



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

Economic Development and Tourism Committee (EDTC)
Meeting

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

Thomas B. Davis, Esq.
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**Item No. 3A
File No. 181959**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING AWARD OF THE PROFESSIONAL SERVICES AGREEMENT FOR FORENSIC GLAZING CURTAIN WALL CONSULTANT AT MIAMI INTERNATIONAL AIRPORT, PROJECT NO. E17-MDAD-01, TO 305 CONSULTING ENGINEERS, LLC, IN AN AMOUNT NOT TO EXCEED \$1,047,612.50 FOR A TERM OF TWO (2) YEARS WITH A ONE (1) YEAR OPTION TO EXTEND; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA) between the County and 305 Consulting Engineers, LLC (305 Consulting) for forensic glazing curtain wall consultant services in an amount of up to \$1,047,612.50 for a term of two years plus a one-year option to extend for the Aviation Department (MDAD).

APPLICABLE LEGISLATION/POLICY

Section 287.055 of the Florida Statutes sets forth the Consultants' Competitive Negotiation Act, governing the processes for the acquisition of professional architectural, engineering, landscape architectural or surveying and mapping services.

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

Section 2-10.4 of the County Code governs the County's acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Section 2-10.4.01 of the County Code sets forth the County's Small Business Enterprise Architecture and Engineering Program.

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

Section 2-8.1 of the County Code requires that the award recommendation memorandum presented to the Board identify 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 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

Section 2-8.3 of the County Code (County Mayor's Recommendation) states that whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Mayor shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action. Such recommendation shall be in writing and shall be filed with the Clerk of the Board, with copies mailed to all participants in the competitive process, no later than 10 days prior to any Commission meeting at which such recommendation is scheduled to be presented. Such recommendation shall be accompanied by a memorandum from

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the County Mayor that clearly identifies any and all delegations of Board authority contained in the body of the proposed contract.

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

Implementing Order No. 3-34 establishes procedures for the formation and performance of selection committees in the competitive procurement process, including competitive selection committees utilized in the acquisition of architectural and engineering professional services.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-34.pdf>

Administrative Order No. 3-39 establishes the County's policies and procedures for user departments for the construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

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

Implementing Order No. 3-32 sets forth the County's procedures for the Community Business Enterprise Program for the purchase of professional architectural, landscape architectural, engineering or surveying and mapping services.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-32.pdf>

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

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

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Aviation

This item has no procedural history.

ANALYSIS

This item is requesting Board approval to award a PSA to 305 Consulting for forensic glazing curtain wall consultant services at Miami International Airport in the amount of \$1,047,612.50 for a term of two years plus a one-year option to renew. There is also a contingency period of 73 calendar days. The Notice to Professional Consultants (NTPC) for this contract award was issued on August 23, 2017. The sole proposal received in response to the NTPC is from the recommended firm.

A curtain wall system is an outer covering of a building in which the out walls are non-structural, utilized to keep the weather out and the occupants in. Since the curtain wall is non-structural, it can be made of lightweight materials. When glass is used as the curtain wall, an advantage is that natural light can penetrate deeper within the building. A curtain wall is designed to resist air and water infiltration, absorb sway induced by wind and seismic forces acting on the building, withstand wind loads, and support its own dead load weight forces.

The contract's scope of services is for a professional architectural and engineering firm to deliver forensic glazing curtain wall consultant services to evaluate and identify causes of failure and recommend corrective action for failed glazing and system components on a number of curtain wall systems and specialty glazing. Glazing failures include, but are not limited to, delamination, opacifier film failures, failed gaskets, structural silicone de-bonding, and failed

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weather sealants. Identification of potential corrosion of frames, structural anchors, and connectors due to prolonged water infiltration and structural forensic analysis is also required. The genesis of this contract was complaints from Delta Airlines on Concourses H and J.

This is a fixed lump sum contract in the amount of \$950,000 (base estimate). The phases of the primary contracted services include program verification, preparation of schematic design documents, design development, complete contract documents, bid contract documents, bidding and contract award, work related services through final acceptance and warranty inspection. No payment will be made to the awardee for work performed without a Service Order.

305 Consulting is an active Florida limited liability company. Per the Florida DBPR, the firm has a Certificate of Authorization license and its principal, Enrique M. Zuniga, is a licensed professional engineer. The mayoral memorandum indicates that the firm does not have previous agreements with the County within the past three years.

