City requested and attained FDOT approval in 2016 to repurpose the funds for the purchase of new buses. The City sought to repurpose the funding again to allow for the purchase of bus shelters, but Section 125 of the Department of Transportation Appropriations Act, 2016 (Repurposing Provision) does not allow repurposing once funds have already been repurposed.

The Repurposing Provision provides the authority for a state or territory to repurpose any earmark that was designated on or before September 30, 2005, and is less than 10 percent obligated or final vouchered and closed. The repurposed funds may be obligated on a new or existing project in the state within 50 miles of the earmark designation. The project must be an eligible project under the Surface Transportation Block Grant Program (STBG). The Repurposing Provision is available to be applied in FY 2016. Once funds are repurposed under the Repurposing Provision, **they may not be again repurposed** because the funds have already moved off of the original Congressionally designated earmark.

<https://www.fhwa.dot.gov/cfo/earmarkrepurposing/fy2016/memorandum.cfm>

The City of North Miami Beach has three years after the fiscal year of the request (2016) to obligate funds or the funding is lost. To prevent this from happening, the County is submitting the grant application on behalf of the City. The County will then use the funds to purchase a County bus to serve County bus routes in the City of North Miami Beach.

The bus routes include:

Route Number	Route
Route 2	CBD -163 Street Mall via NW 2 Avenue
Route 3	Aventura Mall - CBD via Biscayne Boulevard
Route 9	Aventura - CBD via NE 6 and 2 Avenue
Route 10	Skylake-Omni via NE 12 & 2 Avenue
Route 16	163 Street- Omni via 16 Avenue & Biscayne Boulevard
Route 19	163 Street Mall - MDC North
Route 22	163 Street Mall - Coconut Grove via 22 Avenue
Route 75	Miami Lakes - 163 Street Mall-FIU Biscayne Bay
Route 77	Norwood- CBD via NW 7 Avenue
Route 93	Biscayne MAX CBD -Aventura
Route 105	East Golden Glades-Aventura/Hallandale
Route 108	H-N. Miami Beach/72 Street and Collins Avenue
Route 183	NW 87 Avenue/186 St-Aventura
Route 246	Night Owl

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An Interlocal Agreement will be presented separately to the Citizen's Independent Transportation Trust for its review, and to the Board for approval that will provide for a reimbursement to the City through bond proceeds from the Charter County Transportation System Surtax.

ADDITIONAL INFORMATION

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).

<https://www.fhwa.dot.gov/fastact/factsheets/stbgfs.cfm>

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**Item No. 8N7
File No. 181199**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING AWARD OF MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN - RPQ NUMBER: 362336 FOR DADELAND NORTH PARKING GARAGE FIRE SUPPRESSION PROJECT TO NATIONAL FIRE PROTECTION, LLC, IN THE AMOUNT OF \$2,488,200.00 AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

ISSUE/REQUESTED ACTION

Whether the Board should approve award of Miscellaneous Construction Contract (MCC) 7360 Plan RFQ No. 362336, *Dadeland North Parking Garage Fire Suppression Project*, to National Fire Protection, LLC in the amount of \$2,488,200 for a one-year period for the Department of Transportation and Public Works (DTPW).

APPLICABLE LEGISLATION/POLICY

Section 2-8.2.7 of the County Code (Miscellaneous Construction Contracts Program) is intended to enhance the contracting opportunities of Small Business Enterprises for construction services and to facilitate and expedite the award of construction contracts to small businesses. MCC participants are allowed to participate in the contracting plans (i.e., 7040 Plan and 7360 Plan) in accordance with the contracting procedures and specifications to be developed, maintained and amended by the Small Business Development Division of the Internal Services Department.

The 7040 Plan is a rotational set-aside, and the 7360 Plan is an open competitive plan. The 7360 Plan is used whenever the funding source prohibits the use of SBE-Con set-asides or when SBD determines that there is insufficient availability for a SBE-Con set aside within the 7040 Plan to accomplish the proposed work.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIIICOR CH2AD ARTIINGE S2-8.2.7.01MICOCOPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR)

Section 29-124 of the County Code sets forth the role of the Citizens' Independent Transportation Trust (CITT) and the proper use of surtax proceeds. Under this Code Section, 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. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIIICOR CH29TA ARTXVIONHAONPECHCOTRSYSA
SUAUSE212.0551FLST2001 S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSA_SUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

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.

