



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

Board of County Commissioners Meeting

October 2, 2018
9:30 A.M.
Commission Chambers

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**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 5A
File No. 181910**

Researcher: MF Reviewer: TD

RESOLUTION DECLARING SURPLUS ONE COUNTY-OWNED PROPERTY (FOLIO NO. 30-3115-042-0010) LOCATED IN MIAMI-DADE COUNTY, FLORIDA AND REVISING THE INVENTORY LIST OF REAL PROPERTY, AFTER A PUBLIC HEARING, TO INCLUDE SUCH PROPERTY IN ACCORDANCE WITH SECTION 125.379(1), FLORIDA STATUTES; AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF A TOTAL OF 21 COUNTY-OWNED PROPERTIES TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC., A NOT-FOR-PROFIT 501(C)(3) CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

ISSUE/REQUESTED ACTION

Whether the Board should declare surplus one County-owned property located in Miami-Dade County and revise the inventory list of real property after a public hearing and whether the Board should authorize conveyance of 21 County-owned properties to Habitat for Humanity Greater Miami, Inc., at a price of \$10.00, for the purpose of developing the properties with affordable housing to be sold to very low, low or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 17-121, relates to the Infill Housing Initiative Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH17HO_ARTVIIIINHAIN_S17-121TIPU

Implementing Order No. 3-44 establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County, whereby the procedures are established to carry out the goals of the Infill Program.

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

Miami-Dade County Administrative Order No. 8-4 states that t[h]e authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable."

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

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=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

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Florida Statutes, Section 125.379(1), requires each county to prepare an inventory list at least every three years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html

Florida Statutes, Section 125.379(2), prescribes the County's authority relating to County properties identified as affordable housing.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html

Florida Statutes, Section 125.411, relates to deeds of conveyance of lands

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html

Resolution No. R-376-11, adopted on May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

Resolution No. R-333-15, adopted April 21, 2015, establishes County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

Resolution No. R-979-17, adopted on November 7, 2017, declared the County properties at issue in the proposed resolution surplus and added such properties to the County's inventory list of affordable housing sites.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-979-17.pdf>

Resolution No. R-974-09, adopted 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.

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

Resolution No. R-380-17, adopted by the Board on April 4, 2017, established the policy requiring the County Mayor to provide written notification to the District Commissioner in which the County-owned property lies no less than four weeks prior to placing any item on the agenda requesting approval of the sale, lease or surplus of County-owned property.

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

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey M. Edmonson, District 3

Department/Requester: None

The proposed resolution was considered at the September 13, 2018 Housing and Social Services Committee meeting; and was forwarded to the BCC with a favorable recommendation.

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ANALYSIS

On May 9, 2018, Habitat for Humanity of Greater Miami, Inc. (Habitat) submitted an application to Commissioner Edmonson, Commission District 3, requesting that the County convey 21 County-owned vacant properties located within District 3 to build single-family, affordable housing. The proposed resolution authorizes conveyance of the properties to Habitat for Humanity of Greater Miami, Inc., at a price of \$10.00, to further the purpose of making affordable housing available to needy households in accordance with the Infill Program.

Habitat is required to develop the lots as 20 new single-family homes (two 25-foot wide lots will be combined to allow for one home to be built), and sell to qualified families. Habitat will develop 3-bedroom (1,200 square feet) and 4-bedroom (1,400 square feet) homes.

Lot No.	Address	Land Value	Square Footage
01-3114-012-0550	1024 NW 60 St., Miami, FL 33127	\$31,146	6,206
30-3111-027-0230		\$16,489	4,730
30-3111-031-0460		\$18,921	5,400
30-3111-038-0610	1657 NW 73 St., Miami, FL 33147	\$27,426	7,000
30-3115-037-0310	2260 NW 64 St., Miami, FL 33147	\$17,361	4,631
30-3115-040-0580	2310 NW 55 Terr., Miami, FL 33142	\$17,069	4,240
30-3115-042-0010		\$11,404	2,880
30-3115-042-0020	2405 NW 55 St., Miami, FL 33142	\$9,504	2,400
30-3115-042-0030		\$9,504	2,400
30-3121-016-0150	3127 NW 52 St., Miami, FL 33142	\$29,935	5,680
30-3121-034-1320	5114 NW 32 Ave., Miami, FL 33142	\$22,697	4,840
30-3121-037-0390	3031 NW 51 Terr., Miami, FL 33142	\$25,225	4,600
30-3122-016-0440		\$36,788	5,450
30-3122-018-0160		\$29,160	4,320
30-3122-026-1000		\$29,430	4,360
01-3114-019-1000	933 NW 69 St., Miami, FL 33150	\$42,900	7,150
30-3111-027-0221		\$42,181	12,100
30-3115-010-0010	6320 NW 19 Court, Miami, FL 33147	\$18,284	4,900
30-3115-027-0460	2167 NW 60 St., Miami, FL 33142	\$25,204	6,345
31-3121-000-0440	4624 NW 31 Court, Miami, FL 33142	\$14,751	3,600
30-3111-032-0030		\$21,874	7,150

The purpose of the Infill Housing Program is to increase the availability of affordable homes for very low, low, and moderate income persons and households; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. Between January 1, 2017 and December 12, 2017, 27 homes were sold under the Infill Housing Program.

<https://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

Pursuant to Administrative Order No. 8-4, Miami-Dade Internal Services Department previously announced availability of the 21 properties to all County departments and determined that there was no interest in the properties.

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Section 125.379(1) Florida Statutes requires Miami-Dade County to prepare an inventory list at least every three years of all real County properties appropriate for use as affordable housing and further allows the county governing body to revise the inventory list. One of the properties (Folio No. 30-3115-042-0019) has not been declared surplus and has not been included on the County's inventory list of affordable housing sites. The proposed resolution seeks to declare this property surplus and revise the Affordable Housing Inventory List to include this property.

On November 7, 2017, the Board adopted Resolution No. R-979-17, which declared the remaining 20 properties, among others, as surplus and added such properties to the County's inventory list of affordable housing sites.

The 21 County properties will be conveyed to Habitat, subject to a reverter, on the condition that Habitat develops each of the County properties with affordable housing to be sold to very low, low, or moderate income households within two years of the effective date of the conveyance of the four properties, unless extended at the discretion of the Board. As the homes are developed and sold, a 20-year restrictive covenant will be recorded on each parcel and monitored by the Public Housing and Community Development Department. The main restrictions on the conveyance, as specified in the Deed, are as follows:

- That the properties shall be developed by Habitat affordable housing, as defined by and in accordance with the requirements of the Infill Housing Initiative Program;
- That the properties shall be developed within two years of the recording of this Deed, as evidenced by the issuance of a final Certificate of Occupancy;
- That the dwelling units developed on the properties shall be sold to a qualified household, but under no circumstances shall the sales price of the home exceed \$205,000;
- That for any of the properties located within the HOPE VI Target Area, Habitat shall comply with the requirements set forth in Resolution No. R-1416-08, including but not limited to providing former Scott/Carver residents the right of first refusal on all units to be sold within the Target Area;
- That Habitat shall not assign or transfer its interest in the properties or in this Deed absent consent of the Miami-Dade County Board of County Commissioners, with the exception of any conveyance to qualified homebuyers;
- Habitat shall require that the qualified household purchasing the eligible home execute and record simultaneously with the Deed of Conveyance from Habitat to the qualified household the County's "Affordable Housing Restrictive Covenant"; and
- That Habitat shall pay real estate taxes and assessments on the properties or any part thereof when due.

The proposed resolution will save the County the cost of monitoring the properties and maintaining the lawn, for a total of \$4,812, for all 21 lots, annually. In addition, it is estimated that the 21 properties will generate \$1,208,894.40 in real estate taxes for the County over the next 20 years.

ADDITIONAL INFORMATION

The Public Housing and Community Development Department oversees the Infill Housing Initiative Program and has developed guidelines for the administration of the program. The guidelines summarize the infill development process and requirements to be followed by developers.

<http://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

Infill Housing Homebuyer Requirements can be found at the below link:

<http://www.miamidade.gov/housing/infill-housing-homebuyers.asp>

Habitat for Humanity is a non-profit, ecumenical ministry that transforms lives and communities by offering qualified, low-income families in Miami-Dade County an opportunity to build and purchase a home of their own.

http://www.miamihabitat.org/?gclid=EAIAIQobChMIkJ_-ipK12gIVyIqzCh0NLwtLEAAYASAAEgJ12_D_BwE

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According to the Florida Department of State Division of Corporations website (Sunbiz.org), Habitat for Humanity of Greater Miami, Inc., has an active status as non-profit organization and first filed and registered on 07/15/2008. The principal address is registered as 3800 N.W. 22nd Ave., Miami, FL 33142. Its registered agent is Mario Artecona, 3800 N.W. 22nd Ave., Miami, FL 33142.

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

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 responses:

- Please provide the number of housing units projected for the properties. **Habitat is required to develop the lots as 20 new single-family homes (two 25-foot wide lots will be combined to allow for one home to be built), and sell to qualified families. Habitat will develop 3-bedroom (1,200 square feet) and 4-bedroom (1,400 square feet) homes. As the homes are developed and sold, a 20-year restrictive covenant will be recorded on each parcel and monitored by the Public Housing and Community Development Department.**
- Please provide information on the success of the Infill Program. How many units has the program completed? How many are in construction? How many families are housed thanks to this program? **Between January 1, 2017 and December 12, 2017, 27 homes were sold under the Infill Housing Program.**
- Please provide some indication as to the economic impact of these items. **The proposed resolution will save the County the cost of monitoring the properties and maintaining the lawn, for a total of \$4,812 (for all lots) annually. In addition, the new homes will generate real estate taxes for the County.**
- Please provide an estimate of the taxes that will be generated for the County by the 21 properties over the next 20 years. **An estimate of the taxes that will be generated for the County by the 21 properties over the next 20 years is \$1,208,894.40. We arrived at this amount by using the Property Appraiser’s Tax Estimator, which included the homestead exemption. The estimated amount for one property is \$2,878.32 (annually). This amount (\$2,878.32) was multiplied by 21 (lots), which resulted \$60,444.72 (annually). The annual amount (\$60,444.72) was multiplied by 20 (years), resulting \$1,208,894.40.**

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**Item No. 5C
File No. 182207**

Researcher: LE Reviewer: TD

RESOLUTION APPROVING AS A GOVERNMENTAL FACILITY THE PLAN FOR THE MIAMI-DADE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS CENTRAL DIVISION CNG BUS MAINTENANCE FACILITY LOCATED AT 3300 NW 32 AVENUE, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY

ISSUE/REQUESTED ACTION

Whether the Board should approve the plan for the Miami-Dade Department of Transportation and Public Works (DTPW) Central Division Compressed Natural Gas (CNG) Bus Maintenance Facility located at 330 NW 32 Avenue as a governmental facility.

APPLICABLE LEGISLATION/POLICY

Section 33-303 provides that a notice and favorable public hearing before the Board is required prior to authorization of construction or operation of a governmental facility occurs in the unincorporated areas of Miami-Dade County.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-303EXPRZOUNARWHCOREZOJUINAREXAPGOFA

Resolution No. R-35-17, adopted on January 24, 2017, approves a Master Developer Agreement, Contract No. 00096, to Trillium Transportation Fuels, LLC. For the Compressed Natural Gas Program for Department of Transportation and Public Works for an initial ten-year term.

<http://intra/gia/matter.asp?matter=162416&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Jean Monestime, District 2
Department/Requester: Regulatory and Economic Resources**

There is no procedural history for this item.

ANALYSIS

The proposed resolution approves the plan for the Miami-Dade DTPW Central Division CNG Bus Maintenance Facility located at 330 NW 32 Avenue as a governmental facility.

The plan is funded by the People's Transportation Plan (PTP) surtax funds, the General Fund, fees collected from the cost of CNG fuel, and \$2,000,000 in projected revenues from the proposed fueling station.

The Miami-Dade DTPW has proposed to replace existing older structures at the Central Division Bus Maintenance Facility with a modern CNG Fuel and Wash facility to accommodate CNG buses. This is part of the County's ongoing efforts to modernize the current ageing bus fleet to modern buses fueled by CNG. Currently, the DTPW has over 800 active buses in its fleet. Resolution No. R-35-17 approves the purchase of 300 CNG buses and they will be delivered to DTPW over a three-year period. The existing facility is located at 330 NW 32nd Ave with this proposal designed to modify and renovate this facility.

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The CNG Program includes the following:

- Finance, develop, construct, operate, and maintain County CNG fueling stations at the Central Bus Depot and Coral Way Bus Depot
- Conversion of existing facilities to accommodate CNG buses
- Purchase of 300 CNG buses
- Provision of CNG fuel
- Lease of County property for public access CNG fueling stations

Additionally, the proposed DTPW Maintenance Facility will consist of the following:

- 4 new fueling lanes with CNG diesel and gasoline dispenser
- A fuel management terminal
- 3 vacuum hoses and hose reels to dispense lube fluids
- The construction of a public fueling facility on the northwest corner of NW 32nd Avenue and 31st Street
- 2 automated bus wash lanes
- 2 support buildings for locker rooms, bathrooms, and mechanical and office space
- New parking configuration area for additional buses

The facility is expected to be completed in 2019.

ADDITIONAL INFORMATION

According to the U.S. Department of Energy, Compressed Natural Gas (CNG) serves as one of two alternative transportation fuels. It is domestically produced, low priced, and commercially available. CNG is produced by compressing natural gas to less than 1% of its volume and provides an adequate driving range. Using CNG produces lower emissions and is cost effective.

https://www.afdc.energy.gov/fuels/natural_gas_basics.html

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**Item No. 5D
File No. 181983**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 28 - "CHARLES DEERING ESTATE" AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04, AFTER A PUBLIC HEARING

ISSUE/REQUESTED ACTION

Whether the Board should approve a significant modification to the project description of Building Better Communities-General Obligation Bond Program Project No. 28, "Charles Deering Estate", to authorize the use of Bond Program funding for land and building acquisition, relocation of existing administrative offices, building restoration and parking improvements.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-913-04, adopted by the Board on July 20, 2004, provided for holding of General Obligation Bond Special Election in Miami-Dade County, on November 2, 2004, with respect to authorization of not to exceed \$680,258,000 General Obligation Bonds of the County to construct and improve park and recreational facilities.

<http://intra/gia/matter.asp?matter=042285&file=false&yearFolder=Y2004>

Resolution No. R-953-12, adopted by the Board on November 8, 2012, directs the County Mayor to consider and analyze whether a vacant parcel of land that is for sale and is adjacent to a park should be purchased by the County to expand such park and, if so, to attempt to acquire the parcel.

<http://intra/gia/matter.asp?matter=122011&file=true&yearFolder=Y2012>

PROCEDURAL HISTORY

Prime Sponsor: Daniella Levine Cava, District 8

Department/Requester: Parks, Recreation and Open Spaces

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

In response to Commissioner Diaz' question regarding the cost of acquiring the land and building, Mr. Alejandro Zizold, Parks, Recreation and Open Spaces, noted the cost of acquiring the property was \$1,315,000, to be paid with General Obligation Bond Program funds.

Pursuant to Commissioner Diaz' comment that the property was worth more than the cost of purchasing it, Mr. Zizold indicated that the department negotiated this price based on the Internal Services Department's appraisal.

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

ANALYSIS

Resolution N. R-913-04, adopted by the Board on July 20, 2018, approved the holding of a special election to authorize the issuance of General Obligation Bonds of the County in an amount not to exceed \$680,258,000. Proceeds from the Bonds were to be used for various, unfunded capital projects, including Project No. 28, "Charles Deering Estate". On November 2, 2002, voters approved the referendum to fund more than 300 capital improvement projects over the next 15 to 20 years throughout the County.

The Charles Deering Estate is a metropolitan and heritage park located within Commission District 8. The estate receives approximately 75,700 visitors per year. The original project comprised area-wide improvements including rehydration; south

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addition improvements, fencing, vehicular and pedestrian circulation; and landscaping. The proposed resolution seeks the Board's approval of a significant modification to the project authorizing the use of Bond Program funding for land and building acquisition, relocation of existing administrative offices, building restoration and parking improvements.

The estate's existing acreage is 454 acres and the new parcel is 12,900 square feet, about 1/3 of an acre. The new parcel includes a building of 5,800 square feet. The building will be used to relocate the Deering Estate staff members, who are currently using the historic buildings as offices. The estate's Administrative and staff offices are currently located in historic buildings (Richmond Cottage - special events staff; Carriage House - learning program and naturalist staff; Stone House - the director of the Deering Estate and administrative staff). The intent is to relocate the staff located in the historic buildings as well as program staff currently located in the environmental welcome center to:

- open up additional interpretive space for exhibits and visitor programming;
- reduce wear and tear on the historic structures from higher than normal use;
- provide an opportunity to re-use the welcome center offices for an on-site gift shop to generate additional revenue;
- make room for additional staff and volunteers - the staffing levels have increased as the Estate's programming has grown four-fold since re-opening post Hurricane Andrew; and
- create greater street exposure to Old Cutler Road, drawing more visitors into the property.

This significant modification of the project is an opportunity for the Charles Deering Estate to expand within the project description, and would enable the County to use a portion of the funds to purchase an adjacent property. This is allowed by Resolution No. R-953-12, which directs the County Mayor to consider and analyze whether a vacant parcel of land adjacent to a park should be purchased by the County to expand the Deering Estate.

The property was appraised in 2017 by the County, and was valued at \$1,315,000, including land and building. There would be no fiscal impact on the existing Bond Program Project No. 28 allocation of \$5,000,000 due to this modification. The park's general plan will be amended to incorporate the newly-acquired parcels. The annual operating cost to the Charles Deering Estate is expected to be minimal because the grounds maintenance crews already service the existing park.

ADDITIONAL INFORMATION

The Deering Estate preserves the 1920s era Miami estate of Charles Deering a Chicago industrialist, early preservationist, environmentalist, art collector and philanthropist. It is a cultural asset and historic site listed on the National Register of Historic Places. The estate is a 21st Century museum destination for tourists and local residents, signature events, programs and preservation of the county's history. It is part of the Miami-Dade County Parks, Recreation and Open Spaces Department, which manages the property on behalf of the State of Florida.

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

DEPARTMENT INPUT

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

- How many visitors does the Deering Estate receive every year? **The attendance is approximately 75,700 per year.**
- What is the estate's existing acreage and what will be the new acreage if the parcels are acquired? **The existing acreage is 454 acres and the new parcel is 12,900 square feet, about 1/3 of an acre. Of the 12,900 square feet, this includes a building of 5,800 square feet. The building will be used to relocate the staff at the Deering Estate, which is currently using the historic buildings as offices.**
- How will this expansion of the park improve the existing estate? **Deering Estate Administrative and staff offices are currently located in historic buildings (Richmond Cottage - special events staff; Carriage House - learning**

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program and naturalist staff; Stone House - the director of the Deering Estate and administrative staff). The intent is to relocate the staff located in the historic buildings as well as program staff currently located in the environmental welcome center to:

1. open up additional interpretive space for exhibits and visitor programming;
2. reduce wear and tear on the historic structures from higher than normal use;
3. provide an opportunity to re-use the welcome center offices for an onsite gift shop to generate additional revenue;
4. make room for additional staff and volunteers - the staffing levels have increased as the Estate's programming has grown fourfold since reopening post Hurricane Andrew; and
5. create greater street exposure to Old Cutler Road, drawing more visitors in to the property.



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Item No. 7A

File No. 182305 (Original Item No. 181611)

Researcher: MF Reviewer: TD

ORDINANCE RELATING TO MUNICIPAL CIRCULATORS; AMENDING SECTION 31-102 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING MUNICIPALITIES TO PROVIDE CIRCULATOR ROUTE INFORMATION FOR INTEGRATION INTO THE COUNTY'S TRANSIT TRACKER APPLICATION AND TRANSIT RIDERSHIP INFORMATION TO THE COUNTY; REQUIRING COUNTY AND MUNICIPAL TRANSIT RIDERSHIP DATA REPORTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 31-102 of the Code of Miami-Dade County to require municipalities to provide circulator route information for integration into the County's Transit Tracker Application and transit ridership information to the County; and to require County and municipal transit ridership data reports.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 31-113 provides a list of passenger motor carriers and/or passenger motor vehicles that are exempt from the requirements of Article 31 of the Code, including (m) motor vehicles owned, operated by or operated under contract with a municipality in a local public transportation system providing circulator service when authorized by an interlocal agreement with Miami-Dade County which has been approved by the Board.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIIPAMOCA_S31-113EX&searchText=](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIIPAMOCA_S31-113EX&searchText=)

Miami-Dade County Code, Section 31-102 provides definitions relating to passenger motor carriers.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIIPAMOCA_S31-102DE&searchText=](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIIPAMOCA_S31-102DE&searchText=)

Ordinance No. 17-30, adopted by the Board on June 6, 2017 relates to vehicles for hire, and amends Chapter 31, Article III of the Code of Miami-Dade County regulating passenger motor carriers.

<http://intra/gia/matter.asp?matter=172943&file=false&yearFolder=Y2017>

Ordinance No. 14-65, adopted by the Board on July 1, 2014 relates to the Rules of Procedure of the Board of County Commissioners, and amends Section 2-1 of the Code of Miami-Dade County to require that reports prepared at the request of the Board of County Commissioners be presented to the Board and reports prepared at the request of a committee of the Board be provided to such committee.

<http://intra/gia/matter.asp?matter=141471&file=true&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

Department/Requester: N/A

The proposed ordinance was adopted on first reading at the July 10, 2018 BCC meeting and scheduled for public hearing before the Transportation and Public Works Committee on September 14, 2018.

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

Commissioner Sosa informed the Committee members that the municipalities and the Counties worked together at the TPO to integrate their mass transit services in order to avoid duplication of services.

BCC Meeting: October 2, 2018
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Ms. Alice Bravo, Director, Department of Transportation and Public Works, confirmed that over the past couple of years the municipalities and the County had made tremendous progress coordinating their mass transit services as the County signed interlocal agreements with municipalities to ensure that their routes supported the County's network. She noted two and a half years ago, the County added information regarding the circulators to its MDT Tracker app; however, not all of the municipalities were able to provide that information.

Commissioner Sosa pointed out that not all of the municipalities had circulators. She proposed a friendly amendment, suggesting that the item encourage municipalities to use the half-penny tax to create circulator routes.

Commissioner Levine Cava, the item's sponsor, pointed out that the proposed ordinance would help obtain information regarding the municipalities' circulator routes.

Director Bravo noted currently, most municipalities did not possess equipment to count the number of passengers. The proposed ordinance would require that they acquire equipment to provide accurate data on the number of passengers using the circulators.

In response to Commissioner Higgins' questions regarding which municipalities were currently integrated into the County's MDT Tracker app, Director Bravo explained the difficulty of integrating the circulators' schedules into the County's MDT Tracker. She noted information provided by the app was based on the vehicles' GPS units and their scheduled routes. However, she pointed out that some of the municipalities' trolleys did not have a fixed schedule; therefore, while it was possible to obtain their location at a particular time based on their GPS units, the prediction as to when they would arrive at a particular location would not be as accurate because of their lack of a schedule. Director Bravo also pointed out that some of the municipalities did not have GPS units on their circulators.

Commissioner Higgins said when she wanted to use mass transit to reach a destination, she consulted Google maps which provided information as to the County buses, trains and city trolleys she had to take; however, she did not believe that the City of Miami Beach's trolleys were provided on Google maps as a transportation alternative.

Director Bravo indicated that the County had an agreement with Google and Apple maps; and the proposed ordinance would require that the municipalities have the proper equipment to make this information available across all platforms.

Commissioner Moss said he believed that trolley service should be viewed as an asset to the County's network; therefore, it would be useful for the County to obtain as much information as possible on the circulators. It would enable the County to better understand how the municipalities' trolleys could benefit the overall network. He stressed that it was necessary for the County to ensure that circulators were complementing the overall network and not competing for riders.

Director Bravo pointed out that municipalities entered into interlocal agreements with the County before they were allowed to operate their circulators, with the County approving the routes. She recalled that when working for the City of Miami, the city implemented the trolley route along Coral Way. Responding to this, the County changed its Coral Way route providing express service along that same route; therefore, making the two systems complement each other.

Commissioner Levine Cava thanked her colleagues for their suggestions. She noted the proposed ordinance was also intended to provide awareness on how the half-penny tax was supporting "last mile" solutions. She congratulated the Citizens Independent Transportation Trust for the new logo that would provide public awareness on the half-penny tax.

Director Bravo clarified that approximately 20 percent of the half-penny tax revenues were distributed to the municipalities.

Chairwoman Edmonson, and Commissioner Higgins, Sosa and Moss requested to be listed as co-sponsors.

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The proposed ordinance was forwarded to the BCC with a favorable recommendation, as amended to add that municipalities must provide a description of any area within the municipal boundaries not being serviced by that municipality's transit services as part of the municipality's quarterly reports.

ANALYSIS

According to the Department of Transportation and Public Works' April 2018 Ridership report, a decline in ridership on public transportation in Miami-Dade has been accelerating. For the month of January 2018, Metrobus ridership dropped 15.6 percent compared to the same month in 2017, continuing a trend of double digit losses. The proposed ordinance seeks to assist bus passengers by requiring municipalities to provide circulator route information for integration into the County's Transit Tracker Application.

Pursuant to Section 31-113 of the Code of Miami-Dade County, a number of municipalities provide circulator service within their boundaries. Circulator service means the provision of fixed route or semi-fixed route transportation service where at least 70 percent of the route is within one municipality.

The County currently has a smartphone transit tracker application that provides information regarding mass transit routes and schedules. The proposed ordinance seeks the Board's approval to amend Section 31-102 of the Code of Miami-Dade County to require municipalities to provide circulator route information for integration into the County's Transit Tracker Application and transit ridership information to the County. The proposed ordinance also requires County and municipal transit ridership data reports, as such reports would allow policymakers to make better informed decisions.

According to the Fiscal Impact Statement the proposed ordinance will not have a fiscal impact on the County as it will not result in additional staffing needs or future operational costs.

The table below shows the original Section 31-102 of the Code of Miami-Dade County and the proposed changes to this section of the Code. Words stricken through and [[double bracketed]] shall be deleted. Words underscored and >>double arrowed<< constitute the amendment proposed.

Section 31-102 of the Code of Miami-Dade County	Proposed changes to Section 31-102 of the Code of Miami-Dade County
For the purposes of this article, the following definitions shall apply:	For the purposes of this article, the following definitions shall apply:
<p>* * *</p> <p>(f) Circulator service means the provision of fixed route or semi-fixed route transportation service where at least 70 percent of the route is within 1 municipality. Motor vehicles owned, operated by or operated under contract with a municipality in a local public transportation system may provide circulator service when authorized by an interlocal agreement with Miami-Dade County which has been approved by the Board of County Commissioners. The interlocal agreement and any certificate of transportation, chauffeur's registration and permit issued to provide circulator service pursuant to an interlocal agreement shall require, among other things, that the municipality, operator, vehicles and</p>	<p>* * *</p> <p>(f) Circulator service means the provision of fixed route or semi-fixed route transportation service where at least 70 percent of the route is within 1 municipality. Motor vehicles owned, operated by or operated under contract with a municipality in a local public transportation system may provide circulator service when authorized by an interlocal agreement with Miami-Dade County which has been approved by the Board of County Commissioners. The interlocal agreement and any certificate of transportation, chauffeur's registration and permit issued to provide circulator service pursuant to an interlocal agreement shall require, among other things, that the municipality, operator, vehicles and</p>

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chauffeurs comply with safety, mechanical and vehicular standards mandated by the Department of Transportation and Public Works, and any applicable state or federal requirements. Where a municipality intends to provide circulator service pursuant to a contract with a third party, said municipality shall give Miami-Dade County the opportunity to submit a bid or proposal to provide that transportation service.

* * *

chauffeurs comply with safety, mechanical and vehicular standards mandated by the Department of Transportation and Public Works, and any applicable state or federal requirements. >> Additionally, for any new interlocal agreement or any amendment to an existing interlocal agreement, the agreement (1) must include a provision requiring that the municipality provide to the County the municipality's real time circulator service route information in a format approved by the Department of Transportation and Public Works, or its successor department, such as provided by a Global Positioning System, and which is compatible with, and may be integrated into, the County's smartphone transit tracker application and common third party applications, and (2) must include a provision requiring municipalities to provide to the County on a quarterly basis municipal daily transit ridership data for both circulator and on-demand services, said data shall be due to the County within 15 days from the end of the corresponding quarter. Within 30 days of receipt of the information from a municipality, the County Mayor or County Mayor's designee shall place a report showing the municipal transit service ridership information, in addition to County transit ridership information for the corresponding quarter, on an agenda of the Board of County Commissioners pursuant to Ordinance No. 14-65.<< Where a municipality intends to provide circulator service pursuant to a contract with a third party, said municipality shall give Miami-Dade County the opportunity to submit a bid or proposal to provide that transportation service.

* * *

ADDITIONAL INFORMATION

An article dated April 17, 2018, entitled "Miami Bus Ridership Down 43% Since Uber Started Service" states that ridership on public transportation in Miami continues to rapidly decline.

<https://www.thenextmiami.com/miami-bus-ridership-down-34-since-uber-started-service/>

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DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Department of Transportation and Public Works, and is awaiting its responses:

- How many municipalities provide circulator service within their boundaries?
- What is the expected increase in ridership if the circulator route information is integrated into the County's Transit Tracker App?

**BCC Meeting: October 2, 2018
Research Notes**

Item No. 7B

File No. 181539

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO PUBLIC AND PRIVATE SWIMMING AND RECREATIONAL BATHING POOLS; AMENDING SECTION 8-31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTIONS OF THE FLORIDA BUILDING CODE 6TH EDITION (2017); REIMPOSING MAXIMUM VOLTAGE LIMITATIONS FOR UNDERWATER POOL LIGHTING FOR PRIVATE SWIMMING OR RECREATIONAL BATHING POOLS IN BOTH THE INCORPORATED AND UNINCORPORATED AREA; ADDING SIMILAR REQUIREMENTS FOR PUBLIC SWIMMING POOLS AND BATHING PLACES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 8-31 of the County Code and sections of the Florida Building Code 6th Edition (2017) to re-impose maximum voltage limitations for underwater pool lighting for private and recreational pools in incorporated and unincorporated areas of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 14-95, adopted on October 7, 2014, amended Chapter 8, Article III of the County Code to provide a local technical amendment to the 2010 edition of the Florida Building Code to require low voltage lighting newly built private and recreational swimming pools and existing private pools.

<http://intra/gia/matter.asp?matter=142365&file=false&yearFolder=Y2014>

Ordinance No. 15-27, adopted on May 5, 2015, amends Section 8-31 of the County Code relating to underwater pool lighting for private swimming and recreational bathing pools to conform to the provisions in the Florida Building Code 5th Edition.

<http://intra/gia/legistarfiles/Matters/Y2015/150297.pdf>

Chapter 64E – 9 of the Florida Administrative Code (F.A.C.) is the rule that contains the requirements for the permitting and operation of public swimming pools, spas, and bathing places. Section 64E-9.006: Construction Plan Approval Standards provides that the maximum voltage for each underwater light shall be 15 volts and the maximum incandescent lamp size shall be 300 watts.

<http://duval.floridahealth.gov/programs-and-services/environmental-health/swimming-pools-spas-and-bathing-places/>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey Edmonson, District 3

Requester/Department: None

The proposed ordinance was adopted on first reading at the Board meeting on July 10, 2018 and was set for public hearing before the Government Operations Committee meeting on September 12, 2018.

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

ANALYSIS

The proposed ordinance amends Section 8-31 of the Code of Miami-Dade County to re-impose maximum voltage limitations for underwater pool lighting in private and recreational pools while adding similar requirements for public swimming and bathing pools to ensure safety and minimize the potential risk of electrocution.

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The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

In the Florida Building Code 6th Edition, provisions for the requirement for low voltage underwater lights in public pools were removed. A local technical amendment is proposed in the ordinance to require low voltage underwater lights in public and private pools, and permit construction of such lights in existing public and private pools.

The table below shows the original Section 8-31 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 8-31 of the County Code	Proposed changes to Section 8-31 of the County Code
<p>Sec. 8-31. – Local technical amendments to Florida Building Code.</p> <p>(A) The County hereby adopts the following local technical amendments to Chapter 6 (Plumbing) of the Florida Building Code.</p> <p>***</p> <p>(C) The County hereby adopts the following local technical amendment to Chapter 42 (Residential) of the Florida Building Code.</p> <p>E4206.4 Underwater luminaires. The design of an underwater luminaire supplied from a branch circuit either directly or by way of a transformer or power supply meeting the requirements of Section E4206.1, shall be such that, where the fixture is properly installed without a ground-fault circuit interrupter, there is no shock hazard with any likely combination of fault conditions during normal use (not relamping). In addition, a ground fault circuit-interrupter shall be installed in the branch circuit supplying luminaires operating at more than the low voltage contact limit, such that there is no shock hazard during relamping. The installation of the ground-fault circuit-interrupter shall be such that there is no shock hazard with any likely fault-condition combination that involves a person in a conductive path from any ungrounded part of the branch circuit of the luminaire to the ground. Compliance with this requirement shall be obtained by the use of a listed underwater luminaire and by installation of a listed ground fault circuit interrupter in the branch circuit or a listed transformer or power</p>	<p>Sec. 8-31. – Local technical amendments to Florida Building Code.</p> <p>(A) The County hereby adopts the following local technical amendments to Chapter 6 (Plumbing) of the Florida Building Code.</p> <p>***</p> <p>(C) The County hereby adopts the following local technical amendment to Chapter 42 (Residential) of the Florida Building Code.</p> <p>E4206.4 Underwater luminaires. The design of an underwater luminaire supplied from a branch circuit [[either directly or]] by way of a transformer or power supply meeting the requirements of Section E4206.1, shall be such that, where the fixture is properly installed without a ground-fault circuit interrupter, there is no shock hazard with any likely combination of fault conditions during normal use (not relamping). [[In addition, a ground fault circuit interrupter shall be installed in the branch circuit supplying luminaires operating at more than the low voltage contact limit, such that there is no shock hazard during relamping.]] The installation of the ground-fault circuit-interrupter shall be such that there is no shock hazard with any likely fault-condition combination that involves a person in a conductive path from any ungrounded part of the branch circuit of the luminaire to the ground. Compliance with this requirement shall be obtained by the use of a listed underwater luminaire and by installation of [[a listed ground fault circuit interrupter in the branch circuit or]] a listed transformer or power</p>

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<p>supply for luminaires operation at more than the low-voltage contact limit. Luminaires that depend on submersion for safe operation shall be inherently protected against the hazards of overheating when not submerged. [680.23(A)(1),(A)(3), (A)(7) and (A)(8)]</p> <p>E4206.4.1 Maximum Voltage.</p> <p>The maximum voltage for each luminaire in any private swimming or recreational bathing pools shall not exceed the Low Voltage Contact Limit, which is defined as a voltage not exceeding the following values:</p> <ul style="list-style-type: none"> (1) 15 volts (RMS) for sinusoidal alternating current (2) 21.2 volts peak for nonsinusoidal alternating current (3) 30 volts continuous direct current (4) 12.4 volts peak for direct current that is interrupted at a rate of 10 to 200 Hertz <p>The maximum incandescent lamp size shall be 300 watts.</p> <p>E4206.4.1 Maximum voltage. Luminaires shall not be installed for operation on supply circuits over 150 volts between conductors. [680.23(A)(4)]</p> <p>4206.4.1.1 Lighting</p> <p>When artificial underwater lighting is utilized in any private swimming or recreational bathing pools, all portions of the pool, including the entire bottom and any and all drains, shall be readily seen without glare.</p> <p>(D) The County hereby adopts the following local technical amendment to Chapter 4 (Building) of the Florida Building Code.</p> <p>454.1.4.1 Electrical equipment and wiring. Electrical equipment wiring and installation, including the bonding and grounding of pool components shall comply with Chapter 27 of the Florida Building Code, Building. Outlets supplying pool pump motors</p>	<p>supply for luminaires operation at >>not<< more than the low-voltage contact limit. Luminaires that depend on submersion for safe operation shall be inherently protected against the hazards of overheating when not submerged. [680.23(A)(1),(A)(3), (A)(7) and (A)(8)]</p> <p>[[E4206.4.1 Maximum Voltage.</p> <p>The maximum voltage for each luminaire in any private swimming or recreational bathing pools shall not exceed the Low Voltage Contact Limit, which is defined as a voltage not exceeding the following values:</p> <ul style="list-style-type: none"> (1) 15 volts (RMS) for sinusoidal alternating current (2) 21.2 volts peak for nonsinusoidal alternating current (3) 30 volts continuous direct current (4) 12.4 volts peak for direct current that is interrupted at a rate of 10 to 200 Hertz <p>The maximum incandescent lamp size shall be 300 watts:]]</p> <p>E4206.4.1 Maximum voltage. [[Luminaires shall not be installed for operation on supply circuits over 150 volts between conductors. [680.23(A)(4)]] >><u>The maximum voltage for each luminaire in any private swimming or recreational bathing pools shall not exceed the Low Voltage Contact Limit, which is defined as a voltage not exceeding the following values:</u></p> <ul style="list-style-type: none"> (1) <u>15 volts (RMS) for sinusoidal alternating current</u> (2) <u>21.2 volts peak for nonsinusoidal alternating current</u> (3) <u>30 volts continuous direct current</u> (4) <u>12.4 volts peak for direct current that is interrupted at a rate of 10 to 200 Hertz</u> <p><u>The maximum incandescent lamp size shall be 300 watts.<<</u></p>
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<p>connected to single-phase 120-volt through 240-volt branch circuits, whether by receptacle or by direct connection, and outlets supplying other electrical equipment and underwater luminaires operating at voltages greater than the low voltage contact limit, connected to single phase, 120 volt through 240 volt branch circuits, rated 15 or 20 amperes, whether by receptacle or by direct connection, shall be provided with ground-fault circuit interrupter protection for personnel.</p> <p>45.4.2.16 Electrical.</p> <p>Electrical wiring and equipment shall comply with Chapter 27 of the Florida Building Code, Building.</p> <p>45.4.16.1 Lighting</p> <p>When artificial underwater lighting is utilized in any private swimming or recreational bathing pools, all portions of the pool, including the entire bottom and any and all drains, shall be readily seen without glare.</p> <p>454.16.2 Underwater Lighting</p> <p>The maximum voltage for each luminaire shall not exceed the Low Voltage Contact Limit, which is defined as a voltage not exceeding the following values:</p> <p>(1) 15 volts (RMS) for sinusoidal alternating current</p> <p>(2) 21.2 volts peak for nonsinusoidal alternating current</p> <p>(3) 30 volts continuous direct current</p> <p>(4) 12.4 volts peak for direct current that is interrupted at a rate of 10 to 200 Hertz</p> <p>The maximum incandescent lamp size shall be 300 watts.</p> <p>454.2.16 Electrical. Electrical equipment wiring and installation, including the bonding and grounding of pool components, shall comply with Chapter 27 of the <i>Florida Building Code, Building</i>. Outlets supplying</p>	<p>[[4206.4.1.1 Lighting</p> <p>When artificial underwater lighting is utilized in any private swimming or recreational bathing pools, all portions of the pool, including the entire bottom and any and all drains, shall be readily seen without glare.]]</p> <p>(D) The County hereby adopts the following local technical amendment to Chapter 4 (Building) of the Florida Building Code.</p> <p>454.1.4.1 Electrical equipment and wiring. Electrical equipment wiring and installation, including the bonding and grounding of pool components shall comply with Chapter 27 of the Florida Building Code, Building. Outlets supplying pool pump motors connected to single-phase 120-volt through 240-volt branch circuits, whether by receptacle or by direct connection[[, and outlets supplying other electrical equipment and underwater luminaires operating at voltages greater than the low voltage contact limit, connected to single phase, 120 volt through 240 volt branch circuits, rated 15 or 20 amperes, whether by receptacle or by direct connection,]] shall be provided with ground-fault circuit interrupter protection for personnel.</p> <p><u>>>The maximum voltage for each underwater luminaire shall not exceed the Low Voltage Contact Limit, which is defined as a voltage not exceeding the following values:</u></p> <p>(1) <u>15 volts (RMS) for sinusoidal alternating current</u></p> <p>(2) <u>21.2 volts peak for nonsinusoidal alternating current</u></p> <p>(3) <u>30 volts continuous direct current</u></p> <p>(4) <u>12.4 volts peak for direct current that is interrupted at a rate of 10 to 200 Hertz</u></p> <p><u>The maximum incandescent lamp size shall be 300 watts.<<</u></p> <p>45.4.2.16 Electrical.</p>
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pool pump motors connected to single-phase 120-volt through 240-volt branch circuits, whether by receptacle or by direct connection, and outlets supplying other electrical equipment and underwater luminaires operating at voltages greater than the low voltage contact limit, connected to single phase, 120 volt through 240 volt branch circuits, rated 15 or 20 amperes, whether by receptacle or by direct connection, shall be provided with ground-fault circuit interrupter protection for personnel.