The contract includes a 15 percent SBE-A/E goal and .50 percent SBE-G/S goal. 305 Consulting holds the following County certifications: DBE, SBE-A/E and SBE-G/S. The A/E measure will be satisfied by 305 Consulting while the G/S measure will be satisfied by H. Rodriguez Consulting Engineering, Inc.

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**Item No. 3B
File No. 182004**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT OF UP TO \$751,000.00 FOR CONTRACT NO. SS1243-3/24-2 FOR ELEVATOR MAINTENANCE SERVICES FOR THE MIAMI-DADE AVIATION DEPARTMENT; AND AUTHORIZES THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority in a total amount of up to \$751,000.00 for Contract No. SS1243-3/24-2 for elevator maintenance services for the Miami-Dade Aviation Department.

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

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

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

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

There is no procedural history at this time.

ANALYSIS

The proposed resolution is requesting Board authorization to increase expenditure authority for Contract No. SS1243-3/24-2 for elevator maintenance services for the Miami-Dade Aviation Department, in the amount of \$751,000, in order to continue the elevator maintenance services for the Miami-Dade Aviation Department.

The County awarded this sole source contract on May 1, 2004 for a five-year term with three, five-year options to renew. The contract is currently in the second optional five-year term. County departments use this contract for the purchase of elevator, escalator, and related equipment maintenance, as well as modernization services. Work performed is based on a monthly maintenance schedule and on an as-needed basis for emergency repairs.

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The Fiscal Impact of this item is Countywide, and the increase amount is \$751,000.

The current contract has the cumulative amount of \$12,495,000 and was awarded as sole source contract on May 1, 2004 for a five-year term, with three, five-year options to renew. The Contract is currently on its second optional five-year term.

The mayoral memo underscores that the County departments use this contract for the purchase of elevator, escalator, and related equipment maintenance, as well as modernization services. Work performed is based on a monthly maintenance schedule and on an as-needed basis for emergency repairs. Additional, expenditure authority is needed for the modernization of elevators at the Skyride connector in Concourse F and in Cargo Building 100. The elevator in Concourse F and the elevator in Cargo Building 100 were installed over 30 years and both have ongoing problems that impact the daily and cargo operations.

- Aviation current cumulative amount \$2,912,000 with additional expenditure amount \$3,663,000, Funding Source: Proprietary Funds,
- Corrections and Rehabilitation cumulative amount \$1,153,000, Funding Source: General Fund.
- Fire Rescue current cumulative amount \$166,000, Funding Source: Fire District,
- Public Housing and Community Development cumulative amount \$2,035,000, Funding Source: Federal Funds,
- Internal Services Department cumulative amount \$2,623,000, Funding Source: Internal Service,
- Transportation and Public Works cumulative amount \$78,000, Funding Source: DTPW Operating,
- Miami Dade Police Department cumulative amount \$345,000, Funding Source: General Fund,
- Parks and Recreation and Open Spaces cumulative amount \$696,000, Funding Source: General Fund,
- Port Miami cumulative amount \$954,000, Funding Source: Proprietary Funds,
- Solid Waste cumulative amount \$84,000, Funding Source: General Fund,
- Water and Sewer Department cumulative amount is \$1,404,000, Funding Source: Proprietary Funds

Totaling \$12,495,000, + additional expenditure \$751,000 = \$13,246,000

OCA performed a search for commodity code 29570: Elevators, Passenger on the Business Management Workforce System's Certified Vendor Directory on September 7, 2018. There are no local SBEs identified.

ADDITIONAL INFORMATION

As of September 07 2018 when this firm was verified in the Florida Department of Business and Professional Regulation, Thyssen Krupp Elevator Corporation License Number PVD212PROV had a delinquent status as of May 31, 2017.

<https://www.myfloridalicense.com/wl11.asp?mode=2&search=Name&SID=&brd=&typ=>

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Item No. 3C

File No. 182070

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING WAIVER OF BID PROCEDURES BY A TWO-THIRDS VOTE OF THE MEMBERS PRESENT PURSUANT TO SECTION 5.03(D) OF THE COUNTY CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE AND APPROVING AWARD OF CONTRACT NO. SS9982-0/23 TO HARRIS CORPORATION FOR THE MIAMI-DADE AVIATION DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$613,000.00 FOR A FIVE-YEAR TERM; 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 MIAMI-DADE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize a waiver of bid procedures by a two-thirds vote of the members present pursuant to section 5.03(d) of the County Charter and Section 2-8.1 of the County Code and approving award of Contract No. SS9982-0/23 to Harris Corporation for the Miami-Dade Aviation Department in a total amount not to exceed \$613,000.00 for a five-year term.