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The Mayor is delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes) costing \$1,000,000 or less, or in the case of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises specifically authorized by Board resolution \$5,000,000 or less, without the need for action by the County Commission.

For contract awards, information shall be added to the recommendation for award memorandum presented by the County Mayor to the Board of County Commissioners identifying (1) each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each, and (2) the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

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

NFPA 13 sets forth the industry benchmark for design and installation of automatic fire sprinkler systems and component options to prevent fire deaths and property loss.

<https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=13>

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-54-10, adopted by the Board on January 21, 2010, rescinds Administrative Order No. 3-24, Responsible Wages and Benefits for County Construction Contracts, and approves Implementing Order No. 3-24 to clarify terms requiring the use of the higher wage rates between Davis-Bacon and the County's prevailing wage rate structure unless prohibited by state or federal law or disallowed by a governmental funding source.

<http://intra/gia/matter.asp?matter=093210&file=true&yearFolder=Y2009>

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

The item was considered at the June 14, 2018 meeting of the Transportation and Public Works Committee and forwarded to the Board with a favorable recommendation. At the meeting, the following discussion transpired:

- Commissioner Heyman noted that issues relating to the Miami-Dade Fire Rescue Department were usually considered by the Public Safety and Health Committee. She requested that in the future representatives of the Fire Rescue Department be advised of items placed on the Transportation and Public Works Committee agenda that pertained to their department.

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- Commissioner Edmonson noted the item was on the transit committee agenda because it relates to one of the County's parking garages which is managed by the Department of Transportation and Public Works.
- Deputy Mayor Hudak advised that items assigned to committees were done through the Chair's Office. She noted the proposed item was a construction type project that was managed by the Department of Transportation and Public Works as a facilities project; she further advised that the item would be shared with the Fire Rescue Department.

FISCAL IMPACT

The fiscal impact for the project is \$2,488,200 (i.e., a base estimate of \$2,262,000 and contingency allowance of \$226,200) for a total contract period of 365 days. The contingency amount of \$226,200 is only to be used for unforeseen conditions as determined by DTPW.

ANALYSIS

This item is requesting approval to award a contract under the MCC 7360 Plan to National Fire Protection, LLC in the amount of \$2,488,200 for the Dadeland North Parking Garage Fire Suppression project. The project duration is a period of 365 days and includes a two percent SBE-GS goal. Per the RPQ, the work is to be conducted in accord with National Fire Protection Association standards and requires a mechanical license. The awardee is a foreign limited liability company with a principal address of 515 Dover Road, Rockville, Maryland and holds an Electrical Course Provider, Electrical Business Information and Certified Alarm System Contractor licenses. The project is located in District 7, which is represented by Commissioner Xavier L. Suarez.

Due to the deteriorated condition of the fire suppression system at the Dadeland North Parking Garage, DTPW solicited construction services through the County's MCC Program to replace the entire fire protection system throughout the parking garage and for fire alarm replacement of valve tamper and flow switches to the existing fire alarm in the building. Only two bids were received in response to the RPQ, one of which was found nonresponsive. However, a responsiveness opinion from the County Attorney's Office was not included in the agenda package as required by Implementing Order No. 2-13.

Under the RPQ, the awardee shall submit all required permits to the County prior to performing any work. The awardee shall also provide all necessary labor, equipment and materials for a complete functioning fire suppression system and associated fire alarm connections to replace the existing fire suppression system at the Dadeland North Parking Garage, including painting in accordance to the National Fire Protection Association Code, County Code and per DTPW project scope and technical specifications.

OCA concluded that National Fire Protection LLC is not a County certified small business enterprise based on a certified vendor directory search in the Business Management Workforce System on June 13, 2018. It is unclear from the agenda package what efforts were taken by DTPW to maximize local vendor participation in this RPQ, particularly considering the availability of local certified firms under the commodity codes linked to the RPQ – 90638 and 90963.

ADDITIONAL INFORMATION

The National Fire Protection Association (NFPA) is a global nonprofit organization, established in 1896, devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards. The organization delivers information through more than 300 consensus codes and standards, research, training, education, outreach and advocacy. See the link below to NFPA's website.

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<https://www.nfpa.org/About-NFPA>

The Electrical Contractors' Licensing Board licenses individuals as contractors to perform electrical and alarm work pursuant to Chapter 489 Part II, Florida Statutes. In order to do business as a corporation, partnership, limited liability company or any business entity other than a sole proprietorship, the contractor must be approved to qualify that business entity. Each electrical or alarm business must be qualified by a properly licensed individual contractor in order to engage in construction activities in Florida.