~~Electrical wiring and equipment shall comply with Chapter 27 of the Florida Building Code, Building.~~

~~[[45.4.16.1 Lighting~~

~~When artificial underwater lighting is utilized in any private swimming or recreational bathing pools, all portions of the pool, including the entire bottom and any and all drains, shall be readily seen without glare.~~

~~454.16.2 Underwater Lighting~~

~~The maximum voltage for each luminaire shall not exceed the Low Voltage Contact Limit, which is defined as a voltage not exceeding the following values:~~

- ~~(1) 15 volts (RMS) for sinusoidal alternating current~~
- ~~(2) 21.2 volts peak for nonsinusoidal alternating current~~
- ~~(3) 30 volts continuous direct current~~
- ~~(4) 12.4 volts peak for direct current that is interrupted at a rate of 10 to 200 Hertz~~

~~The maximum incandescent lamp size shall be 300 watts.]]~~

454.2.16 Electrical. Electrical equipment wiring and installation, including the bonding and grounding of pool components, shall comply with Chapter 27 of the *Florida Building Code, Building*. Outlets supplying pool pump motors connected to single-phase 120-volt through 240-volt branch circuits, whether by receptacle or by direct connection, and outlets supplying other electrical equipment ~~[[and underwater luminaires operating at voltages greater than the low voltage contact limit, connected to single phase, 120 volt through 240 volt branch circuits, rated 15 or 20 amperes, whether by receptacle or by direct connection,]]~~ shall be provided with ground-fault circuit interrupter protection for personnel.

>>The maximum voltage for each underwater luminaire shall not exceed the Low Voltage Contact

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Limit, which is defined as a voltage not exceeding the following values:

- (1) 5 volts (RMS) for sinusoidal alternating current
- (2) 21.2 volts peak for nonsinusoidal alternating current
- (3) 30 volts continuous direct current
- (4) 12.4 volts peak for direct current that is interrupted at a rate of 10 to 200 Hertz.<<

**BCC Meeting: October 2, 2018
Research Notes**

Item No. 7C

File No. 181742

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-284.99.42 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING THE MODEL CITY URBAN CENTER DISTRICT (MCUCD) REGULATIONS TO ELIMINATE MINIMUM HEIGHT AND FLOOR AREA RATIO REQUIREMENTS FOR CERTAIN GROCERY STORES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 33-284.99.42 of the County Code to revise the Model City Urban Center District (MCUCD) regulations to eliminate the minimum height and floor area ratio requirements for certain grocery stores.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 10-13, adopted on February 2, 2010, establishes the Model City Urban Center District and its regulations.

<http://intra/gia/legistarfiles/Matters/Y2010/100144.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey Edmonson, District 3

Requester/Department: None

The proposed ordinance was adopted on first reading at the Board meeting on July 24, 2018 and was set for public hearing before the Government Operations Committee meeting on September 12, 2018.

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

ANALYSIS

The proposed ordinance amends Section 33-284.99.42 of the Code of Miami-Dade County to eliminate the minimum height and floor area ratio requirements for grocery stores with a minimum size of 25,000 square feet in the Model City Urban Center District (MCUCD).

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

The United States Department of Agriculture identified portions of District 3 such as Brownsville and the MCUCD as “Food Deserts” because they are areas of low income with difficulty in accessing food. Food deserts are urban areas where it is difficult to access and buy affordable, quality fresh food.

Through the approval of this ordinance, greater flexibility will be given for development of large-scale grocery stores in the district where Mixed-Use Corridor uses are allowed, therefore creating more access to food for the area. The area is bounded by State Road 112 to the south, NW 31 Avenue to the west, NW 62 Street/Martin Luther King Jr. Boulevard to the north, and NW 19 Avenue to the east. Mixed-Use Corridors are redevelopment areas in unincorporated Miami-Dade County.

The table below shows the original Section 33-284.99.42 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

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Section 33-284.99.42 of the County Code	Proposed changes to Section 33.284.99.42 of the County Code
<p>Sec. 33-284.99.42. Uses. Except as provided herein, all permitted, conditionally permitted, and temporary uses within the MCUCD shall comply with Section 33-284.83 of this Code.</p> <p><i>A. Permitted uses.</i> In addition to the uses provided in Section 33-284.83, the following shall be permitted:</p> <p>***</p> <p>3. In the Mixed-Use Corridor area on lots adjoining Northwest 22nd Avenue between Northwest 54th and 62nd Streets hand car washes accessory to a permitted retail, food service, or office use shall be permitted subject to the following:</p> <p>(a) Parking spaces used for car washing and patrons waiting for car washing shall not occupy parking spaces required for the principal uses on the lot.</p> <p>(b) Attention attracting devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering or spinning advertising devices (either mobile or stationary) are prohibited, except as permitted under point of sale sign regulations.</p> <p>(c) All outdoor paging or speaker systems are prohibited.</p> <p>(d) The areas used for car washing shall not occupy required landscape areas.</p> <p>(e) Street trees and parking lot buffers required by Chapter 18A shall be provided.</p> <p>***</p>	<p>Sec. 33-284.99.42. Uses. Except as provided herein, all permitted, conditionally permitted, and temporary uses within the MCUCD shall comply with Section 33-284.83 of this Code.</p> <p><i>A. Permitted uses.</i> In addition to the uses provided in Section 33-284.83, the following shall be permitted:</p> <p>***</p> <p>3. In the Mixed-Use Corridor >>(MC)<< area >>, <u>the following uses:</u></p> <p><u>(a) Grocery stores with a minimum size of 25,000 square feet shall not be subject to any minimum height or minimum floor area ratio requirements set forth in this chapter.</u></p> <p><u>(b) On<< [[on]] lots adjoining Northwest 22nd Avenue between Northwest 54th and 62nd Streets >>,<< hand car washes accessory to a permitted retail, food service, or office use shall be permitted subject to the following:</u></p> <p><u>[[(a)]] >>(1)<< Parking spaces used for car washing and patrons waiting for car washing shall not occupy parking spaces required for the principal uses on the lot.</u></p> <p><u>[[(b)]] >>(2)<< Attention attracting devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering or spinning advertising devices (either mobile or stationary) are prohibited, except as permitted under point of sale sign regulations.</u></p> <p><u>[[(c)]] >>(3)<< All outdoor paging or speaker systems are prohibited.</u></p> <p><u>[[(d)]] >>(4)<< The areas used for car washing shall not occupy required landscape areas.</u></p> <p><u>[[(e)]] >>(5)<< Street trees and parking lot buffers required by Chapter 18A shall be provided.</u></p> <p>***</p>

**BCC Meeting: October 2, 2018
Research Notes**

Item No. 7D

File No. 182308 (Original Item No. 181434)

Researcher: JFP Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-1 AND 33-20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING REGULATIONS PERTAINING TO ACCESSORY BUILDINGS; LIMITING THE SIZE AND NUMBER OF UTILITY SHEDS PERMITTED ON RESIDENTIAL LOTS; REVISING DEFINITION OF UTILITY SHED; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Sections 33-1 and 33-20 of the County Code to revise regulations pertaining to accessory buildings, limiting the size and number of utility sheds permitted on residential lots, and revising the definition of utility shed.

APPLICABLE LEGISLATION/POLICY

Section 33-1 of the Miami-Dade County Code provides applicable definitions, defining *utility shed* as an accessory detached storage building.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-1DE

Section 33-20 of the Miami-Dade County Code governs accessory buildings, defined as a secondary residence, garage, or other building or structure on a lot or parcel subordinate to and not forming an integral part of the main or principal building but pertaining to the use of the main building. An accessory building may include servant's quarters unless prohibited by existing deed restrictions.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-20ACBUUTSHSWPOFASHBOSTDEEL

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Javier D. Souto

Department/Requester: None

The proposed ordinance was forwarded to the BCC with a favorable recommendation with committee amendments by the Government Operations committee at its September 12, 2018 meeting.

Prior to amendment, several members of the public spoke on this item during the Reasonable Opportunity for the Public to be Heard. Residents of the Westwood Lakes community in District 10 expressed concern that some owners were using sheds for profit by renting them out to tenants living there in less than habitable conditions and without proper plumbing or electricity. The electricity usage also poses a fire hazard, placing first responders at unnecessarily risk. Further concerns surrounded who is living in these sheds, which are situated side-by-side and many with close proximity to school bus stops and the possible risks to children in the neighborhood. The following discussion transpired among the commissioners:

Commissioner Souto asked the Department of Regulatory and Economic Resources (RER) to provide information on the status of the removal of the sheds from the properties where they are situated.

Lourdes Gomez (RER) responded that the owners' three permits were revoked and he was given 90 days in which to remove the sheds. Since that has not occurred, his case is being brought before the Unsafe Structures Board. The owner's hearing is scheduled for September 27, 2018.

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Vice Chairwoman Sosa asked the following question:

- How can a permit be issued, that later needs to be revoked, for people to live in these sheds without them paying taxes, having water systems, or real electricity? Where in the County Code does the right to give such permits exist?
- Lourdes Gomez (RER) responded that in the case before the Unsafe Structures Board, a permit was issued for the placement of sheds, but no plumbing or electrical usage in these sheds as they were not being inhabited at the time.

Vice Chairwoman Sosa added that she agrees with the size limitation in the proposed ordinance, but do need abidance of the setbacks. There needs to be enforcement and immediate removal of these structures. The Department needs the ability to declare an immediate Code violation so that violators can be brought to court on the issue.

Commissioner Martinez asked the following question:

- Is there anything currently in the Code that would permit routine inspections and preclude the sale of sheds that have plumbing included?
- The Assistant County Attorney replied that RER has the ability to seek consent inspections and as part of the permit inspection process is able to inspect the product itself and the site where it is being installed, but there is nothing currently in the Code to preclude the sale of these sheds.
- Lourdes Gomez (RER) added that the proposed ordinance is the narrowest form of legislation that will address the issue of these sheds being used for this purpose without interfering with other property owners' ability to have accessory buildings on their property for legitimate use.

Commissioner Moss asked if the life safety issue of people living in these conditions can be addressed criminally, to which the Assistant County Attorney replied that there are a number of avenues through which an individual could be prosecuted for these actions of renting out sheds as living quarters. Whether or not the State Attorney's Office would decide to prosecute those matters is a separate issue.

Commissioner Monestime asked how many sheds are currently allowed on a property, to which RER responded that it is unlimited, up to 30% of your rear yard. The proposed ordinance reduces the size to up to 20% of the living square footage or up to 400 sq. ft., and limits the allowed number of sheds on a property to one.

The proposed ordinance was amended to:

- include language which would prohibit "grandfathering";
- include a new uncodified Section related to the directive to the Miami-Dade County Regulatory and Economic Resources Department to prioritize and expedite enforcement matters related to utility shed and pergola violations and to report back to the Board of County Commissioners as to the expedited enforcement process within 30 days of the effective date of the foregoing proposed ordinance; and
- correct the Scrivener's Error found on Handwritten Page 9 to renumerate "Utility Sheds and Pergolas" as subsection "L" instead of "K".

ANALYSIS

The proposed ordinance amends Sections 33-1 and 33-20 of the Code of Miami-Dade County to reflect revised regulations pertaining to accessory buildings, new limitations in the size and number of utility sheds permitted on residential lots, and revisions to the definition of utility shed. The proposed ordinance seeks to enhance and protect the character of residential, single-family neighborhoods throughout unincorporated Miami-Dade County in response to the proliferation of the number, size, and scale of utility sheds in some residential areas of Miami-Dade County and the use of these sheds as rental units. The changes will not have a fiscal impact on the County as activities related to the implementation of the ordinance would be absorbed as part of ongoing activities.

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The table below shows the original sections of the Code of Miami-Dade County and the proposed changes to these sections of the Code underlined and in **bold**.

Section 33-1 of the County Code	Proposed changes to Section 33-1 of the County Code
<p>Sec. 33.1. - Definitions.</p> <p>For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:</p> <p>(1) <i>Accessory building</i>. A secondary residence, garage, or other building or structure on a lot or parcel subordinate to and not forming an integral part of the main or principal building but pertaining to the use of the main building. An accessory building may include servant's quarters unless prohibited by existing deed restrictions. Also see <i>Guesthouse</i>.</p> <p style="text-align: center;">* * *</p> <p>(112.1) <i>Utility shed</i>. An accessory detached storage building.</p>	<p>Sec. 33.1. - Definitions.</p> <p>For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:</p> <p>(1) <i>Accessory building</i>. A secondary residence, garage, or other building or structure on a lot or parcel subordinate to and not forming an integral part of the main or principal building but pertaining to the use of the main building. An accessory building may include servant's quarters unless prohibited by existing deed restrictions. Also see <i>Guesthouse</i>.</p> <p style="text-align: center;">* * *</p> <p>(112.1) <i>Utility shed</i>. A <u>single-story, non-habitable</u> detached storage building <u>that is accessory to the primary or principal building and designed and used primarily for storing tools, mechanical equipment, lawn and garden equipment, home accessories, personal belongings, and other similar objects.</u></p>

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Section 33-20 of the County Code	Proposed changes to Section 33-20 of the County Code																												
<p>Sec. 33-20. - Accessory buildings; utility sheds; swimming pools; fallout shelters; boat storage; decorative elements.</p>	<p>Sec. 33-20. - Accessory buildings; utility sheds; swimming pools; fallout shelters; boat storage; decorative elements.</p>																												
<p>(b) <i>Permanent.</i> Accessory buildings, structures or uses shall not be closer than seventy-five (75) feet to the front property line except where it is desired to place them closer than seventy-five (75) feet to the front property line; each side line offset distance required for such lot shall be increased by the number of feet less than seventy-five (75) feet above referred to, provided such setback from the front property line is at least fifteen (15) feet greater than the setback for a principal building in the same block and said front line setback is not less than fifty (50) feet. No permit shall be issued for an accessory building for any use unless the principal building exists on front of lot, or unless a permit is obtained simultaneously for both buildings and construction progress concurrently. Accessory buildings shall not occupy a greater percent of the rear yard area than the following:</p>	<p>(b) <i>Permanent.</i> Accessory buildings, structures or uses shall not be closer than seventy-five (75) feet to the front property line except where it is desired to place them closer than seventy-five (75) feet to the front property line; each side line offset distance required for such lot shall be increased by the number of feet less than seventy-five (75) feet above referred to, provided such setback from the front property line is at least fifteen (15) feet greater than the setback for a principal building in the same block and said front line setback is not less than fifty (50) feet. No permit shall be issued for an accessory building for any use unless the principal building exists on front of lot, or unless a permit is obtained simultaneously for both buildings and construction progress concurrently. Accessory buildings shall not occupy a greater percent of the rear yard area than the following:</p>																												
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<p>Where less than twenty-five (25) percent of the lot is available for rear yard the above percentage available for accessory buildings shall be correspondingly reduced. On lots occupied by apartments, hotels, stores, clubs or other buildings at least one and one-half (1½) square feet of open yard area shall be provided for each lineal foot of septic tank drain tile.</p>	<p>Where less than twenty-five (25) percent of the lot is available for rear yard the above percentage available for accessory buildings shall be correspondingly reduced. On lots occupied by apartments, hotels, stores, clubs or other buildings at least one and one-half (1½) square feet of open yard area shall be provided for each lineal foot of septic tank drain tile.</p>																												
<p>(1) Utility sheds and pergolas larger than one hundred (100) square feet shall comply with the accessory building setbacks contained in Section 33-50. Utility sheds and pergolas, not larger than one hundred (100) square feet, not exceeding ten</p>	<p><u>(k) Utility sheds and pergolas. Utility sheds and pergolas shall be subject to the following conditions and limitations:</u></p>																												

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(10) feet in height and incidental to an existing single-family or townhouse residential use shall be setback as follows:

	Feet
Front	55
Rear	5; or 2 ⁽²⁾
Interior side	5; or 2 ⁽²⁾
Spacing from house	10
Side street	10

- (1) Utility sheds and pergolas in townhouse developments shall be regulated by Section 33-202.3(2)(q).
- (2) Rear and interior side setbacks may be reduced to two (2) feet provided an affidavit is submitted indicating consent from the owner of the property that directly abuts the property boundary where the reduction is requested/
- (3) Where applicable, all utility sheds shall be in compliance with the Florida Building Code or be approved by the State of Florida and shall be subject to easement restrictions pursuant to Sections 33-24 and 33-284.43(k).

(1) Notwithstanding any other provision of this section, there shall be no more than one utility shed per residential lot and such structure shall not exceed 20 percent of the square footage of the primary or principal building on the property, up to a maximum of 400 square feet.

(2) Where applicable, all utility sheds shall be in compliance with the Florida Building Code or be approved by the State of Florida and shall be subject to easement restrictions pursuant to Sections 33-24 and 33-284.43(k).

(3) Utility sheds and pergolas larger than 100 square feet shall comply with the accessory building setbacks contained in Section 33-50.

(4) Utility sheds and pergolas not larger than 100 square feet, not exceeding 10 feet in height, and incidental to an existing single-family residential use shall be setback as follows:

<u>Setback location</u>	<u>Feet</u>
<u>Front</u>	<u>55</u>
<u>Rear</u>	<u>5; or 2⁽²⁾</u>
<u>Interior side</u>	<u>5; or 2⁽²⁾</u>
<u>Spacing from house</u>	<u>10</u>
<u>Side street</u>	<u>10</u>

*** Rear and interior side setbacks may be reduced to two feet provided an affidavit is submitted indicating consent from the owner of the property that directly abuts the property boundary where the reduction is requested.**

Notwithstanding the foregoing, utility sheds and pergolas in townhouse developments shall be regulated by Section 33-202.3(2)(q).

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Research Notes**

Item No. 7E

File No. 182319 (Original Item No. 181713)

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-284.84 AND CREATING SECTION 33-284.84.1 OF THE CODE OF MIAMI-DADE COUNTY; REVISING THE STANDARD URBAN CENTER DISTRICT REGULATIONS TO ESTABLISH DENSITY AND HEIGHT STANDARDS FOR URBAN CENTER AND URBAN AREA ZONING DISTRICTS; DELETING DENSITY AND BUILDING HEIGHT REGULATING PLANS FOR THE NARANJA COMMUNITY URBAN CENTER, GOULDS COMMUNITY URBAN CENTER, PRINCETON COMMUNITY URBAN CENTER, PERRINE COMMUNITY URBAN CENTER, OJUS URBAN AREA DISTRICT, CUTLER RIDGE METROPOLITAN URBAN CENTER, LEISURE CITY COMMUNITY URBAN CENTER, MODEL CITY URBAN CENTER, NORTH CENTRAL URBAN AREA, BIRD ROAD CORRIDOR URBAN AREA, AND COUNTRY CLUB URBAN AREA DISTRICTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 33-284.84 and create Section 33-284.84.1 of the County Code to revise the standard urban center district regulations to establish density and height standards for urban center and area zoning districts; deleting density and building height regulating plans for the Naranja Community Urban Center, Goulds Community Urban Center, Princeton Community Urban Center, Perrine Community Urban Center, Ojus Urban Area District, Cutler Ridge Metropolitan Urban Center, Leisure City Community Urban Center, Model City Urban Center, North Central Urban Center, Bird Road Corridor Urban Area, and Country Club Urban Area Districts; and to make technical revisions.

APPLICABLE LEGISLATION/POLICY

Section 33-284.84 currently provides Density and Building Height plans to establish minimum and maximum allowable number of stories and permits developments to reach CDM Urban Center intensity ranges for developments in Community Urban Center or Urban Area Districts.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXIII_K_STURCEDIRE_S33-284.84REPL

Resolution No. R-523-16, adopted on June 7, 2016, endorses the Strategic Miami Area Rapid Transit (SMART) Plan which calls for expanding the central metropolitan transit system in the Beach Corridor, East-West Corridor, Kendall Corridor, North Corridor, Northeast Corridor, and South Dade Transitway.

<http://intra/gia/matter.asp?matter=161290&file=true&yearFolder=Y2016>

Ordinance No. 18-8, adopted on February 6, 2018, creates the Miami-Dade County Transportation Infrastructure Improvement District (TIID) and a corresponding trust fund, to use tax increment financing for the development, construction, maintenance, and operation of the SMART Plan corridor projects.

<http://intra/gia/matter.asp?matter=180354&file=false&yearFolder=Y2018>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Esteban Bovo, Jr., District 13

Department/Requester: Regulatory and Economic Resources

The proposed ordinance was adopted on first reading at the July 24, 2018 BCC meeting and is set for second hearing at the October 2, 2018 BCC meeting.

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ANALYSIS

The proposed ordinance amends Section 33-284.84 and create Section 33-284.84.1 of the County Code to establish density and height standards for urban center and area zoning districts in accordance with the Comprehensive Development Master Plan (CDMP) and to repeal the previously approved density and building heights regulating plans.

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

In 2012, the Board adopted revisions to the CDMP. The maximum allowed densities in most of the districts are below what is authorized in the CDMP because most of the urban centers and urban area districts were established before the revisions. The proposed ordinance will increase the densities in applicable urban centers and urban area districts to meet the CDMP requirements and allow for more compact, efficient urban form, particularly in rapid transit corridors across the County. The CDMP expresses the County's objectives and policies in regards to where and how it intends for development and conservation of land and natural resources for the next 10-20 years.

The table below shows the original Section 33-284.84 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 33-284.84 of the County Code	Proposed changes to Section 33-284.84 of the County Code
<p>Sec. 33-284.84. – Regulating Plans.</p> <p>A set of Regulating Plans shall be provided with each adopted Urban Center or Urban Area District. As provided in Section 33-305 of this chapter, the Regulating Plan maps for each district shall thereafter be maintained by the Director and kept on file with the Department and shall be amended, modified, and changed by resolution of the County Commission. The Regulating Plans shall consist of a series of controlling plans that include the following:</p> <p style="text-align: center;">* * *</p> <p>D. The Building Heights Plan, which establishes the minimum and maximum allowable number of stories and permits developments to reach CDMP Urban Center intensity ranges.</p> <p>1. Developments in Community Urban Center or Urban Area Districts shall meet the intensity range by:</p> <p>a. Providing the required minimum/maximum number of stories; or</p>	<p>Sec. 33-284.84. – Regulating Plans.</p> <p>>>1. << A set of Regulating Plans shall be provided with each adopted Urban Center or Urban Area District. As provided in Section 33-305 of this chapter, the Regulating Plan maps for each district shall thereafter be maintained by the Director and kept on file with the Department and shall be amended, modified, and changed by resolution of the County Commission. The Regulating Plans shall consist of a series of controlling plans that include the following:</p> <p style="text-align: center;">* * *</p> <p>D. [[The Building Heights Plan, which establishes the minimum and maximum allowable number of stories and permits developments to reach CDMP Urban Center intensity ranges.</p> <p>1. Developments in Community Urban Center or Urban Area Districts shall meet the intensity range by:</p> <p>a. Providing the required minimum/maximum number of stories; or</p>

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<p>b. Providing a minimum of one (1) story and the following applicable minimum floor-area ratio:</p> <p>i. In the Edge Sub-district, a minimum floor area ratio of one-half (0.5);</p> <p>ii. In the Center Sub-district, a minimum floor area ratio of one (1); and</p> <p>iii. In the Core Sub-district a minimum of floor area ratio of one and one-half (1.5).</p> <p>2. Developments in Metropolitan Urban Center Districts shall meet the intensity range by:</p> <p>a. Providing the required minimum/maximum number of stories; or</p> <p>b. Providing a minimum of one (1) story and the applicable minimum floor-area ratio:</p> <p>i. In the Edge Sub-district, a minimum floor area ratio of one and one-half (1.5);</p> <p>ii. In the Center Sub-district, a minimum floor area ratio of one and three-quarters (1.75); and</p> <p>iii. In the Core Sub-district, a minimum floor area ratio of three (3).</p> <p>E. The Designated Open Space Plan, which designates open spaces, which shall be shown in all development plans. The designated open spaces shall be controlled by anchor points.</p> <p>F. The New Streets Plan, which shows the location and the number of new streets needed to create the prescribed network of streets within each Urban Center or Area District. All new A streets shall be required in the same general location as shown on the New Streets Plan. All B streets shall be located as provided in Section 33-284.86(C) of this article.</p>	<p>b. Providing a minimum of one (1) story and the following applicable minimum floor area ratio:</p> <p>i. In the Edge Sub-district, a minimum floor area ratio of one half (0.5);</p> <p>ii. In the Center Sub-district, a minimum floor area ratio of one (1); and</p> <p>iii. In the Core Sub-district a minimum of floor area ratio of one and one half (1.5).</p> <p>2. Developments in Metropolitan Urban Center Districts shall meet the intensity range by:</p> <p>a. Providing the required minimum/maximum number of stories; or</p> <p>b. Providing a minimum of one (1) story and the applicable minimum floor area ratio:</p> <p>i. In the Edge Sub-district, a minimum floor area ratio of one and one half (1.5);</p> <p>ii. In the Center Sub-district, a minimum floor area ratio of one and three quarters (1.75); and</p> <p>iii. In the Core Sub-district, a minimum floor area ratio of three (3).</p> <p>E.] The Designated Open Space Plan, which designates open spaces, which shall be shown in all development plans. The designated open spaces shall be controlled by anchor points.</p> <p>[[F]]>>E<<. The New Streets Plan, which shows the location and the number of new streets needed to create the prescribed network of streets within each Urban Center or Area District. All new A streets shall be required in the same general location as shown on the New Streets Plan. All B streets shall be located as provided in Section 33-284.86(C) of this article.</p> <p>[[G]]>>F<<. The Bike Route Plan, which depicts the designated bike routes, including the bike facility</p>
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BCC Meeting: October 2, 2018
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G. The Bike Route Plan, which depicts the designated bike routes, including the bike facility requirements if any, which shall be shown in all development plans.

requirements if any, which shall be shown in all development plans.

>>2. Repeal of previously approved density and building height regulating plans. For the following urban center and urban area districts, all previously approved Density and Building Heights regulating plans, and any provisions of Land Use regulating plans that specify residential density, are hereby repealed: Naranja Community Urban Center (article XXXIII(J)); Goulds Community Urban Center (article XXXIII(L)); Princeton Community Urban Center (article XXXIII(M)); Perrine Community Urban Center (article XXXIII(N)); Ojus Urban Area District (article XXXIII(O)); Cutler Ridge Metropolitan Urban Center (article XXXIII(P)); Leisure City Community Urban Center (article XXXIII(Q)); Model City Urban Center (article XXXIII(R)); North Central Urban Area (article XXXIII(S)); Bird Road Corridor Urban Area (article XXXIII(U)); and Country Club Urban Area (article XXXIII(V)).<<

The table below shows the proposed changes for the creation of Section 33-284.84.1 of the Code of Miami-Dade County. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Creation of Section 33-284.84.1 of the County Code

>>**Sec. 33-284-.84.1. – Density, Building Height, and Intensity.**

A. Maximum Density and Building Height Tables. Notwithstanding any other provision to the contrary, the following tables set forth the maximum residential densities and building heights for developments in each urban center or urban area district:

1. For Land Use Categories RM, RML, MO, MC, MM, MCS, MCI, CD (Marketplace), SD (Storeporch), AD, MD (Market), ID, and I.

Maximum Density and Building Heights for Land Use Categories RM, RMI, MO, MC, MM, MCS, MCI, SD (Marketplace), SD (Storeporch), AD, MD (Market), ID, and I

<u>Urban Center or Urban Area District</u>	<u>SUB-DISTRICT</u>		
	<u>CORE</u>	<u>CENTER</u>	<u>EDGE</u>

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		<u>Community Urban Center along South Dade Transitway</u>	<u>125 units per acre/ 15 stories</u>	<u>90 units per acre/ 12 stories</u>	<u>45 units per acre/ 6 stories</u>	
		<u>Metropolitan Urban Centers along the South Dade Transitway</u>	<u>250 units per acre/ 25 stories</u>	<u>150 units per acre/ 15 stories</u>	<u>60 units per acre/ 8 stories</u>	
		<u>Ojus Urban Area District</u>	<u>150 units per acre/ 15 stories</u>	<u>90 units per acre/ 12 stories</u>	<u>45 units per acre/ 6 stories</u>	
		<u>North Central Urban Area District (See Note 1)</u>	<u>125 units per acre/ 15 stories</u>	<u>Within ½ mile of the SMART Corridor, 90 units per acre/ 12 stories; otherwise 36 units per acre/ 6 stories</u>	<u>36 units per acre/ 6 stories; except, for certain segments along NW 7th Avenue, 60 units per acre/ 12 stories (See Note 2)</u>	
		<u>Model City Urban Center District (See Note 1)</u>	<u>125 units per acre/ 15 stories</u>	<u>Within ½ mile of the SMART Corridor, 90 units per acre/ 12 stories; otherwise 36 units per acre/ 6 stories</u>	<u>36 units per acre/ 6 stories</u>	
		<u>Bird Road Corridor Urban Area</u>	<u>90 units per acre/ 12 stories; except, for properties east of SW 87th Avenue, 36 units per acre/ 6 stories</u>	<u>60 units per acre/ 8 stories</u>	<u>36 units per acre/ 6 stories</u>	

BCC Meeting: October 2, 2018
Research Notes

<u>Country Club Urban Area</u>	<u>90 units per acre/ 12 stories</u>	<u>60 units per acre/ 8 stories</u>	<u>36 units per acre/ 6 stories</u>
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Note 1: For properties comprising a rapid transit station, maximum density and building height shall be in accordance with the Core Sub-District.

Note 2: 60 units per acre/12 stories applies to all properties along NW 7th Avenue between NW 79th and NW 81st Streets and to properties on the east side of NW 7th Avenue between NW 81st and NW 95th Streets.

2. For Land use Category R.

Maximum Density and Building Height for Land Use Category R

<u>Urban Center or Urban Area District</u>	<u>SUB-DISTRICT</u>		
	<u>CORE</u>	<u>CENTER</u>	<u>EDGE</u>
<u>Community Urban Centers along South Dade Transitway</u>	<u>N/A</u>	<u>N/A</u>	<u>18 units per acre/2 stories</u>
<u>Metropolitan Urban Centers along the South Dade Transitway</u>	<u>N/A</u>	<u>N/A</u>	<u>18 units per acre/2 stories</u>
<u>Ojus Urban Area District</u>	<u>N/A</u>	<u>N/A</u>	<u>18 units per acre/2 stories; except, for certain properties along the Oleta River, 6 units per acre/2 stories (See Note 1)</u>
<u>North Central Urban Area</u>	<u>N/A</u>	<u>36 units per acre/4 stories</u>	<u>18 units per acre/2 stories;</u>

BCC Meeting: October 2, 2018
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<u>District and Model City Urban Center District</u>			
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Note 1: 6 units per acre/2 stories applies to properties that are located:

- (a) Along the Oleta River;
- (b) West of NE 26th Avenue and north of NE 195th Street;
and
- (c) South of Miami Gardens Drive and west of NE 24th Avenue.

B. *Intensity Standard.* Notwithstanding any other provision to the contrary, to ensure consistency with CDMP policies requiring high intensity, well-designed urban centers and promotion of transit-oriented development, each property in an urban center or urban area district shall be developed in accordance with the following minimum intensity standards:

- 1. The development shall provide the maximum number of stories set forth in the table above; or
- 2. The development shall provide the applicable minimum floor-area ratio:
 - a. In community urban center or urban area districts, except the Ojus Urban Area District:
 - i. In the Edge Sub-district, a minimum floor area ration of 0.5;
 - ii. In the Center Sub-district, a minimum floor area ratio of 1; and
 - iii. In the Core Sub-district, a minimum of floor area ratio of 1.5.
 - b. In metropolitan urban center districts and in the Ojus Urban Area District:
 - i. In the Edge Sub-district, a minimum floor area ration of 1.5;
 - ii. In the Center Sub-district, a minimum floor area ratio of 1.75; and
 - iii. In the Core Sub-district, a minimum of floor area ratio of 3.
- 3. Properties designated R shall not be subject to these minimum intensity requirements. <<

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Research Notes**

**Item No. 8A1
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 -](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

[_dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIINGE S2-10.4ACPRARENLAARLASUMASE](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 -](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

[_dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIINGE S2-10.4.01SMBUENARENPR](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 -](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

Section 2-8.3 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 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 -](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

[_dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIINGE S2-8.3MARE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

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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>

Resolution No. R-421-16, adopted by the Board on May 17, 2016, requires (1) the County Mayor to attach to all items recommending design and/or construction contract awards of \$1,000,000 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor's work; and (2) all County departments to complete contractor evaluations before closing out a contract and making final payment to a contractor.

<http://www.miamidade.gov/govaction/matter.asp?matter=160124&file=true&fileAnalysis=false&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Aviation

This item was forwarded to the BCC with a favorable recommendation by the Economic Development and Tourism Committee at its September 14, 2018 meeting.

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 weather sealants. Identification

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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.

Per information found in the Capital Improvements Information System on September 26, 2018, 305 Consulting Engineers, LLC was previously awarded an EDP project on January 26, 2015 in the amount of \$270,000. There is no performance evaluation on record in the system as indicated in the mayoral memorandum.

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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Research Notes

Item No. 8F1
File No. 182066

Researcher: IL Reviewer: PGE

RESOLUTION DECLARING SURPLUS A PORTION OF COUNTY-OWNED PROPERTY LOCATED AT 2902 NW 2 AVENUE, MIAMI, FLORIDA (FOLIO NO. 01-3125-024-1780), AND APPROVING, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A RETROACTIVE LEASE AGREEMENT (LEASE) BETWEEN MIAMI-DADE COUNTY AND DE HOSTOS SENIOR CENTER, INC., A FLORIDA NOT-FOR-PROFIT ORGANIZATION, FOR PROPERTY TO BE UTILIZED TO PROVIDE A VARIETY OF SERVICES TO SENIORS, TO INCLUDE HOT MEALS, LEISURE CLASSES, AND COUNSELING, WITH A TOTAL RENTAL REVENUE TO THE COUNTY ESTIMATED TO BE \$5.00, FOR THE INITIAL ONE-YEAR TERM OF THE LEASE WITH FOUR, ONE-YEAR OPTIONS TO RENEW; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE THE FOREGOING; AND DIRECTING THE COUNTY MAYOR, OR COUNTY MAYOR'S DESIGNEE, 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 (i) declare as surplus a Miami-Dade County-owned property located at 2902 NW 2 Avenue, Miami, Florida 33127 and (ii) authorize the Mayor to enter into a retroactive lease agreement, commencing October 1, 2017, between Miami-Dade County and De Hostos Senior Center, Inc., a Florida not-for-profit organization, for the property to be utilized to deliver a variety of services to seniors at a rental rate of \$1 per year for the initial one-year term of the lease plus the four, one-year options to renew.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 125.38 states that the Board of County Commissioners may if satisfied that such property is required for such use and is not needed for county purposes, may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such board may fix, regardless of the actual value of such property. The fact of such application being made, the purpose for which such property is to be used, and the price or rent therefor shall be set out in a resolution duly adopted by such board. In case of a lease, the term of such lease shall be recited in such resolution. No advertisement shall be required.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.38&URL=0100-0199/0125/Sections/0125.38.html

Section 2-8.6.5 of the County Code (Purchase, sale, lease of real property) applies to all conveyances of County property to non-profit entities allows the Board of County Commissioners, by resolution adopted by two-thirds (2/3) vote of the Board members present, waive the requirements herein that conveyance be by lease upon a finding that a compelling circumstance exists for conveyance of County property to a not-for-profit entity by deed.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

Resolution No. R-333-15, adopted by the Board on April 21, 2015, established the County policy requiring disclosure of market value of market rental in legislative items authorizing the conveyance or lease of County-owned property to promote disclosure and fiscal responsibility.