APPLICABLE LEGISLATION/POLICY

Section 5.03(D) of the Home Rule Charter states that 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. The Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.

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

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Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directed 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-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>

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

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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 Department

There is no procedural history at this time.

ANALYSIS

This item is requesting that the Board ratify waiver of bid procedures by a two-thirds vote of the members present pursuant to section 5.03(d) of the County Charter and Section 2-8.1 of the County Code and approving award of Contract No. SS9982-0/23 to Harris Corporation (not a local firm) for the Miami-Dade Aviation Department in a total amount not to exceed \$613,000.00 for a five-year term to purchase 50 Vehicle Movement Area Transmitter Units (VMATU) with magnetic antenna installation kits, warrant, and installation, support and maintenance services.

Vehicle Movement Area Transmitters are mandated and critical in an airside movement area to reduce the incidence of collisions in this highly dynamic environment. The Aviation department will use the transmitters to improve real-time surveillance of surface areas and to provide the Federal Aviation Administration (FAA) Tower and aircraft with share situational awareness. Vehicles equipped with the transmitters will automatically send their precise location and other relevant information to the FAA, Ground Traffic Controllers, nearby vehicles, and aircraft. The transmitter units are transferrable from one vehicle mount to another, thus saving time and costs during vehicle rotation.

The Fiscal Impact of this item is a five-year term in the amount of \$613,000. Funding Source: Federal Aviation Administration Funding/ Proprietary Funds. This contract was awarded as sole source contract on June 12, 2018 for a five-year term, with three, five-year options to renew. The Contract is currently on its second optional five-year term.

The Scope of Services includes but is not limited to:

- Equipment and Installation costs total \$411,500, of which the Federal Aviation Administration will fund 75% or \$308,626. The balance of 25% for equipment and installation or \$102,675, will be funded by Aviation, the last element of the payment schedule, is \$201,500 for the five-year term maintenance/support services, and it is not eligible for Federal Aviation Administration Funding and will be 100% covered by Aviation.

The mayoral memo states that competition was not practicable at this time as these transmitters are sold exclusively by Harris Corporation. Additionally, they are the only Airport Ground Vehicle Automatic Dependent Surveillance-Broadcast units that meet the Department's requirements and are certified and approved by the FAA.

OCA performed a search for commodity code 96246: Installation and Removal Services on the Business Management Workforce System's Certified Vendor Directory on September 7, 2018. The following 15 firms are local SBEs identified: ATS COM INC, SBE-G&S, Audioworks, Inc., SBE-G&S, Aventura Elevator, Inc., SBE-G&S, Canseco Electrical Contractors, Inc., SBE-G&S, CJ Fire Protection, Inc., SBE-G&S, D.V. Industrial Service, LLC, SBE-G&S, Electrical Contracting Service, Inc., SBE-G&S, Flex Florida Corp. DBA Best Awnings, DBA Best Awnings, SBE-G&S, High End Audio Visual, Inc., SBE-G&S, Home Entertainment Systems, Inc., SBE-G&S, MV

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Electrical Services, Inc., SBE-G&S, MDT Technologies, Inc., SBE-G&S, Neon Sign Solutions, Inc., SBE-G&S, Quality Wiring Inc., SBE-G&S and Tesla Electric Inc., SBE-G&S.

ADDITIONAL INFORMATION

Harris Corporation has been retained by the Navy in 2015 to provide ground communication systems.

<https://news.clearancejobs.com/2015/09/23/harris-corp-awarded-ground-communications-contract-dod-daily-contracts/>

Free Flight Systems is another manufacturer of FAA Approved Vehicle Movement Area Transmitter (FAA Approved Model Number:FDL-978-GTX/A)

<https://www.freeflightsystems.com/our-company/company-overview/>

https://www.faa.gov/documentLibrary/media/Advisory_Circular/150-5220-26-consolidated-chg2.pdf (See page 15 Appendix A. Qualified Products)

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Item No. 3D

File No. 182073

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$100,000.00 FOR PREQUALIFICATION POOL NO. 9084-0/19 FOR PURCHASE OF TRAINED CANINES FOR PORTMIAMI

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority in a total amount up to \$100,000 for *Prequalification Pool No. 9084-0/19, Trained Canines*, so that PortMiami may purchase trained canines and training for canine handlers.