<http://www.myfloridalicense.com/DBPR/electrical-contractors/electrical-contractors-business-information/>

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Research Notes**

**Item No. 8N8
File No. 181284**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING AND AUTHORIZING THE USE OF UP TO \$3,368,713.93 IN CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR ROADWAY RESURFACING CONTRACTS AWARDED UNDER THE MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN

ISSUE/REQUESTED ACTION

Whether the Board should approve and authorize the use of up to \$3,368,713.93 in Charter County Transportation Surtax Funds for roadway resurfacing contracts awarded under the Miscellaneous Construction Contract 7360 Plan.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 29-124 governs the uses of surtax proceeds, and the role of the Citizens' Independent Transportation Trust. It states that 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.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch29_artxvi_sec29-124

Miami-Dade County Code, Section 2-1421, governs the Citizens' Independent Transportation Trust; powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artxcvii_sec2-1421

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

Miami-Dade County Implementing Order 3-53 establishes a policy for the use of the Miscellaneous Construction Contracts (MCC) program, which provides small, local contractors countywide with a fair opportunity to compete for work on County construction projects of appropriate size.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-53.pdf>

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Research Notes**

Miami-Dade County Code, Section 2-8.1, 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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution No. R-507-04, adopted by the Board on April 27, 2004, approved the Amendment to the Neighborhood Improvements Section of the People's Transportation Plan to include roadway signage, roadway lighting, pavement markings, and traffic calming.

<https://intra.gia/matter.asp?matter=040989&file=true&yearFolder=Y2004>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

The proposed resolution was considered at the June 14, 2018 Transportation and Public Works Committee meeting.

In response to Commissioner Sosa's question as to whether the half-penny transportation surtax funds were being utilized for roadway resurfacing, Deputy Mayor Alina Hudak confirmed that they were being utilized. She recalled that a few months ago, the commissioner inquired as to the ballot language that provided the authority to use these funds for roadway resurfacing projects. Deputy Mayor Hudak indicated that the original ordinance included \$167 million for resurfacing of local and arterial roads.

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

FISCAL IMPACT

According to the Fiscal Impact Statement, the individual projects will be funded through INFRASTRUCTURE IMPROVEMENTS – COUNTYWIDE (2000000535) in FY 2017-18 Adopted Multi-Year Capital Plan. The fiscal impact to the Surtax shall not exceed the contract award amount for each contract. Work orders funded by the Surtax will only be issued when written approval is received from a Commission District office for the use of their PTP allocation approved by Resolution No. R-507-04. There is no additional fiscal impact to operations or maintenance.

ANALYSIS

The contracts below for Roadway Resurfacing have previously been awarded under the Miscellaneous Construction Contracts (MCC) 7360 Plans for roadway resurfacing projects; and are currently approved for the use of non-Surtax funding sources through the MCC program. The proposed resolution seeks Board approval for the use of Charter County Transportation Surtax Funds for these contracts designed for those roadway improvement projects included within the People's Transportation Plan. The contracts are described below:

Contract No. 1 – Contract for Roadway Resurfacing – North (RPQ No. 20170253, MCC 7360 Plan) in the amount of \$1,690,802.76 to H & J Asphalt, Inc.

On October 26, 2017, the Department of Transportation and Public Works (DTPW) issued an RPQ for Roadway Resurfacing, utilizing the MCC 7360 Plan – CICC 7360-0/08, to a list of 999 pre-qualified firms. Seven submitted contract documents, and proffered bids. H & J Asphalt, Inc. proffered the lowest responsive and responsible base bid of \$1,428,254.00, which was 6 percent below the County's cost estimate. Based on the results of the solicitation, DTPW issued a recommendation for award on January 2, 2018 to H & J Asphalt, Inc. for a total amount of \$1,690,802.76.

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Contract No. 2 – Contract for Roadway Resurfacing – South (RPQ No. 20170254, MCC 7360 Plan) in the amount of \$1,677,911.17 to H & R Paving, Inc.

On November 2, 2017, DTPW issued an RPQ for Roadway Resurfacing, utilizing the MCC 7360 Plan – CICC 7360-0/08 Contract, to a list of 70 pre-qualified firms. Six firms submitted contract documents, and proffered bids. On December 6, 2017, H & R Paving, Inc. proffered the lowest responsive and responsible base bid of \$1,416,743.65, 7 percent below the County's cost estimate. Based on the results of the solicitation, DTPW issued a recommendation for award to H & R Paving for a total amount of \$1,677,911.17.