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

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Research Notes

Resolution No. R-380-17, adopted by the Board 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>

Resolution No. R-791-14, adopted by the Board on September 3, 2014, directing the Mayor or the Mayor's designee to provide the Miami-Dade County Property Appraiser a copy of all leases and operating agreements involving County-Owned property.

<http://www.miamidade.gov/govaction/matter.asp?matter=141723&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-1116-97, adopted by the Board on October 7, 1997, executed a lease agreement for the De Hostos (Wynwood) neighborhood center, 2902 NW 2 Avenue, Miami, with De Hostos Senior Center, Inc., a corporation not-for profit, for premises utilized for its comprehensive senior citizens program for one year and four additional one-year options to renew.

<http://www.miamidade.gov/govaction/matter.asp?matter=972922&file=false&fileAnalysis=false&yearFolder=Y1997>

Resolution No. R-1146-92, adopted by the Board on October 13, 1992, authorized the execution of lease agreement at the Eugenio Maria De Hostos (Wynwood) neighborhood service center, located at 2902 NW 2 Avenue, Miami, with De Hostos Senior Center, Inc., a not-for profit corporation, for premises to be used to provide services to the elderly residing in the Wynwood Area, and authorizing the County Manager to exercise renewal and cancellation provisions contained therein.

(There is no link to this resolution as it is from 1992, a copy of the resolution is available upon request).

Resolution No. R-442-03, adopted on May 6, 2003, executing a lease agreement at the De Hostos (Wynwood) neighborhood center, 2902 NW 2 Avenue, Miami, with De Hostos Senior Center, Inc., a corporation not-for profit, for premises utilized for its comprehensive senior citizens program; for five years and four additional one-year options to renew.

<http://www.miamidade.gov/govaction/matter.asp?matter=030839&file=true&fileAnalysis=false&yearFolder=Y2003>

Administrative Order (A.O.) No 8-4 sets forth the County's processes and procedures for the County's processes and procedures for sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification if applicable. Should a recommendation not be received from the Planning Advisory Board within the time period provided within this administrative order, the Planning Department Director will provide a recommendation on the proposal.

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

PROCEDURAL HISTORY

Prime Sponsor: Audrey Edmonson

Department/Requester: Internal Services Department

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Housing and Social Services Committee at its September 13, 2018 meeting.

ANALYSIS

This item is requesting Board approval of a retroactive lease agreement, commencing October 1, 2017, between the County and De Hostos Senior Center, Inc. (De Hostos), a nonprofit organization, for an annual rental rate of \$1 for a one-year term plus four, one-year options to renew. The County-owned property is located at 2902 NW 2 Avenue in District 3, which is represented by Commissioner Edmonson, and is approximately 24,526 square feet. The square footage seen in Exhibit A

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Research Notes

(Property Appraiser Summary Report) is 3,215 square feet, which represents the size of the first floor west wing. The lease agreement notes that the square footage is only an approximation of size as the premises has not been duly measured by the County.

Under this retroactive lease, De Hostos will continue to use the space to provide a variety of services to seniors, including hot meals, leisure classes, and counseling. The rental rate has been discounted from the market rate, as the Tenant, De Hostos, provides necessary services intended to promote community interest and welfare; the total rental revenue to the County is \$5.00 for the initial one-year term of the lease plus the four, one-year options to renew. The County is responsible for the operating expenses for the first year of the Lease, which is estimated to be \$3,690.

The property is currently owned by the County through the Community Action & Human Services Department (CAHSD). CAHSD is currently in the process of drafting an RFP in conjunction with ISD in order to develop this property at its highest and best use, with the preservation of the important services provided by De Hostos in this community.

The market rent in this area ranges from \$35.00 to \$40.00 per square foot on an annual basis.

The map below taken from the Property Appraisers office and shows the location of the property.

PROPERTY INFORMATION ⓘ

Folio: 01-3125-024-1780

Sub-Division:
NORTHERN BLVD TR

Property Address
211 NW 29 ST
Miami, FL 33127-3905

Owner
MIAMI-DADE COUNTY
COMMUNITY ACTION & HUMAN SERVICES

Mailing Address
701 NW 1ST CT-10TH FLR
MIAMI, FL 33136

PA Primary Zone
8000 COMMUNITY FACILITIES

Primary Land Use
8647 COUNTY : DADE COUNTY

Beds / Baths / Half

0 / 0 / 0

Floors

2

Living Units

0

Actual Area

Living Area

Adjusted Area

24,526 Sq Ft

Lot Size

21,000 Sq Ft

Year Built

1954

+

-

Zoom

Map View ▾

Layers ▾

NW 29TH ST

2017 Aerial Photography 60ft

<https://www.miamidade.gov/propertysearch/#/> .

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8F2
File No. 182068**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING THE MANAGEMENT AND USE AGREEMENT (“AGREEMENT”) BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HOMESTEAD FOR THE PREMISES LOCATED AT 653 SW 4 STREET, HOMESTEAD, FLORIDA, (FOLIO NO. 10-7813-000-0551), FOR AN INITIAL TERM OF FIVE YEARS AND THREE RENEWAL TERMS OF FIVE YEARS EACH, FOR A RENT PAYMENT OF \$1.00 A YEAR AND ANNUAL EXPENSES OF \$17,343.00 PER YEAR WITH A TOTAL FISCAL IMPACT OF \$346,880.00, FOR THE COMMUNITY ACTION AND HUMAN SERVICES DEPARTMENT’S USE OF THE SPACE FOR AN ADULT DAY CARE CENTER THAT PROVIDES SERVICES SUCH AS HEALTH MAINTENANCE, TRANSPORTATION, COUNSELING, RECREATIONAL ACTIVITIES, AND DAILY HOT MEALS TO SENIOR CITIZENS AND INDIVIDUALS WITH DISABILITIES; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the management and use agreement (“agreement”) between Miami-Dade County and the City of Homestead for the premises located at 653 SW 4 Street, Homestead, Florida, (Folio no. 10-7813-000-0551), for an initial term of five years and three renewal terms of five years each, for a rent payment of \$1.00 a year for the Community Action and Human Services Department’s (CAHSD) use of the space for an adult day care center that provides services such as health maintenance, transportation, counseling, recreational activities, and daily hot meals to senior citizens and individuals with disabilities to the County.

APPLICABLE LEGISLATION/POLICY

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-582-97, adopted on June 3, 1997, directed the County Mayor to execute an agreement with the City of Homestead for the operation of an adult day care center by the County; and authorizing the County Manager to exercise renewal and cancellation provisions contained therein.

<http://www.miamidade.gov/govaction/matter.asp?matter=970878&file=false&fileAnalysis=false&yearFolder=Y1997>

PROCEDURAL HISTORY

Prime Sponsor: District 9 Commissioner, Dennis C. Moss

Department/Requester: Internal Services Department

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Housing and Social Services Committee at its September 13, 2018 meeting.

ANALYSIS

This item is requesting Board approval of a management and use agreement (“agreement”) between Miami-Dade County and the City of Homestead for the premises located at 653 SW 4 Street, Homestead, Florida, (Folio No. 10-7813-000-0551).

The fiscal impact is for an initial term of five years and three renewal terms of five years each, for a rent payment of \$1.00 a year and annual operating expenses of \$17,343.00 per year with a total fiscal impact of \$346,880.00, The Funding Source for this agreement are Federal Grant Funds.

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The intent of the lease is to acquire CAHSD's use of the space for an adult day care center that provides services such as health maintenance, transportation, counseling, recreational activities, and daily hot meals to senior citizens and individuals with disabilities; The County and the Landlord previously entered into a Management and Use agreement on June 5, 1997, on behalf of CAHSD. The County and the Landlord desire to continue for the Department to utilize this facility which provides services to the elderly and disabled residents in the community, in a non-institutional environment that takes into consideration the health, safety and well-being of adults. Services include breakfast, lunch, social activities, adult education, self-care training activities, medication management, transportation, information and referral services.

The market rent in this area ranges from \$10.00 to \$15.00 per square foot on an annual basis.

PROPERTY INFORMATION ⓘ

Folio: 10-7813-000-0551

Sub-Division:

Property Address
653 SW 4 ST
Homestead, FL 33030-6911

Owner
CITY OF HOMESTEAD

Mailing Address
790 N HOMESTEAD BLVD
HOMESTEAD, FL 33030-6212

PA Primary Zone
8500 CIVIC/GOV'T

Primary Land Use
7443 HOME FOR THE AGED : HEALTH CARE

Bed / Bath / Half0 / 0 / 0

Floors1

Living Units1

Actual Area

Living Area

Adjusted Area7,856 Sq.Ft

Lot Size22,390 Sq.Ft

Year Built1997

+

-

📐

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🔄

📄

🔍 Zoom

Map View ▾Layers ▾

2017 Aerial Photography 60ft

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8F3
File No. 182065**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING CONTRACT NO. RFQ-00769A, CONTRACT NO. RFQ-00769B, AND CONTRACT NO. RFQ-00769C FOR THE PURCHASE OF PARK PLANNING AND PRE-DEVELOPMENT SERVICES FOR PARKS, RECREATION AND OPEN SPACES DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$4,500,000.00 FOR A FIVE YEAR TERM TO AECOM TECHNICAL SERVICES, INC., MILIAN, SWAIN AND ASSOCIATES, INC., AND PROS CONSULTING, INC. D/B/A YOUNGER PROS CONSULTING, INC.; 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 approve three contracts for the purchase of park planning and pre-development services, one for each of three service categories, for the Parks, Recreation and Open Spaces Department in an amount not to exceed \$4,500,000 for a five year term to AECOM Technical Services, Inc., Milian, Swain and Associates, Inc., and PROS Consulting, Inc. dba Leon Younger Pros Consulting, Inc.

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-1017-12, adopted December 4, 2012, authorizes execution of agreements, not to exceed, in the aggregate, the amount of \$4,500,000 for a term of five years with PROS Consulting, LLC, AECOM Technical Services, Inc. and Milian, Swain & Associates, Inc. to obtain park planning services.

<http://intra/gia/matter.asp?matter=121863&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>

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Research Notes

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.

<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>

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

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Parks and Cultural Affairs Committee at its September 13, 2018 committee meeting. Prior to passage, Commissioner Monestime raised concerns about whether the cost of the contract would impede park rehabilitation, operation, and maintenance. He added that while there is large spending on necessary professional services for the County's parks, he does not want the focus of open spaces to be secondary.

Director of Parks, Recreation and Open Spaces, Maria Nardi, clarified that the funding does not impede the work that needs to be done in terms of operation and maintenance of the parks.

ANALYSIS

The proposed resolution approves awards of three competitive contracts, *Contract No. RFQ-00769A*, *Contract No. RFQ-00769B*, and *Contract No. RFQ-00769C*, for the Parks, Recreation and Open Spaces Department as delineated below, by category.

Category A – *Market Research and Business Planning*: PROS consulting Inc. dba Leon Younger Pros Consulting, Inc.

Category B – *Parks, Recreation and Open Spaces Planning Services*: AECOM Technical Services, Inc.

Category C – *Pre-Development and Environmental Planning Services*: Milian, Swain & Associates, Inc. (SBE)

The fiscal impact for the five-year term of the contracts is \$4,500,000. Previous contracts awarded to the same consultants were approved by the Board on December 4, 2012 for a five-year term via Resolution No. 1017-12. These previous contracts were extended for an additional six months under administrative authority to June 30, 2018 in order to minimize service interruption.

BCC Meeting: October 2, 2018
Research Notes

A total of eight proposals were received in response to this solicitation, which involved notification to 21,166 vendors through the County's online bidding system, BidSync. Although six of the vendors that responded to the solicitation are local, non-local vendor PROS consulting Inc. dba Leon Younger Pros Consulting, Inc. was the only firm that applied to Category A and is thus being recommended for award for that category. The awardees for categories B & C, AECOM Technical Services, Inc. and Milian, Swain & Associates, Inc., respectively, are both local firms. The highest-ranked, responsive and responsible proposers for each category are being recommended for award for as-needed park planning and pre-development services, performing work that includes biological and hydrological site assessments, platting related to sensitive wetland environments, park business modeling and forecasting, national park and recreation trend planning and benchmarking, and other planning and pre-development projects.

As reported pursuant to Resolution No. R-1011-15, Milian, Swain & Associates, Inc., an SBE firm, employs 15 Miami-Dade County residents, which comprises 79% of its total workforce. AECOM employs 194 County residents (.47% of its total workforce), and PROS Consulting, Inc. does not employ any local residents.

ISD conducted a full review of the scope of services to ensure the replacement contracts reflect the County's current needs. As a result, the scope of services was updated to include analysis of organizational development practices and technical consultation for business proposals; geographic information system services; pre-development services such as platting and surveys; a traffic impact studies category (Category D). Given that no proposals were received for the traffic impact studies category, these services will be obtained through the County's Equitable Distribution Program.

ADDITIONAL INFORMATION

PROS consulting Inc. dba Leon Younger Pros Consulting, Inc.

PROS Consulting, Inc is a full-service management consulting and planning firm focusing on services to government and not-for-profit agencies. Headquartered in Indianapolis, Indiana with a full-service office in Phoenix, Arizona, the PROS Team has worked on more than 900 projects in 46 states and 7 countries.

<http://prosconsulting.com/>

AECOM Technical Services, Inc.

AECOM designs, builds, finances and operates infrastructure assets in more than 150 countries.

<https://www.aecom.com/>

Milian, Swain & Associates, Inc.

Milian, Swain & Associates, Inc. has been providing over 20 years of engineering & financial management solutions for the public and private sectors throughout South Florida.

<http://milianswain.com/>

INPUT FROM ISD

OCA made the following request of the Internal Services Department. ISD's response is below and in the attached documents.

- Please provide information showing the amount awarded to each of the three firms for Park Planning and Pre-Development Services in the past, as well as other past County contract awards to each of the three firms.

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Past Park Planning Services Contracts

Consultant Contracts Summary 9/26/18

*Vendor	Effective Date-Exp. Date	Contract No.	Released Total
MILIAN SWAIN & ASSOCIATES, INC.	03/09/2005-03/08/2008	RFQ 71	\$ 840,184.41
MILIAN SWAIN & ASSOCIATES, INC.	01/25/2007-01/24/2008	EPP-RFQ93	\$ 58,834.50
MILIAN SWAIN & ASSOCIATES, INC.	01/25/2008-01/24/2009	EPP-RFQ93-1(4)	\$ 136,450.00
MILIAN SWAIN & ASSOCIATES, INC.	01/25/2009-01/24/2010	EPP-RFQ93-2(4)	\$ 175,117.49
MILIAN SWAIN & ASSOCIATES, INC.	01/25/2010-01/24/2011	EPP-RFQ93-3(4)	\$ 92,879.49
MILIAN SWAIN & ASSOCIATES, INC.	01/25/2011-07/24/2012	EPP-RFQ93-4(4)	\$ 124,628.40
MILIAN SWAIN & ASSOCIATES, INC.	01/01/2013-06/30/2018	RFQ 786	\$ 595,044.36
Total			\$ 2,023,138.65
AECOM TECHNICAL SERVICES, INC.	03/09/2005-03/08/2008	RFQ 71	\$ -
AECOM TECHNICAL SERVICES, INC.	01/25/2007-01/24/2008	EPP-RFQ93	\$ -
AECOM TECHNICAL SERVICES, INC.	01/25/2008-01/24/2009	EPP-RFQ93-1(4)	\$ -
AECOM TECHNICAL SERVICES, INC.	01/25/2009-01/24/2010	EPP-RFQ93-2(4)	\$ -
AECOM TECHNICAL SERVICES, INC.	01/25/2010-01/24/2011	EPP-RFQ93-3(4)	\$ 542,290.56
AECOM TECHNICAL SERVICES, INC.	01/25/2011-07/24/2012	EPP-RFQ93-4(4)	\$ 1,119,981.00
AECOM TECHNICAL SERVICES, INC.	01/01/2013-06/30/2018	RFQ 786	\$ 2,342,526.60
**Total			\$ 4,004,798.16
PROS CONSULTING, INC.	01/01/2013-06/30/2018	RFQ 786	\$ 816,712.37
Total			\$ 816,712.37

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Research Notes**

**Item No. 8F4
File No. 182067**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$750,000.00 FOR PREQUALIFICATION POOL NO. 8913-3/14-3 FOR PURCHASE OF CLOSED CIRCUIT TELEVISION PIPELINE INSPECTION EQUIPMENT, REPLACEMENT PARTS, SUPPLIES, REPAIRS, AND REFURBISHMENT SERVICES FOR MIAMI-DADE WATER AND SEWER DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve additional expenditure authority in an amount of \$750,000 to Prequalification Pool No. 8913-3/14-3 for purchase of Closed Circuit Television (CCTV) pipeline inspection equipment, replacement parts, supplies, repairs, and refurbishment services for continued inspection of the interior of the gravity collection sewer system for WASD.

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 Implementing Order (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-920-09, adopted by the Board on July 2, 2009, authorized the County Mayor to award competitive contracts, contract modifications, and competitively solicited contracts of other governmental entities. The awarded pool is Closed Circuit Television and Video Pipeline Inspection Equipment, Components, Repair Services and Supplies. The term of this pool is for 2 year and it includes 3 one year options-to-renew for the cumulative amount of \$1,625,000.
<http://intra/gia/matter.asp?matter=091840&file=true&yearFolder=Y2009>

Resolution No. R-508-14, adopted by the Board on June 3, 2014, authorized a five year extension in that amount of \$1,625,000.00 so that Water and Sewer may continue to use this pool to purchase closed circuit television video pipeline inspection equipment, supplies, and services.
<http://intra/gia/matter.asp?matter=141120&file=true&yearFolder=Y2014>

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>

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>

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Research Notes**

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

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

ANALYSIS

The proposed resolution is requesting Board approval to increase the expenditure authority to Prequalification Pool No. 8913-3/14-3, Closed Circuit Television (CCTV) pipeline inspection equipment, replacement parts, supplies, repairs, and refurbishment services in the amount of \$750,000, in order to continue the inspection of the interior of the gravity collection sewer system to identify possible leaks, assess the systems' integrity and provide recommendations for the necessary repairs. Presently WASD's monthly average is about \$36,648.47 with seventeen (17) months which expires July 31, 2019. Additionally, the modification funds the following two specific projects: Cues Spider manhole Scanner System for \$215,000 and Manhole Grouting Vehicle Retrofit for \$157,000. The Wastewater collection division is the primary user of the CCTV pool and it utilizes it for all the parts and special orders/repairs that are required during WASD's daily operations in order to maintain WASD's CCTV and Grout Vehicle Fleet level of service. WASD is currently replacing its camera infrastructure each year because of the age of the equipment (Over 7 years). WASD anticipates that the usage of the CCTV pool will increase due to equipment failures ultimately resulting in a larger allocation for the replacement contract.

The County established the current pool via approval from the Board in the amount of \$1,625,000.00 on August 1, 2009 for a two-year term, and it includes 3 one year options-to-renew for the cumulative amount of \$1,625,000. The Department of Transportation and Public Works (DTPW) and Water and Sewer Department (WASD) were the only two user departments under the pool as established and remains the same way presently.

The mayoral memo requests that an additional expenditure authority is needed to support WASD's operational needs, and for two specific planned projects: 1) purchase of wireless scanning system to collected detailed three dimensional data on the geometry and condition of the manholes; and 2) retrofitting manhole grouting vehicle. Additionally, WASD is gradually replacing its camera equipment to stop the frequent failures caused by equipment exceeding its useful life.

If the request for additional expenditure authority in the amount of \$750,000 is approved, the modified cumulative allocation will be \$4,325,000.

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The chart below shows the pre-qualified vendors address and respective status:

Pre-Qualified Vendor	Principal Address	Sunbiz Status	Local Vendor Status
Aries Industries, Inc.	550 Elizabeth Street, Waukesha, WI 53186	Active	No
Cues, Inc.	3600 Rio Vista Avenue, Orlando, FL 32805	Active	No
SPX Corporation	13320-A Ballantyne Corporate Place, Charlotte, NC 28277	Active	No

A total of \$2,274,250,000 has been allocated to the current pool's Blanket Purchase Order; of that amount \$2,090,409.75 has been released (as of September 7, 2018), leaving a balance of \$183,840.25. The chart below illustrates distribution by department.

Department	Existing Cumulative Allocation	Released Amount	Balance
Transportation and Public Works	\$74,250.00	\$15,424.02	\$58,825.98
Water and Sewer	\$2,200,000	\$2,074,985.73	\$125,014.27
Total :	\$2,274,250.00	\$2,090,409.75	\$183,840.25

Of the three vendors currently in the pool, none are local (0%), which is below the 75% threshold required by Resolution No. R-477-18. Additional qualified vendors may be added to the pool at any time.

OCA performed a search for commodity code 65539 (Cameras, Still, Specialized, Including Complete Systems for Medical and Dental Photograph, Photomicrography) on the Business Management Workforce System's Certified Vendor Directory on September 7, 2018. There are no local SBEs identified.

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Research Notes

Item No. 8F5
File No. 182075

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING AWARD OF A LEGACY CONTRACT FOR INOVAH SOFTWARE MAINTENANCE AND SUPPORT FOR THE INFORMATION TECHNOLOGY DEPARTMENT LEGACY CONTRACT FOR INOVAH SOFTWARE MAINTENANCE AND SUPPORT FOR THE INFORMATION TECHNOLOGY DEPARTMENT, CONTRACT NO. L8523-1/28, TO N HARRIS COMPUTER CORPORATION FOR AN INITIAL FIVE-YEAR TERM PLUS FIVE-YEAR OPTION TO RENEW TERMS IN A TOTAL AMOUNT NOT TO EXCEED \$1,554,000.00 AND APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND 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 an award of a legacy contract to N Harris Computer Corporation, for an initial five-year term plus five, one year options to renew in an amount of up to \$1,554,000 to provide maintenance and support for the Information Technology 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=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Section 2-8.1(b)(2) of the County Code provides for legacy purchases upon a majority vote of the Board members present. A legacy purchase is defined as a 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. In any legacy purchase award recommendation, the County Mayor shall include 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.

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

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

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

Resolution No. R-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>

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Research Notes

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>

Resolution No. R-1318-07, adopted by the Board on December 4, 2007, requested that the Board waive formal bid procedures and ratify the bid waiver award of a contract to System Innovators, Inc. to provide the Clerk of the Courts (COC) and the Miami-Dade Water and Sewer Department (WASD) with the iNovah upgrade to the existing cashiering system.

<http://intra/gia/legistarfiles/Matters/Y2007/073391.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: Housing and Social Services Committee

Department/Requester: Internal Services Department

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Infrastructure and Utilities Committee at its September 12, 2018 meeting. Prior to passage, Commissioner Joe Martinez: stated "when we use to get the agenda items in a specific format describing sole Sources, bid waiver etc. This item came before as a bid waiver in 2007, not a sole source. A lot of items that are now legacy, never came to the board originally as a sole source. This means that either we were not told the truth back then 2007 when this item was originally brought to the Board". "Why did we let the contract expire"?

Lars Schmekel (ITD): "I cannot answer that question. This software is tied to many of our systems and our recommendation is to move forward with this for renewal and at a later time we will modernize".

Commissioner Joe Martinez: "The amount is small, what bothers me is the principle".

Commissioner Jean Monestime: "these types of items keep coming back, and they do not give an opportunity to innovate, we share the same concerns Commissioner Martinez".

Lars Schmekel (ITD): "the renegotiated contract provides the County with savings. This contract provides us with PCI which provides security for payment transactions in the County. This software is used by 135 municipalities across the Country".

Commissioner Martinez: "It is not about the money being saved but the principle that the people that were here in 2007 did not think that this matter was going to turn into a legacy contract. We depend on staff to give us different options. That you don't think it is feasible to entertain competition, is your opinion, our job as a board is to weigh out those options and determine whether we can spend the money or not. You may have cost savings down the line if it's a new system, much like changing a car, there is a value in getting a new car in terms of cost savings. Ultimately the issue is that the decision as to whether or not something is feasible resides with the Board and not with staff".

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ANALYSIS

This item is requesting Board authorization for an award of a legacy contract in an amount of up to \$1,554,000.00 for an initial five year term plus five, one year options to renew to N Harris Computer Corporation, to provide maintenance and support for the Information Technology Department.

The research for this procurement indicates that the initial system was purchased from System Innovators, Inc., on July 5, 2007, to provide the Clerk of Courts (COC) and WASD with the iNovah upgrade to the then existing cashiering system. Over the years contract renewals have been exercised. The time line below is intended to show the life of this contract with Miami-Dade County.

The time line below is intended to show the life of this contract with Miami-Dade County.

Time Line

Contract No.	Effective Date	Expiration	Value
BW8523-5/17	12/28/2007 (Original) 5 year with 5 one year option-to-renew	12/31/2012	\$1,118,812.00
BW8523-5/17-1	01/01/2013 (OTR)	12/31/2013	\$ 103,453.14
BW8523-5/17-2	01/01/2014 (OTR)	12/31/2014	\$ 168,625.65
BW8523-5/17-3	01/01/2015 (OTR)	12/31/2015	\$ 210,000.00
BW8523-5/17-4	01/01/2016 (OTR)	12/31/2016	\$ 224,658.00
BW8523-5/17-5	01/01/2017 (OTR)	06/30/2018	\$ 229,769.40
L8523B-1/28	07/01/2018 (Bridge)	12/31/2018	\$ 75,000.00
		Total	\$ 2,130,318.19

Under the contract, N Harris Computer Corporation provides maintenance and support to the existing iNovah system which integrates to multiple mission critical applications, such as the Criminal Justice Information System (CJIS), the County's Financial System (FAMIS) and Water and Sewer's (WASD) Customer Care and Billing system (CC&B), all of which are developed on the legacy mainframe technology. Information Technology Department (ITD) is working with all departments it serves to modernize legacy technology and transition all mainframe dependent applications to legacy systems in the next few years. The award is characterized as a legacy purchase because the system is proprietary and owned solely by N Harris Computer Systems. The fiscal impact to the Information Technology Department for the initial five-year term plus five, one year options to renew is \$1,554,000. Pricing for the maintenance and support is inclusive of all software and licensing provided as well as support request via Web Portal Ticketing and traditional phone support to the County. The services are broken down as follows:

Office of the Clerk	\$452,000
Port Miami	\$27,000
Water and Sewer Department	\$241,000
Total	\$720,200

The previous contract (BW8523-5/17) was effective on December 28, 2007 and was scheduled to expire on June 30, 2018. In order to sustain operations and ensure continuity a six-month term contract was approved while the long-term contract is submitted and approved by the Board. The six month contract is scheduled to expire on December 31, 2018 and it is valued at \$75,000. The yearly allocation under the current contract is \$213,100.00 while the yearly allocation under the recommended contract is \$155,400.00. The difference is a decrease of \$57,700.00.

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Under the contract, N Harris Computer Corporation will perform the following :

- Software maintenance: For any additional software products for which the Licensor shall grant a license to the County and which license shall be under this Agreement, then the Licensor shall deliver to the County a master copy of the Software licensed in object code form, suitable for reproduction, in electronic files only, upon the payment of the applicable license fees by the County and receipt of such fees by the Licensor.
- Documentation: For any additional software products for which a new license is granted, the Licensor shall deliver copies of the associated Software Documentation to the Licensee.
- Hardware: Hardware shall be deemed “Delivered” when receipt and final acceptance has been confirmed by the Licensee.
- Acceptance: The system and software shall be deemed “Accepted” when (a) the licensee acceptance testing is satisfactorily completed with no critical or major defects and the licensee delivers a signed statement to licensor accepting the System or (b) the System is placed in a production environment and used for processing payments.
- Client designated support contacts: COC, Port Miami and WASD will assign two named resources, a primary and a backup, to be designated support contacts responsible for: assisting with the support relationship between the Licensor and the County, Initiating and managing the priority case handling process and Distributing proactive notifications to the County’s end users (as applicable).

The market research and the agenda item indicates that it would be cost prohibitive for the County to compete this project despite the availability of competition. The contract’s Commodity Code is 92045 (Software Maintenance and Support Services). Eight local SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned code.

DEPARTMENTAL INPUT

OCA posed the following questions to the Internal Services Department on September 20, 2018. The responses are italicized in blue ink.

- How long has the County been contracting with N Harris Computer Corporation or its subsidiary, Systems Innovators, Inc., relating to the iNovah system? *Since December 2007*
- The previous contract was approved as a bid waiver due to Systems Innovators being the “sole source” provider, yet committee discussion indicates that a competitive solicitation will follow expiration of the requested legacy contract; address the feasibility of such competition; *At this time, it is premature to advise whether there is feasibility in competition for this system. It is the intent of the Information Technology Department to look at opportunities to update its legacy technology, when feasible. Please refer to the Mayor’s memo paragraph two and three.*
- Explain the interplay between this legacy award and the countywide ERP implementation approved under Resolution No. R-642-18? *By waiting for the completion of the ERP implementation and legacy system replacements before developing a new solicitation will reduce cost, complexity and time to implement by only developing interfaces once. If a new system were to be procured interfaces would need to be developed twice, once for legacy systems and once for the replacement of the legacy systems (ERP implementation)*

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- PortMiami is requesting \$27,000 under the legacy contract; what does the department use the system for? *PortMiami implemented iNovah Cashiering on December 2014. The system collects payments for, Dockside Cruise Permits, Parking Collections, ID Badges, Port Permits, Invoices, Leases, Ground Transportation, Accounting payment collection as well as the newly added Miami Dade Police Department (MDPD)/PortMiami Auto Export Fee. iNovah interfaces with several Port Legacy Systems such as the Port Permits, ID Badging, Revenue Management and Port's Accounting and Financial System. PortMiami can process through the iNovah contract up to \$50,000 transactions per year and collected \$248,000,000 in revenue (According FY 2017).*
- Article 4 of the legacy contracts mentions a breach of the licensor's indemnity obligations under the previous contract; expound on the nature of the breach and how that breach impacts this recommended award. *Phone call between Oren Rosenthal from the County Attorney's Office and Isidoro Lopez from the Office of the Commission Auditor: Mr. Rosenthal stated that a pending lawsuit exists on the prior contract concerning iNovah that has not been finalized. In lieu of that this Article was included in the contract to protect the County's interest pending the result of that suit. That breach should not effect this award. Should there be any other questions on this issue Mr. Rosenthal stated he can answer them during the Board session.*

ADDITIONAL INFORMATION.

The system innovator's website reflects that Broward County, Town of Jupiter, City of Orlando and Collier County use iNovah Software. <http://systeminnovators.com/en/clients/>

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Research Notes**

**Item No. 8F6
File No. 182001**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00640 FOR PURCHASE OF SODIUM HYPOCHLORITE AND STORAGE EQUIPMENT FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$55,440,000.00 OVER THE INITIAL TWO-YEAR TERM AND FIVE, ONE-YEAR OPTIONS TO RENEW; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize the award of a contract to Allied Universal Corp. for the purchase of sodium hypochlorite and storage equipment for an initial two-year term and five, one year options to renew in an amount of up to \$55,440,000 to be used for disinfection in the water and wastewater treatment process.

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 Implementing Order (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)

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>

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 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>

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;

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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

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

Prior to passage, Commissioner Jose “Pepe” Diaz asked for clarification “if this issue had been previously approved by the Board before”.

Director Kevin Lynskey: “We have approved items that have to do with tanks, this item is primarily for the purchase of the chemicals”. This is a very important chemical used to disinfect Water and Wastewater and we are switching to, We are switching from elemental chlorine to a product that is fundamentally safe”.

Commissioner Jose “Pepe” Diaz: “How many plants are left to do over”?

Director Kevin Lynskey: “We have done 3 Wastewater and 2 Water not fully converted, I think we have 4 out of 6”.

Commissioner Jose “Pepe” Diaz: “Does this also include the one I have in my District on the West Side of Hialeah”.

Director Kevin Lynskey: “That one has not been completed, the one in Hialeah, you are going to see more items coming up on that”.

Commissioner Jean Monestime: “again this is just for the purchase of the chemical”.

Director Kevin Lynskey: “This is just for the purchase of the chemical”.

Please note that OCA has recognized that this item proposes to purchase the Chemical Sodium Hypochlorite as well as Storage Equipment. The storage equipment (Containment Tanks) will be utilized for storage of the chemical.

ANALYSIS

This item is requesting Board authorization for award of a contract to Allied Universal Corp., a local vendor located at 3901 NW 115 Avenue, Miami, FL 33178, for the purchase of Sodium Hypochlorite and storage equipment for an initial two-year term and five, one-year options to renew in an amount of up to \$55,440,000 to be used for disinfection in the water and wastewater treatment process.

Sodium Hypochlorite is defined as an unstable salt (NaOCl) produced usually in aqueous solution and used as a bleaching and disinfecting agent.

<https://www.merriam-webster.com/dictionary/sodium%20hypochlorite>

Under the contract, Allied Universal Corp., will provide the following: 10.5 percent Sodium Hypochlorite solution in tanker loads and monthly rental of single wall tanks and containments of various sizes.

Storage equipment shall be various single wall tanks with basic plumbing pulling discharge and complete fill connections; and containments sizes as required. The vendor is responsible for securing the tanks in place against the current wind loads as established by the most recent version of the Florida Building code. The vendor is responsible for providing protection of the tanks from projectiles during the same type of storm event by providing barriers i.e. fencing and or temporary structure. The vendor is responsible for obtaining all permits. The monthly rental costs shall include the following: maintenance repairs, replacement parts, emergency calls performed, and installation. The vendor is responsible for the maintenance services and repairs to the storage equipment. The vendor shall respond within 24 hours of service and emergency calls.

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The fiscal impact to WASD for the initial two-year term and five (5), one-year options-to-renew is \$15,840,000. The funding source for this contract is Proprietary Funds. Pricing for the Sodium Hypochlorite and Storage Equipment is inclusive of all chemicals and storage equipment that will be used.

The previous contract (FB4132-0/17) was effective on November 1, 2012 and was scheduled to expire on January 31, 2018. The previous contract was valued at \$40,068,000 for a five year term. The per-gallon rate under the previous contract was \$0.667 while the per-gallon rate under the recommended contract is \$0.528. The yearly allocation under the previous contract was \$8,013,600 and under this contract the year allocation is forecasted to be \$7,920,000.

Research for this procurement was conducted in BTS, it reflects the first award as an OTR. Prior information about this contract is not available in the BTS system. The first OTR in BTS was awarded to Allied Universal Corp, Inc., on May 1, 2002, to provide Sodium Hypochlorite. The table below illustrates the historical chronology with this vendor and the County:

Timeline

Contract No.	Effective Date	Expiration Date	Value
4132-1/02-1	05/01/2002	12/31/2003	\$ 311,916.00
4132-1/06	12/01/2003	11/30/2005	\$ 2,224,000.00
4132-1/06-1	12/01/2005	12/31/2006	\$ 1,112,000.00
4132-4/12	01/03/2007	12/31/2007	\$ 766,168.00
4132-4/12-1	01/01/2008	12/31/2008	\$ 803,173.00
4132-4/12-2	01/01/2009	12/31/2009	\$ 877,628.00
4132-4/12-3	01/01/2010	12/31/2010	\$ 877,628.13
4132-4/12-4	01/01/2011	06/30/2012	\$ 1,316,442.19
4132-0/17	11/01/2012	01/31/2018	\$40,068,000.00
		Total	\$48,356,955.19

OCA performed a search for Commodity Code is 19036: (Chemicals, Bulk (Not Otherwise Classified)), 50525: (Bleach, Chlorine and Peroxide), 885: (Water and Wastewater Treating Chemicals), 88538: (Chlorine, Liquefied), 88540: (Chlorinating and Oxidizing Agents: Bromohydantoins, Chloroisocyanurates, Hypochlorites, Etc. (Pool Disinfection)), on the Business Management Workforce System on September 20, 2018. Five local SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned code.

Allied Paper .Co	Miami, FL	SBE-G&S
Lumi Maintenance Supply Inc.	Miami, FL	SBE-G&S
Allied Paper Co.	Miami, FL	SBE-G&S
Per Car Inc.,dba National		
Sunshine Auto Parts	Miami, FL	SBE-G&S
Stein Paint Company	Miami, FL	SBE-G&S
Pancar Industrial		
Supply Corporation	Miami, FL	SBE-G&S

ADDITIONAL INFORMATION.

Per the Market Research, City of Fort Lauderdale, FL has been using Allied Universal Corporation to provide Sodium Hypochlorite at a rate of 0.78 cents per gallon with a 500 gallon minimum. The County's rate is lower by 0.25 cents, per gallon.