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=PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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

Resolution No. R-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.

<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: None

Department/Requester: Internal Services

The proposed resolution has no procedural history.

ANALYSIS

The proposed resolution authorizes additional expenditure authority to *Prequalification Pool No. 9084-0/19, Trained Canines*, for PortMiami in a total amount up to \$100,000 for the purchase of trained canines and training for canine

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handlers. The pool, established in September 2009 for a 10-year term, has a current value of \$998,000. Currently, Aviation and Police are the only departments contributing to the pool's allocation for the purchase of trained canines. Detailed below is the pool's Blanket Purchase Order, delineating the allocation amount, amount released, and balance, by department.

Department	Allocation Amount	Released Amount	Balance
Aviation	\$202,600.00	\$174,300.00	\$28,300.00
Police Department	\$795,400.00	\$653,100.00	\$142,300.00
TOTAL:	\$998,000.00	\$827,400.00	\$170,600.00

Additional funds are needed to allow the Miami-Dade Police Department Seaport Operations Bureau to replace a deceased trained canine, and to obtain additional trained canines and handler training services, as needed, throughout the term of the pool. Trained canines are used for search and rescue, and detection of forensic evidence, explosive materials, and illegal substances, and are thus integral to comprehensive vehicle and baggage checks, daily passenger terminal inspections, and other preventive and routine patrol assignments.

Detailed below are the prequalified vendors currently in the pool.

Vendor	Principal Address	Local Vendor	Sunbiz Status
Metro Dade K-9 Guard Dog Service, Inc.	17940 SW 168 Street, Miami, FL	Yes	Active
Police Service Dogs, Inc.	2914 CR 200, Oxford, FL	No	Active
Southern Coast K9, Incorporated	690 Meta Lane, New Smyrna Beach, FL	No	Active
United States K-9 Academy & Police Dog Training Center, Inc.	225 W 25 Street, Hialeah, FL	Yes	Active

50% of the vendors in the pool are local businesses, which is lower than the 75% threshold required by Resolution No. R-477-18 for prequalification pools. It was offered in the item that the number of qualified providers in this pool is small due to the considerable experience, knowledge, and resources needed to become a provider in this specialized industry.

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Item No. 3E

File No. 182055

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FLORIDA PACE FUNDING AGENCY FOR A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM WITHIN THE UNINCORPORATED AREA; APPROVING INDEMNIFICATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND COUNTERPOINTE ENERGY SOLUTIONS LLC 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 PACE FUNDING AGENCY FOR THE BENEFIT OF MIAMI-DADE COUNTY, AND EXERCISE CERTAIN PROVISIONS IN THE AGREEMENTS

ISSUE/REQUESTED ACTION

Whether the Board should approve an agreement between the County and Florida PACE funding Agency and its administrator, Counterpointe Energy Solutions LLC, for a Property Assessed Clean Energy (PACE) program.

APPLICABLE LEGISLATION/POLICY

163.08 Florida Statutes provides supplemental authority for improvements to real property, including energy improvements.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=163.08&URL=0100-0199/0163/Sections/0163.08.html

Resolution No. R-324-16, adopted by the Board on April 19, 2016 directs the County Mayor or his designee to develop, negotiate and present agreements with Property Assessment Clean Energy (PACE) providers to this Board and establishes policy for the County with respect to Property Assessment Clean Energy.

<http://intra/gia/matter.asp?matter=160764&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: Jose "Pepe" Diaz

Department/Requester: Regulatory and Economic Resources

The proposed resolution has no procedural history.

ANALYSIS

The proposed resolution seeks approval of an agreement between the County and Florida PACE funding Agency (a PACE district) and its administrator, Counterpointe Energy Solutions LLC, for a PACE program within the unincorporated area of Miami-Dade County.

The primary goal of PACE is to lower the cost of entry for sustainability, resiliency and renewable energy improvements, thereby increasing economic activity, creating jobs, reducing environmental pollution and improving the infrastructure. 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 PACE District allows those qualifying commercial and residential property owners to improve energy efficiency, install improvements or retrofits and improve water conservation. The commercial and residential property owners in question voluntarily opt to enter into a special assessment district to receive a loan financing the selected retrofits or improvements. The loan is repaid through a special taxing district by an annual assessment on the property owner's

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tax bill. Pursuant to the agreement, the parties acknowledge and agree that the non-ad valorem assessments arising from a property owner's voluntary participation in the PACE program are imposed by the District and not the County.