Work under these contracts includes the following: Milling and resurfacing; widening and resurfacing of intersecting streets; resurfacing of asphaltic pathways (pedestrian, bicycle, etc.) adjacent or not to the edge of pavement as necessary; temporary utility repairs (cold patches); clearing and excavating of shoulder areas or build-up, as directed by the Engineer; grading and clean-up of adjacent shoulders and removal of roots, as required; pavement markings including the installation of reflective pavement markers at the fire hydrant locations, sidewalk, sidewalk curbs and connectors, and pedestrian ramps.

These contract award recommendations are placed for committee review pursuant to Miami-Dade County Code, Section 29-124, which states that 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 County's Finance Director. Moneys in the special fund shall be spent for the transportation and transit projects and the adopted Five-Year Implementation Plan. 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.

These contract award recommendations may only be considered by the Board if the Citizens' Independent Transportation Trust has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or 45 days have elapsed since the filing with the Clerk of the Board of this Contract Award Recommendation.

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Research Notes

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.

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

The People's Transportation Plan (PTP) provided \$167 million for Neighborhood Improvements. These include modifications of intersections; resurfacing of local and arterial roads; installation/repairs of guardrails; installation of school flashing signals and enhancement of greenways and bikeways; replacement/repair of sidewalks; repair/installation of drainage, landscape beautification roadway signage, roadway lighting, pavement markings, and traffic calming; and Americans with Disabilities Act (ADA) accessibility to bus stops throughout the County.

<http://www.miamidade.gov/citt/library/five-year-plan/neighborhood-improvements.pdf>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), H & J Asphalt, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 07/20/1987. The principal address is registered as 4310 NW 35th Ave., Miami, FL 33142. Its registered agent is Humberto Lorenzo, 4310 NW 35th Ave., Miami, FL 33142.

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

According to the Florida Department of State Division of Corporations website (Sunbiz.org), H & R Paving, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 08/19/1976. The principal address is registered as 1955 NW 110th Ave., Miami, FL 33172. Its registered agent is Lucrecia Gonzalez, 1955 NW 110th Ave., Miami, FL 33172.

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

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Research Notes**

Item No. 801

File No. 181016

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A QUIT CLAIM DEED FROM MR. JERRY E. WHITE TO MIAMI-DADE COUNTY FOR THE CONVEYANCE OF 600 SQUARE FEET OF LAND LOCATED IN DORAL NEAR NW 38 STREET AND NW 97 AVENUE (FOLIO NUMBER 35-3028-009-0160) IN EXCHANGE FOR ITS MARKET VALUE OF \$15,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL STEPS NECESSARY TO ACCOMPLISH THE ACCEPTANCE OF THE PROPERTY

ISSUE/REQUESTED ACTION

Whether the Board should authorize the conveyance from Jerry E. White to the County through a Quit Claim Deed for 600 square feet of land for \$15,000 for continued operation and maintenance of Pump Station 169.

APPLICABLE LEGISLATION/POLICY

Section 95.11 of the Florida Statutes (Limitations other than for the Recovery of Real Property) allows recovery within four years for an action for money paid to any governmental authority by mistake or inadvertence.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0095/Sections/0095.11.html

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

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

PROCEDURAL HISTORY

Prime Sponsor: Jose "Pepe" Diaz

Department/Requester: Water and Sewer

This item was considered at the June 12, 2018 Infrastructure and Utilities Committee meeting and forwarded to the Board with a favorable recommendation.

FISCAL IMPACT

In consideration for the conveyance, the County shall pay Jerry E. White \$15,000, the property's market value, from WASD Revenue Bonds Sold and Future WASD Revenue Bonds.

ANALYSIS

This item is requesting Board authorization for conveyance of property via Quit Claim Deed from the landowner, Jerry E. White, to the County for \$15,000, the land's market value. The land is approximately 600 square feet and is located at 3801 NW 97 Avenue, Doral, Florida. The land is needed by WASD for continued operation of a wastewater pump station, i.e., Pump Station No. 169.

Jerry E. White acquired the property via Tax Deed in 1990 for consideration of \$700 and has paid taxes on the property since owning it. Per the Summary Report on the property provided by the Office of the Property Appraiser, the property (1) has a land value of \$15,000; (2) is zoned 7100 Industrial – Light MFG; (3) has a primary land use of "4081 Vacant Land – Industrial;" and (4) has a taxable value of \$13,200 for the 2017 calendar year.