<https://www.fortlauderdale.gov/Home/ShowDocument?id=22174>

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8F7
File No. 181991**

Researcher: IL Reviewer: PGE

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00843 IN A TOTAL AMOUNT UP TO \$1,663,000.00 FOR THE PURCHASE OF FENCE MATERIALS FOR VARIOUS COUNTY DEPARTMENTS 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 *Prequalification Pool No. RTQ-00843, Fence Materials*, in the amount of \$1,663,000 in order for County departments to purchase fence materials to replace fences surrounding County property such as fire stations, parks, and parking lots and to protect vehicles, buildings, and supplies from vandalism and/or theft.

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 Implementing Order (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-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>

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 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>

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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

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

ANALYSIS

The proposed resolution is requesting Board authorization to establish a replacement prequalification pool in the amount of \$1,663,000 for an eight-year term for various County departments to purchase *Fence Materials*. The materials will be purchased to replace fences surrounding County property such as fire stations, parks, and parking lots and to protect vehicles, buildings, and supplies from vandalism and/or theft. The qualification criteria for inclusion in the pool is as follows:

1. Vendor(s) shall assign a competent company representative who can be contacted Monday through Friday from 8:00 a.m. to 5:00 p.m. (local time) for quotations. Vendor(s) are required to provide their representative(s) name, office address, phone number, and e-mail address
2. Vendor(s) shall demonstrate experience pertaining to the relevant sale of goods requested in this RTQ. As evidence, Vendor(s) are required to provide two (2) signed letters on company letterhead from their clients. The references shall ascertain to the County's satisfaction that the Vendor has sufficient expertise in selling fence materials.

The fiscal impact is \$1,663,000.00 for a term of eight years. The largest user department of this service is Parks and Recreation and Open Spaces. The prior allocation was for \$800,000 for a five-year option-to-renew term. The annual allocation for that contract was \$160,000.00. The current annual allocation is \$207,875.00. This is an annual increase of \$47,875.00.

The Table below illustrates the difference between the original amounts requested and the current amounts requested as well as the change in Departments requesting.

Department	Prior Requested Allocation (OTR 04/01/2014-03/31/2019)	Current Requested Allocation	Increase/Decrease (+/-)
The Aviation Department	\$105,000	\$326,000	+\$221,000
Community Action and Human Services	\$ 29,000	No request made	-\$ 29,000
Corrections and Rehabilitation	\$ 15,000	\$ 24,000	+\$ 9,000
Miami-Dade Fire Rescue	\$ 25,000	\$ 40,000	+\$ 15,000
Internal Services Department	\$ 29,000	\$ 47,000	+\$ 18,000
Parks and Recreation and Open Spaces	\$324,000	\$680,000	+\$356,000
Port Miami	\$ 10,000	\$ 10,000	No Change
Solid Waste	\$258,000	\$261,000	+\$ 3,000
Regulatory and Economic Resources	\$ 1,000	No request made	-\$ 1,000

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Department of Transportation and Public Works	\$ 0	\$275,000	Was not allocated any money in the first request
Vizcaya	\$ 4,000	\$ 0	-\$ 4,000
Total	\$800,000	\$1,663,000	+\$863,000

ISD sent out an e-mail blast to the vendors capable of providing fence materials to the County in order to notify them of the County's intention to advertise a solicitation to replace the current contract. There are three hundred and eight (308) vendors registered under the commodity codes included in the solicitation.

Currently there are three vendors in the pool, Fence Masters Inc., SGA Management Inc., and Total Connection Inc., of the three vendors currently in the pool, all three are local (100%), which is above the 75% threshold required by Resolution No. R-477-18. Two of the three vendors are SBEs. Fence Masters, Inc., is currently the only vendor that was on the prior contract 6846-1/18-1 and is currently in this replacement pool.

OCA performed a search for commodity codes 33095: (Recycled Fencing and Supplies), 33013: Fencing, Chain Link (Including Fabric, Gates, Panels, Posts and Fittings), 33032: Fencing, Wrought Iron (Including Components), 33037: Fencing, Metal Slat and Tubular (Including Components), 33078: Wire, Plain, 33095: Recycled Fencing and Supplies; 90698: Building Better Communities Construction Projects (Bbc), on the Business Management Workforce System's Certified Vendor Directory on September 25, 2018. Listed below are the local SBEs identified:

- Conwell & Associates Consulting Company Miami, FL SBE-G&S
- A&B Hardware , Inc., dba A&B Hardware-Lumber, Inc. Miami, FL SBE-G&S
- All Dade Fences, Inc., Hialeah, FL SBE-G&S
- CMS International Group, Corp., Miami, Gardens, FL SBE-G&S
- Conwell & Associates Consulting Company, Miami, FL SBE-G&S
- Genard & Associates, LLC, Miami, FL SBE-G&S
- Golden Fence Company, Inc. Miami, FL SBE-G&S
- Guaranteed Fence Corp., Hialeah, FL SBE-G&S
- Javan Lumber, Inc., North Miami, FL SBE-G&S
- Smart House Solutions, Inc., Miami, FL SBE-G&S
- United Iron Works, Inc., DBA United American Metal Works, Miami, FL SBE-G&S
- Smart House Solutions, Inc., Miami, FL SBE-G&S

ADDITIONAL INFORMATION.

Based on information found on the website of Fence Masters, Inc., the vendor has provided fence materials for Immigration and Customs Enforcement and the GSA Department for the City of Miramar.

<http://fencemastersinc.net/high-security/>

Based on information found on the website of SGA Management, Inc. has done work for the City of Hollywood and the City of Boynton Beach.

<http://steelbeamscolumns.com/what-we-do/>

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Research Notes**

**Item No. 8F8
File No. 181994**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00564 FOR PURCHASE OF EMPLOYEE GROUP LEGAL SERVICES FOR THE HUMAN RESOURCES DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$15,400,000.00 OVER THE INITIAL FIVE-YEAR TERM AND ONE, TWO-YEAR OPTION TO RENEW TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize the award of a contract to ARAG Insurance Company., for the purchase of employee group legal services for the Human Resources Department for an initial five-year term and one, two-year option to renew in an amount of up to \$15,400,000.

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=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)

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-477-18, adopted by the Board on May 1, 2018, directed The County Mayor to disclose to the Board the reasons Goods and Services are not being procured through local businesses when recommendation is to award contracts to non-local vendor or establish a pre-qualification pool of vendors where less than 75% of the pool members are local business.

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

Resolution No. R-943-10, adopted by the Board on September 21, 2010, authorized the execution of an agreement in the amount of \$12,392,000 with ARAG Insurance company to obtain an employee group legal services program.

<http://intra/gia/matter.asp?matter=101610&file=true&yearFolder=Y2010>

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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

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Government Operations Committee at its September 12, 2018 meeting. Prior to passage, Commissioner Sosa asked "why do we have to go to Iowa, to get legal services, when we have so many attorneys located locally. We have a rule that requires businesses to have local address".

Commissioner Joe Martinez- "This is not the type of service everyone can provide. Aren't local attorneys used when employees use ARAG services"?

Director of Human Resources, Arlene Cuellar: "Yes the attorneys that assist the County through ARAG are local attorneys.

Commissioner Suarez: "For certain legal advice they have to be admitted into the Florida Bar. But for other legal inquiries you may not need to be a Florida Bar Attorney".

Division Director from H.R. "ARAG is an insurance provider that provides attorneys throughout the U.S., for example in the event you get a speeding ticket in New Jersey, ARAG will provide you an attorney in that State".

ANALYSIS

This item is requesting Board authorization to award a contract to ARAG Insurance Company., a non-local vendor located at 500 Grand Avenue, Suite 100 Des Moines, IA 50309, for the purchase of employee group legal services for the Human Resources Department for an initial five (5) year term and one (1), two (2)-year option-to-renew in an amount of up to \$15,400,000. The solicitation was submitted to 4,855 vendors through the County's online bidding system, BidSync, and 63 vendors viewed the solicitation. The Small Business Development (SBD) division was contacted in an effort to identify local vendors that could provide this service. SBD identified 7 local vendors, which were notified of the solicitation via email. The additional efforts resulted in five proposal, of which none were local vendors.

The fiscal impact for the initial five (5) year term and one (1), two (2) year option-to-renew is \$15,400,000. The funding source for this contract is the Self Insurance Fund. Pricing for the Employee Group Legal Services for the Human Resources department, is inclusive of voluntary group prepaid legal services offered to County employees and their eligible dependents. The plan provides in-network and non-network attorney fees. For in-network attorneys, the full cost of the attorney fees for covered services is paid by the plan. For non-network attorney, the participant will be reimbursed for the attorney fees for covered services up to the established amounts.

The plan benefits include: Professional legal assistance with Wills, Estate Planning, Real-Estate matters, Bankruptcy, Financial Education and Counseling, Identity Theft, and Legal Document preparation, among other services. The plan provides the services through telephone advice and office consultations, however, the plan cannot be used by its members for actions or disputes against their employer, the plan underwriter, or any party when coverage is prohibited by law, or for matters arising out of the employee's employment.

The previous contract (RFP724) was effective on October 06, 2010 and is scheduled to expire on December 31, 2018. The previous contract was valued at \$19,448,800 for an eight-year term. The recommended contract is for approximately

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\$4,000,000 less, but also for 3 years less as well. The current contract has a yearly rate of \$2,431,100, while the recommended contract has a yearly rate of \$3,080,000. This is an increase of \$648,900.00 annually.

The research for this procurement indicates that the initial contract was awarded to ARAG Insurance Company, on October 06, 2010, to provide Employee Group Legal Services. Over the years a contract renewal was exercised and supported by the following contract: RFP724-1 option to renew.

The contract's Commodity Code is 96172 (Transcription Services: Academic, Braille, Legal, Medical, Electronic Duplication, etc.). The following SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned code.

- CLAIMS AND LITIGATION MANAGEMENT CONSULTANTS, LLC, Miami, FL
SBE-G&S

ADDITIONAL INFORMATION.

Per the Market Research, Lake County, FL disqualified ARAG Insurance Company from their Request for Proposal (RFP) 17-0010 because ARAG had items that they continued to want to be "proprietary and confidential". Per the Lake County Attorney's Office, any information that is proprietary and confidential shall not be made public knowledge. Due to the extent of their proprietary and confidential information that directly relates to the evaluation criteria, it is determined that ARAG Insurance Company responses cannot be evaluated during the public meeting. Please note that Lake County's evaluation criteria was based on the followings qualifications and pricing:

Benefit Provisions –

1. Ability to provide the requested benefit plan designs;
2. Administrative Services including simplicity of administration, reporting capabilities, flexibility and accessibility in working with the client, and electronic capabilities;
3. Net Cost Considerations – Competitive program costs
4. Reports from direct and indirect references.
5. Responsiveness and completeness of the written proposal to these instructions with regard to the Scope of Services.

<https://lakecountyfl.civicclerk.com/Web/GenFile.aspx?ad=8744>

Research of the Dade Schools.net website for Miami-Dade County Public Schools shows that they use ARAG Insurance Company to provide legal services for their employees.

<http://pdfs.dadeschools.net/RiskMgmt/ARAGLegal-SrAdvocate.pdf>

INPUT FROM THE INTERNAL SERVICES DEPARTMENT

OCA posed the following questions to ISD on September 30, 2018. The responses are italicized and in blue ink.

- How long has ARAG Insurance Company been delivering this service to the County; has any other firm provided this service to the County; if so, identify the firm and contract period? *ARAG Insurance company has been delivering this service to the County since 1998.*
- What is ARAG's performance history under the contract (have there been any complaints from staff using the services and are there any performance evaluations)? *ARAG has met all performance guarantees for the duration of their contracted time; no performance issues reported. Attached are the quarterly performance evaluations.*
- Verify whether there is County legislation requiring vendors recommended for contract award to maintain a local office as mentioned during committee discussion of this replacement award; if there is such legislation, provide the

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citation? *In regards to the specific discussion at committee, not aware of County legislation requiring vendors recommended for contract award to maintain a local office.*

- Clarify whether covered services include in-court representation such as at a trial? *Yes, in-court representation is included. See attached policy 10277. Definition on pg. 4. and trial benefits are covered throughout policy agreement section under specific coverage.*

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Research Notes**

**Item No. 8F9
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=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>

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>

Resolution No. R-718-17, adopted by the Board on July 6, 2017, directs the Mayor to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services.

<http://intra/gia/matter.asp?matter=171632&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: None

Department/Requester: Internal Services

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Economic Development and Tourism Committee at its September 14, 2018 meeting.

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Research Notes

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 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 (as of September 24, 2018).

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. However, the pool remains open and advertised on the Internal Services Department website to encourage additional participation.

Pursuant to Resolution No. R-718-17, the pool is within the 18 month period prior to expiration during which the department is to start planning for re-procurement, and according to ISD re-procurement efforts have begun. ISD has met with the user department to revise the scope and examine how other jurisdictions procure canines.

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Research Notes**

**Item No. 8F10
File No. 182093**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING \$228,000.00 INCREASE IN EXPENDITURE AUTHORITY FOR A TOTAL MODIFIED CONTRACT AWARD OF \$1,228,000.00 FOR CONTRACT NO. FB-00088 FOR THE PURCHASE OF SECURITY GATE SERVICES FOR VARIOUS DEPARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF MODIFIED AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND 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 increased spending authority in the amount of \$228,000 to the County's security gates services contract to ensure continued maintenance and repair services for security gates for multiple departments.

APPLICABLE LEGISLATION/POLICY

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

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

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-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>

Resolution No. R-718-17, adopted by the Board on July 6, 2017, directs the County Mayor to commence planning for reprocurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services.

<http://intra/gia/matter.asp?matter=171632&file=true&yearFolder=Y2017>

BCC Meeting: October 2, 2018
Research Notes

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 forwarded to the Board with a favorable recommendation by the Government Operations Committee at its September 12, 2018 meeting.

ANALYSIS

This item is requesting Board authorization to increase expenditure authority in the amount of \$228,000 to *Contract No. FB-00088, Security Gate Services*, for various County departments. The contract was established under delegated authority on November 1, 2014 and expires on October 31, 2019. The current contract value is \$999,700, and the awardee is SGA Management, Inc., a local vendor. County departments use this contract to purchase maintenance and repair services for electrical and mechanical security gates as needed.

The original award value was \$296,000; since then, the contract has been administratively modified under delegated authority for \$703,700. If this modification is approved, the total contract value would be \$1,227,700. The Corrections and Rehabilitation, Police and Transportation and Public Works departments are requesting increased spending so they are able to continue purchasing needed preventative maintenance and repair services for their security gates to prevent unauthorized access to restricted areas. The specific justification for each department's request for increased spending is as follows:

- Corrections and Rehabilitation has \$8,473.22 remaining of its \$139,000 allocation; the department is requesting \$25,000 in additional expenditure authority to cover its current usage trend through the contract expiration date; the funds will be used to repair gates across correctional facilities and for unforeseen emergency repairs such as in response to hurricane damage;
- The Police Department has \$64,303.09 remaining of its \$347,700 allocation; the department is requesting \$153,000 in additional expenditure authority to cover maintenance services for security gates at its Fred Taylor Complex as well as gates across district stations; and
- The Transportation and Public Works Department has \$18,066.22 remaining of its \$60,000 allocation; the department is requesting \$50,000 in additional expenditure authority to cover the procurement of parts, repair and emergency services for its electrical and mechanical security gates.

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8F11
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 the additional expenditure in the amount of \$751,000.00, for a term set to expire on April 30 2019, to Thyssen Krupp for Contract No. SS1243-3/24- 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

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

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Infrastructure and Utilities Committee at its September 12, 2018 meeting. Prior to passage, Commissioner Dennis C. Moss, asked "if there was a concern about having elevators close to parking".

Lester Solar, Director of Aviation, "this contract is a bridge contract to continue maintenance on existing elevators, the County has been having a hard time keeping these elevators running". "There will be another contract that ISD will put together that we will tap to help with bringing elevators to parking lots".

Commissioner Dennis C. Moss, "do you have a time frame, as to your vision for MIA going forward".

Lester Sola- "Airport has paid for Master Plans where experts have told us where the Airport needs to be in 5, 10, 15 years". "We will be presenting these plans to the Board and the community to have full transparency, we want this Board to bless the Master Plan going forward, we are going to build this plan and bring it to the board before the end of the year".

BCC Meeting: October 2, 2018
Research Notes

Commissioner Rebecca Sosa: “We would like to have a workshop built into the goal of this master plan”.

ANALYSIS

This item 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.

The Fiscal Impact of this item is Countywide, and the increase amount is \$751,000. The contract term expires on April 30 2019.

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.

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 of \$751,000 = \$3,663,000, Funding Source: Proprietary Funds,

Totaling Cumulative \$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.

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8F12
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 Implementing Order (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-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>

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

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

BCC Meeting: October 2, 2018
Research Notes

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Public Safety and Health Committee at its September 13, 2018 meeting.

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. 15 local SBE-G&S certified firms were found on the Business Management Workforce Systems under the aforementioned code.

ADDITIONAL INFORMATION

The website Clearancejobs.com mentioned 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/>

Research revealed that 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/>

BCC Meeting: October 2, 2018
Research Notes

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

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8F13
File No. 182076**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING ADDITIONAL TIME OF FIVE YEARS AND ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$5,225,000.00 TO CONTRACT NO. BW8207-2/12 FOR THE PURCHASE OF ESRI GIS ENTERPRISE SOFTWARE LICENSE AND MAINTENANCE SUPPORT FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a designated purchase to extend Contract No. BW8207-2/12 to Environmental Systems Research Institute, Inc. for an additional in the amount of \$5,225,000.00 for a five year term after the November 30, 2018 expiration date for the continued delivery of licensing, software, ongoing maintenance and support, professional services, and the continued adaptation and expansion of the Environmental Systems Research Institute, Inc. (ESRI) GIS technology which integrates the County's hardware software and data to capture, manage, analyze and display all forms of geographically referenced information mapping and spatial functionality.

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

Section 2-8.1(b)(3) of the County Code provides for *Procedures for purchases when competitive procedures are not practicable*. Notwithstanding the requirements of [section 2-8.1\(b\)\(1\)](#), formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable as set forth herein. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (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.

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.

BCC Meeting: October 2, 2018
Research Notes

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

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

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

Resolution No. R-684-07, adopted on June 5, 2007, waives formal bid procedures for the purchase of goods and services and authorizing the County Mayor to Award, same with authority to exercise options-to-renew established thereunder.

<http://intra/gia/matter.asp?matter=071468&file=true&yearFolder=Y2007>

Resolution No. R.469-12, adopted June 5, 2012, waives formal bid procedures pursuant to section 5.03(D) of the Home Rule Charter and Section 2-8.1(B) of the Code of Miami-Dade County by a two-thirds (2/3) vote of the Board members present; authorizing modification of Agreement No. BW8207-2/12-2 for additional time and spending authority, in the amount of \$2,691,000, with Environmental Systems Research Institute Inc. for software maintenance support, purchase of additional software licenses, and professional services for the purchase of goods and services and authorizing the County Mayor to Award, same with authority to exercise options-to-renew established thereunder.

<http://intra/gia/matter.asp?matter=120827&file=true&yearFolder=Y2012>

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:

Department/Requester: Internal Services Department

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Infrastructure and Utilities Committee at its September 12, 2018 meeting. Prior to passage, Commissioner Jose "Pepe" Diaz: moves item for discussion, and states "make me a believer in this item".

Jose Lopez Division Director (ITD): "GIS is something that the County cannot live without we need it for various critical services such as Emergency Management, CAD, and Management of Utilities to know where your assets are located. Market research was conducted, surveys were sent out to multiple companies and only one responded, the one that responded does not support all the needs of the County, resulting in the County still needing ESRI. We currently have 1,300 layers on our site that are maintained by the ESRI system that are available to the public. We have over 1000 distinct solutions running on this platform. To get off of it, the estimate is about 30 million dollars based on the market analysis, if we do it with the vendor that responded, the cost is estimated to be 59 million dollars. When the time comes, if there is a better product out there, perhaps we can come up with a better recommendation at that time".

Commissioner Jose "Pepe" Diaz: "How long have we had this product"?

Jose Lopez Division Director (ITD) "since the 80's, one of the first companies to have it".

Commissioner Jose "Pepe" Diaz: "How many licenses do we have"?

Jose Lopez: "we have about 115 licenses and we have about 4 to 5 thousand users".

Commissioner Jose "Pepe" Diaz – "the cost is pretty intense, you said it would be twice the amount by going out into the market. If you are using the product for an X number of user for an X number of time, then why do you say we are getting 15 additional licenses, for an amount of time"

Jose Lopez: "This contract gives the County more packages".

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Research Notes

Commissioner Jose “Pepe” Diaz: “how long is the new contract for?”
 Jose Lopez: “5 years”.
 Commissioner Jose “Pepe” Diaz: “Is the maintenance and key supported in this contract?”
 Jose Lopez: “Yes it is”.
 Commissioner Jose “Pepe” Diaz: “During the duration of this new contract you will go look into seeing if we have a competitor. How much is this contract for. But this is a catch all product because it is constantly metamorphosing”.
 Jose Lopez: “What we are asking for in the extension is 5 million dollars”.
 Commissioner, Jean Monestime: “the 5millions dollars results in the 15 million dollars”.
 Commissioner Jose “Pepe” Diaz: “You are basically continuing the same contract that we originally had”.
 Jose Lopez: “we are talking about 5 years into the future, in those 5 years we are looking at 5 million dollars”.
 Chief Procurement Officer, Namita Uppal: “this is a simple extension for 5years for 5 million dollars”.
 Commissioner Jose “Pepe” Diaz: “You negotiated for the 5.25 million which includes all the services, maintenance and keys for upgrades”.
 Namita Uppal: “That is correct”.
 Commissioner, Joe Martinez- “when this contract came to the board in June 5 2007 it was a Bid Waiver. Why do you make the decision in your office rather than letting the Board make the decision of whether or not we should go to a new system or not. I would rather make an informed decision, and just note that there is more information on the items now then there use to be. It is here again because the Mayor cannot keep extending it due to the limitations of his authority. This is ultimately is a legacy contract, which is fine as long as we know what it is. I will support it”.
 Commissioner Xavier Suarez: “You mentioned 6k users which means 175 dollars per user per year, I want to contrast that with another figure you gave us which is 40 million hits, is that user or general public”.
 Jose Lopez: “that happened during Hurricane Irma, where ESRI came in and put the applications in the Cloud for us to access the system”.
 Commissioner Xavier Suarez: “None of this available that is proprietary that governments might own and share”.
 Jose Lopez: “This is a platform used by 9 out of 10 largest counties use this platform”.

ANALYSIS

This item is requesting Board approval for a designated purchase to extend Contract No. BW8207-2/12 with Environmental Systems Research Institute, Inc. for an additional five year term after the November 30, 2018 expiration date in an amount up to \$5,225,000. This item is being presented for Board approval as a designated purchase because the Administration has exhausted its authority to extend the contract. ESRI is the proprietary owner and developer of the ESRI GIS software that the County has been using for over 30 years. Since 2001, the County has invested in the implementation, customization, upgrades, maintenance and support of ESRI GIS technology.

The fiscal impact to the Information Technology Department for the additional five-year term is \$5,225,000. The initial amount was \$9,991,000 bringing the total sum of the contract to \$15,216,000.

The previous contract (BW8207-2/12) was effective on July 1, 2007 and was scheduled to expire on November 30, 2018. The yearly allocation under the current contract is \$213,100 while the yearly allocation under the recommended contract is \$908,272.00.

This time line shows the life of this Contract with Miami-Dade County.

Timeline

Contract No#	Effective Date	Expiration Date	Value
BW8207-2/12	07/01/2007	06/30/2010	\$2,500,000.00
BW8207-2/12-1	07/01/2010	06/30/2011	\$ 950,000.00
BW8207-2/12-2	07/01/2011	10/31/2015	\$3,641,000.00

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Research Notes

BW8207-2/12-3	11/01/2015	11/30/2018	\$2,900,000.00
		Total	\$9,991,000.00

The research for this procurement indicates that the initial system was purchased from Environmental Systems Research Institute Inc., on July 1, 2007, to provide the GIS services County wide.

Under the contract, ESRI will perform the following but not limited to: Increase of 15 users licenses for community analyst; New software products (Drone to Map, Insights for ArcGis online, GeoAnalytics Server, ArcGis Monitor, ArcGis Utility Network Management Extension); 25 user licenses for insights for ArcGis Online; Unlimited increase of GeoEvent Server; Additional Credits for ArcGis Online; and Premium Support.

The research conducted on this procurement and the agenda item indicates that it would be cost prohibitive for the County to compete this project despite the availability of competition. The contract's Commodity Code is 92045 (Software Maintenance and Support Services). Nine local firms that are SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned code.

ADDITIONAL INFORMATION.

Per the Market Research, Brevard County, Hillsborough are using the ESRI GIS.

<http://www.esri.com/news/arcuser/0100/brevard.html>

<http://www.govtech.com/health/Hillsborough-County-Fla-Uses-Real-Time-GIS-to-Target-Zika-Virus.html>

<http://gis.myflorida.com/>

INPUT FROM THE INTERNAL SERVICES DEPARTMENT

OCA posed the following questions to ISD. The responses from ISD are italicized and in blue ink.

How long has the County contracted with Environmental Systems Research Institute, Inc. and provide the vendor's Firm History Report or similar performance history information? *Information prior to 1997 is not available. The first ESRI registered in ADPICS is BW5724-2/02 with an effective date of June 1, 1997. The County does not have any performance issues with this vendor.*

Given County legislation, why is this recommendation categorized as a designated purchase rather than a legacy purchase? *Please refer to 2-8.1(b)(2) and 2-8.1(b)(3) of the County Code.*

Address whether the County is a captive client of this vendor or whether ITD intends to move the system toward an open source style software where multiple vendors are capable of delivering platform components and/or services, thereby improving price and product. *Extensive market research has been conducted and currently there is no other vendor in the market that provides a complete solution required by the County. It would cost the County north of \$59,000,000 to replace the current solution. ESRI is the GIS industry leader across local, state and federal governments. The ESRI GIS system is used in 66 of the 67 Counties in the State of Florida. The Information Technology Department continues to monitor the market for new solutions and opportunities.*

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8F14
File No. 182088**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. BW9890-0/23 AS A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT FOR THE PURCHASE OF CLEAR ONLINE INVESTIGATION SOFTWARE IN AN AMOUNT NOT TO EXCEED \$1,200,000.00 FOR THE MIAMI-DADE POLICE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a designated purchase to extend Contract No. BW9890-0/23 with West Publishing Corporation for Clear Online Investigation Software (Clear) for the Miami-Dade Police Department for an amount not to exceed \$1,200,000.00, 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 Implementing Order (I.O.) and approved by the Board.

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

Section 2-8.1(b)(3) of the County Code provides for designated purchase upon a two-thirds vote of the Board members present. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (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.

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

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

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

Resolution No. R-695-17, adopted on July 6, 2017, authorizing waiver of bid procedures by a two-thirds vote of the members present pursuant to section 5.03(d) of the Miami-Dade County charter and section 2-8.1 of the County code and authorizing the County Mayor or the County Mayor's designee to exercise a one-year option to renew period for Contract No. SS9890-et, clear investigation software, with an allocation of up to \$240,000.00 for the Information Technology Department; and authorizing the County Mayor or County Mayor's designee to exercise all provisions of the contract pursuant to section 2-8.1 of the County code and Implementing order 3-38 [see original item under file no. 171350]

<http://intra/gia/matter.asp?matter=171700&file=true&yearFolder=Y2017>

**BCC Meeting: October 2, 2018
Research Notes**

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>

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 Department

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Public Safety and Health Committee at its September 13, 2018 meeting.

ANALYSIS

This item is requesting Board approval for a designated purchase to extend Contract No. BW9890-0/23 with West Publishing Corporation for Clear Online Investigation Software (Clear) for the Miami-Dade Police Department for an amount not to exceed \$1,200,000.00.

Clear is a secure, web-based investigative interface that allows criminal investigators and analysts to efficiently and effectively access a vast array of catalogued public information and exclusive data on people and businesses.

The Fiscal Impact of this contract is estimated to cost \$1,200,000.00, for a five-year term and will be have a Countywide Impact. The funding source for this contract is the "General Fund".

The Mayoral memo states that a Request for Information was issued and market research was completed to identify other vendors capable of providing services similar to those provided by Clear. The market research yielded two vendors in the law enforcement industry who offer services similar to those provided by Clear. However, the software from those vendors does not provide the extensive law enforcement data platform as provided by Clear. Clear provides data from the three major credit card bureaus, direct access to license plate reader data from a direct source, and access to more than 100 million incarceration and arrest records, updated every hour. The other two vendors provide data from only one major credit card bureau, have access to limited license plate reader data from commercial third party providers, and although they provide access to incarceration and arrest records, those records are not updated hourly. The aforementioned distinctions in the data platforms from these vendors affirms Clear to be a more streamlined and efficient database that is necessary for the Department's criminal investigators. Based on these findings, competition is not practicable at this time. Accordingly, it is in the County's best interest to approve this designated purchase pursuant to Section 2-8.1(b)(3) of the Miami-Dade County Code.

The initial contract (SS9890ET) was effective on September 21, 2016 in the amount of \$240,000 and was scheduled to expire on September 30, 2017. It was presented as sole source contract with an option to renew and was approved by the Board. The option-to-renew was executed (SS9890-ET-1(2)) on October 1, 2017 in the amount of \$279,000 and is scheduled to expire on November 30, 2018. The yearly allocation under the current option is \$240,000 and the yearly allocation under the recommended contract is also \$240,000.00.

BCC Meeting: October 2, 2018
Research Notes

The timeline below illustrates the contract life of the previous agreement with Miami-Dade County:

Timeline

Contract No.	Effective Date	Expiration Date	Value
SS9890-ET	09/21/2016	09/30/2017	\$ 240,000.00
SS9890-ET-1(2)	10/01/2017	11/30/2018	\$ 279,900.00
		Total	\$ 519,900.00

Under the contract, West Publishing Corporation will provide access to the following but not limited to: to critical investigative information such as license plate recognition data, utility data, real-time incarceration and arrest records, information originating from all three major credit bureaus, cellular phone data, information from social networking sites, and more. This data is beneficial to law enforcement when attempting to locate people and assets, verifying identities, pinpointing businesses and business affiliations, and uncovering other useful information for investigations.

OCA performed a search for commodity code 99052: (Investigative Services) and commodity code 92045: (Software Maintenance and Support Services) on the Business Management Workforce System's Certified Vendor Directory on September 12, 2018. Twenty-two (22) local SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned codes.

ADDITIONAL INFORMATION.

Per the Market Research, City of Fort Lauderdale, and the Florida Highway Patrol use West Publishing Corporation.

<https://www.fortlauderdale.gov/departments/finance/procurement-services/contract-list-sorted-by-vendor>

<https://www.flhsmv.gov/pdf/cabinetreports/1stquarter20092010.pdf>

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8F15
File No. 182054**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00862 IN A TOTAL AMOUNT UP TO \$21,693,000.00 FOR FIRE SUPPRESSION SYSTEMS SERVICES FOR VARIOUS DEPARTMENTS 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 a prequalification pool for purchase of fire suppression systems services for various County departments in a total amount of up to \$21,693,000 for a term of eight years.

APPLICABLE LEGISLATION/POLICY

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

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

Section 29-124 of the County Code sets forth the role of the Citizens' Independent Transportation Trust and provides that where 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 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 majority vote. 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=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

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>

BCC Meeting: October 2, 2018
Research Notes

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>

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

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

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 forwarded to the Board with a favorable recommendation by the Government Operations Committee at its September 12, 2018 meeting. The following discussion transpired at the committee meeting:

- Commissioner Martinez questioned why there were two contracts serving the same purpose. Ms. Namita Uppal, Chief Procurement Officer for the Internal Services Department, explained that the item sought to consolidate two pre-existing contracts as the contracts are duplicative, delivering the same services. Commissioner Martinez asked again if there was a specific reason that the two contracts were established, given that they both provide the same services. Ms. Uppal requested additional time to research the matter and issue a response.

ANALYSIS

This item is requesting Board authorization to approve the establishment of a prequalification pool for fire suppression systems services for multiple County departments for a term of eight years in an amount of up to \$21,693,000. The solicitation includes three groups: (1) Wet Agent Systems; (2) Dry Agent Systems; and (3) Pre-Engineered Systems.

To qualify for Group 1, the vendor shall be certified by the State of Florida as a Contractor I or II. To qualify for Group 2, the vendor shall be certified by the State of Florida as a Contractor I or III. To qualify for Group 3, the vendor shall hold a Class D license issued by the State Fire Marshal. Prequalified vendors will be invited to participate in spot market competitions as needed in the form of a RFQ or WOPR that will include the solicited goods and/or services.

Per the solicitation, a fire suppression system controls and extinguishes fires without human intervention, protecting the interior and/or exterior of a building. Such systems and their components include, but are not limited to, control panels; cylinders; pre-action, dry-pipe, wet-pipe, and deluge sprinklers; chemical agents; fire pumps and kitchen hoods. The scope of services consists of fabricating, installing, inspecting, altering, repairing and servicing fire suppression systems. All work to be issued under the pool must be submitted to SBD prior to advertisement for review for applicability of SBE construction measures, CWP and responsible wages. According to the Market Research, the County conforms to the National Fire Protection Association and Florida Fire Prevention standards for the inspection, testing, and maintenance of water-based fire protection systems.

BCC Meeting: October 2, 2018
Research Notes

The fiscal impact for the eight-year term is \$21,693,000. In an effort to promote administrative efficiency, this pool consolidates two contracts covering similar services: Contract No. 0751-0/18 is valued at \$6,798,714 for a term of five years and three months, expiring on January 31, 2019, and Contract No. 5870-0/15 is valued at \$10,559,197 for a term of seven years, expiring on May 31, 2018. The Aviation and Internal Services departments have requested the largest allocations for the pool term, i.e., \$12,000,000 and \$2,360,000, respectively.

The solicitation was advertised on April 2, 2018. Seven vendors are being recommended for inclusion in the pool. Two of those vendors were awardees under Contract No. 0751-0/18 – All Fire Services, Inc. and National Fire Protection, LLC. National Fire Protection, LLC was also an awardee under Contract No. 5870-0/15.

The commodity code for the solicitation is 99042 (Fire Alarm and Safety Services, Including Installation of Equipment). A September 27, 2018 search of the Business Management Workforce System found the following SBE-G&S firms under that code:

- Active Fire Sprinklers, Inc.
- All Quality Electrical Services, Inc.
- All Star Electrical Services, Inc.
- Ampstrong Electric, Inc.
- Canesco Electrical Contractors, Inc.
- Central Fire Sprinkler System, Inc.
- CHI Alarms, Inc.
- CJ Fire Protection, Inc.
- Done Wright A/C and Electric Service, Inc.
- Florida Fire Alarm, Inc.
- Generation Electrical Services, Corp.
- J.P. Morgan, Inc.
- Metro Dade Security System, Inc.
- Nicola Electric, Inc.
- Protective Security Solutions, Inc.
- Quality Wiring, Inc.
- Speedy Fire Protection, Inc.
- World Security & Electric, LLC

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8F16
File No. 182052**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00888 IN A TOTAL AMOUNT UP TO \$97,058,000.00 FOR THE PURCHASE OF ELECTRICAL AND ELECTRONIC COMPONENTS, TOOLS, PARTS, AND SUPPLIES FOR VARIOUS COUNTY DEPARTMENTS 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 a prequalification pool for the purchase of electrical and electronic components, tools, parts and supplies for various County departments in a total amount of up to \$97,058,000 for a term of eight years.

APPLICABLE LEGISLATION/POLICY

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

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

Section 29-124 of the County Code sets forth the role of the Citizens' Independent Transportation Trust and provides that where 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 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 majority vote. 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=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

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>

BCC Meeting: October 2, 2018
Research Notes

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>

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

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

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 forwarded to the Board without a favorable recommendation by the Government Operations Committee at its September 12, 2018 meeting. The following discussion transpired at the committee meeting:

- Commissioner Sosa recommended to forward the item to the Board without recommendation.
- Commissioner Martinez noted inconsistencies in the procurement process relating to prequalification pools; he stated normally the Board receives a request from ISD to extend a pool as the department claims doing so is best because the scope does not change and vendors can be added; in this case, ISD is now claiming that it is best to replace the pool rather than to extend it as the requirements are outdated; the commissioner questioned how the requirements for tools, parts and supplies could be outdated.

ANALYSIS

This item is requesting Board authorization to approve a replacement pool for purchase of electric and electronic components, tools, parts and supplies for multiple County departments for a value of \$97,058,000 for a term of eight years. The pool includes two groups: (1) Electrical components, tools, parts and supplies and (2) Electronic components, tools, parts and supplies. Prequalified vendors will be invited to participate in spot market competitions as needed by a user department. Such spot market competition shall be in the form of an ITQ or WOPR and include the specific solicited goods and/or services.

Per the solicitation, electrical components may include, but not be limited to, conduit fittings, raceways, boxes, ducts, wiring devices, service equipment, panel boards, emergency lighting, capacitors, relays, fans and circuit breakers. Electronic

BCC Meeting: October 2, 2018
Research Notes

components may include, but not be limited to, adapters, specialized electronic cables, jacks, plugs, static controls, terminal clocks, surge protectors and filters.

The Transportation and Public Works and Water and Sewer departments have requested the largest allocations for the replacement term, i.e., \$20,000,000 and \$41,078,000, respectively. Note that the Regulatory and Economic Resources Department does not have an allocation under the replacement pool though it has an allocation under the current pool.

The fiscal impact for the eight-year term is \$97,058,000, which is based on estimated usage. The current pool (#8757-1/18) is valued at \$120,000,000 for a term of 10 years, expiring on March 31, 2019. The annual allocation under the replacement pool is \$12,132,250 while the annual allocation under the current pool is \$12,000,000.