The District makes 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. Additionally, Counterpointe Energy Solutions, LLC, as the administrator of Florida PACE Funding Agency, agrees to indemnify and hold harmless Miami-Dade County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense.

Florida PACE Funding Agency was created in 2011 and operates its programs in 33 counties within the state of Florida, covering approximately 50% of the state (by population), and is currently negotiating over 10 additional agreements. The Florida PACE Funding Agency's mission is to facilitate the implementation, planning, development, funding, financing, marketing and management of a uniform statewide platform so that counties and cities can easily and economically take advantage of a scalable program for their residential and commercial property-owning constituents. The Florida PACE Funding Agency is authorized to issue bonds as needed to provide funds with which to finance Qualifying Improvements and to offer its funding program, AllianceNRG Program™ Florida, throughout the state of Florida to willing local government participants or program subscribers.

<https://www.floridapace.gov/>

Counterpointe Energy Solutions LLC provides PACE Program administration with programs that include all phases of PACE financing, removing the administrative burden and liability from participating municipalities. Counterpointe Energy Solutions enables sustainability and resiliency project development nationwide, with powerful impact upon job creation, greenhouse gas emission reduction and infrastructure improvement.

<http://counterpointees.com/>

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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Research Notes**

Item No. 3F

File No. 182048

Researcher: MF Reviewer: TD

RESOLUTION APPROVING TELEVISION, FILM AND ENTERTAINMENT PRODUCTION INCENTIVES PROGRAM GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE ROW 2, LLC FOR A FEATURE FILM, "THE ROW II: A NEW CHAPTER" IN THE AMOUNT OF \$100,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE RIGHTS AND PROVISIONS THEREIN, INCLUDING TERMINATION

ISSUE/REQUESTED ACTION

Whether the Board should approve a Television, Film and Entertainment Production Incentives Program grant agreement between Miami-Dade County and the Row 2, LLC for a feature film, "The Row II: A New Chapter" in the amount of \$100,000.00 contingent upon an audit of the project and its corresponding documentation to ensure compliance with all guidelines and requirements of the Grant Agreement.

APPLICABLE LEGISLATION/POLICY

Resolution N. R-783-17, adopted by the Board on July 18, 2017, created the Miami-Dade County Television, Film and Entertainment Production Incentive Program.

<http://intra/gia/matter.asp?matter=171747&file=true&yearFolder=Y2017>

PROCEDURAL HISTORY

Department/Requester: Regulatory and Economic Resources Department

The proposed resolution has no procedural history.

ANALYSIS

The film industry has a long history in Miami-Dade County and greater South Florida and continues to grow as the entertainment industry expands throughout Florida. Every year thousands of film, television, commercial, music video and still shoot productions showcase Greater Miami to the world. Miami-Dade County is currently home to 200 production companies, 15 soundstages, 15 recording studios, three Spanish-language production facilities and many businesses that support motion pictures and videos. Each year between 2010 and 2016, film, television, digital media and still photo projects spent anywhere from \$160,000,000 up to \$406,000,000 in Miami-Dade County for productions that were permitted through Miami-Dade County, the City of Miami, and the city of Miami Beach film offices.

From 2010 through 2016, film, television, digital media and still photo projects hired cast and crew that averaged between approximately 20,000 and 35,000 local hires on a yearly basis. The film, television and digital industry supports direct and indirect jobs and wages in many companies, such as hotels, restaurants, caterers, dry cleaners, for-hire transportation companies, florists and landscapers, vehicle and truck rental companies, furniture companies, hardware and lumber suppliers, lighting and grip rental companies, clothing stores, private and public office spaces, location rentals, digital equipment suppliers, tent suppliers, and portable air suppliers.

The State of Florida instituted the Florida Entertainment Industry Financial Incentive Program, which began on July 1, 2010 and expired on June 30, 2016. In the absence of State incentives, other counties in Florida such as Broward, Palm Beach, Hillsborough, Duval, Pinellas and Manatee have created their own programs. Louisiana, North Carolina

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and Georgia have also created their own incentive programs, which have led to films being shot in those areas rather than in Miami-Dade County.

In July 2017, the Board approved Resolution No. R-783-17, which created the Miami-Dade County Television, Film and Entertainment Production Incentive Program. The purpose of the program is to incentivize television, film and entertainment production projects that ultimately lead to investment in the local economy and job growth in the County, while showcasing Miami as a wonderful location to work, live and play.