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Under the Quit Claim Deed, grantor (Jerry E. White) conveys to grantee (Miami-Dade County) for consideration of \$1 all the right, title, interest, claim and demand which the grantor has in the property.

A Google Maps image showing the location of the conveyed property is provided below.



ADDITIONAL INFORMATION

The Pump Station Improvement Program consists of managing the upgrades to the WASD Wastewater Collection and Transmission System (WCTS) that includes sanitary sewer collection system, pump stations and force mains upgrades. As per the United States Environmental Protection Agency (USEPA), all pump stations need to meet an established nominal operating time of less or equal to 10 hours per day as well as other established criteria. Presently there are 112 pump stations that do not meet the established criteria.

The Pump Station Improvement Plan Team will prepare a Remedial Action Plan to improve these pump stations and certify to USEPA that the pump stations are operating within the required parameters. Until such time that the

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pump stations are certified, there can be no new connections or certificates of use issued to any new project that will add flow to the pump stations with a non-compliant operating time.

<https://www.miamidade.gov/water/pump-station-improvement.asp>

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**Item No. 11A3
File No. 181285**

Researcher: LE Reviewer: TD

RESOLUTION DECLARING SURPLUS COUNTY-OWNED REAL PROPERTY LOCATED EAST OF SW 78TH AVENUE AND SOUTH OF SW 139TH TERRACE (FOLIO NO. 33-5023-009-0060); AUTHORIZING THE PRIVATE SALE OF SAID PROPERTY TO AN ADJACENT PROPERTY OWNER PURSUANT TO FLORIDA STATUTES SECTION 125.35(2) FOR NO LESS THAN \$36,916.50 WHICH IS 75 PERCENT OF ITS MARKET VALUE AS DETERMINED BY THE MIAMI-DADE COUNTY PROPERTY APPRAISER; WAIVING ADMINISTRATIVE ORDER NO. 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE SALE OF SAID PROPERTY; AND AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE

ISSUE/REQUESTED ACTION

Whether the Board should (i) declare as surplus a Miami-Dade County-owned property legally described as 23 55 40 2.26 AC M/L Tanglewood Gardens PB 68-66 Florida Power & Light Company Easement Block 1; and (ii) authorize the sale to an adjacent property owner for no less than \$36,916.50.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 125.35(2) states that the Board of County Commissioners may sell a parcel of real property after sending notice of the sale to owners of adjacent property if the parcel is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property, if the value of the parcel is \$15,000 or less, or if it is determined that the parcel is of use only to one or more adjacent property owners. If two or more owners of adjacent property inform the board of their interest to purchase the parcel, the board shall sell the parcel to the highest bidder or reject all offers.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.35.html

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

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

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

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

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

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

Miami-Dade County Code, Section 2-10.4.2, entitled “Appraisers required for purchases, sales and leases.”
http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-10.4.2

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

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

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

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

The Planning Advisory Board is the County’s Local Planning Agency which serves as the main advisory board to the BCC on matters related to planning, annexations, and incorporations.

<http://www.miamidade.gov/planning/planning-advisory-board.asp>

PROCEDURAL HISTORY

Prime Sponsor: Daniella Levine Cava, District 8

The proposed resolution was considered at the Government Operations Committee meeting of June 12, 2018.

Commissioner Sosa expressed her concerns with this item, inquiring why the minimum purchase price was set to 75 percent of market value. She also noted that the owner would hold ownership of a large piece of land that is adjacent to the other neighboring houses. Her concerns were for the rights of the residents who have been paying taxes and how the purchase may affect them. Referring back to the Ludlum Trails, Commissioner Sosa and Suarez saw that some of the neighbors wanted to buy the land behind their houses. She additionally inquired if this case would establish a precedent for future property owners who want the opportunity to purchase land in a similar situation.

Commissioner Monestime inquired about the size of the property which is confirmed to be 98,445 square feet, encumbered with utility lines that results in not being able to build on the land.

The proposed ordinance was forwarded to the BCC with a favorable recommendation on June 12, 2018 following a public hearing, in which no members of the public elected to participate.

FISCAL IMPACT

The proposed resolution would have a positive fiscal impact on the County, in that the person who will purchase the property will pay the County \$36,916.50 for it, 75 percent of market value as determined by the Miami-Dade County Property Appraiser.