The solicitation was advertised on April 26, 2018. Twelve vendors responded to the solicitation, of which seven are being recommended for inclusion in the pool. Of that seven, four are SBEs. Moreover, of the recommended vendors, all are incumbents from the current pool except Romaine Electric Corporation. Note that Romaine Electric Corporation has an “Inactive” status on sunbiz.org, the official State of Florida Division of Corporations website. The event date filed is September 28, 2012. Furthermore, Romaine Electric does not have a local office.

According to the Market Research, the current pool has 60 active prequalified vendors. The mayoral memorandum attributes the significant decline in pool membership to the replacement pool’s updated requirements, yet those requirements are neither explained nor set forth in the agenda item.

The commodity codes for the solicitation are: 06037, 17549, 28534, 28561 and 28569. The solicitation includes a SBE set-aside for spot market competition where there are three or more certified firms available. A September 27, 2018 search of the Business Management Workforce System found the following vendors per referenced commodity code:

- 06037 (Electrical Parts, Not Ignition): Global Caribe, Inc.; Paramount Electric and Lighting, Inc.; and PER CAR, Inc.
- 28534 (Fuses, Fuse Blocks and Holders, Links): B & R Electronics Supply, Inc.; Electropower Utility Sales Company; Miami Breaker, Inc.; Ready Components, Inc.; Rock International Distributors, Inc.; and World Security & Electric, LLC
- 28561 (Meters, Indicating and Recording of Power Consumption, Hand Held, Voltage, Amperage): B & R Electronics Supply, Inc.; Electropower Utility Sales Company; Generating Systems, Inc.; Green-Energy-Products.com, LLC; Ready Components and Technical Trading Corp.
- 28569 (Misc. Electrical Equipment and Supplies): CMS International Group, Corp.; Condo Electric Industrial Supply, Inc.; Go Green Document Solutions, Inc.; Green-Energy-Products.com, LLC; Lighting Warehouse Corp.; Pro Electrical Solutions, Inc.; Ready Components, Inc.; Systems Integration & Maintenance, Inc.; Sytec-USA, Inc.; and Technical Trading Corp.

Nothing was found under Commodity Code 17549 (Interval Timers and Actuators, Electrical and Mechanical). Of the SBEs listed above, the following are included in this pool award: Condo Electric Industrial Supply, Inc.; Electropower Utility Sales Company; Paramount Electric and Lighting, Inc.; and Rock International Distributors, Inc.

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8F17
File No. 181667**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING AWARD OF A LEGACY CONTRACT FOR THE AUTOMATED FUELING SYSTEM FOR THE INFORMATION TECHNOLOGY DEPARTMENT, CONTRACT NO. L3796-1/25, TO E.J.WARD, INC. FOR AN INITIAL THREE-YEAR TERM PLUS FIVE, ONE-YEAR OPTION TO RENEW TERMS IN A TOTAL AMOUNT NOT TO EXCEED \$2,911,000.00 AND APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND 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 award of a legacy contract to E.J. Ward, Inc. for an initial three-year term plus five, one-year options to renew in an amount of up to \$2,911,000 for delivery of upgrades to the automated fueling system for County departments.

APPLICABLE LEGISLATION/POLICY

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

<https://library.municode.com/fl/miami> -

[dade county/codes/code of ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 2-8.1(b)(2) of the County Code provides for legacy purchases upon a majority vote of the Board members present. A legacy purchase is defined as a 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. In any legacy purchase award recommendation, the County Mayor shall include 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.

<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/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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

Resolution No. R-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-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>

BCC Meeting: October 2, 2018
Research Notes

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 July 16, 2018 Infrastructure and Utilities Committee meeting and was forwarded to the Board with a favorable recommendation. Commissioner Suarez voted against the item. The following discussion transpired at the committee meeting.

- Commissioner Suarez asked the Administration to define “an automated fueling system for the information technology department;” he also requested clarification on what would be fueled; the type of fuel and whether the Information Technology Department counts the fuel; the Internal Services Department responded that the system is used for ISD-managed facilities, DTPW and Fire; ISD explained that the fuel is dispensed from the County location to the vehicle; the system tracks fuel dispensed for billing purposes; captures real-time vehicle mileage; tracks fuel theft; and collects crucial preventive maintenance data; ISD clarified that ITD maintains the software portion of the system while the hardware is maintained by the departments.

The item was subsequently deferred at the September 5, 2018 Board meeting. At the Board meeting, the following discussion transpired:

- Commissioner Jordan questioned how this is a legacy contract considering the prior contract expired in December 2008 and, since then, the County has been delivering the services internally; the commissioner stated that the recommended vendor should compete with other vendors to deliver a new upgraded system; finally, the commissioner stated that she cannot support the item without receiving clarification from ITD relating to the operational necessity of contracting with the original vendor; she suggested deferring the item to the next Board meeting.
- The ISD Director responded to the commissioner's questions as follows: (1) the item was styled a legacy contract after consultation with the CAO; (2) the system has degraded over the years and a hardware and software upgrade from the original vendor is needed; (3) the recommended term plus OTRs afford the County the flexibility to compete the project and transition to a new system after the initial three-year term; and (4) this contract provides for a system upgrade solution in six months.
- Deputy Mayor Marquez voiced that a replacement system is cost-prohibitive, ranging between \$1.6 million to \$3.5 million above the proposed upgrade solution; he recommended deferring the item.

ANALYSIS

This item is requesting Board authorization for award of a legacy contract in an amount of up to \$2,909,223 for a term of three years plus five, one-year options to renew to E. J. Ward, Inc. for delivery of upgrades to a fuel management system to support the County's fleet operations. Under the contract, E. J. Ward, Inc. will upgrade its existing software and related hardware at 29 fueling facilities overseen by the Internal Services Department as well as up to five fueling terminals overseen by the Department of Transportation and Public Works. Both departments have a need to update the current system to the new windows platform as the current UNIX operating system is obsolete and will no longer be supported by E. J. Ward. The award

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is characterized as a legacy purchase because the current system is E. J. Ward's proprietary product, and thus E. J. Ward is the only vendor that can perform a full upgrade from the current software and hardware platforms to the latest W4 solution.

Per the Project Administration module of the County's e-Procurement System, the fiscal impact to the Information Technology Department for the three-year term and five, one-year options to renew is \$2,909,223. Pricing for the fuel management system is inclusive of all software, hardware and services and is broken down as follows:

- \$1,899,445 for the Internal Services Department Fleet Management Division
- \$724,450 for the Fire Rescue Department; and
- \$285,328 for the Department of Transportation and Public Works

The previous contract (SS3796-4/07) was effective on May 1, 2004 and expired on December 31, 2008 for a term of four years and eight months for a cumulative value of \$3,500,000. The yearly allocation under the expired contract was \$750,000 while the yearly allocation under the recommended contract is \$363,652.92.

The Market Research for this procurement indicates that the initial system was purchased from E. J. Ward, Inc. in 1982 and over the years has been supported by two contracts: #SS3796-1 (Automated Fueling System Maintenance), which was awarded to E. J. Ward, Inc. and expired on December 31, 2008; and #5380-6/14 (OEM Equipment Parts and Service Prequalification), which prequalified multiple vendors and expired on March 31, 2018. It is unclear from the agenda item what contract is currently being used by the County to support the current system.

Under the contract, E. J. Ward will perform the following:

- Software upgrade: The County presently operates a custom built version of the E. J. Ward fueling software, which runs on an antiquated IBM AIX server platform. This legacy system communicates to several E. J. Ward fuel control terminals located across the County's fuel islands and runs a custom operating system that allows for secure verification, disbursement, and accounting of fuel usage. The upgrade will be to the latest W4 version at time of installation of the E. J. Ward fuel view software.
- Hardware upgrade: The currently installed fuel control terminals will be upgraded to the E. J. Ward FCT-W4 version of fuel control terminals. The W4 software and FCT-W4 terminal upgrade allows the County to continue the use of its existing OBDII W3 CANceiver (vehicle diagnostic reporting technology) and RFID transponders as well as use of the latest W4 CANceiver.
- Maintenance and Support: Provide the County service call support on a 24 hour/seven days per week basis. Service requests will be categorized as phone support or site support.
- Training: Deliver training for County staff to make users functional and proficient with the software so they can carry out their daily tasks.

The total timeframe of the project has not been fully defined by the County due to infrastructure changes underway at the fuel islands before E. J. Ward approved certified technicians can begin upgrading the existing hardware and software. Current projections: the software upgrade will be completed by the second quarter of 2018 with the fuel island terminal upgrades starting simultaneously with full project completion by summer 2018.

Both the Market Research and the agenda item indicate that it would be cost prohibitive for the County to compete this project despite the availability of competition. The contract's Commodity Code is 20554 (Microcomputers, Handheld, Laptop and

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Notebook, Environmentally Certified Products). The following SBE-G&S certified firms were found on the Business Management Workforce System under that code on September 27, 2018:

- Laser Products, Inc.
- Network & Communication Services, Inc.
- Visual Data Solutions, Inc.

ADDITIONAL INFORMATION

Per the Market Research, Palm Beach County has been using the Ward fuel management system since 1984. Also, the City of San Antonio awarded an automated fuel management contract to E. J. Ward, Inc.

The Ohio Court of Claims approved a \$1.25 million settlement between the Ohio Department of Transportation and E. J. Ward, Inc. for the company's failure to fulfill its \$6 million contract to install a system to track and improve fuel use by the department's vehicle fleet. The settlement agreement is attached.

<http://www.courtnewsOhio.gov/cases/2015/COC/1104/2014-00405.asp#.W0ekVdGWwdU>

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Research Notes**

**Item No. 8F18
File No. 181989**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00914 IN A TOTAL AMOUNT UP TO \$8,517,000.00 FOR THE PURCHASE OF PAINT AND PAINT RELATED PRODUCTS FOR VARIOUS COUNTY DEPARTMENTS FOR A TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should authorize establishment of *Prequalification Pool RTQ-00914* for the purchase of paint and paint related products for various County department for a term of five years, in a total amount up to \$8,517,000.

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

Section 2-8.5 of the County Code defines *local business* as follows:

Local business means the vendor has a valid business tax receipt issued by Miami-Dade County at least one year prior to bid or proposal submission, and a physical business address located within the limits of Miami-Dade County from which the vendor operates or performs business ("Local Business Location"). The vendor must own or lease the Local Business Location and the address or another Local Business Location where the owner maintains the appropriate business permits, must have served as the place of employment for at least three full time employees of the vendor for the continuous period of one year prior to the bid or proposal submission. In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to the County's tax base.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO

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>

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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 Department

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

ANALYSIS

The proposed resolution authorizes establishment of Prequalification Pool RTQ-00914, in a total amount up to \$8,517,000, for the purchase of paint and paint related products for various County department for a term of five years. Several departments would utilize this pool to maintain structures such as buildings, cruise terminals, offices, guard shacks, parking lots, public housing facilities, and railings, as the pool provides paint and related products.

The current pool's cumulative value is \$16,180,068 (for 11 years) and expires on November 30, 2018. A total of \$8,872,957.89 was allocated to the current pool's fifth and final OTR's Blanket Purchase Order; of that amount \$7,645,056.85 has been released (as of September 26, 2018), leaving a balance of \$1,227,901.04.

Six vendors responded to a Request to Qualify advertised under full and open competition. All vendors (listed below) are being recommended for inclusion in the pool.

Vendor	Principal Address	Local Address
Belzona Florida, LLC	14300 NW 60 Avenue, Miami Lakes, FL	Same
Caribbean Paint Company, Inc.	5295 NW 79 Avenue, Miami, FL	Same
Peggie B. Schulz, Inc. dba O-Gee Paint Company	6995 Bird Road, Miami, FL	Same
PPG Architectural Finishes, Inc. dba PPG Paints	One PPG Place, Pittsburgh, PA	1901-1903 NW 82 Street, Miami, FL
Sherwin-Williams Company	101 Prospect Avenue NW, Cleveland, OH	6232 South Dixie Highway, Miami, FL
Stein Paint Company (SBE)	545 W Flagler Street, Miami, FL	Same

After review of the bid submittal documents and receiving feedback from the Internal Services Department, OCA was able to verify that Sherwin-Williams Company and PPG Architectural Finishes, Inc. dba PPG Paints do, in fact, maintain local businesses and qualify as local vendors as defined by Section 2-8.5 of the County Code. Thus, the 75 percent local vendor requirement prescribed by Resolution No. R-477-18 is being met as all the vendors maintain local businesses.

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INPUT FROM ISD

OCA posed the following questions to the Internal Services Department. ISD's responses are in italics below.

- Address whether Sherwin-Williams Company, one of the vendors recommended for inclusion in the pool, maintains a local business as defined by Section 2-8.5 of the County Code as OCA was unable to verify this from a review of the vendor's compliance documents and bid submittal form.
Sherwin-Williams Company maintains multiple local businesses all over Miami Dade County. The following link may be used to verify current local addresses: [MIAMI-DADE LBT - SHERWIN-WILLIAMS CO.](#)
- When a vendor affirms in its bid submittal form that it is a local vendor pursuant to the definition in Section 2-8.5 of the County Code (as PPG Architectural Finishes, Inc. has done), is additional verification performed by ISD to ensure that a vendor does in fact meet all the local vendor criteria specified in the Code?
Additional verification is performed at the time of spot market competition in accordance with Section 2-8.5 of the County Code.

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**Item No. 8H1
File No. 182187**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING THE AMENDMENT TO THE LEASE AGREEMENT (LEASE) BETWEEN MIAMI-DADE COUNTY, AS LANDLORD, AND HAMMOCK MARINE CORPORATION, AS TENANT, FOR BAIT, TACKLE, FUEL AND RESTAURANT OPERATIONS AT MATHESON HAMMOCK PARK LOCATED AT 9610 OLD CUTLER ROAD, CORAL GABLES, FLORIDA 33156 AT AN ESTIMATED COST TO THE COUNTY OF \$143,300.00; RETROACTIVELY APPROVING THE SECOND AND APPROVING THE THIRD OPTIONS TO RENEW FOR THE LEASE OF FIVE YEARS EACH AT A RENT ESTIMATED TO BE NO LESS THAN \$744,000.00 FOR SAID RENEWAL TERMS; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AMENDMENT TO THE LEASE AND TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE A COPY OF THE LEASE AGREEMENT TO THE PROPERTY APPRAISER

ISSUE/REQUESTED ACTION

Whether the Board should approve the amendment to the Lease Agreement between Miami-Dade County, as landlord, and Hammock Marine Corporation, as tenant, for bait, tackle, fuel and restaurant operations at Matheson Hammock Park, located at 9610 Old Cutler Road, Coral Gables, Florida 33156; and whether the Board should retroactively approve the second and approve the third options to renew for the lease of five years each at a rent estimated to be no less than \$744,000.00 for both terms.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1532-92, adopted by the Board on December 12, 1992 authorizes award of a Lease Agreement with Hammock Marine Corporation for bait and tackle and food service concessions at Matheson Hammock Park.
(The resolution is not on Legistar. See attached copy.)

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Javier D. Souto, District 10
Department/Requester: Parks, Recreation and Open Spaces**

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

Mr. Brian May, Floridian Partners, 235 Catalonia Ave., Coral Gables 33134, noted the Red Fish Grill restaurant was destroyed by Hurricane Irma, and the Hammock Marine Corporation was trying to have it rebuilt as quickly as possible. He requested that the item be forwarded to the October 2, 2018 BCC meeting.

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

ANALYSIS

On December 15, 1992, the Board approved Resolution No. R-1532-92 which authorized award of a Lease Agreement with Hammock Marine Corporation (HMC) for the operation of the restaurant, bait and tackle and fuel dock at Matheson Hammock Park. However, the lease did not begin until September 20, 1996 due to the damage to the facilities caused by Hurricane Andrew in August of 1992. The lease was extended for a period of 10 years from September 30, 2001.

Paragraph 3 of the lease provides that there will be three options to renew, of five years each; that the first such option to renew can be exercised at the option of HMC; and that the second and third options to renew are to be exercised at the option of the

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County. At the end of the third option to renew, the Parks, Recreation and Open Spaces Department will issue an RFP for open competition for a restaurant operator. Per Florida Statutes, leases must be competitively bid out. The existing restaurant operator would be eligible to submit a proposal as would other proposers.

On January 15, 2011, HMC exercised the first option to renew for the first extension term of five years, and requested that the County exercise the second and third options to renew for the second and third extension terms. The lease was renewed on October 1, 2011 for the first extension term of five years and expired on September 30, 2016.

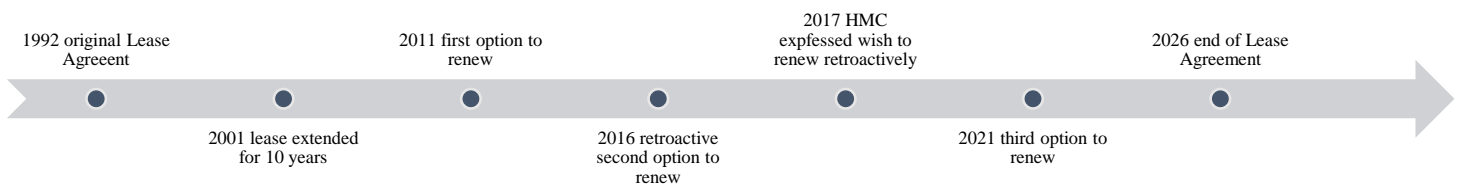
On February 27, 2017, HMC again notified the County that it wished to renew the lease to continue to operate the restaurant, bait and tackle and fuel dock at Matheson Hammock Park for two additional five-year terms (Second Extension and Third Extension as provided in Paragraph 3 of the Lease).

Hurricane Irma struck the County on September 9, 2017 and caused interior and exterior damage to the restaurant, known as Red Fish Grill Restaurant, and it remained unusable for more than 30 days. Paragraph 31 of the lease provides that if the premises are damaged to such an extent that they remain unusable for more than 30 days, the parties may terminate the lease or, at the option of the County, HMC may reconstruct the premises at its own cost.

The County and HMC wish to amend Paragraph 31 of the lease to provide that, for the damage resulting from Hurricane Irma only, the County will repair the structural damage to the exterior of the restaurant, while HMC will undertake the construction and rebuilding of the interior of the restaurant. In exchange for the County undertaking the repairs to the exterior of the restaurant, HMC will reimburse the County for 25 percent of the actual hard costs of these repairs, exclusive of any architectural, design, engineering and administrative costs associated with the repairs.

The County and HMC also wish to amend the lease to provide that the second extension term of five years, which began on October 1, 2016, be abated for a period of time not to exceed the lesser of 18 months or the period of time during which the restaurant remains closed for repairs after Hurricane Irma.

Accordingly, the proposed resolution seeks the Board's approval of the amendment to the Lease Agreement between Miami-Dade County and Hammock Marine Corporation for bait, tackle, fuel and restaurant operations at Matheson Hammock Park. In addition, the proposed resolution seeks the Board's retroactive approval of the second and approval of the third options to renew for the lease of five years each.



According to the Fiscal Impact Statement, financial terms were re-negotiated and the amended terms provide a positive fiscal impact for the two five-year options to renew of rental revenue to the County estimated to be no less than \$744,000.00, with potential for additional revenue to the extent percentage fees are applicable. Additionally, the anticipated fiscal impact to comply with the amended Lease Agreement is estimated at a cost to Parks, Recreation and Open Spaces (PROS) of \$143,300.00 related to restoring the exterior of the restaurant building to its condition prior to Hurricane Irma. As indicated above, HMC has agreed to reimburse PROS for 25 percent of the actual costs of the repairs; and PROS expects to receive reimbursement for the remaining costs of the repairs from the Federal emergency Management Agency (FEMA).

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ADDITIONAL INFORMATION

Matheson Hammock Park is one of Miami-Dade Park's Heritage Parks. In 1930, William J. Matheson and his son Hugh donated approximately 85 acres of tropical hardwood hammock forest off Old Cutler Road to Dade County, to be used and maintained perpetually as a botanical garden. This 85-acre tract of land, originally referred to as Matheson Botanical Hammock, was the County's first public park.

In 1934-35, the County purchased an additional 420 acres of mangroves and hammock lands adjacent to the park, increasing its size to more than 500 acres, with a mile of frontage on Biscayne Bay. In 1936, Civilian Conservation Corps crews were assigned to Matheson Hammock and began to develop the Bayfront park area. Throughout the years, an additional 120 acres were acquired by various means. Today, Matheson Hammock Park and Marina spans 620 acres, and receives approximately 357,000 visitors per year.

For the official Matheson Hammock Park website, click on the link below.

<http://www.miamidade.gov/parks/matheson-hammock.asp>

DEPARTMENT INPUT

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

- How many visitors does Matheson Hammock Park receive per year? Matheson Hammock Park receives approximately 357,000 visitors per year.
- What is expected to happen to the Red Fish Grill restaurant at the end of the third option to renew in 2026? At the end of the third option to renew, the Parks, Recreation and Open Spaces Department will issue an RFP for open competition for a restaurant operator. Per Florida Statutes, leases must be competitively bid out. The existing restaurant operator would be eligible to submit a proposal as would other proposers.

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Research Notes**

**Item No. 8H2
File No. 181961**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING SUBLEASE AGREEMENT BETWEEN 33032 PARTNERS, LTD., AND 33032 PARTNERS OPCO, LLC, FOR OPERATION AND COMPLIANCE WITH REAL ESTATE INVESTMENT TRUST REGULATIONS RELATED TO OPERATIONS AT BLACK POINT MARINA

ISSUE/REQUESTED ACTION

Whether the Board should approve a sublease agreement between 33032 Partners, Ltd. (Lessor) and 33032 Partners OpCo (Lessee) to allow for operations and compliance with Real Estate Investment Trust (REIT) regulations related to operations at Black Point Marina in District 8.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1312-98, adopted on December 1, 1998, authorizes the assignment of the Marine Management, Inc. lease at Black Point Park to Marina Funding Group, Inc.

<http://intra/gia/matter.asp?matter=983303&file=false&yearFolder=Y1998>

Resolution No. R-510-02, adopted on May 21, 2002, allows a lease agreement payment terms for a sub-lease and approves a sub-lease agreement between Marina Funding Group, Inc. and Southeast Total Marine Center Inc. for boat repair and detailing services at the dry storage facility at Black Point Marina.

<http://intra/gia/matter.asp?matter=021070&file=false&yearFolder=Y2002>

Resolution No. R-865-04, adopted on July 13, 2004, authorizes the assignment of Marina Funding Group, Inc. lease agreement to 33032 Partners, LTD., approves a third lease amendment to exercise two five year renewal options, removes a parcel of land from the leasehold, and modifies the minimum rent guarantee.

<http://intra/gia/matter.asp?matter=041716&file=true&yearFolder=Y2004>

Sections 856 the Internal Revenue Code of 1986 governs real estate investment trusts.

<https://www.gpo.gov/fdsys/pkg/USCODE-2010-title26/html/USCODE-2010-title26-subtitleA-chap1-subchapM-partII-sec856.htm>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Parks, Recreation and Open Spaces

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Parks and Cultural Affairs Committee at its September 13, 2018 meeting.

ANALYSIS

The proposed resolution approves a sublease agreement between 33032 Partners, Ltd. (Lessor) and 33032 Partners OpCo (Lessee) to allow for operations and compliance with REIT regulations related to operations at Black Point Marina located at 24775 SW 87 Avenue, Miami, Florida 33032 in District 8. Previous Board approved resolutions established a lease agreement for the development and operation of dry rack storage and other related services at the County's Black Point Park Marina, most recently assigning the lease to 33032 Partners via Resolution No. 865-04 on September 30, 2004.

Now, in response to an internal restructuring, 33032 Partners (Lessor) would like to enter into a sublease with 33032 Partners OpCo (Lessee) to allow for the Lessee to operate within and comply with REIT regulations. In order for a corporation, trust,

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or association to be considered a Real Estate Investment Trust for any taxable year, it must comply with the following requirements, as outlined in Sections 856(c)(2), (c)(3) and (c)(4) of the Internal Revenue Code of 1986, as amended:

(2) at least 95 percent (90 percent for taxable years beginning before January 1, 1980) of its gross income (excluding gross income from prohibited transactions) is derived from—

- (A) dividends;
- (B) interest;
- (C) rents from real property;
- (D) gain from the sale or other disposition of stock, securities, and real property (including interests in real property and interests in mortgages on real property) which is not property described in section 1221(a)(1);
- (E) abatements and refunds of taxes on real property;
- (F) income and gain derived from foreclosure property (as defined in subsection (e));
- (G) amounts (other than amounts the determination of which depends in whole or in part on the income or profits of any person) received or accrued as consideration for entering into agreements (i) to make loans secured by mortgages on real property or on interests in real property or (ii) to purchase or lease real property (including interests in real property and interests in mortgages on real property);
- (H) gain from the sale or other disposition of a real estate asset which is not a prohibited transaction solely by reason of section 857(b)(6); and
- (I) mineral royalty income earned in the first taxable year beginning after the date of the enactment of this subparagraph from real property owned by a timber real estate investment trust and held, or once held, in connection with the trade or business of producing timber by such real estate investment trust;

(3) at least 75 percent of its gross income (excluding gross income from prohibited transactions) is derived from—

- (A) rents from real property;
- (B) interest on obligations secured by mortgages on real property or on interests in real property;
- (C) gain from the sale or other disposition of real property (including interests in real property and interests in mortgages on real property) which is not property described in section 1221(a)(1);
- (D) dividends or other distributions on, and gain (other than gain from prohibited transactions) from the sale or other disposition of, transferable shares (or transferable certificates of beneficial interest) in other real estate investment trusts which meet the requirements of this part;
- (E) abatements and refunds of taxes on real property;
- (F) income and gain derived from foreclosure property (as defined in subsection (e));
- (G) amounts (other than amounts the determination of which depends in whole or in part on the income or profits of any person) received or accrued as consideration for entering into agreements (i) to make loans secured by mortgages on real property or on interests in real property or (ii) to purchase or lease real property (including interests in real property and interests in mortgages on real property);
- (H) gain from the sale or other disposition of a real estate asset which is not a prohibited transaction solely by reason of section 857(b)(6); and
- (I) qualified temporary investment income; and

(4) at the close of each quarter of the taxable year—

- (A) at least 75 percent of the value of its total assets is represented by real estate assets, cash and cash items (including receivables), and Government securities; and
- (B)(i) not more than 25 percent of the value of its total assets is represented by securities (other than those includible under subparagraph (A)),
- (ii) not more than 25 percent of the value of its total assets is represented by securities of one or more taxable REIT subsidiaries,
- (iii) except with respect to a taxable REIT subsidiary and securities includible under subparagraph (A)—

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- (I) not more than 5 percent of the value of its total assets is represented by securities of any one issuer,
- (II) the trust does not hold securities possessing more than 10 percent of the total voting power of the outstanding securities of any one issuer, and
- (III) the trust does not hold securities having a value of more than 10 percent of the total value of the outstanding securities of any one issuer.

Given that a sublease is allowable under the lease agreement with 33032 Partners, there is no need for an amendment to the 2004 lease agreement. The lease has a final expiration date of January 31, 2024 and includes a provision wherein any payments to 33032 Partners by 33032 Partners OpCo shall also be subject to percentage payments to the County. The sublease will not change the manner in which the marina is operated, nor will it result in any reduction in lease payments, or any alteration in which revenues are reported are calculated.

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Item No. 8I1
File No. 182060

Researcher: IL Reviewer: TD

RESOLUTION RETROACTIVELY DECLARING APPROXIMATELY 2,500 EXPIRED BULLETPROOF VESTS SURPLUS; WAIVING SECTION 2-11.2.1(B) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF MEMBERS PRESENT; AND RETROACTIVELY AUTHORIZING THEIR DONATION TO THE ASSOCIATION OF CARIBBEAN COMMISSIONERS OF POLICE

ISSUE/REQUESTED ACTION

Whether the Board should retroactively declare approximately 2,500 expired bulletproof vests surplus; waiving section 2-11.2.1(b) of the code of Miami-Dade County by a two-thirds vote of members present; and retroactively authorizing their donation to the association of Caribbean Commissioners of Police.

APPLICABLE LEGISLATION/POLICY

Florida Statute 274.05 Surplus Property governs the governmental unit shall have discretion to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. Within the reasonable exercise of its discretion and having consideration for the best interests of the county or district, the value and condition of property classified as surplus, and the probability of such property's being desired by the prospective bidder or donee to whom offered, the governmental unit may offer surplus property to other governmental units in the county or district for sale or donation or may offer the property to private nonprofit agencies as defined in s. 273.01(3) by sale or donation.

<http://www.flsenate.gov/Laws/Statutes/2012/274.05>

Florida Statute 273.01 governs State-Owned Tangible Personal Property_Custodian" means any elected or appointed state officer, board, commission, or authority, and any other person or agency entitled to lawful custody of property owned by the state. (2) "Property" means all tangible personal property owned by the state. (3) "Private nonprofit agency" means a nonprofit charitable organization, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, which has been held to be tax-exempt under the provisions of s. 501 of the Internal Revenue Code of 1954, and which has as its principal mission:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0273/Sections/0273.01.html

Section 2-11.2.1(b) (d) of the County Code, governs *Sale, donation or other disposition of surplus property*. To the extent not inconsistent with state or federal law, surplus property may be sold, donated or otherwise disposed of only in the manner set forth in this section. Within the reasonable exercise of its discretion and having consideration for the best interests of the County, the value and condition of the surplus property, and the probability of such property being desired by the prospective bidder to whom offered, the County shall offer surplus property in the following order of preference: first, to the Parks and Recreation Department at no cost for use in the Department's preventative programs; and thereafter, to other County departments and agencies at no cost for use in Miami-Dade County. *Exception for foreign governmental entities and certain foreign not-for-profit organizations*. Notwithstanding the foregoing, the Board of County Commissioners may waive the procedure set forth in subsection (b) above by a two-thirds (2/3) vote of members present and may donate: (i) Surplus property to a foreign governmental entity; and (ii) Surplus firefighting equipment to a foreign governmental entity or a foreign not-for-profit organization that provides firefighting services on behalf of a non-communist foreign government; upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community based organization.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.2.1DICOSUPR

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Rule 5.05(g) of the Board's Rules of Procedure authorizes the County Mayor or County Mayor's designee to administer County business during the Board of County Commissioners' annual summer recess, and directs that all actions taken pursuant to such authority be submitted to this Board for ratification at its regular meeting in October.

<https://www.miamidade.gov/cob/library/guidelines/rules-of-procedure.pdf>

PROCEDURAL HISTORY

Prime Sponsor: District 4 Commissioner Sally A. Heyman

Department/Requester: Miami Dade Police Department

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Public Safety and Health Committee at its September 13, 2018 meeting.

ANALYSIS

This item seeks Board acceptance to retroactively declare approximately 2,500 expired bulletproof vests surplus; waiving section 2-11.2.1(b) of the code of Miami-Dade County by a two-thirds vote of members present; and retroactively authorizing their donation to the association of Caribbean commissioners of police.

There is no fiscal impact to the County. Potential Social impact for Miami-Dade County to show good faith in working with neighboring Countries and their respective Law Enforcement community.

In accordance with best practices for officer safety and the policies of the MDPD, the MDPD encourages sworn police personnel and other departmental employees to wear approved body armor on-duty. Body armor, as with many kinds of specialized equipment, expires after a period of time and officers must replace the vests. Presently, the MDPD has approximately 2,500 expired vests in storage.

In disposing of these vests, the Department, in partnership with the Department of State, identified the Association of Caribbean Commissioners of Police as an appropriate organization to receive this donation. The Association represents 25 countries across the Caribbean region and also partners with many law enforcement agencies regionally and internationally. This equipment will be used by law enforcement officers of the member nations in line with their duties. The Association has expressed its appreciation to collaborate with Miami-Dade County and the MDPD.

ADDITIONAL INFORMATION

The following Countries are members of the Association of Caribbean Commissioners of Police: Anguilla, Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, Bermuda, British Virgin Islands, Curacao, Dominica, French Antilles, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Maarten, St. Vincent and the Grenadines, Suriname, Trinidad, Turks and Caicos and the United States Virgin Islands.

<http://accpolice.org/index.php/2015-10-12-13-54-12/membership>

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8K1
File No. 182063**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE FIRST AMENDMENT TO THE GROUND LEASE BETWEEN MIAMI-DADE COUNTY AND QUAIL ROOST TRANSIT VILLAGE I, LTD., A FLORIDA LIMITED PARTNERSHIP AND AN AFFILIATE OF ATLANTIC PACIFIC COMMUNITIES, LLC FOR CONTINUED SITE CONTROL OF THE MIXED-USE HOUSING AND COMMERCIAL TRANSIT ORIENTED DEVELOPMENT KNOWN AS QUAIL ROOST TRANSIT VILLAGE DEVELOPMENT UNTIL FEBRUARY 7, 2020, CORRECTING A SCRIVENER'S ERROR, ESTABLISHING A MINIMUM AND MAXIMUM NUMBER OF AFFORDABLE HOUSING UNITS TO BE CONSTRUCTED, MODIFYING THE DEFINITION OF THE TERM "BASE RENT," AND CONSENTING TO QUAIL ROOST TRANSIT VILLAGE I, LTD. SUBLEASING TO QUAIL ROOST TRANSIT VILLAGE II, LTD., A FLORIDA LIMITED PARTNERSHIP AND AN AFFILIATE OF ATLANTIC PACIFIC COMMUNITIES, LLC; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, IN ACCORDANCE WITH RESOLUTION NO. R-169-18, TO EXERCISE ANY AMENDMENTS, MODIFICATION, CANCELLATION, TERMINATION, AND RENEWAL PROVISIONS AND ANY OTHER RIGHTS CONTAINED IN THE GROUND LEASE; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO RETURN TO THE BOARD FOR ITS APPROVAL OF ANY LONG TERM GROUND LEASES AND AGREEMENTS RELATED TO THE QUAIL ROOST TRANSIT VILLAGE DEVELOPMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve the request for the First Amendment to the ground lease originally intended for Atlantic Pacific Communities, LLC to extend to Quail Roost Transit Village I, LTD., a Florida Limited Partnership and an affiliate of Atlantic Pacific Communities, LLC for continued site control of the mixed-use housing and commercial transit oriented development known as Quail Roost Transit Village development until February 7 , 2020, correcting a scrivener's error, establishing a minimum and a maximum number of affordable housing units to be constructed modifying the definition of the term "Base Rent".

APPLICABLE LEGISLATION/POLICY

Resolution No. R-169-18 adopted by the Board on February 21, 2018, which approved an award of a ground lease to Atlantic Pacific Communities, LLC, pursuant to request for proposal number 2017-01, for the purpose of designing and building a mixed-use housing and commercial transit-oriented development known as Quail Roost Transit Village with annual payments by Atlantic Pacific Communities, LLC to Miami-Dade County including a ground lease payment of \$1.00 annually and a base rent payment in the total amount of \$700,000.00; authorizing the County Mayor or County Mayor's designee to execute such ground lease agreement to provide site control of the development with Atlantic Pacific Communities, LLC, or its subsidiaries, to exercise any cancellation and renewal provisions, and to exercise all other rights contained therein, and to consent to Atlantic Pacific Communities, LLC execution of any sub-ground leases, as may be necessary; requiring the board's approvals of long-term ground lease(s) and other agreements; and directing the county mayor or the county mayor's designee to submit a report, if necessary.

<http://www.miamidade.gov/govaction/matter.asp?matter=180169&file=true&fileanalysis=false&yearfolder=y2018>

Resolution No. R-1151-16 adopted by the Board on December 6, 2016, which accepted for publication, pursuant to section 2-8.1(k) of the Code of Miami-Dade County an unsolicited proposal by Atlantic Pacific Communities, LLC for the construction of a mixed use and transit-oriented development at Quail roost and authorizing the County Mayor or the County Mayor's designee to publish a solicitation, to rank proposals and negotiate a contract for that purpose, subject to County Commissioners' approval of any such contract.

<http://intra/gia/matter.asp?matter=162540&file=true&yearFolder=Y2016>

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Resolution No. R-974-09 adopted by the Board on July 21, 2009, directing 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: Commission District 9, Commissioner, Dennis C. Moss

Department/Requester: Public Housing Community Development

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Housing and Social Services Committee at its September 13, 2018 meeting.

ANALYSIS

This item is requesting that the Board approve the first amendment to the ground lease originally intended for Atlantic Pacific Communities, LLC to extend to Quail Roost Transit Village I, LTD., a Florida Limited Partnership and an affiliate of Atlantic Pacific Communities, LLC (APC) for continued site control of the mixed-use housing and commercial transit oriented development known as Quail Roost Transit Village development until February 7, 2020, correcting a scrivener's error, establishing a minimum and a maximum number of affordable housing units to be constructed modifying the definition of the term "Base Rent".

The Adoption of the amendment will not have a negative fiscal impact on the County's General Fund. The proposed Quail Roost Transit Village development is located along the South Dade Transit Way Corridor between Quail Roost Drive and Eureka Drive in the West Perrine unincorporated area located in District 9, represented by Commissioner Dennis C. Moss. This item has a countywide impact on residents of all thirteen commission districts, as it sets a framework for a future mixed-use transit-oriented development consisting of affordable housing dwelling units that will be rented to any eligible person or households in Miami-Dade County, retail or office space, and parking spaces for exclusive use by Transit park and ride users.

APC has attempted to apply for Low-Income Housing Tax credits (LIHTC) a program administrated by the Florida Housing Finance Corporation (FHFC) to secure additional financing for the start-up and completion of the development for which they were hired to complete pursuant to R-169-18. However, the application was not approved by the FHFC.