The Row 2, LLC, has submitted an application for a grant from the Television, Film and Entertainment Production Incentive Program, to produce a feature film “The Row II: A New Chapter” to be distributed to movie theaters nationwide and abroad. The total production schedule includes approximately 40 days of pre-production, production and wrapping. Pre-production will take place in the County beginning on September 3, 2018, with an estimated date of completion for the entire project set for October 14, 2018.

Although the program only requires that 70 percent of the entire production be produced/filmed in Miami-Dade County, the Row 2 is proposing to produce 100 percent of the project in the County. The total expected local expenditure is projected to be \$1.2 million, and it is expected that it will provide employment for 52 Miami residents for the length of the production.

According to the Fiscal Impact Statement, funding for the Agreement will come from the Countywide General Fund and will be contingent upon an audit of the project and its corresponding documentation to ensure compliance with all guidelines and requirements of the Agreement including, but not limited to, spending a minimum of \$1 million in Miami-Dade County, 70 percent of the project being filmed in Miami-Dade County, and 80 percent of the vendors/businesses utilized being Miami-Dade County registered businesses.

ADDITIONAL INFORMATION

In July 2017, the Department of Regulatory and Economic Resources’ Office of Film and Entertainment launched the local Television, Film and Entertainment Production Incentive Program. This program was meant to help support individual film and entertainment projects that would benefit the industry workforce and boost the local economy. Productions would have to meet the following requirements to benefit from the program:

- The production must spend at least \$1 million in Miami-Dade County on payroll (for Miami-Dade County residents only) and other expenditures.
- At least 70 percent of the entire production project must be produced in Miami-Dade County.
- Each production project is required to hire a minimum of 50 main cast and crew (employees) that are Miami-Dade County residents and must include at least one student/recent graduate who is enrolled at or recently graduated from a local college or university.
- Salaries for Miami-Dade County residents hired must be a minimum of the current living wage as defined by County law.
- At least 80 percent of vendors utilized on the production project must be Miami-Dade County-based registered businesses.

<http://www.miamidade.gov/releases/2017-07-18-rer-filmmiami-incentive-program.asp>

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DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Regulatory and Economic Resources Department, and is awaiting its answers:

- How many films have been sponsored under the Television, Film and Entertainment Production Incentive Program since its creation in 2017?
- How many Miami-Dade County residents have been employed as a result of the program?

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Research Notes**

**Item No. 3G
File No. 182049**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING TELEVISION, FILM AND ENTERTAINMENT PRODUCTION INCENTIVES PROGRAM GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CRITICAL THINKING, LLC FOR A FEATURE FILM, "CRITICAL THINKING" IN THE AMOUNT OF \$100,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE RIGHTS AND PROVISIONS THEREIN, INCLUDING TERMINATION

ISSUE/REQUESTED ACTION

Whether the Board should approve the Television, Film and Entertainment Production Incentives Program Grant Agreement between Miami-Dade County and Critical Thinking, LLC, for a feature film, "Critical Thinking" in the amount of \$100,000.00, contingent upon an audit of the project and its corresponding documentation to ensure compliance with all guidelines and requirements of the Grant Agreement.

APPLICABLE LEGISLATION/POLICY

Resolution N. R-783-17, adopted by the Board on July 18, 2017, created the Miami-Dade County Television, Film and Entertainment Production Incentive Program.

<http://intra/gia/matter.asp?matter=171747&file=true&yearFolder=Y2017>

PROCEDURAL HISTORY

Department/Requester: Regulatory and Economic Resources Department

The proposed resolution has no procedural history.

ANALYSIS

The film industry has a long history in Miami-Dade County and greater South Florida and continues to grow as the entertainment industry expands throughout Florida. Every year thousands of film, television, commercial, music video and still shoot productions showcase Greater Miami to the world. Miami-Dade County is currently home to 200 production companies, 15 soundstages, 15 recording studios, three Spanish-language production facilities and many businesses that support motion pictures and videos. Each year between 2010 and 2016, film, television, digital media and still photo projects spent anywhere from \$160,000,000 up to \$406,000,000 in Miami-Dade County for productions that were permitted through Miami-Dade County, the City of Miami, and the city of Miami Beach film offices.

From 2010 through 2016, film, television, digital media and still photo projects hired cast and crew that averaged between approximately 20,000 and 35,000 local hires on a yearly basis. The film, television and digital industry supports direct and indirect jobs and wages in many companies, such as hotels, restaurants, caterers, dry cleaners, for-hire transportation companies, florists and landscapers, vehicle and truck rental companies, furniture companies, hardware and lumber suppliers, lighting and grip rental companies, clothing stores, private and public office spaces, location rentals, digital equipment suppliers, tent suppliers, and portable air suppliers.

The State of Florida instituted the Florida Entertainment Industry Financial Incentive Program, which began on July 1, 2010 and expired on June 30, 2016. In the absence of State incentives, other counties in Florida such as Broward, Palm Beach, Hillsborough, Duval, Pinellas and Manatee have created their own programs. Louisiana, North Carolina

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and Georgia have also created their own incentive programs, which have led to films being shot in those areas in competition with Miami-Dade County.

In July 2017, the Board approved Resolution No. R-783-17, which created the Miami-Dade County Television, Film and Entertainment Production Incentive Program. The purpose of the program is to incentivize television, film and entertainment production projects that ultimately lead to investment in the local economy and job growth in the County, while showcasing Miami as a wonderful location to work, live and play.

Critical Thinking, LLC, has submitted an application for a grant from the Television, Film and Entertainment Production Incentive Program, to produce a feature film “Critical Thinking” to be distributed to movie theaters nationwide and abroad. The total production schedule includes approximately 90 days of pre-production, filming and wrapping, with the entire project being produced in various locations throughout the County. Pre-production is scheduled to begin on September 3, 2018; and the estimate date of completion for the entire project is December 31, 2018.

Although the program only requires that 70 percent of the entire production be produced/filmed in Miami-Dade County, Critical Thinking is proposing to produce 80 percent of the project in the County. The total expected local expenditure is projected to be \$3.5 million, and it is expected that it will provide employment for 95 Miami residents for the length of the production.

According to the Fiscal Impact Statement, funding for the Agreement will come from the Countywide General Fund and will be contingent upon an audit of the project and its corresponding documentation to ensure compliance with all guidelines and requirements of the Agreement including, but not limited to, spending a minimum of \$1 million in Miami-Dade County, 70 percent of the project being filmed in Miami-Dade County, and 80 percent of the vendors/businesses utilized being Miami-Dade County registered businesses.

ADDITIONAL INFORMATION

In July 2017, the Department of Regulatory and Economic Resources’ Office of Film and Entertainment launched the local Television, Film and Entertainment Production Incentive Program. This program was meant to help support individual film and entertainment projects that would benefit the industry workforce and boost the local economy. Productions would have to meet the following requirements to benefit from the program:

- The production must spend at least \$1 million in Miami-Dade County on payroll (for Miami-Dade County residents only) and other expenditures.
- At least 70 percent of the entire production project must be produced in Miami-Dade County.
- Each production project is required to hire a minimum of 50 main cast and crew (employees) that are Miami-Dade County residents and must include at least one student/recent graduate who is enrolled at or recently graduated from a local college or university.
- Salaries for Miami-Dade County residents hired must be a minimum of the current living wage as defined by County law.
- At least 80 percent of vendors utilized on the production project must be Miami-Dade County-based registered businesses.

<http://www.miamidade.gov/releases/2017-07-18-rer-filmiami-incentive-program.asp>

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DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Regulatory and Economic Resources Department, and is awaiting its answers:

- How many films have been sponsored under the Television, Film and Entertainment Production Incentive Program since its creation in 2017?
- How many Miami-Dade County residents have been employed as a result of the program?

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Item No. 3H

File No. 182050

Researcher: MF Reviewer: TD

RESOLUTION APPROVING TELEVISION, FILM AND ENTERTAINMENT PRODUCTION INCENTIVES PROGRAM GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND MEDIAMAXFILMS DBA ONDAMAX FILMS FOR A FEATURE FILM, "SNOWBIRDS" IN THE AMOUNT OF \$100,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE RIGHTS AND PROVISIONS THEREIN, INCLUDING TERMINATION

ISSUE/REQUESTED ACTION

Whether the Board should approve a Television, Film and Entertainment Production Incentives Program Grant Agreement between Miami-Dade County and MediaMaxFilms d/b/a Ondamax Films for a feature film, "Snowbirds" in the amount of \$100,000.00 contingent upon an audit of the project and its corresponding documentation to ensure compliance with all guidelines and requirements of the Grant Agreement.

APPLICABLE LEGISLATION/POLICY

Resolution N. R-783-17, adopted by the Board on July 18, 2017, created the Miami-Dade County Television, Film and Entertainment Production Incentive Program.