APC intends to submit future applications to FHFC for LIHTC and must demonstrate that they continue to have site control. However, the ground lease that the Board approved will terminate on February 7, 2019. PHCD and Department of Transit and Public Works (DTPW) believe that it is in the County's best interest to execute the First Amendment in order to extend the term of the ground lease for an additional 12 months from the initial termination date, which if extended, will terminate on February 7, 2020. This would allow APC to apply for LIHTC during multiple cycles, for which the next time to apply will be on October 25, 2018.

Additionally, the First Amendment aims to correct scrivener's error, establishes a minimum and a maximum number of affordable housing units to be constructed, i.e., a minimum of 140 residential units (up to a maximum 350 residential units), modifies the definition of the term "Base Rent," and consenting to the sublease of Quail Roost Transit Village Development an affiliate of APC. PHCD and DTPW is in the process of negotiation the long term ground lease with APC.

BCC Meeting: October 2, 2018
Research Notes



**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8K2
File No. 181971**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING THE PROPOSED FUNDING RECOMMENDATIONS IN AN AMOUNT UP TO \$16,778,447.00 FOR THE FISCAL YEAR 2018 REQUEST FOR APPLICATIONS FOR THE DOCUMENTARY STAMP SURTAX PROGRAM AND STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD SUCH FUNDS, TO EXECUTE AMENDMENTS, SHELL CONTRACTS, LOAN DOCUMENTS AND OTHER TRANSACTIONAL DOCUMENTS NECESSARY TO ACCOMPLISH THE PURPOSES SET FORTH HEREIN, TO SUBORDINATE AND/OR MODIFY THE TERMS OF CONTRACTS, AGREEMENTS, AMENDMENTS AND LOAN DOCUMENTS, AND TO EXERCISE TERMINATION, WAIVER, ACCELERATION AND OTHER PROVISIONS SET FORTH THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve funding recommendations to five agencies in a combined amount totaling \$16,778,447 of Fiscal Year 2018 Documentary Stamp Surtax and State Housing Initiative (SHIP) funds for countywide multi-family affordable housing rental developments and authorizing the County Mayor to execute all contracts and documents to accomplish this purpose.

APPLICABLE LEGISLATION/POLICY

The Documentary Stamp Surtax Program provides affordable housing assistance to thousands of low- and moderate-income Miami-Dade residents. Low-income families are those households with incomes of 80 percent or less of median area income. Moderate-income families have incomes greater than 80 percent but less than 140 percent of median area income. Under Sections 201.02 and 201.031 of the Florida Statutes, certain counties are authorized to levy a surtax on documents that transfer interest in Florida real property. Transfers of interest in single-family residences are exempt from this documentary surtax. In 1984, the County exercised this authority, established a Housing Assistance Loan Trust Fund and implemented the Documentary Surtax Program.

<http://www.miamidade.gov/housing/surtax.asp>

The State Housing Initiatives Partnership Program (SHIP) is administered by Florida Housing and provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multi-family housing. The program was designed to serve very low, low and moderate income families. SHIP funds are distributed on an entitlement basis to all 67 counties and 52 Community Development Block Grant entitlement cities in Florida.

<https://www.floridahousing.org/programs/special-programs/ship---state-housing-initiatives-partnership-program>

Resolution No. R-630-13, adopted by the Board on July 16, 2013, requires a detailed project budget, sources and uses statement, certifications as to past defaults on agreements with non-County funding sources and due diligence check prior to the County Mayor recommending a commitment of County funds to social services, economic development, community development and affordable housing agencies and providers.

<http://intra/gia/matter.asp?matter=131512&file=false&yearFolder=Y2013>

PROCEDURAL HISTORY

Prime Sponsor: Housing and Social Services Committee

Requester/Department: Public Housing and Community Development

The item was forwarded to the Board with a favorable recommendation by the Housing and Social Services Committee at its September 13, 2018 meeting. The following discussion transpired at the meeting:

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- Commissioner Edmonson requested that the PHCD Director put on the record that PHCD is committed to working with the two developers (Centennial Management Corp. and HTG Paradise LLC) that met the RFA threshold but were not recommended for funding to identify resources to fund the developers' projects; the PHCD Director committed to finding the resources before the end of the year so the developers are able to close on their financials.
- Commissioner Cava stated that she has a pending item requesting repurposing some of the surtax dollars from homeownership to rental.

ANALYSIS

This item is requesting Board approval of funding recommendations totaling \$16,778,447 for the FY 2018 Request for Applications (RFA) for Documentary Stamp Surtax Program Funding and SHIP Program Funding to five agencies for countywide multi-family rental affordable housing development. The item is also requesting approval for the County Mayor or Mayor's designee to award funds and execute contracts and documents necessary to accomplish the purposes of the RFA. The RFA was advertised on April 4, 2018 and sought proposals to address high unmet needs in affordable housing including multi-family rental housing, small developments, elderly, workforce and public housing. Proposals were due May 4, 2018. The allocation breakdown per housing category is as follows:

Category	Surtax Amount	SHIP Amount
Multi-family rental	\$8,000,000	
Multi-family workforce housing		\$2,000,000
Small developments		\$2,000,000
Small developments – Liberty City/Brownsville Set-Aside	\$278,447	
Elderly Housing Developments	\$2,500,000	
Public Housing Developments	\$2,000,000	
Totals:	\$12,778,447	\$4,000,000

This award will not have a negative fiscal impact on the County's General Fund. The item is only recommending the \$16,778,447 in multi-family rental as PHCD received no eligible homeownership applications that met the established threshold. A total of 14 housing development applications were received, seven met the threshold and five are being recommended for funding. The award recommendation is summarized in the table below:

Agency	Category	Development	# of Units	Commission District	Rank	Funding
Atlantic Pacific Communities	Multi-family rental	Northside Property II, Ltd.	180 elderly units	2	1	\$7,200,000
Green Mills Group	Multi-family rental	GM Silver Creek, Ltd.	90 mixed-income new construction units	9	2	\$2,225,000
Cornerstone Group	Multi-family rental	Water's Edge Associates, Ltd.	128 mixed-income garden style units	8	3	\$2,200,000

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Research Notes

Related Urban Group	Multi-family rental	Brisas del Rio Apartments, LLC	167 elderly, disabled and mixed-income new construction units	5	4	\$3,100,000
Atlantic Pacific Communities	Multi-family rental	Residences at Dr. King Blvd., Ltd.	120 mixed-income individuals and family units	3	5	\$2,053,447
Total						\$16,778,447

Funding recommendations for affordable housing developments are subject to a full credit underwriting analysis, which must be completed with a favorable recommendation prior to contract negotiations and execution. PHCD is working on issuing another RFA for Homeownership and will submit additional items to the Board to recommend funding to homeownership projects upon conclusion of the process.

BCC Meeting: October 2, 2018
Research Notes

Item No. 8K3
File No. 181929

Researcher: PGE Reviewer: TD

RESOLUTION CONSENTING TO: (I) THE ASSIGNMENT AND ASSUMPTION OF AFFORDABLE HOUSING LOANS FOR SANTA CLARA I APARTMENTS AND JUBILEE COURTYARDS - TWO AFFORDABLE HOUSING PROJECTS - BY LINCOLN AVENUE CAPITAL LLC, (II) SUBORDINATION OF MIAMI-DADE COUNTY LOANS TO NEW FIRST MORTGAGE LOANS, (III) THE FUTURE REFINANCING OF SENIOR LOAN DEBT THROUGH THE FOUR PERCENT LOW INCOME HOUSING TAX CREDIT (LIHTC) PROGRAM AND FEDERAL HOUSING ADMINISTRATION (FHA) FINANCING, (IV) THE EXTENSION OF MATURITY DATES OF MIAMI-DADE COUNTY LOANS TO EXTEND BEYOND THE MATURITY DATES OF THE ANTICIPATED LIHTC DEBT, AND (V) FUTURE SUBORDINATION OF MIAMI-DADE COUNTY LOANS TO THE LIHTC FINANCING FOR THE SANTA CLARA I APARTMENTS; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE STANDARD ASSUMPTIONS OF MORTGAGE, ASSIGNMENTS OF LEASES AND RENTS AND SECURITY AGREEMENT AND OTHER LOAN DOCUMENTS, LOAN MODIFICATIONS, AND AMENDED RENTAL REGULATORY AGREEMENTS

ISSUE/REQUESTED ACTION

Whether the Board should approve: (1) the assignment and assumption of County affordable housing loans for Santa Clara I Apartments and Jubilee Courtyards by Lincoln Avenue Capital, LLC; (2) subordination of the County loans to the new first mortgage loans; (3) the future refinancing of senior loan debt through the four percent Low Income Housing Tax Credit (LIHTC) program and FHA-insured financing; (4) the extension of the maturity dates of the County loans to extend beyond the maturity dates of the anticipated LIHTC debt; and (5) future subordination of the County loans to the LIHTC financing for the Santa Clara I Apartments.

APPLICABLE LEGISLATION/POLICY

The Low-Income Housing Tax Credit (LIHTC) Program was created by the Tax Reform Act of 1986 and gives State and local LIHTC-allocating agencies the equivalent of nearly \$8 billion in annual budget authority to issue tax credits for the acquisition, rehabilitation, or new construction of rental housing targeted to lower-income households.

<https://www.huduser.gov/portal/datasets/lihtc.html>

Resolution No. R-1349-00, adopted by the Board on December 14, 2000, approved the Fiscal Year 2001 funding recommendations for the State Housing Initiative Partnership and Surtax programs, authorizing the filing with the U.S. HUD of the County's Fiscal Year 2001 Action Plan with projected uses of funds for the County's Community Development Block Grant, Home Investment Partnership and Emergency Shelter Grant Programs.

<http://intra/gia/matter.asp?matter=003258&file=false&yearFolder=Y2000>

Resolution No. R-1355-01, adopted by the Board on December 4, 2001, approved the Fiscal Year 2002 funding recommendations for the State Housing Initiative Partnership and Surtax programs, authorizing the filing with the U.S. HUD of the County's Fiscal Year 2002 Action Plan with projected uses of funds for the County's Community Development Block Grant, Home Investment Partnership and Emergency Shelter Grant Programs.

<http://intra/gia/matter.asp?matter=020126&file=false&yearFolder=Y2002>

Resolution No. R-940-02, adopted by the Board on September 12, 2002, authorized the County Mayor to amend prior years action plans to reflect the recapture of \$1,000,000 of Home funds from completed projects with unexpended balances, projects with expired contracts, and/or projects that are no longer viable and the reallocation of these funds to Santa Clara Apartments, Ltd. for its 208 unit rental housing project.

<http://intra/gia/matter.asp?matter=022689&file=false&yearFolder=Y2002>

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Research Notes

Resolution No. R-1287-98, adopted by the Board on November 24, 1998, approved the funding recommendations for the State Housing Initiative Partnership and Surtax programs, authorizing the filing with the U.S. HUD of the County's Fiscal Year 1999 Action Plan with projected uses of funds for the County's Community Development Block Grant, Home Investment Partnership and Emergency Shelter Grant Programs.

<http://intra/gia/matter.asp?matter=990099&file=false&yearFolder=Y1999>

PROCEDURAL HISTORY

Prime Sponsor: Housing and Social Services Committee

Requester/Department: Public Housing and Community Development

This item was forwarded to the Board with a favorable recommendation by the Housing and Social Services Committee at its September 13, 2018 meeting.

ANALYSIS

The purpose of this item is for the Board to approve the acquisition of two affordable housing properties – Santa Clara Apartments I and Jubilee Courtyards – by Lincoln Avenue Capital LLC, a foreign limited liability company with a principal address of 595 Madison Avenue, Suite 1601, New York, NY. Under the resolution, Lincoln Avenue Capital LLC's affiliate entity, Santa Clara Apartments LLC, will acquire the leasehold interest in Santa Clara Apartments I from its current owner, Santa Clara Apartments Ltd. The loans for Santa Clara Apartments I will be subordinated and modified at the time of closing.

Lincoln Jubilee GP LLC and Lincoln Jubilee LP LLC, both affiliates of Lincoln Avenue Capital LLC, will acquire the general and limited partner interests in Jubilee Courtyards Associates Ltd. The sellers have agreed to payoff and have paid the outstanding debt owed to the County. The payoff to the County was \$1,150,780.49.

Per information found in the LIHTC Database, Santa Clara houses a total of 204 apartment units, and all of the units are designated for low-income residents. Santa Clara is located at 1251 NW 21 ST, in Commission District 3 which is represented by Commissioner Edmonson. Jubilee Courtyards houses a total of 98 apartment units, and all of the units are designated for low-income residents. Jubilee is located at 119 South Redland Road, in Commission District 9 which is represented by Commissioner Moss. Lincoln Avenue Capital LLC intends in the near future to complete a substantial rehabilitation of the properties using four percent tax credits and FHA-insured financing.

Lincoln Avenue Capital's website (<https://lincolnavecap.com/>) states that the company's primary focus is to provide low-income families with affordable housing through LIHTC transactions and other related subsidies, including Section 8 programs from the U.S. HUD. Both Jubilee Courtyards and Santa Clara II are featured under the company's portfolio on its website. Other affordable housing communities in the Miami region under its portfolio are: Allapattah Gardens, Cabana Club Apartments (Cutler Bay), Cameron Creek Apartments (Florida City), Douglas Pointe Apartments (Miami Gardens), and Westview Gardens Apartments.

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 8L1
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 was forwarded to the BCC with a favorable recommendation by the Economic Development and Tourism Committee at its September 14, 2018 meeting. Prior to passage, Commissioner Moss asked the Assistant County Attorney the following questions:

Commissioner Moss: This is an agreement where we are approving this company to come into Miami-Dade County and provide these services, is that correct?

- Assistant County Attorney: Yes.

Commissioner Moss: Does this agreement allow the BCC to later impose additional requirements on this particular agreement?

- Assistant County Attorney: Yes.

Commissioner Moss: So if there are other consumer safeguards that need to be applied, we can then impose those additional consumer protections into these PACE agreements?

- Assistant County Attorney: This is the fourth PACE agreement before the Board—all the others have already been approved. If the Board wishes to amend the County Code and add additional consumer protections to the County Code provisions governing these PACE agreements, the changes would affect all PACE agreements and apply to all PACE providers in unincorporated Miami-Dade County.

BCC Meeting: October 2, 2018
Research Notes

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 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.

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Research Notes

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>

INPUT FROM RER

OCA posed the following questions to the Regulatory and Economic Resources Department. RER's response is below in italics:

- How many homes and businesses participate in the PACE Program in Miami-Dade County?
- The assessment can be amortized over a period of five to up to 20 years. What is the average length of time in which these assessments are being paid? Are liens having to be imposed for nonpayment? If so, how many liens have been imposed?

As stated in the item, the purpose of a 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. Resolution No. R-324-16 directed that agreements with each PACE District include terms that require the PACE District to acknowledge the role of the County in bringing PACE benefits to property owners, but also makes clear that PACE contractual agreements with property owners 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.

Green Corridor Property Assessment Clean Energy District/Ygrene reported that since authorized by the Board (7/16) to June 4, 2018, they have funded 4,060 projects. Florida Green Finance Authority/Renew Financial Group, LLC reported that since authorized by the Board (5/2017) to June 1, 2018, they have funded 148 projects. The other two providers approved by the Board to operate in Miami-Dade County will provide their first report next year (one year after BCC approval).

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Item No. 8L2, 8L3, 8L4
File No. 182056, 182057, 182058

Researcher: MF Reviewer: TD

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 16.7 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 ASESORIA Y DESARROLLADO COSTARRICENSE, S.A., AS SELLERS, FOR A PURCHASE PRICE OF \$125,000.00 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

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 4.47 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 A. PURA OAKLEY AS SELLER FOR A PURCHASE PRICE OF \$18,500.00 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

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 FRANK B. HALPERN AS SELLER 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

Whether the Board should accept an "Assignment of Option to Purchase" for approximately 16.7 acres of South Dade Wetlands Project within the Environmentally Endangered Lands Program acquisition site with the Nature Conservancy as assignor,

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Miami-Dade County as assignee, and Asesoria y Desarrollado Costarricense, S.A., as sellers, for a purchase price of \$125,000.00 using Building Better Communities General Obligation Bond Program funds. Whether the Board should authorize the use of the Environmentally Endangered Lands Acquisition Trust Fund instead, if GOB Program funds are unavailable. (Item 182056)

Whether the Board should accept the “Assignment of Option to Purchase” approximately 4.47 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 A. Pura Oakley as seller, for a purchase price of \$18,500.00 using Building Better Communities General Obligation Bond Program funds. Whether the Board should authorize the use of the Environmentally Endangered Lands Acquisition Trust Fund for this purchase instead, if GOB Program funds are unavailable. (Item 182057)

Whether the Board should accept the “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 Frank B. Halpern as seller, for a purchase price of \$50,000.00 using Building Better Communities General Obligation Bond Program funds. Whether the Board should authorize the use of the Environmentally Endangered Lands Acquisition Trust Fund for this purchase instead, if GOB Program funds are unavailable. (Item 182058)

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](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

Miami-Dade County Code, Chapter 24, Division 3, defines nuisance, sanitary nuisances; and provides enforcement, remedies and penalties.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV3EN](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV3EN)

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: Dennis C. Moss, District 9

Department/Requester: Regulatory and Economic Resources

The proposed resolutions were considered at the September 12, 2018 Infrastructure and Utilities Committee meeting; and were forwarded to the BCC with favorable recommendations.

ANALYSIS

Concerned about continuing loss of pinelands and other natural areas, Miami-Dade County voters approved a property tax that was collected between 1990 and 1992 to fund the acquisition, protection and maintenance of environmentally endangered lands. The Miami-Dade County’s Environmentally Endangered Lands (EEL) Program identifies and secures these lands for preservation. The EEL Program and its partners purchased approximately 22,211 acres of environmentally endangered lands into public ownership since 1990.

Resolution 182056 seeks the Board’s approval of the Assignment of Option to Purchase as negotiated by the Nature Conservancy for the Environmentally Endangered Lands (EEL) Program. According to the Fiscal Impact Statement, the

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appraised value of the three parcels comprising approximately 16.7 acres is \$140,000 and the negotiated purchase price is \$125,000. Building Better Communities General Obligation Bond Program funding under Project No. 2, Site No. 70230, will be used for this purchase.

The parcels proposed for acquisition are located within the South Dade Wetlands EEL Project. The Project acquires land in this area because of its strategic location between the Everglades National Park and Biscayne National Park, and within the watersheds of Florida Bay, Biscayne Bay, and Card and Barnes Sounds. The parcels are located on the southeast corner of the intersection of SW 376 Street and US1 and are outside the Urban Development Boundary. (Please see attached South Dade Wetlands Project map).

Resolution 182057 seeks the Board's approval of the Assignment of Option to Purchase as negotiated by the Nature Conservancy for the Environmentally Endangered Lands (EEL) Program. According to the Fiscal Impact Statement, the appraised value of the approximately 4.47-acre parcel is \$21,100 and the negotiated purchase price is \$18,500. Building Better Communities General Obligation Bond (BBC-GOB) Program funding under Project No. 2, Site No. 70230, will be used for this purchase.

The parcel proposed for acquisition is located within the South Dade Wetlands EEL Project. It is critical to acquire land in this area because of its strategic location between the Everglades National Park and Biscayne National Park, and within the watersheds of Florida Bay, Biscayne Bay, and Card and Barnes Sounds. The parcel is located south of SW 408 Street, north of SW 424 Street, west of SW 117 Avenue, and east of SW 127 Avenue; and is outside of the Urban Development Boundary. (Please see attached South Dade Wetlands Project map).

Resolution 182058 seeks the Board's approval of the Assignment of Option to Purchase as negotiated by the Nature Conservancy for the Environmentally Endangered Lands (EEL) Program. According to the Fiscal Impact Statement, the appraised value of two non-contiguous five-acre parcels comprising approximately 10 acres is \$65,000 and the negotiated purchase price is \$50,000. Building Better Communities General Obligation Bond (BBC-GOB) Program funding under Project No. 2, Site No. 70230, will be used for this purchase.

The parcels proposed for acquisition are located within the South Dade Wetlands EEL Project. It is critical to acquire land in this area because of its strategic location between the Everglades National Park and Biscayne National Park, and within the watersheds of Florida Bay, Biscayne Bay, and Card and Barnes Sounds. The purchase is for a single folio number that consists of two non-contiguous five-acre parcels within Section 9 of Township 58 south, Range 39 East in Miami-Dade County. (Please see attached South Dade Wetlands Project map).

As of May 31, 2018, the remaining balance under the BBC-GOB Program for allocations towards EEL acquisitions is \$10,980,014. In the event that BBC-GOB Program funds are not available, the EEL Acquisition Trust Fund may be used for this acquisition. As of May 31, 2018, the balance of the EEL Trust Fund is \$33,275,104.31, of which \$21,375,014.80 is reserved for acquisition and \$11,900,089.51 is reserved for management.

ADDITIONAL INFORMATION

Founded in 1951, the Nature Conservancy is one of the world's leading conservation organizations. Its mission is to conserve the lands and waters on which all life depends.

<https://www.nature.org/about-us/vision-mission/history/index.htm?intc=nature.tnav.about>

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 Nos. 8L5, 8L6, 8L7

File No. 182048, 182049, 182050

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 (File Number 182048)

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 (File Number 182049)

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 (File Number 182050)

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.

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.

Whether the Board should approve a Television, Film and Entertainment Production Incentives Program Grant Agreement between Miami-Dade County and Media Max Films 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>

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Research Notes

PROCEDURAL HISTORY

Department/Requester: Regulatory and Economic Resources Department

The proposed resolutions were considered at the September 14, 2018 Economic Development and Tourism Committee meeting.

Pursuant to Commissioner Souto's question regarding the content of the films that were the subjects of the proposed resolutions, Ms. Sandy Lighterman, Chief of Film and Entertainment, Regulatory and Economic Resources Department, noted "Critical Thinking" was a feature film starring John Leguizamo, and based on a true story that happened at Jackson High School; the "Row II" was a horror movie produced by Randell Emmett who was born and raised in Miami; and "Snowbirds" was a film starring Susan Sarandon regarding a couple that relocates to Miami from Canada.

In response to Commissioner Souto's question as to whether these were family movies, Ms. Lighterman stated that horror movies were usually R-rated; however, the other two movies were rated either PG or PG-13.

Commissioner Moss rejoiced in the investments that the County was making in the movie industry. He pointed out that the return on the investment was outstanding; and Miami was the perfect location. He said that the County had to fight to regain the opportunities that were lost because of the misguided policies of the past. Commissioner Moss expressed the belief that the proposed resolutions would begin to move the County in the right direction.

Chairwoman Sosa said she concurred with Commissioner Moss' comments. She lamented that the County lost CSI-Miami and so many more productions; and at the same time, the State refused to provide funding to help bring the film industry to the County. Commissioner Sosa noted the industry was beneficial to the County not only because of the economic advantages that it generated, but also because of the local jobs that it created.

The proposed resolutions were forwarded to the BCC with favorable recommendations.

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 between \$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 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.

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Research Notes

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. Since July 18, 2017, the Board has approved the following projects:

- R-1257-17/ I Am Frankie
- R-221-18/ Tio Papi

The following item is pending October 2018 committee assignment:

- 182197/ Club 57

The total expected local expenditure for “I Am Frankie, Season 2” will be a projected \$5,408,625, generating employment for 96 Miami-Dade County residents for the length of the 50 projected production days associated with this project.

The total expected local expenditure for “Tio Papi” is projected at \$1,074,802, generating employment for more than 50 Miami-Dade County residents for the length of the 20 projected production days associated with this project.

The total expected local expenditure for “Club 57” is projected at \$4 million, generating employment for 62 Miami-Dade County residents for the length of the production schedule associated with this project.

The Row 2, LLC (Item 182048)

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.

Critical Thinking, LLC (Item 182049)

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.

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Media Max Films (Item 182050)

Media Max 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 Statements for the proposed resolutions, funding for the agreements will come from the Countywide General Fund and will be contingent upon an audit of the projects and their 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.

If the proposed resolutions are adopted, a total of 6 projects will have been approved since inception of the program.

Title	Date Awarded	Local Expenditure (projected)	Residents Employed (projected)
I am Frankie	12/19/2017	\$5,408,625	96
Tio Papi	3/6/2018	\$1,074,802	50
The Row 2	10/2/2018	\$1.2 million	52
Critical Thinking	10/2/2018	\$3.5 million	95
Snowbirds	10/2/2018	\$3 million	75
Club 57	Not yet awarded	\$4 million	62

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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Research Notes**

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Regulatory and Economic Resources Department, and has received the following answers:

- How many films have been sponsored under the Television, Film and Entertainment Production Incentive Program since its creation in 2017?

Resolution No. R-783-17 creating the Television, Film and Entertainment Production Incentive Program was approved by the Board on July 18, 2017. Since then the Board has awarded the following:

- **R-1257-17/ I Am Frankie**
- **R-221-18/ Tio Papi**

The following item is pending October committee assignment:

- **182197/ Club 57**

If the proposed resolutions are adopted at the October 2nd BCC meeting, a total of 6 projects will have been approved since the inception of the program.

- How many Miami-Dade County residents have been employed as a result of the program?

The total expected local expenditure for “I Am Frankie, Season 2” will be a projected \$5,408,625, generating employment for 96 Miami-Dade County residents for the length of the 50 projected production days associated with this project.

The total expected local expenditure for “Tio Papi” is projected at \$1,074,802, generating employment for more than 50 Miami-Dade County residents for the length of the 20 projected production days associated with this project.

The total expected local expenditure for “Club 57” is projected at \$4 million, generating employment for 62 Miami-Dade County residents for the length of the production schedule associated with this project.

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Research Notes**

**Item No. 8N1
File No. 181654**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 1 TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN URS CORPORATION SOUTHERN AND MIAMI-DADE COUNTY FOR THE STATE ROAD 836 EXPRESS BUS SERVICE – PARK & RIDE/BUS TERMINAL PROJECT, CONTRACT NUMBER CIP097-CT1-TR14, INCREASING CONTRACT AMOUNT BY \$497,387.00 AND CONTRACT TIME BY 495 CALENDAR DAYS (Transportation and Public Works)

ISSUE/REQUESTED ACTION

Whether the Board should authorize a supplemental agreement No. 1 for a Professional Services Agreement between URS Corporation Southern and Miami-Dade County for the State Road 836 Bus Service – Park & Ride/ Bus Terminal Project, Contract No. CIP097-CT1-TR14, increasing contract amount by \$497,387.00 and contract time by 495 Calendar Days.

APPLICABLE LEGISLATION/POLICY

Section 2-10.4 (6) of the County Code establishes the policies and procedures with respect to bond transactions and the County's bond underwriting procurements.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Section 2-11.1 of the County Code creates a minimum standard of ethical conduct and behavior for all County officials, officers, and employees.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR

Resolution No. R-421-16, adopted by the Board on May 17, 2016, requires the County Mayor Or County Mayor's Designee to attach to all items recommending Design and/or Construction Contract Awards of \$1,000,000.00 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor's work; and requiring all County departments to complete contractor evaluations before closing out a contract and making final payment to a contractor.

<http://www.miamidade.gov/govaction/matter.asp?matter=160124&file=true&fileAnalysis=false&yearFolder=Y2016>

Resolution No. R-400-16, adopted by the Board on May 17, 2016 awarding a Professional Services Agreement with URS Corporation Southern to provide Design Services for State Road 836 Express Bus Service – Park & Ride/Bus Terminal, Contract No.: CIP097-CT1-TR14, In an amount not to exceed \$1,273,596.27 and authorizing the County Mayor Or County Mayor's Designee to execute same; and authorizing the use of Charter County Transportation Surtax Funds for such purposes.

<http://intra/gia/matter.asp?matter=160713&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Department of Transit and Public Works

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Transportation and Public Works Committee at its July 18, 2018 meeting.

The proposed resolution was deferred by BCC at the meeting held on September 5, 2018. Commissioner Jose "Pepe" Diaz requested the deferral pending clarifications from DTPW.

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ANALYSIS

This item is requesting Board authorization for supplemental agreement No. 1 for a Professional Services Agreement between URS Corporation Southern and Miami-Dade County for the State Road 836 Bus Service – Park & Ride/ Bus Terminal Project, Contract No. CIP097-CT1-TR14, increasing contract amount by \$497,387.00 and contract time by 495 Calendar Days.

The Fiscal Impact of this project is \$497,387.00 with a term of 495 days and the projected Districts to be impacted are Commission District 11, represented by Joe Martinez and Commission District 12, represented by Jose “Pepe” Diaz.

The following funding sources are used to potentially fund the project:

Funding Source: FTA Section 5307/5309 Formula. Project No.6730101 Adopted FY 17-18 Budget, Volume 2, Page 155

Funding Sources: City of Homestead Contribution, FDOT Funds, FDOT- County Incentive Grant Program, FTA Section 5307/5309 Formula Grant, Operating Revenue and People Transportation Plan Bond Program

The timeline below is intended to show the historical track of this agreement:

Time Line

Effective Date	Term	Value	Total Paid	Balance After Amendment
05/17/2016 (Original with 1, one year option-to-renew)	1,595 Calendar days (inclusive of contingency)	\$1,273,596.27	\$1,000,597.16	\$609,387.63
10/05/2018 (OTR)	495 Calendar days (inclusive of contingency)	\$ 497,387.00		\$160,998.48
Total	Calendar Days 2090	\$ 2,130,318.19	\$1,000,597.16	\$770,386.11

Under the contract, URS Corporation Southern Elements of the work include, but are not limited to, the Park-and-Ride/Transit Terminal Facilities at SW 8 Street and 147 Avenue, a new multimodal bus terminal at Florida International University (FIU), located approximately at SW 8 Street and SW 112 Avenue; road improvements (including sidewalks, crossings, ramps, signals, and other features related to the safe movement of pedestrians); transit preferential treatments, including transit signal priority; queue-jump and by-pass lanes design and operations; signing and pavement markings; signalization; traffic studies, simulations and signal warrant analysis; soils and subsurface investigation; surveying services; drainage; lighting; utility coordination/relocation; landscaping; maintenance of traffic (design a safe and effective Traffic Control Plan to move vehicular and pedestrian traffic during all phases of construction); define environmental site assessment issues; conduct close coordination with the Department of Regulatory and Economic Resources Environmental Resource Management Division to obtain environmental permits; prepare environmental wetland mitigation plans; obtain required site plan environmental clearances, and address Americans with Disabilities Act requirements and regulations and all necessary incidental items for a complete project. If required, the scope of work will also include right-of-way engineering, including, but not limited to, ordering title search reports, land boundary determination for parcel acquisitions either in fee or easement, performing appraisal reports, and business/residential relocation support.

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The services are broken down as follows:

Request for Information (RFI) – URS will respond to RFIs during construction pertaining to the design documents
Shop Drawing/Submittal – URS will review and approve shop drawings/submittals prepared by the Contractor. Contractor shall not perform the construction work without approved shop drawings.
Construction Assistance – URS will review design changes requested by the Contractor and provide comments and approvals/concurrence. URS will provide design services as a result of unforeseen field condition, URS will review and provide comments to changes received from the Contractor.
Job Site Visits/Meetings – URS will perform construction site visits to review the project construction for design intent compliance/general compliance with the contract documents.
Construction Meetings – URS will attend weekly construction progress meetings and post-construction meetings.
The major tasks performed during Bid and Award process in the amount of \$55,253 are as follows:
1. Prepare initial bid documents for DTPW to proceed with the Contractor selection process. Assist with preparing addenda to bid documents and respond to RFIs from bidders.
2. Attend pre-bid conference and assist DTPW with bid evaluations. Participate in pre-contract negotiations and attend pre-construction meeting.

The “Near-Term Transportation Plan for Miami-Dade County” was developed by the TPO in October 2010 to plan DTPW service improvements along transit corridors identified in the People’s Transportation Plan as priorities for the establishment of a successful rail transit system. The Project will improve transit services along the East-West corridor to ultimately stimulate transit ridership and support the development of a rail transit system along the East-West corridor in accordance with the goals included in the Near-Term Transportation Plan.

The original contract CIP097-CT1-TR14 was effective on May 17, 2016 this Project was approved, and a notice-to-proceed for final design for the Tamiami and Panther Stations was issued on June 16, 2016. Based on the April 2018 project schedule update, the 100 percent design documents are scheduled for completion by August 2018, the Building Department’s dry-run permit process is scheduled for completion by October 2018, and the advertisement for the construction contracts is scheduled for December 2018. Therefore, Supplemental Agreement No. 1 requests approval to exercise the option to retain URS Corporation Southern to perform Design services during construction, anticipated to commence by November 2018, and avoid potential schedule delays.

OCA performed a search of the technical certifications on the Business Management Workforce System on September 23, 2018, the SBE A&E firms found are listed in the table below:

Technical Certification	Description	SBE A/E Firms
16.00	General Civil Engineering	None
1.02	Transportation Planning – Mass and Rapid Transit Planning	Seven local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
2.04	Mass Transit Controls, Communications & Information Systems	Two local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification

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2.05	General Quality Engineering	One local SBE-A&E certified firm was found on the Business Management Workforce System under the aforementioned Technical Certification
3.01	Highway Systems – Site Development and Parking Lot Design.	52 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.02	Highway Systems – Highway Design	38 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.04	Highway Systems- Traffic Engineering Studies	14 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.05	Highway Systems – Traffic Counts	Nine local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.07	Highway Systems – Traffic Signal Timing	11 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.08	Highway Systems – Intelligent Transportation Systems Analysis, Design, and Implementation	Four local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.09	Highway Systems – Signing, Pavement Marking, and Channelization	47 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.10	Highway Systems – Lighting	20 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.11	Highway Systems – Signalization	24 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
6.01	Water and Sanitary Sewer Systems - Water Distribution and Sanitary Sewage Collection and Transmission Systems	62 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
9.01	Drilling Subsurface Investigations and Seismographic Services	Nine local SBE-A&E certified firms were found on the Business Management

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		Workforce System under the aforementioned Technical Certification
9.02	Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	11 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
9.03	Concrete and Asphalt Testing Services	Four local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.01	Environmental Engineering – Stormwater Drainage Design Engineering Services	51 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.05	Contamination Assessment and Monitoring	15 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.06	Remedial Action Plan Design	Seven local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.07	Remedial Action Plan Implementation Operation/Maintenance	Six local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
15.01	Surveying and Mapping – Land Surveying	13 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
15.03	Underground Utility Location	Seven local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification

Pursuant to Resolution No. R-421-16 a PERFORMANCE RECORD verification was conducted by OCA in the Capital Improvements Information System (CIIS): There are 131 performance evaluations in the Capital Improvements Information Systems Database reflecting an average rating of 3.2 points out of 4.

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**Item No. 8N2
File No. 181724**

Researcher: IL Reviewer: TD

RESOLUTION ACCEPTING AN IMPLIED OFFER OF DEDICATION FOR A PORTION OF SW 216 STREET FROM 50 FEET EAST OF SW 122 AVENUE TO 100 FEET EAST THEREOF, IN SECTION 13, TOWNSHIP 56 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should accept an implied offer of dedication for a portion of SW 216 from 50 feet East of SW 122 Avenue to 100 feet East thereof, in Section 13, Township 56 South, Range 39 East, Miami-Dade County, Florida, and authorizes the recordation thereof in the Public Records of the County.

APPLICABLE LEGISLATION/POLICY

Resolution R-699-17, adopted on July 6, 2017, accepted an implied offer of dedication for a portion of SW 216 Street between US-1 (State Road 5) and approximately 170 feet West of SW 115 Avenue, in Section 7, Township 56 South, Range 40 East, Miami-Dade County, Florida.

<http://www.miamidade.gov/govaction/matter.asp?matter=171367&file=true&fileAnalysis=false&yearFolder=Y2017>

Resolution R-974-09, adopted on July 21, 2009, directed that any resolution authorizing the execution of instruments creating a county interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

<http://www.miamidade.gov/govaction/matter.asp?matter=091900&file=true&fileAnalysis=false&yearFolder=Y2009>

PROCEDURAL HISTORY

Prime Sponsor: District 9 Commissioner Dennis C. Moss

Department/Requester: Department of Transit and Public Works

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Government Operations Committee at its September 12, 2018 meeting. Prior to passage Commissioner Dennis C. Moss: "To staff, Do we have any idea in terms of the 216th Street Project as to when it will start".

Manny Garcia (DTPW): "The item is on the counter as we speak, we should be getting the bids more or less in one week and begin NTP in about 3 weeks, we are looking to begin the project in late November or early December".

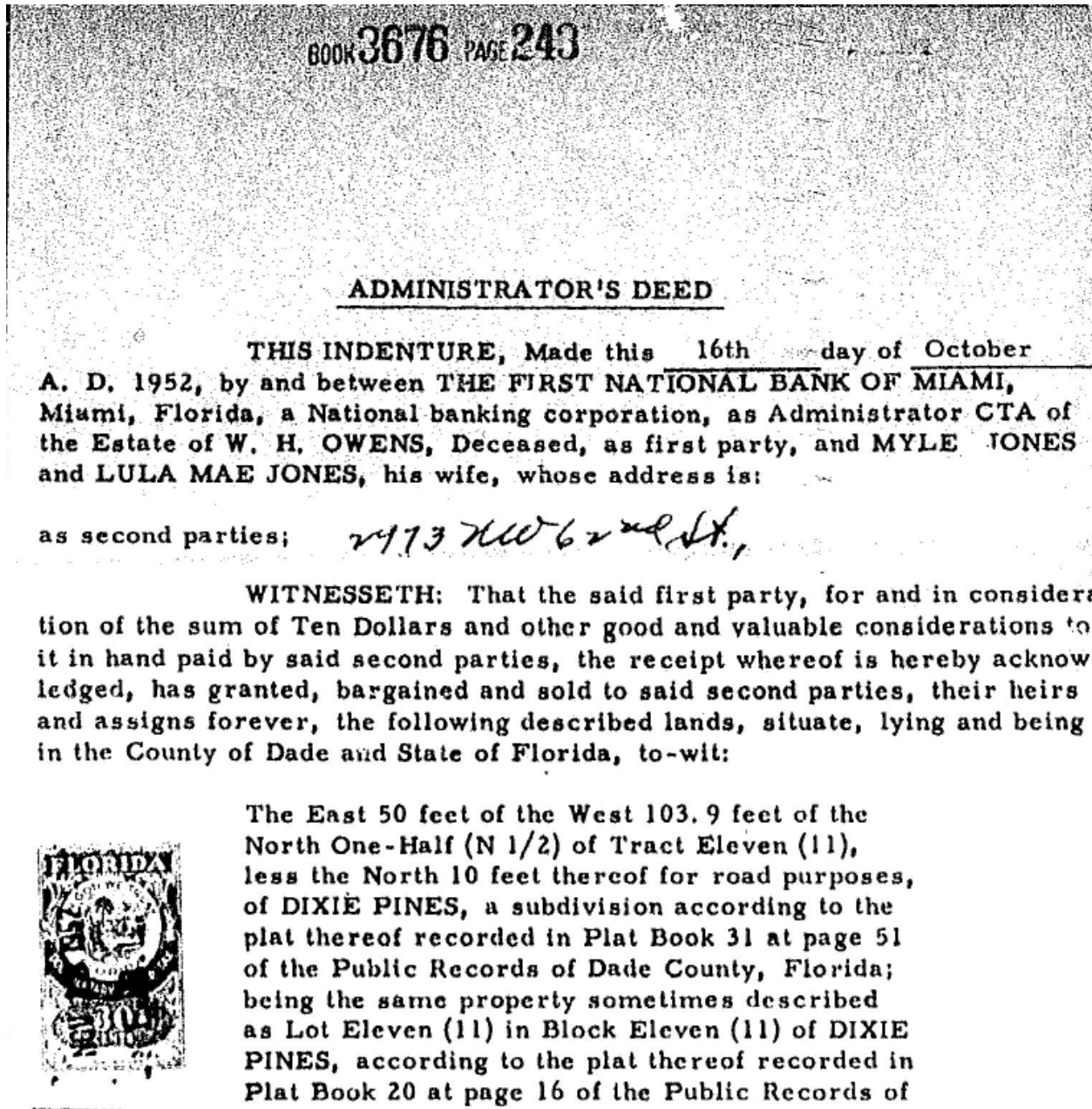
ANALYSIS

This item seeks Board acceptance of an implied offer of dedication for a portion of SW 216 Street from 50 feet East of SW 122 Avenue to 100 feet East thereof, in section 13, Township 56 south, Range 39 East, Miami-Dade County, Florida and authorizing the County Mayor or County Mayor's designee to take all actions to effectuate same.

There is no fiscal impact associated with this resolution.

On October 16, 1952, The First National Bank of Miami, as Administrators C.T.A. of the Estate of W.H. Ownes, deceased, conveyed said property to Myle and Lula Jones, via an Administrative Deed recorded at Deed Book 3676, Page 243, of the Public Records of Miami-Dade County, Florida ("Attachment 1"). Said Warranty Deed expressed an implied offer to dedicate the North 10 feet of the property abutting SW 216 Street for road purposes. As such, successors in title to this property did not

have an ownership interest in such 10 feet. There is no information in the public records that would withdraw, revoke, or impair the implied offer of dedication. In order to protect the public right-of-way, DTPW recommends the acceptance of such implied offer as set forth in the attached resolution.





Dade County, Florida;

Subject to conditions, limitations and restrictions of record, provisions of applicable zoning laws and to public utility and other easements, if any, and to taxes subsequent to the year 1951.

The grantor herein is the duly appointed and qualified Administrator CTA of the Estate of W. H. Owens, Deceased, now being probated in the County Judge's Court of Dade County, Florida, Probate No. 25,701.

And the said first party hereby warrants the title to said premises solely as such Administrator CTA and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under it as such Administrator CTA.

IN WITNESS WHEREOF, the said first party has caused this instrument to be executed in its name by its duly authorized and constituted officers ~~the day~~ and year first above written and its corporate seal to be hereunto affixed.

(Corporate Seal)

Attest:

THE FIRST NATIONAL BANK OF MIAMI

By H. K. Hays
Trust Officer

As Administrator CTA of the Estate of
W. H. Owens, Deceased.

Signed, Sealed and Delivered
in the presence of:

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**Item No. 8N3
File No. 181721**

Researcher: IL Reviewer: PGE

RESOLUTION APPROVING AN OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF IMPROVEMENTS ALONG NW 74 STREET FROM NW 74 AVENUE TO NW 69 AVENUE AND NW 69 AVENUE FROM NW 74 STREET TO THE FEC HIALEAH RAIL YARD; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the execution of an Off-System Construction and Maintenance Agreement between the County and the Florida Department of Transportation (FDOT) for the construction of improvements along NW 74 Street from NW 74 Avenue to NW 69 Avenue and NW 69 Avenue from NW 74 Street to the FEC Hialeah Rail Yard.

APPLICABLE LEGISLATION/POLICY

Section 339.135 of the Florida Statutes relates to transportation work programs and FDOT's budgeted fiscal year expenditures.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0339/Sections/0339.135.html

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Department of 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 September 14, 2018 meeting.

ANALYSIS

This item seeks Board approval of an Off-System Construction and Maintenance Agreement between the County and FDOT for the construction of improvements along NW 74 Street from NW 74 Avenue to NW 69 Avenue and NW 69 Avenue from NW 74 Street to the FEC Hialeah Rail Yard. The work shall include:

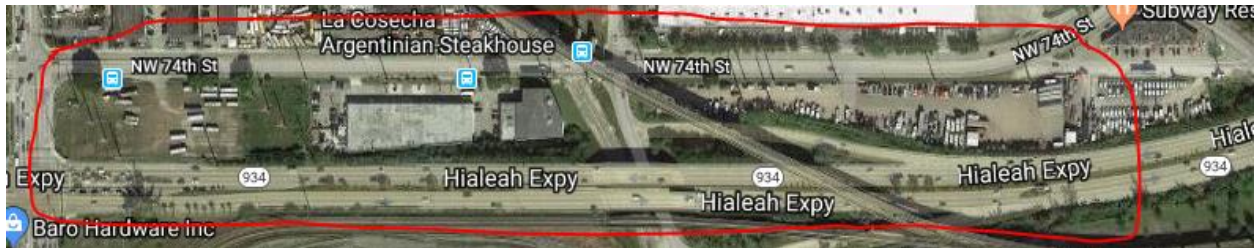
- repaving and restriping roadways;
- reconstructing NW 74 Street from NW 74 Avenue to NW 72 Avenue and along NW 69 Avenue from NW 74 Street to the FEC Hialeah Rail yard entrance;
- Adding new drainage along NW 74 Street from NW 74 Avenue to NW 72 Avenue and along NW 69 Avenue from NW 74 Street to the FEC Hialeah Rail Yard;
- Upgrading traffic signage and pavements markings;
- Adding new lighting along NW 74 Street from NW 74 Avenue to NW 69 Avenue;
- Upgrading existing signalization at the following intersections: NW 74 Street and NW 74 Avenue; NW 74 Street and NW 72 Avenue; and NW 74 Street and NW 69 Avenue; and
- Eliminating the following intersection movements: Left turn from southbound NW 74 Avenue to eastbound SR 934/NW 74 Street, through movement from Southbound NW 74 Avenue, through movement from Northbound NW 74 Avenue, and Right turn from westbound SR 934/NW 74 Street onto NW 74 Avenue.

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FDOT shall be responsible for the Design and Construction of the Project in accordance with all applicable Federal, State laws and regulations and in accordance with the FDOT's design and construction standards as set forth in FDOT's guidelines, standards, and procedures in accordance with the "Terms" provision of the agreement (FM#436479-1-52-01, page2)

The project is located in District 12, which is represented by Commissioner Jose "Pepe" Diaz. The commencement of this project is scheduled in September 2020. The fiscal impact is estimated to cost \$4,087,817 and will be funded and built by FDOT.

The County is required to provide maintenance and operations upon completion of the project. The maintenance operations will be funded through the DTPW General Fund allocation at an estimated yearly cost of \$4,775.15.



DEPARTMENTAL INPUT

The following questions were asked by OCA to the Department of Transportation and Public Works; the answers have been italicized.

- What is the current state of the roads within the project limits and what is the current state of traffic along the roads;
The current state of the road within the project limits is in fair conditions with a poorly maintained striping. The project area has a high volume of truck traffic experience significant congestion along NW 72nd Avenue between SR 934/Hialeah Expressway and NW 74th Street.
- What is the project timeline, from commencement to completion;
The project timeline is from September 7, 2020 to October 31, 2021.
- How will the project impact traffic mobility in the area and is there a MOT plan to mitigate disruption;
The area is primarily commercial and there is a high volume of truck traffic. Traffic mobility will be impacted during construction, but the proposed MOT will mitigate this impact. The 2-lane, 2-way roadway along NW 74th Street from NW 74th Avenue to NW 72nd Avenue will be maintained and access to local businesses will be provided all the time during construction. Along NW 74th Street from NW 72nd Avenue to NW 69th Avenue, all the existing lanes will be maintained since this section consist of Milling and Resurfacing. Along NW 69th Avenue, reconstruction will be perform using detour plans. Coordination with FEC Railway Entrance will be required.
- Was a traffic study done requiring the construction of improvements and what comparable projects are nearby, both planned and in-progress; and
Yes, there is a traffic study done by FDOT, Financial Management Number 432639-4-22-01.
- Were the residents and business owners in the surrounding area informed of the project?
Yes, Public Meeting was conducted on May 31, 2017. Please see attached Public Meeting Notification.

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**Item No. 8N4
File No. 181722**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF DORAL FOR THE PROVISION OF PUBLIC TRANSPORTATION SERVICES; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the First Amendment to the Interlocal Agreement between the County and the City of Doral (City) for the provision of County transportation services in and around the City, which is located in District 12.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1164-16, adopted by the Board on December 6, 2016, approves the existing Interlocal Agreement between Miami-Dade County and the City of Doral for the provision of public transportation services.

<http://intra/gia/matter.asp?matter=162262&file=true&yearFolder=Y2016>

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 September 14, 2018 meeting.

ANALYSIS

The proposed resolution requests approval of the First Amendment to the Interlocal Agreement between the County and the City of Doral for the provision of County transportation services in and around the City. This amendment to the existing agreement—which is in place for a five year term, with two five-year automatic options to renew—is to allow for service modifications consisting of route alignment adjustments, weekday service hour expansion on certain routes, commencement of Saturday service on one route, and the implementation of the Florida International University (FIU) Doral Trolley Service. The proposed service modifications aim to reduce traffic congestion with the City while enhancing connections with County transit services.

There is no fiscal impact to the County for this Amendment, nor for the existing agreement. The City is responsible for all operating and maintenance costs of this fare-free service. In the case where the City may charge a fare, the agreement requires the City to enact a fare structure to include the acceptance of all DTPW passes, transfers, or identification entitling an eligible passenger to ride the service without paying an additional fare (i.e., Patriot Passport and Golden Passport) or for half fare (i.e. kindergarten - 12th grade students).

Key provisions of the existing agreement include:

- The City will adhere to all County, federal, state and local transit operating and reporting requirements.
- Each party has the right to terminate for cause or without cause.
- DTPW and the City will work collaboratively to exchange route and schedule information for the benefit of riders.
- Some of the bus stops include the following locations: Downtown Doral Park, Doral Government Center, Palmetto Metrorail Station, Doral Middle School, Ronald Reagan High School, and Miami Dade College West Campus.

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- The City is responsible for bus stop passenger amenities such as bus shelters and benches at all bus stops served by the proposed route.

The proposed adjustments to the bus routes and schedules include:

Route Number	Proposed Route Adjustments	Current Service Hours	Proposed Service Hour Adjustments
Route 1	Adjustment of route to provide service to Dolphin Mall Transit Terminal, Doral Legacy Park, and improved connection to Miami-Dade College West Campus.	Operates Monday through Friday from 5:58 AM to 9:48 PM. Currently, Route 1 is serviced by four trolleys only from 6:00 AM to 10:15 AM and from 2:15 PM to 7:15 PM (during the weekday peak hours). On Saturday, the service operates from 7:00 AM to 7:24 PM. On Sunday, the service operates between 7:00 AM to 6:54 PM.	Adjustment to the weekday Route 1 schedule to have four trolleys providing all day service between 6:00 AM and 10:00 PM.
Route 2	Adjustment of route to improve service along NW 36 Street and the NW 79 Avenue corridors, as well as improve service to the Downtown Doral area.	Operates Monday through Friday from 6:00 AM to 8:03 PM	Extension of the weekday schedule to improve service to the Palmetto Metrorail Station by providing an additional service loop which will extend the service time from 8:03 PM to 9:38 PM. Commence Saturday trolley service in response to the increase of residents in the Downtown Doral area, and the current lack of east-west transit connectivity in the City.
Route 3	Adjustment of route to provide service to the Doral Math and Science Academy, and the communities along NW 104 Avenue, between NW 74 Street and NW 66 Street.	Operates Monday through Friday from 6:00 AM to 9:13 PM. On Saturday, the service will operate from 7:00 AM to 7:11 PM.	No proposed schedule changes.
Route 4	New FIU Trolley Route that will service the Modesto A. Maidique and Engineering Campuses along NW 107 Avenue.		The new trolley route would operate Monday through Friday, between 6:00 AM and 11:00 PM, via two trolley vehicles with an

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			approximate 30-minute headway (frequency).
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The City Commission adopted Resolution No.18-51, authorizing the City Manager to take necessary action to implement the specified service modifications, after holding a public outreach workshop and a public hearing on the issue.

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**Item No. 8N5
File No. 181723**

Researcher: JFP Reviewer: TD

RESOLUTION RATIFYING AN INTERLOCAL AGREEMENT BETWEEN THE MIAMI-DADE TRANSPORTATION PLANNING ORGANIZATION AND MIAMI-DADE COUNTY, THE VILLAGE OF PINECREST, THE TOWN OF PALMETTO BAY, THE TOWN OF CUTLER BAY, THE CITY OF HOMESTEAD AND FLORIDA CITY, PURSUANT TO SECTION 2-10 OF CODE OF MIAMI-DADE COUNTY, FOR THE PURPOSE OF DEVELOPING AN IMPLEMENTATION PLAN FOR THE SOUTH DADE TRANSITWAY RAPID TRANSIT CORRIDOR

ISSUE/REQUESTED ACTION

Whether the Board should ratify an Interlocal Agreement between the Miami-Dade Transportation Planning Organization and Miami-Dade County, the Village of Pinecrest, the Town of Palmetto Bay, the Town of Cutler Bay, the City of Homestead, and Florida City for the purpose of developing an implementation plan for the South Dade Transitway Rapid Transit Corridor in Districts 8 and 9, in furtherance of the Strategic Miami Area Rapid Transit (SMART) Plan.

APPLICABLE LEGISLATION/POLICY

Section 2-9 of the Code of Miami-Dade County authorizes the Mayor to execute agreements with other governmental entities.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-9COMUGOUNSEUTMA

Section 2-10 of the Code of Miami-Dade County states that all contracts authorized by Section 2-9 shall be entered into subject to ratification by the County Commission and no such contract shall extend for a period longer than one year without the express authorization of the Commission. All such contracts shall be filed with the Clerk of the Commission and the Clerk of the other governmental unit involved and shall be open to public inspection.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI

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 September 14, 2018 meeting.

ANALYSIS

The proposed resolution ratifies an Interlocal Agreement between the Miami-Dade Transportation Planning Organization (TPO) and Miami-Dade County, the Village of Pinecrest, the Town of Palmetto Bay, the Town of Cutler Bay, the City of Homestead, and Florida City for the purpose of developing the required implementation plan for the South Dade Transitway Rapid Transit Corridor, in furtherance of the Strategic Miami Area Rapid Transit (SMART) Plan. The South Dade TransitWay has been identified as one of the six priority rapid transit corridors. Detailed below are the six corridors with the corresponding actions required, as specified in the April 2016 TPO Governing Board Resolution, adopting and endorsing the proposed SMART plan.

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MIAMI-DADE COUNTY RAPID TRANSIT CORRIDOR PLAN		
PROJECT NAME	ENVIRONMENTAL STATUS	ACTION REQUIRED OR IN-PROGRESS
North Corridor (NW 27th Avenue)	Planning and Environmental Phase In-Progress	Continuation of Federal Environmental Process <ul style="list-style-type: none"> • PD&E will start in April 2016 (FDOT) • Light Rail Transit (LRT) and/or appropriate premium transit technology
Beach Corridor	N/A	Advance to Priority I Funded LRTP - Planning and Environmental Phase <ul style="list-style-type: none"> • Light Rail Transit (LRT) and/or appropriate premium transit technology
East-West Corridor SR-836	N/A	Advance to Priority I Funded LRTP - Planning and Environmental Phase <ul style="list-style-type: none"> • Light Rail Transit (LRT) and/or appropriate premium transit technology
South Dade TransitWay	N/A	Advance to Priority I Funded LRTP - Planning and Environmental Phase <ul style="list-style-type: none"> • Conversion of US-1 Busway from Enhanced Bus Service to Light Rail Transit (LRT) and/or appropriate premium transit technology
TriRail Coastal Link (North East/FEC Corridor)	Planning and Environmental Phase In Progress	Continuation of Federal Environmental Process <ul style="list-style-type: none"> • Passenger Rail Service on FEC Corridor
Kendall Corridor	Planning and Environmental Phase In-Progress	Continuation of Federal Environmental Process <ul style="list-style-type: none"> • PD&E will start in June 2016 (FDOT) • Light Rail Transit (LRT) and/or appropriate premium transit technology

The agreement provides for the parties to contribute funding for development of a TransitWay implementation plan. Pursuant to the agreement, the County and the TPO will each contribute \$474,000, or 39.5% of the project funding, and each of the five municipalities shall contribute \$50,400, or 4.2% of the initial project funding. The Citizen's Independent Transportation Trust approved the County's share of funding for the Capital Expansion Reserve during its February 16, 2017 full Trust meeting. In the event that the entire amount is not enough to cover the initial project activities cost, the TPO shall provide detailed information as to the need for additional funding, and will request funding from the parties according to the aforementioned percentages.

The purpose of the Interlocal agreement is to develop a multi-agency partnership for undertaking the following activities to support the South Dade TransitWay Implementation plan, including but not limited to:

1. Develop a local corridor vision plan to enhance mobility, accessibility and connectivity along the corridor.
2. Develop a community engagement plan to look for input and consensus of businesses, residents and elected officials.
3. Promote the economic development along the corridor.
4. Participate in charrettes and public meetings to inform the community.
5. Establish a Project Advisory Team (PAT) with the participation of all parties to work collaboratively to promote the advancement of rapid transit development along the South Dade TransitWay.
 - a. The MPO Executive Director or Executive Director's designee shall appoint a representative from each involved party, as well as, any other transportation partner, as needed.
 - b. The PAT will provide guidance for the development of the activities listed above and will serve as a liaison to their respective entities.
 - c. All Parties shall assist and provide available information to support the efforts to be conducted along the corridor.
 - d. The PAT will coordinate public outreach events with the community, municipalities, and other involved stakeholders;
6. Reach consensus on key project issues and work cooperative towards resolving any conflicts that may arise.

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The TPO will spearhead efforts for the development of the implementation plan. On August 30, 2018, the TPO decided to adopt the County consultant's recommendation to use Bus Express Rapid Transit (BERT) as the mode of transportation for the implementation of the South Dade TransitWay.

ADDITIONAL INFORMATION

SMART Plan

The Strategic Miami Area Rapid Transit Plan (SMART) was developed by Miami-Dade County and the Planning Organization (TPO) and adopted by the TPO Governing Board on April 21, 2016. The SMART Plan is a comprehensive plan which advances six rapid transit corridors to the Project Development and Environment (PD&E) study phase to determine the costs and potential sources of funding for the project.

<https://www.miamidade.gov/citt/smart-plan.asp>

<http://www.miamidadetpo.org/smartplan.asp>

<http://www.miamidadetpo.org/library/boards/TPO-Governing-Board/Resolutions/2016-26-mpo-board.pdf>

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Research Notes**

**Item No. 8N6
File No. 182105**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING APPROVAL OF A UTILITY STRUCTURE PERMITTING AGREEMENT BETWEEN HOTWIRE COMMUNICATIONS, LLC AND MIAMI-DADE COUNTY FOR THE PURPOSE OF PROVIDING A DEDICATED PLANS REVIEW STAFFER IN THE AMOUNT OF \$70,000.00 TO THE COUNTY IN THE FIRST YEAR

ISSUE/REQUESTED ACTION

Whether the Board should approve a Utility Structure Permitting Agreement between the County and Hotwire Communications, LLC (Hotwire) for Hotwire's provision of funding in the amount of \$70,000 to the County in the first year for the employment of a Dedicated Plans Review Staffer—a County position wherein the individual filling the position will act solely as County staff.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-901-18, adopted by the Board on September 5, 2018, approving a rights-of-way and pole attachment agreement between the County and Hotwire in the amount of \$1,500.00 per site for each county pole for which Hotwire has submitted an application to the County prior to February 15, 2018, and an annual fee in the amount of \$150.00 for each County pole to which Hotwire attaches small wireless facilities thereafter.

<http://intra/gia/matter.asp?matter=181451&file=true&yearFolder=Y2018>

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 September 14, 2018 meeting. Prior to passage, Commissioner Sosa sought clarification on whether there would be a fiscal impact to the County, to which DTPW Director, Alice Bravo, replied that Hotwire Communications is providing the funding for this Dedicated Plans Review Staffer in furtherance of accelerating the processing of their permits so that Wi-Fi service can be improved.

ANALYSIS

The proposed resolution approves a Utility Structure Permitting Agreement whereby Hotwire will provide \$70,000 in first-year funding for a County position entitled Dedicated Plans Review Staffer to aid in the processing of applications for permits for communication facility projects within the unincorporated areas of the County. The agreement will result in a positive fiscal impact to the County as Hotwire will provide compensation to the County each fiscal year to fund the contract position. The agreement will be in effect for one year from the date of the County's execution of the agreement and may be extended on a yearly basis through mutual consent of the parties.

Given the increase in Hotwire's communications infrastructure facilities projects located within the unincorporated areas of the County, and that permits are required for the construction, alteration, and/or removal of utility structures located within road or public rights-of-ways, Hotwire is funding the County position to expedite the permitting process. The individual filling this position will act solely as staff of the County, and the County will be responsible for the employee's training, supervision, compensation, and all other personnel matters. Once the employee is retained by the County, this Dedicated Plans Review Staffer will process applications for permits on a priority basis, and the County is to designate one of its experienced employees to process applications on a priority basis for Hotwire's communications infrastructure facilities projects with the goal of permit issuance within 30 days following the County's receipt of a complete permit application.

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ADDITIONAL INFORMATION

According to the Florida Department of State website, Sunbiz.org., Hotwire Communications, LLC is an active Foreign Limited Liability Company with a principal address in Pennsylvania.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=HOTWIRECOMMUNICATIONS%20M050000062090&aggregateId=forl-m05000006209-00c28292-c630-48c1-94c2-41e247c89a9b&searchTerm=hotwire%20communications&listNameOrder=HOTWIRECOMMUNICATIONS%20B060000001080>

Hotwire Communications, LLC

Founded in 2000, Hotwire Communications owns and operates a dedicated independent fiber optic backbone in all of its core markets, which connects into every community in which it provides service. Within each community, individual customers are connected by Fiber-to-the-Unit (FTTU) technology, utilizing an end-to-end fiber optic infrastructure that allows Hotwire to offer gigabit speeds over 100 times faster than the average connection delivered in the United States today. Its network of dedicated fiber lines makes its services redundant, providing Internet service with little to no interruption under normal conditions and unlimited use without data caps.

<https://gethotwired.com/>

<http://hotwirecommunications.com/>

INPUT FROM DTPW

OCA posed the following questions to the Department of Transportation and Public Works. Below in italics is DTPW's response:

- If the new employee (funded by Hotwire) is working solely on processing Hotwire permits, what is the anticipated improvement in the approval process timeline of these permits? *The process time is dependent on the type of application submitted by the Communication carrier. This employee is not a FT staffer with benefits. Since this agreement is for an anticipated 2 year period these individuals will be released once the demand is over.*
- What is the current timeframe for processing of applications for permits for communications facilities projects located within the unincorporated areas of the County? *45-60 days.*
- How many County employees currently work on processing these types of permit applications? *Currently there are 3 employees in the permit section and 2 reviewing maintenance of traffic (MOT) portion of the applications. These employees are not just for telecommunication applications but for all applications received by the permit section for work within the public rights-of-ways.*
- What is the anticipated salary of the new employee? *\$39,520*
- Does the \$70,000 comprise a base salary plus benefits? *Base salary, % of salary of Supervisor and Divisional and Departmental Overhead.*

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**Item No. 8N7
File No. 181914**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING CHANGE ORDER NO. 1 BETWEEN MIAMI-DADE COUNTY AND H & R PAVING, INC. FOR THE PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG SW 152 STREET, FROM SW 157 AVENUE TO SW 147 AVENUE (PROJECT NO. 20150187), EXTENDING THE CONTRACT DURATION BY 124 NON-COMPENSABLE CALENDAR DAYS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECTURE SAME

ISSUE/REQUESTED ACTION

Whether the Board should authorize Change Order No. 1 between the County and H & R Paving, Inc. for the project entitled "Roadway Improvements along SW 152 Street from SW 157 Avenue to SW 147 Avenue to extend the contract term by 124 non-compensable calendar days.

APPLICABLE LEGISLATION/POLICY

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

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

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

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

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

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

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

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

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

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

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

<http://intra/gia/matter.asp?matter=151746&file=true&yearFolder=Y2015>

Resolution No. R-525-17, adopted by the Board on May 2, 2017, amended Resolution No. R-1001-15 to except non-compensatory time extensions from the requirement that contracts with small business measures meet at least 85 percent of

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the small business goals applicable to the portion of the contract work performed to date before a change order or contract amendment be considered for Board or mayoral approval.

<http://intra/gia/matter.asp?matter=170595&file=true&yearFolder=Y2017>

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

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

Resolution No. R-796-16, adopted by the Board on September 7, 2016, approved a contract in the amount of \$4,932,632.41 to H & R Paving, Inc. for the project entitled “Roadway Improvements along SW 152 Street from SW 157 Avenue to SW 147 Avenue.”

<http://intra/gia/matter.asp?matter=161521&file=true&yearFolder=Y2016>

Resolution No. R-421-16, adopted by the Board on May 17, 2016, requires (1) the County Mayor to attach to all items recommending design and/or construction contract awards of \$1,000,000 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor’s work; and (2) all County departments to complete contractor evaluations before closing out a contract and making final payment to a contractor.

<http://www.miamidade.gov/govaction/matter.asp?matter=160124&file=true&fileAnalysis=false&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

This item was forwarded to the Board with a favorable recommendation, as corrected, by the Transportation and Public Works Committee at its September 14, 2018 meeting. At the meeting, the County Attorney’s Office advised during the setting of the agenda that there was a scrivener’s error on handwritten page 10 of the proposed resolution, i.e., the number corresponding to Adjusted Duration Including this Change should be corrected to read 549 instead of 592 as written.

ANALYSIS

This item is requesting Board approval to authorize Change Order No. 1 to the contract with H & R Paving, Inc. (H&R) for roadway improvements along SW 152 Street from SW 157 Avenue to SW 147 Avenue to extend the contract term by 124 non-compensable calendar days. The project is located in Districts 9 and 11, represented by Commissioners Moss and Martinez, respectively. The time extension is needed for the following reasons:

- The contract was delayed by 83 calendar days due to conflicts with Florida Power & Light, Comcast, Fibernet and AT&T underground utilities relating to the removal and relocation of their infrastructure;
- The contract was delayed by 12 calendar days due to utility conflicts, requiring additional work from H&R as well as the re-design of the location of a bicycle path/sidewalk, street lights and drainage structures;
- The contract was delayed by 14 calendar days as a result of additional work requested by the County; and
- The contract was delayed by 15 calendar days due to delays relating to Hurricane Irma.

The above-mentioned delays are considered non-compensable.

On September 7, 2018, the Board approved Resolution No. R-796-16, which authorized the contract award to H&R for the roadway improvements along SW 152 ST. The approved contract duration was 468 days, i.e., 425-day contract period and 43-day contingency period, and the approved award amount was \$4,932,632.41. The requested 124-day time extension is comprised of adding 81 days to the original contract and 43 days of contingency time.

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The work consists of widening the existing roadway from two to four lanes with a raised median, sidewalks, curb, gutters, bicycle paths, continuous storm drainage system, signalization, pavement markings and signage and decorative lighting.

The small business measures applicable to the contract are a SBE/GS of 1.10 percent and a SBE/CON of 24.40 percent.

SBE/CON firms: S.S.L. Corp. is to perform the electrical/signalization work at 15.5 percent, Highway Striping, Inc. is to perform striping work at 2.5 percent and Florida City Engineering Contractors, Inc. is to perform concrete sidewalks and concrete curbs at 8.2 percent.

SBE/GS firm: A & B Pipe and Supply, Inc. is to provide pipe valves and fittings to satisfy the 1.10 percent goal.

Of the \$4,932,632.41 contract amount, \$3,418,767 has been paid to H&R, leaving a balance of \$1,513,865.41.

Per the SBD report included in the agenda package, the SBE construction firms meeting the 24.40 percent goal have performed \$641,477.26 of work and been paid \$490,725.17. The SBE goods and services firm meeting the 1.1 percent goal has been paid \$101,790.29, fully satisfying the goal.

H&R is an active Florida for-profit company with its principal (Raul Gonzalez) holding a Construction Financial Officer and Certified General Contractor licenses.

The mayoral memo indicates that H&R has been awarded 94 construction contracts and received 201 contractor performance evaluations, having an overall performance rating of 3.2 out of a possible 4.0. Note that a review of the Capital Improvements Information System on September 26, 2018 found that H&R has received 204 evaluations.

ADDITIONAL INFORMATION

In calendar year 2014, there was a negligence action that H&R settled in which the Plaintiff sustained injuries as he slipped and fell over a hidden, uncovered elevation on pavement under H&R's control; see *Cole, Samuel v. H&R*, Case No. 2014-013994-CA-01, 11th Judicial Circuit, Miami-Dade County.

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Item No. 8N8
File No. 182121

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING RECOMMENDATION FOR THE AWARD OF PHASE 1 - THE UNDERLINE “THE BRICKELL BACKYARD,” CONTRACT NO. CIP177-DTPW2017-CT1, BETWEEN MIAMI-DADE COUNTY AND CENTRAL PEDRAIL, JOINT VENTURE IN THE AMOUNT OF \$14,255,556.00; FOR A TERM OF 548 DAYS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE THE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN, INCLUDING ANY TERMINATION AND RENEWAL PROVISIONS

ISSUE/REQUESTED ACTION

Whether the Board should approve the award recommendation for Phase 1 – The Underline “The Brickell Backyard” construction services to Central Pedrail, JV in the total contract amount of \$14,255,556 for a term of 548 days.

APPLICABLE LEGISLATION/POLICY

Section 5.03(D) Home Rule Charter, Financial Administration, relates to 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>

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)

Article III, Section 26-39 of the County Code relates to Miami-Dade Park and Recreation Department employees and volunteers (the Shannon Melendi Act), requiring a nationwide criminal background check of all existing employees and volunteers whose primary duties require physical presence on park property owned or operated by Miami-Dade County.

[https://library.municode.com/FL/Miami -
Dade-County/codes/Code-of-Ordinances?nodeId=PTIICOOR_CH26PAREDERURE_ARTIITHSHMEAC_S26-39MIDEPAREDEEMVO](https://library.municode.com/FL/Miami-Dade-County/codes/Code-of-Ordinances?nodeId=PTIICOOR_CH26PAREDERURE_ARTIITHSHMEAC_S26-39MIDEPAREDEEMVO)

Resolution No. R-120-18, adopted by the Board on February 6, 2018, approves a management agreement between Miami-Dade County and The Underline Management Organization, Inc. for the management, maintenance, and operation of The Underline.

<http://intra/gia/matter.asp?matter=172895&file=true&yearFolder=Y2017>

Resolution No. R-421-16, adopted by the Board on May 17, 2016, requires the County Mayor or his designee to attach to all items recommending Design and/or Construction Contract Awards of \$1,000,000.00 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor’s work; and requiring all County departments to complete contractor evaluations before closing out a contract and making final payment to a contractor.

<http://www.miamidade.gov/govaction/matter.asp?matter=160124&file=true&fileAnalysis=false&yearFolder=Y2016>

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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: 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 September 14, 2018 meeting.

ANALYSIS

The proposed resolution approves the award recommendation for Phase 1 – The Underline “The Brickell Backyard” construction services in District 5 (Contract No. CIP177-DTPW2017-CT1) to Central Pedrail, JV. The Underline is expected to enhance connectivity, mobility, and biking safety for hundreds of thousands of Miami-Dade residents and visitors and assist with first mile, last mile challenges to access of public transportation. Phase 1 of the Underline project falls between the Miami River and SW 13 Street, the scope of which includes three major Florida Department of Transportation (FDOT) intersections—SW 7 Street, SW 8 Street, and SW 13 Street—and the following objectives with three components:

- Transportation
 - Creating new dedicated pedestrian and bicycle trails;
 - modification and improvement of three signalized intersections; and
 - the reconfiguration of bus bays and bus patron seating areas.
- Amenities
 - Landscaping, consisting of native vegetation which will provide relief from the large built-urban setting;
 - way finding signage;
 - lighting;
 - new gym area consisting of a flexible basketball court, gym equipment, and space for group classes and activities;
 - staging area for concerts, movies, yoga and other group activities;
 - a dining area accessible to bus, trolley, Metromover and Metrorail patrons, as well as visitors and residents; and
 - a new game area consisting of fixed tables and chairs, providing spaces that engage and support community interaction.
- Soil remediation
 - Extensive drainage and deep injection wells; and
 - removal and disposal of contaminated soil.

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The total contract amount for Phase 1 is \$14,255,556 for a term of 548 days. Detailed below are the funding sources for Phase 1:

Funding Source	Amount
City of Miami	\$4,871,690
Road Impact Fees	\$5,439,866
Florida Department of Transportation (FDOT)	\$3,944,000
TOTAL:	\$14,255,556

In addition, the County will incur up to \$5,000 in operations costs in any 12-month period related to background checks conducted pursuant to the Shannon Melendi Act. The County is to reimburse the Underline Management Organization for these background check expenses from DTPW's operating budget. The Underline Management Organization, Inc. is responsible for the maintenance of The Underline, with an estimated cost to the County of \$17,944.13 annually. The Underline Management Organization was created as a collaborative effort between Miami-Dade County Department of Transportation and Public Works, Parks, Recreation & Open Spaces Department and Friends of The Underline. It was modeled on successful public/private management organizations for the Atlanta Beltline, the NYC High Line the Central Park Conservancy and others. Resolution No. 120-18 approves a management agreement between Miami-Dade County and The Underline Management Organization, Inc. for the management, maintenance, and operation of The Underline.

The total cost of the entire Underline project is estimated at \$110-\$120 million, which includes: \$80 Million for the two trails, lighting, seating, and other amenities; \$20 Million for intersection improvements (over 30 intersections); and \$20 Million for destination parks.

Central Pedrail, JV was one of two bids received and was the lowest bidder, although approximately 21.48% over the engineer's estimate for the project. This contract will be the first County project awarded to Central Pedrail, JV, a joint venture comprised of two firms, Central Florida Equipment Rentals Inc. and Pedrail Systems LLC. Central Florida Equipment Rentals Inc. reported over 40 years of experience in construction work similar to this project and was awarded one county contract in the amount of \$4,665,069.03 within the last five years, and Pedrail Systems LLC reported over three years of experience in major roadway improvement and reconstruction projects throughout the County. Pedrail Systems is a local firm with its principal address in Miami, Florida.

OCA performed a search on the Capital Improvements Information System's database, and verified that while there are no evaluations listed for Central Pedrail, JV, there are 19 evaluations listed for Central Florida Equipment Rentals, Inc. with an average score of 3.1 out of a possible 4.0 points.

The Citizens' Independent Transportation Trust recommended approval of the foregoing resolution with a unanimous vote for a favorable recommendation to the BCC at the CITT's September 13th meeting.

ADDITIONAL INFORMATION

The Underline is expected to become a signature 10-mile linear park and urban trail improving the quality of life for Miami-Dade County residents, and generating economic benefits to thousands of residents, businesses and properties, catalyzing new real estate development and increasing the value and fiscal potential of surrounding properties. The Underline will become a valuable amenity for surrounding neighborhoods, creating \$300-\$485 million in incremental assessed value for property owners. Increased property values will equate to \$6 to \$10 million in new annual tax revenue for Miami-Dade County and the cities of Miami, Coral Gables and South Miami. The project is expected to create more than 1,000 jobs during construction

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and 400 permanent jobs during operations of the park. This project is part of the “High Line Network” which consists of 19 infrastructure reuse projects in the U.S. that are intended to positively transform their cities.

https://www.theunderline.org/wp-content/uploads/2016/01/Miami_Underline_Economic_Impact_Study_FINAL.pdf

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Research Notes

Item No. 801
File No. 182038

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF SUNNY ISLES BEACH FOR \$10.00 PER YEAR WITH AN INITIAL 20-YEAR TERM AND TWO 10-YEAR RENEWAL OPTIONS FOR COUNTY-OWNED LAND LOCATED AT 350 SUNNY ISLES BOULEVARD, SUNNY ISLES BEACH, TO BE USED AS A PASSIVE PARK OPEN TO THE PUBLIC FROM SUNRISE TO SUNSET; AUTHORIZING EXECUTION OF THE LEASE BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE; DECLARING SUCH PROPERTY SURPLUS; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD AND WAIVING RESOLUTION 333-15; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ALL ACTS NECESSARY TO EFFECTUATE THE SAME; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE LEASE TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF THE EXECUTION OF THE AGREEMENT

ISSUE/REQUESTED ACTION

The proposed resolution approves a lease agreement between the County and the City of Sunny Isles Beach for \$10.00 per year with an initial 20-year term and two 10-year renewal options for County-owned land located in District 4 at 350 Sunny Isles Boulevard, Sunny Isles Beach, to be used as a passive park open to the public from sunrise to sunset.