<http://intra/gia/matter.asp?matter=171747&file=true&yearFolder=Y2017>

PROCEDURAL HISTORY

Department/Requester: Regulatory and Economic Resources Department

The proposed resolution has no procedural history.

ANALYSIS

The film industry has a long history in Miami-Dade County and greater South Florida and continues to grow as the entertainment industry expands throughout Florida. Every year thousands of film, television, commercial, music video and still shoot productions showcase Greater Miami to the world. Miami-Dade County is currently home to 200 production companies, 15 soundstages, 15 recording studios, three Spanish-language production facilities and many businesses that support motion pictures and videos. Each year between 2010 and 2016, film, television, digital media and still photo projects spent anywhere from \$160,000,000 up to \$406,000,000 in Miami-Dade County for productions that were permitted through Miami-Dade County, the City of Miami, and the city of Miami Beach film offices.

From 2010 through 2016, film, television, digital media and still photo projects hired cast and crew that averaged between approximately 20,000 and 35,000 local hires on a yearly basis. The film, television and digital industry supports direct and indirect jobs and wages in many companies, such as hotels, restaurants, caterers, dry cleaners, for-hire transportation companies, florists and landscapers, vehicle and truck rental companies, furniture companies, hardware and lumber suppliers, lighting and grip rental companies, clothing stores, private and public office spaces, location rentals, digital equipment suppliers, tent suppliers, and portable air suppliers.

The State of Florida instituted the Florida Entertainment Industry Financial Incentive Program, which began on July 1, 2010 and expired on June 30, 2016. In the absence of State incentives, other counties in Florida such as Broward, Palm Beach, Hillsborough, Duval, Pinellas and Manatee have created their own programs. Louisiana, North Carolina

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and Georgia have also created their own incentive programs, which have led to films being shot in those areas rather than in Miami-Dade County.

In July 2017, the Board approved Resolution No. R-783-17, which created the Miami-Dade County Television, Film and Entertainment Production Incentive Program. The purpose of the program is to incentivize television, film and entertainment production projects that ultimately lead to investment in the local economy and job growth in the County, while showcasing Miami as a wonderful location to work, live and play.

Mediamax Films d/b/a Ondamax, has submitted an application for a grant from the Television, Film and Entertainment Production Incentive Program, to produce a feature film “Snowbirds” to be distributed to movie theaters nationwide and abroad. The total production schedule includes approximately 90 days of pre-production, filming and wrapping. Pre-production is scheduled to begin on July 16, 2018; and the estimate date of completion for the entire project is March 1, 2019.

Although the program only requires that 70 percent of the entire production be produced/filmed in Miami-Dade County, Critical Thinking is proposing to produce 75 percent of the project in the County. The total expected local expenditure is projected to be \$3 million, and it is expected that it will provide employment for 75 Miami residents for the length of the production.

According to the Fiscal Impact Statement, funding for the Agreement will come from the Countywide General Fund and will be contingent upon an audit of the project and its corresponding documentation to ensure compliance with all guidelines and requirements of the Agreement including, but not limited to, spending a minimum of \$1 million in Miami-Dade County, 70 percent of the project being filmed in Miami-Dade County, and 80 percent of the vendors/businesses utilized being Miami-Dade County registered businesses.

ADDITIONAL INFORMATION

In July 2017, the Department of Regulatory and Economic Resources’ Office of Film and Entertainment launched the local Television, Film and Entertainment Production Incentive Program. This program was meant to help support individual film and entertainment projects that would benefit the industry workforce and boost the local economy. Productions would have to meet the following requirements to benefit from the program:

- The production must spend at least \$1 million in Miami-Dade County on payroll (for Miami-Dade County residents only) and other expenditures.
- At least 70 percent of the entire production project must be produced in Miami-Dade County.
- Each production project is required to hire a minimum of 50 main cast and crew (employees) that are Miami-Dade County residents and must include at least one student/recent graduate who is enrolled at or recently graduated from a local college or university.
- Salaries for Miami-Dade County residents hired must be a minimum of the current living wage as defined by County law.
- At least 80 percent of vendors utilized on the production project must be Miami-Dade County-based registered businesses.

<http://www.miamidade.gov/releases/2017-07-18-rer-filmiami-incentive-program.asp>

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DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Regulatory and Economic Resources Department, and is awaiting its answers:

- How many films have been sponsored under the Television, Film and Entertainment Production Incentive Program since its creation in 2017?
- How many Miami-Dade County residents have been employed as a result of the program?