APPLICABLE LEGISLATION/POLICY

Section 125.38 Florida Statutes governs the sale of county property to United States, or state.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.38&URL=0100-0199/0125/Sections/0125.38.html

Resolution No. R-137-11, adopted by the Board on March 1, 2011, authorized execution of a lease agreement for ten dollars per year for County-owned land located at 350 Sunny Isles Boulevard, Sunny Isles Beach, with the City of Sunny Isles Beach, for premises to be utilized as a passive park open to the public seven days a week from sunrise to sunset.

<http://intra/gia/matter.asp?matter=110073&file=true&yearFolder=Y2011>

Resolution No. R-333-15, adopted April 21, 2015, established County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

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

Resolution No. R-898-15, adopted October 6, 2015, directed the Miami-Dade Water and Sewer Department to install aesthetic improvements, including sustainable vegetation, xeriscaping and other Florida-friendly landscaping in an effort to make department structures including administration buildings, pump stations and treatment facilities consistent with and complementary of their environs.

<http://intra/gia/matter.asp?matter=152933&file=false&yearFolder=Y2015>

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Resolution No. R-380-17, adopted April 4, 2017, established Board policy regarding County-owned real property requiring the County Mayor or his designee to provide written notification to District Commissioner 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 county-owned property or 2) placing any item on the agenda of this Board or any committee of this Board requesting the approval of the sale, lease, or surplus of county-owned property.

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

Administrative Order 8-4, ordered May 5, 1981, specified that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners.

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

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman

Requester/Department: Water & Sewer Department

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

ANALYSIS

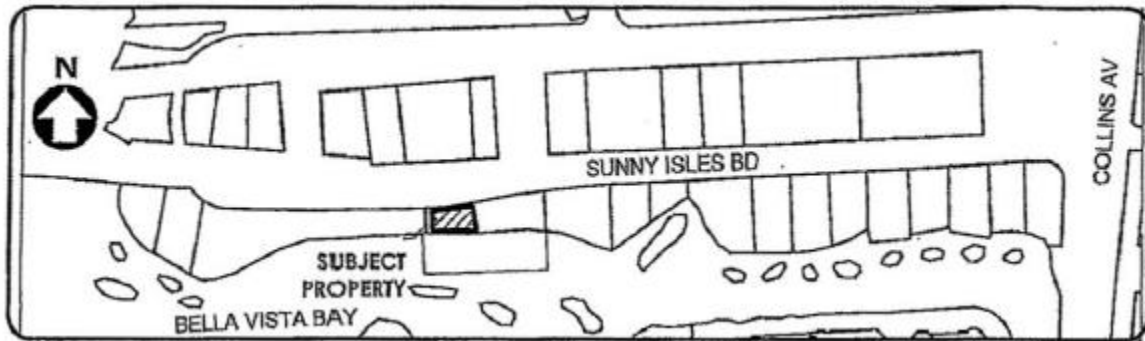
The proposed resolution approves a lease agreement between the County and the City of Sunny Isles Beach (City) for County-owned land located in District 4 at 350 Sunny Isles Boulevard, Sunny Isles Beach, to be used as a passive park open to the public from sunrise to sunset. The lease term is 20 years, with two 10-year renewal options, at a rental rate of \$10.00 per year to be paid by the City. The lease rate was determined in accordance with Section 125.38, Florida Statutes, which authorizes the Board to lease the subject property at a nominal value regardless of the actual value if: 1) the Board determines the property is not needed for County purposes and 2) the property is used for community interest and welfare. As such, the property was circulated to County departments to determine whether the parcel is needed for County purposes, and no use was identified. Also, the subject property will be used by the City as a passive park for the public good.

The entire parcel owned by the County (approximately 53,176 square feet) comprises a pump station owned and operated by the Miami-Dade Water and Sewer Department, Pump Station No. 301. However, the 17,651 square feet of this County property to be leased to the City does not interfere with the pump station nor the plans to replace it. The Consent Decree Project involves replacing Pump Station No. 301, as it is beyond its useful life due to the saltwater environment and additional capacity is needed to meet projected future flows as well as sea level rise demands. The new lease agreement's terms allow WASD the "Right of Entry" during reasonable working hours to make alterations and at any time in the event of an emergency without prior notice to the City. The City shall coordinate construction plans as well as plans for improvements with WASD's Director and, at its sole cost and expense, be responsible for the completion of all improvements, the operation of the passive park, and for all costs for utilities, waste removal services, maintenance repairs or replacements of the grounds, landscaping, and landscaping services.

A previous Board Resolution, No. R-137-11, authorized the execution of a prior lease agreement between the County and the City providing for the construction of a passive park on a 7,372 square foot parcel of the County-owned that is the subject of the proposed resolution. Given that the 2011 lease agreement expired before the City began any improvements, the present lease agreement and proposed resolution is being offered before the Board to replace the 2011 lease agreement and allow the City to expand the square footage area of the proposed passive park from 7,372 square feet to 17,651 square feet with additional improvements.

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Research Notes

Below is a map of the subject property.



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Research Notes**

**Item No. 802
File No. 182040**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION BETWEEN LEE CONSTRUCTION GROUP, INC. AND MIAMI-DADE COUNTY, CONTRACT NO. W-944, FOR A CONSTRUCTION PROJECT ENTITLED: ALEXANDER ORR JR. WATER TREATMENT PLANT LIME KILN ELECTRICAL SWITCHGEAR BUILDING, WITH A TOTAL COMPENSATION AMOUNT OF \$6,270,105.91 AND A TOTAL CONTRACT TERM OF 330 DAYS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONTRACT NO. W-944 AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

The proposed resolution approves a contract award recommendation between the County and Lee Construction Group, Inc. for a construction project in District 7 entitled Alexander Orr Jr. Water Treatment Plant Lime Kiln Electrical Switchgear Building for a total contract term of 330 days in the total compensation amount of \$6,270,105.91.

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>

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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Research Notes**

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Water & Sewer Department

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

ANALYSIS

The proposed resolution approves a contract award recommendation between the County and Lee Construction Group, Inc. for a construction project in District 7 represented by Commissioner Xavier Suarez and entitled Alexander Orr Jr. Water Treatment Plant Lime Kiln Electrical Switchgear Building for the construction of a new lime kiln electrical switchgear building with provisions to accommodate a new Florida Power and Light utility feed at the Alexander Orr Jr. Water Treatment Plant (project location: 6825 SW 87th Avenue, Miami-Dade County, Florida 33173). This construction project will improve plant efficiency and the electrical feed requirements for a new laboratory at the Treatment Plant. The total compensation amount is \$6,270,105.91 with a total contract term of 330 days. The newly constructed building is projected to have a life expectancy of 50 years, and generate an operating cost of \$200,000 per year and maintenance cost of \$100,000 per year, both of which are to be funded with WASD Operating Revenues.

Seven bids were received in response to the solicitation for Contract No. W-944 advertised on February 9, 2018. Lee Construction was the lowest bidder, although its base bid of \$5,504,518.50 was 13% higher than the Engineer of Record's base estimate of \$4,869,122 for the project. The Engineer of Record, HDR, Inc., explained that the largest discrepancies in the bid items were site work and mobilization, and the Engineer's base estimate, developed in October 2017, did not account for 2018 labor rates and current market conditions. Thus, as the lowest responsive, responsible bidder, the award recommendation is to local prime contractor, Lee Construction Group, Inc.

Lee Construction Group, Inc. has been in business since 2006 and has been awarded 20 contracts with Miami-Dade County in the last three years with a total value of \$10,998,949.01, and change orders approved by the Board at a total value of \$325,842.40.

ADDITIONAL INFORMATION

Lee Construction Group, Inc.

LEE Construction Group, Inc. is a licensed general contractor and construction management firm with a corporate office in Miami, Florida and satellite offices in Georgia, New York and Colorado. It has been established since 2006 and specialize in commercial and industrial construction. LEE Construction Group Inc. is certified as a CSBE Level 3 in Miami-Dade County, certified as MWBE and DBE with MDCPS and are an 8(a) certified firm with the federal government through 2019. Its bonding capacity is \$30 million Aggregate and \$8 million Single Project.

<http://www.leecgi.com/>

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**Item No. 803
File No. 182041**

Researcher: PGE Reviewer: TD

RESOLUTION AWARDING CONTRACT NO. S-896 BETWEEN DANIEL O'CONNELL'S SONS, INC. AND MIAMI-DADE COUNTY FOR CONSENT DECREE PROJECT 3.05(2), CONTRACT NO. S-896, FOR A PROJECT ENTITLED: NORTH DISTRICT WASTEWATER TREATMENT PLANT SECONDARY CLARIFIERS UPGRADES, WITH A TOTAL COMPENSATION AMOUNT OF \$22,841,250.00 AND A TOTAL CONTRACT TERM OF 1570 DAYS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS OF SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONTRACT NO. S-896 AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a contract award to Daniel O'Connell's Sons, Inc. (DOCS) in the amount of \$22,841,250 for a term of 1570 days for a project entitled "North District Wastewater Treatment Plant Secondary Clarifiers Upgrades (Remaining Scope of Work)" for the Water and Sewer Department.

APPLICABLE LEGISLATION/POLICY

Chapter 489 of the Florida Statutes sets forth regulations for the construction industry, including qualifications for practice, registration and disciplinary proceedings.

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

Chapter 10 of the County Code sets forth the County's regulations for construction contractors.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO

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(h) of the County Code provides for contingency allowances and requires that an item 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

Section 2-8.2.12 of the County Code sets forth the Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance. Under the ordinance, the County Mayor or County Mayor's designee shall, subject to the funding limitations set forth in the Multi-Year Capital Plan approved by the Board of County Commissioners, be authorized to accelerate the processing, procurement, and award of any contract and agreement of the County for Consent Decree Work and other required Capital Improvements contracts to maintain the operational effectiveness and capacity of the water and sewer systems, including any contracts related to the purchase of goods and services, construction and professional services. The authority to award or reject is granted where (1) the base value of a recommended award does not exceed the base estimate

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by more than 10 percent; and (2) the contractor or consulting firm receiving the award has a rating of 2.5 or higher in the Capital Improvement Information System database and has no outstanding debts, no goal deficits and has submitted required insurance, bonds, affidavits and documentation provided for by the time of award. Additionally, under the Acceleration Ordinance, the County Mayor or the County Mayor's designee is authorized to amend contracts and negotiate and settle claims.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR

Section 2-8.5 of the County Code sets forth the procedure to apply preference to local businesses in County contracts and provides that if the Low Bidder is a Local Business which is not a Locally Headquartered Business, then any and all responsive and responsible Locally Headquartered Businesses submitting a price within five percent of the Low Bid, and the Low Bidder shall have an opportunity to submit a best and final bid equal to or lower than the Low Bid.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO

Section 10-34 of the County Code requires a listing of subcontractors for those contracts involving an expenditure of \$100,000 or more in which a bidder may use a subcontractor. Such contracts require the entity contracting with the County to list all first tier subcontractors who will perform any part of the contract and all suppliers who will supply materials for the contract work.

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

Ordinance No. 14-79, adopted by the Board on September 3, 2014, requires that in all agenda items relating to planning, design and construction of County infrastructure a statement be included that the impact of sea level rise has been considered.

<http://intra/gia/matter.asp?matter=141211&file=true&yearFolder=Y2014>

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. 3-24 sets forth the County's responsible wages and benefits policy for County construction contracts.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-24.pdf>

Implementing Order No. 3-57 sets forth the County's policy for adoption of a standard construction contract.

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

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

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

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Water and Sewer

The item was forwarded with a favorable recommendation by the Infrastructure and Utilities Committee at its September 12, 2018 meeting. At the meeting, the following discussion transpired:

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- Commissioner Martinez questioned why there tends to be a large variance between the OPCC and the bids received, particularly considering the OPCC provides an idea of whether the bids are reasonable; the WASD Director responded that the variance between the OPCC and bids received generally ranges between 10 to 15 percent; the Director further stated that the OPCC is an estimate provided about a year before bids are submitted and given the volatility of the construction market, the bids will vary from the OPCC; in this case, the OPCC varied from the bids given changes in labor costs between the issuance of the OPCC and the time when the bids were submitted; however, a BAFO was conducted which resulted in a reduction in the awardee's bid price.
- Commissioner Diaz asked what is driving the need for this project to move forward this fast as construction costs are declining; the WAD Director explained that this project must move forward in order to comply with the consent decree and that he intends to soon present the Board with a restructured capital plan.

ANALYSIS

This item is requesting approval of an award to Daniel O'Connell's Sons, Inc. (DOCS) for a consent decree construction project entitled "North District Wastewater Treatment Plant Secondary Clarifiers Upgrades (Remaining Scope of Work)" for a total contract amount of \$22,841,250 for a term of 1570 days. As DOCS has never been awarded a County contract, it has no ratings in the Capital Improvement Information System database which precluded the County Mayor from approving this award under the WASD Consent Decree and Capital Improvement Programs Acceleration Ordinance.

Per the mayoral memorandum, the funding sources for the project include Future WASD Revenue Bonds, WASD Revenue Bonds Sold, and Wastewater Renewal Fund. The elements constituting the total contract amount of \$22,841,250 are: (1) the base contract amount of \$20,125,000; (2) the contingency allowance of \$2,012,500; (3) the permit fees of \$603,750; and (4) \$100,000 for additional concrete repairs and pressure injection epoxy grout of cracks in primary clarifiers and oxygenation tank influent control chambers.

The project location is 2575 NE 156 Street, North Miami, Florida, which is in District 4, represented by Commissioner Heyman.

The project is one in a series at the North District Wastewater Treatment Plant required to comply with the Consent Decree and consists of the awardee furnishing all materials, labor and equipment necessary for the rehabilitation of the secondary clarifiers, mixed liquor flow splitting structures, return sludge pump stations and associated piping. The USEPA compliance date is August 24, 2027. Note that the contract included in the agenda is a standard form contract with no specific work to be performed delineated. The work to be performed under the contract is delineated in the Bid Tabulation by Item No. and is included in the agenda package. Such work includes upgrades to the ventilation systems servicing the upper, lower and sub-basement floors, replacing slide gates with new motorized gates, and diameter RCP rehabilitation.

Only three bids were received in response to this procurement, with DOCS being the recommended awardee following a Best and Final Offer (BAFO) process pursuant to the County's Local Preference Ordinance. The initial bid from DOCS was \$23,828,000, and the bid received after the BAFO was \$20,125,000.

Per sunbiz.org, the official website for the State of Florida Division of Corporations, the recommended awardee is an active foreign for-profit corporation with a principal address at 800 Kelly Way, Holyoke, Massachusetts. Per the Florida DBPR, DOCS, Inc. has the following license types: Certified General Contractor, Construction Business Information and Construction Financial Officer. A State General Contractor license satisfies the project's technical certification requirements.

Note that CDM Smith, the project's Engineer of Record, authored an Opinion of Probable Construction Cost (OPCC) in October 2017 of \$17.3 million. The lowest bid price was 16.3 percent higher than the opinion, including allowances. The OPCC was updated in 2018 to reflect labor rates, current market conditions and include clarification issued via addenda during

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the bid process. The updated OPCC, not including allowances is \$18,928,515, which makes the low bid 6.3 percent higher than the revised OPCC.

The project was assigned a SBE-CON goal of 12.61 percent, valued at \$2,791,538.75 per the mayoral memo. That value differs from the \$2,400,967.58 seen in the SBD Project Worksheet for this contract because that value is based on the base contract award amount. The recommended awardee's subcontractors are: Dade Electric Services, Inc. for electrical work and Sunshine State Air Conditioning, Inc. for HVAC work.

ADDITIONAL INFORMATION

See the link below to Leahy v. Daniel O'Connell's Sons, Inc., a July 2015 case where the Commonwealth of Massachusetts Appeals Court affirmed an entry of summary judgment finding Daniel O'Connell's Sons, Inc. liable in a tort action relating to remodeling the J. Michael Ruane Judicial Center in Salem.

<https://casetext.com/case/leahy-v-daniel-oconnells-sons-inc>

On September 5, 2018, the Board approved, as amended, a contract award to Daniel O'Connell's Sons, Inc. for a project titled "North District Wastewater Treatment Plant Disinfection Facility Improvements" for a total value of \$12,430,010 for a term of 605 days. See the link below to Legislative Information System File No. 181610.

<http://intra/gia/matter.asp?matter=181610&file=true&yearFolder=Y2018>

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**Item No. 804
File No. 181980**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING A STORMWATER BILLING AGREEMENT WITH THE TOWN OF CUTLER BAY FOR THE BILLING OF STORMWATER UTILITY CHARGES BY THE MIAMI-DADE WATER AND SEWER DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED HEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve an agreement between Miami-Dade County and the Town of Cutler Bay providing for the billing of the Town's stormwater charges by the Miami-Dade Water and Sewer Department (WASD).

APPLICABLE LEGISLATION/POLICY

Resolution R-630-08, adopted June 3, 2008, authorized the exemption of the Town of Cutler Bay from the provisions of the Miami-Dade County Stormwater Utility Ordinance; and approved a 10-year agreement providing for the billing of stormwater charges by WASD and for the deduction of payments from the monthly stormwater charges for the Town's pro-rata share of Miami-Dade County's Stormwater Utility Bond Debt Service.

<http://intra/gia/matter.asp?matter=081613&file=true&yearFolder=Y2008>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Water and Sewer Department

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

ANALYSIS

The proposed resolution authorizes the execution of a new agreement between Miami-Dade County and the Town of Cutler Bay providing for the billing of the Town's stormwater charges by WASD. The last agreement, approved by the Board on June 20, 2008 for a 10-year period, is currently expired. The Town of Cutler Bay and the County have agreed to honor the terms and conditions of the agreement on a month-to-month basis until the new agreement is approved by the Board. Thus, WASD has been billing a stormwater utility service charge simultaneously with the issuance of WASD's bills for water and sewer service and deducting the pro-rata share of the Town's debt service in accordance with the 2008 agreement. Pursuant to the new agreement, the County will continue to retain the Town's pro-rata share of its debt service on the 1999 and 2004 Stormwater Utility Revenue Bonds until they are paid in full.

Passage of this Resolution has a positive fiscal impact to the County, as WASD would continue to receive \$0.97 per bill from the Town of Cutler Bay for the billing service.

Revenue Received by Miami-Dade County for Billing Service (FY 2016-17)

Source	Amount
Town of Cutler Bay	\$54,339
All Participating Municipalities (Including the Town of Cutler Bay)	\$686,647

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WASD currently performs such billing services for the cities of Aventura, Doral, Miami, Miami Gardens, Miami Springs, South Miami, and Sweetwater, and the villages of El Portal, Key Biscayne, Palmetto Bay and the Town of Miami Lakes.

The following are the primary responsibilities of the Town per the terms of the agreement:

- Deliver to the County its schedule of rates and any revisions of such schedule rates, a minimum of 30 calendar days in advance of the effective date.
- All telephone calls and correspondence from customers regarding the stormwater utility are to be directed to the Town, with the County providing the Town's telephone number on the bill.
- Legal actions for non-payment of stormwater utility charges are the sole responsibility of the Town.
- Pay the County \$0.97 per bill.
- Provide compensation for all costs and expenses incurred and paid by the County in defending legal actions brought against the County involving billing or collection of stormwater utility service charges on behalf of the Town.
- Pay the County the Town's pro-rata share of debt service on the Stormwater Bonds until they are paid in full or provision is made for their payment, and any obligations associated with cost sharing Stormwater Management Projects (e.g., canal dredging, canal maintenance and drainage projects) that may be agreed to subsequent to the date of the agreement for which payment will be based on a mutually agreed amount.

The following are the primary responsibilities of the County per the terms of the agreement:

- Bill, collect and remit the Town's stormwater utility charges in a timely manner. The Town may terminate the agreement on 30 days written notice if the County fails to timely bill the Town's customers in accordance with the agreed upon billing cycles or fails to remit payment to the Town in the timeframes specified in the agreement.
- Present stormwater utility service charge on the bill as a separate item.
- Keep correct and proper books of accounts showing monthly gross billings of stormwater utility service charges.
- Provide to the Town a monthly statement in writing, showing the net amount owed the Town by the County for the month covered by such statement, within 60 days of the end of each monthly period.

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Research Notes**

**Item No. 9A1
File No. 181734**

Researcher: JFP Reviewer: TD

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECEIVE AND EXPEND \$571,233.00 IN OUT-OF-SCHOOL YOUTH FUNDS FROM SOUTH FLORIDA WORKFORCE INVESTMENT BOARD FOR OUT-OF-SCHOOL YOUTH PROGRAMS AND SERVICES PROVIDED BY MIAMI-DADE COUNTY COMMUNITY ACTION AND HUMAN SERVICES DEPARTMENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONTRACTS, OTHER REQUIRED AGREEMENTS AND DOCUMENTS, AS WELL AS AMENDMENTS, EXTENSIONS, AND RENEWALS OF SUCH CONTRACTS, AGREEMENTS AND DOCUMENTS FOR SUCH PROGRAMS AND SERVICES AND TO EXERCISE TERMINATION, WAIVER, AND OTHER PROVISIONS SET FORTH THEREIN; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND GRANT FUNDING FOR FUTURE OUT-OF-SCHOOL YOUTH PROGRAMS AND SERVICES PROVIDED BY MIAMI-DADE COUNTY COMMUNITY ACTION AND HUMAN SERVICES DEPARTMENT

ISSUE/REQUESTED ACTION

The proposed resolution retroactively authorizes the County Mayor or his designee to receive and expend \$571,233 in Out-of-School Youth funds from the South Florida Workforce Investment Board (dba Career Source South Florida) for Out-of-School Youth Programs and Services provided by the County's Community Action and Human Services Department, grants the Mayor contract execution authority for this purpose, and authorizes the Mayor to apply for, receive, and expend grant funding that may become available for the continued operation and administration of Out-of-School Youth Programs and Services.

APPLICABLE LEGISLATION/POLICY

The Workforce Innovation and Opportunity Act (WIOA), signed into law on July 22, 2014, helps job seekers access employment, education, training, and support services and matches skilled workers with employers. Additionally, it requires states to develop and submit a four year strategy on preparing and educated, skilled workforce as well as meeting the workforce needs of employers.

<https://www.doleta.gov/WIOA/Overview.cfm>

PROCEDURAL HISTORY

Prime Sponsor: Housing and Social Services Committee

Requester/Department: Community Action and Human Services Department

This item was forwarded to the BCC with a favorable recommendation by the Housing and Social Services Committee at its September 13, 2018 meeting.

ANALYSIS

The proposed resolution primarily retroactively authorizes the County Mayor or his designee to receive and expend \$571,233 in Out-of-School Youth funds from the South Florida Workforce Investment Board for Out-of-School Youth Programs and Services provided by the County's Community Action and Human Services Department. The Out-of-School Youth Programs and Services target low-income, out-of-school, young adults between the ages of 18-24, delivering education, employment, training and counseling services that are provided based on eligibility. The aim of the South Florida Workforce Investment Board's Youth Programs is to assist youth in obtaining a diploma or equivalent GED, transitioning into a career opportunity, career pathway opportunities and/or post-secondary education, and in gaining employment leading to self-sufficiency, in accordance with the WIOA. The County's Community Action and Human Services Department is the conduit for the provision of these services.

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The South Florida Workforce Investment Board allocated up to \$571,233 through June 30, 2018 for these services, the receipt and expense of which is now before the Board for retroactive approval. The contract authorizes two one-year options to renew through June 30, 2020. Passage of this resolution would also grant the Mayor the authority to exercise those options.

ADDITIONAL INFORMATION

Community Action and Human Services Department (CAHSD)

The Community Action and Human Services Department (CAHSD) is Miami-Dade County's largest provider of comprehensive social and human services. The programs are designed to assist low-income individuals and families and covers children to the elderly.

<http://www.miamidade.gov/socialservices/about-us.asp>

South Florida Workforce Investment Board (SFWIB)

The South Florida Workforce Investment Board (SFWIB) is one of 24 regional Workforce Board in Florida and represents Miami-Dade and Monroe Counties. The organization provides job search assistance and information on training opportunities for economically disadvantaged adults, youth, dislocated workers, individuals transitioning from welfare to work, and refugees.

<http://www.careersourcesfl.com/history/>

INPUT FROM CAHSD

OCA made the following request of the Community Action and Human Services Department. Below in italics is the department's response.

- Please provide information on the number of participants in Out-of-School Youth Programs and Services and the quantifiable results (i.e., number of participants obtaining employment, GED, etc.).

The South Florida Workforce Investment Board Out-of-School Youth Program serves young people ages 18 to 24 who have the following life experiences: youthful offenders, former foster care youth, single parents, high school dropouts, youth with disabilities and high school graduates who are basic skills deficient. There are 518 participants enrolled who reside in Miami-Dade County.

The goal of the Out-of-Youth Program is to provide a comprehensive, year-round, academic and career linkage program to those facing limited employment opportunities and uncertain future. To achieve this objective, participants receive assistance as follows: (1) obtaining a high school diploma or equivalent General Education Development (GED); (2) transitioning to a career opportunity, career pathway opportunity and/or post-secondary education; and (3) gaining employment leading to self-sufficiency. Participants may attain multiple achievements in these areas.

During the period July 1, 2017 to June 30, 2018, participant achievements were as follows:

- *Employment: 135*
- *Credential Attainment: 74*
- *High School Diploma Attainment: 96*
- *Post-secondary Degree/Certification Attainment: 15*
- *Enrolled In Secondary Education: 24*
- *Enrolled In Post-secondary Education: 19*
- *Paid Work Experience: 78*

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**Item No. 9A2
File No. 182077**

Researcher: LE Reviewer: TD

RESOLUTION APPROVING INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE TOWN OF CUTLER BAY FOR INFORMATION TECHNOLOGY MAINTENANCE AND SUPPORT SERVICES FOR A FIVE YEAR TERM FOR PAYMENT TO THE COUNTY OF \$522,419.00; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY TERMINATION PROVISIONS AND ANY OTHER CONTRACTUAL RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve an interlocal agreement between Miami-Dade County Information Technology Services Department (ITD) and the Town of Cutler Bay for information technology maintenance and support services for a five year term and for payment to the County of \$522,419.

APPLICABLE LEGISLATION/POLICY

Resolution No. 283-18, adopted on March 20, 2018, ratified an interlocal agreement between Miami-Dade County ITD and the Town of Cutler Bay for information technology maintenance and support services for an initial one year period.

<http://intra/gia/legistarfiles/Matters/Y2018/180436.pdf>

Town of Cutler Bay Resolution No. 18-54, adopted on July 18, 2018, authorizes the renewal and extension of the Town of Cutler Bay's interlocal agreement with Miami-Dade County ITD for information technology maintenance and support services for a five year term effective October 1, 2018 until September 30, 2023.

Please reference File No. 182077 for Resolution No. 18-54.

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Information Technology Department

The proposed ordinance was forwarded to the BCC with a favorable recommendation at the Infrastructure and Utilities Committee on September 12, 2018.

ANALYSIS

The proposed resolution approves an interlocal agreement between Miami-Dade County ITD and the Town of Cutler Bay to provide information technology maintenance and support services for a five year term and paying a total of \$522,419 to the County.

The implementation of this resolution will not have a negative fiscal impact to Miami-Dade County. Upon approval of the resolution, the term will provide the County \$522,419 in revenue.

Miami-Dade County has been the sole provider of information technology maintenance and support services for the City of South Miami since May 2014 and the Town of Cutler Bay since September 2017. The current interlocal agreement expires September 30, 2018. Miami-Dade County ITD and the Town of Cutler Bay have engaged in an interlocal agreement before as seen in Resolution No. 283-18, relating to the same services for an initial one year period. The Town of Cutler Bay has decided to approve through their Resolution No. 18-54 to authorize a new five year agreement with an effective date of October 1, 2018 and expiring on September 30, 2023.

The table below showcases the amount of money the Town of Cutler Bay will be paying Miami-Dade County ITD by year.

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Description	FY 18-19	FY 19-20	FY 20-21	FY 21-22	FY 22-23	5 Year Total
Basic Maintenance and Support Services	\$98,400	\$101,352	\$104,393	\$107,524	\$110,750	\$522,419

The prices are subject to change if the Town requests increased services. Since technology is consistently changing, prices may subject to change throughout the five year term.

The table below details the sites in the Town of Cutler Bay that will receive services through the agreement.

Town of Cutler Bay Sites Covered by Agreement	
Site	Address
Cutler Bay Town Center	10720 Caribbean Boulevard, Suite 210, Cutler Bay, FL 33189
Bel-Aire Park	18500 SW 97 Avenue, Cutler Bay, FL 33157
Blue Heron Park	21900 SW 97 Avenue, Cutler Bay, FL 33189
Cutler Ridge Park and Pool	10100 SW 200 Street, Cutler Bay, FL 33189
Franjo Park	20175 Franjo Road, Cutler Bay, FL 33189
Lakes by the Bay	8551 SW 216 Street, Cutler Bay, FL 33189
Lincoln City Park	SW 212 Street & SW 99 Avenue, Cutler Bay, FL 33189
Saga Bay Park	8000 SW 205 Street, Cutler Bay, FL 33189
Saga Lake Park	SW 198 Street & SW 83 Avenue, Cutler Bay, FL 33189
Whispering Pines Park	8800 Ridgeland Drive, Cutler Bay, FL 33157

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**Item No. 9A3
File No. 182027**

Researcher: MF Reviewer: TD

RESOLUTION RETROACTIVELY APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE FLORIDA DEPARTMENT OF JUVENILE JUSTICE (DJJ) AND MIAMI-DADE COUNTY, THROUGH ITS JUVENILE SERVICES DEPARTMENT, RELATING TO THE DESIGNATION OF DJJ'S MIAMI-DADE REGIONAL JUVENILE DETENTION CENTER AS THE ALTERNATE FACILITY TO PROCESS IN-CUSTODY YOUTH DURING CERTAIN TIMES OF EMERGENCY; RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS, EXTENSIONS, AND RENEWALS OF THE MEMORANDUM OF UNDERSTANDING AND TO EXERCISE TERMINATION, MODIFICATION, AND OTHER PROVISIONS SET FORTH THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should retroactively approve a Memorandum of Understanding between the Florida Department of Juvenile Justice (DJJ) and Miami-Dade County, through its Juvenile Services Department, relating to the designation of DJJ's Miami-Dade Regional Juvenile Detention Center as the alternate facility to process in-custody youth during certain times of emergency.

APPLICABLE LEGISLATION/POLICY

N/A

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Juvenile Services Department

The proposed resolution was considered at the September 13, 2018 Public Safety and Health Committee meeting; and was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The proposed resolution requests the Board to retroactively approve a Memorandum of Understanding (MOU) between the Florida Department of Juvenile Justice (DJJ) and Miami-Dade County, through its Juvenile Services Department, relating to the designation of DJJ's Miami-Dade Regional Juvenile Detention Center as the alternate facility to process in-custody youth during certain times of emergency.

The purpose of the MOU is to ensure that the arrest, processing, assessment, and safe harbor of juvenile clients continue during times of an emergency, including prior to, during, or immediately after a hurricane, other natural disaster or any other emergency, including:

- Evacuations and/or mobilizations relative to a hurricane, natural storm, or flooding;
- Civil disorder or terror threat;
- Any event or crisis, as determined by the Juvenile Services Department or DJJ that requires implementation of the provisions in the MOU;
- Mass immigrations that impact the Juvenile Services Department's ability and capacity to operate; and
- Any event that causes the Juvenile Services Department to cease or suspend operations at the Don Hickman Building located at 275 NW 2nd Street, Miami, FL 33128.

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Research Notes

In the event that the Intake and Assessment Operations Unit (IAO) of the Juvenile Services Department is required to suspend operations for any of the above reasons which impact the safety of clients and personnel, the IAO may relocate its emergency operations and a maximum of 10 Juvenile Services personnel and 20 in-custody youths to DJJ's Miami-Dade Regional Juvenile Detention Center located at 3300 NW 27th Avenue, Miami, FL 33142. This location will serve as the designated alternate facility for the Juvenile Services Department. If the department has more than 20 in-custody youths at the time of an emergency, all of these youths will be accepted by DJJ, upon mutual agreement of the parties.

The proposed resolution also requests that the Board authorize the County Mayor to execute the MOU; to execute amendments, extensions, and renewals of the MOU; and to exercise termination, modification and other provision contained in the MOU. According to the Fiscal Impact Statement, there is no fiscal impact to the County to execute this MOU.

ADDITIONAL INFORMATION

The following information is from a Juvenile Services Department report on juvenile arrests in 2017.

Juvenile Arrests Continue to Decline



- Since 1998, a total of **81%** decrease
- In 2017, a total of **3,070** Juvenile Arrests
- In 2017, **1%** of the arrested youth were ages 12 and under;
34% were between 13-15 years of age; **58%** were between ages
16-17; **7%** were 18 years of age and over

Top 10 Zip Codes*	Top 10 Charges**
33128	Grand Larceny (excluding auto theft)
33147	Misdemeanor Obstruction of Justice
33142	Aggravated Assault and-or Battery
33030	Auto Theft
33033	Misdemeanor Drug Laws
33034	Assault and or Battery (not aggravated)
33032	Felony Drug Laws
33161	Burglary
33056	Weapon or Firearm Offenses
33150	Felony Other

*Zip Code represent youth's residence at the time of arrest.

**Charge is defined as the number of charge counts issued per statute group. Statutes are based on the Florida Department of Juvenile Justice's statute grouping.

***Juvenile Arrest is defined by the number of bookings (not number of individuals) for the specified time period and agency.

**BCC Meeting: October 2, 2018
Research Notes**

**Item No. 11A5
File No. 182117**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF PALMETTO BAY, A MUNICIPAL CORPORATION, FOR THE PROPERTY LOCATED AT 900 PERRINE AVENUE, PALMETTO BAY, FLORIDA, TO BE UTILIZED TO PROVIDE PROGRAMMING AVAILABLE TO THE SENIOR AND ELDERLY POPULATION OF MIAMI-DADE COUNTY (INCLUDING BUT NOT LIMITED TO THE RESIDENTS OF THE VILLAGE OF PALMETTO BAY), WITH A TOTAL RENTAL REVENUE TO THE COUNTY ESTIMATED TO BE \$66,475.56 FOR THE INITIAL FIVE-YEAR TERM OF THE LEASE AND THE ADDITIONAL FIVE (5) ONE-YEAR RENEWAL OPTION PERIODS; DECLARING SUCH PROPERTY SURPLUS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE 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 approve the execution by the County Mayor of a Lease Agreement between Miami-Dade County and the Village of Palmetto Bay for the property located at 900 Perrine Avenue, Palmetto Bay, to provide programming to the senior and elderly population of Miami-Dade County with a total rental revenue to the County estimated at \$66,475.56 for the initial five-year term of the lease and the additional five one-year renewal option periods.

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Section 125.38, pertains to the requirements that must be fulfilled by any municipality of the State of Florida that desires any real or personal property that may be owned by any County of the State or its board of county commissioners for public or community interest and welfare.

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

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

Resolution No. R-1264-75, adopted by the Board on December 2, 1075, approves a Lease Agreement between Miami-Dade County and the South Dade Chamber of Commerce for the property located at 900 Perrine Avenue, Palmetto Bay, to be utilized for its executive offices and meeting hall.

(As this resolution is not in Legistar. A copy is attached to this note).

Resolution No. R-333-15, adopted by the Board on April 21, 2015, establishes County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

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

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Research Notes**

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cavea District 8

Department/Requester: None

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

ANALYSIS

Since 1975, pursuant to Resolution No. 1264-75, the County has leased the property located at 900 Perrine Avenue, Palmetto Bay to the Greater South Dade/South Miami/Kendall Chamber of Commerce (Chamber South). The current lease expired on December 31, 2017, and Chambers South has remained a tenant on a month-to-month basis. However, due to financial constraints, Chamber South has requested to terminate its existing lease agreement with the County.

The Village of Palmetto Bay (Palmetto Bay) seeks to lease the property to provide various programs for the senior and elderly population of the County and specifically for the residents of the immediate municipalities. The proposed resolution seeks the Board's approval of the execution by the County Mayor of a Lease Agreement between Miami-Dade County and Palmetto Bay for the subject property. The property will be used to provide programming to the senior and elderly population of Miami-Dade County. The lease is for an initial five-year term, with an additional five one-year renewal option periods.

According to the Fiscal Impact Statement, the rental revenue to the County for the initial five years of the lease will be \$31,594 (\$2.91 per square foot annually), which includes an annual increase of two percent after the second year of the lease. The total rental revenue to the County for the initial five-year term, plus the five, one-year renewal option periods, will be \$66,475.56, which includes the annual two percent increase.

The Fiscal Impact Statement explains that the rental rate has been discounted from the market rate, which ranges between \$22 and \$26 per square foot, because Palmetto Bay provides necessary services intended to promote community interest and welfare. During the term of the lease, Palmetto Bay is responsible for maintaining the property including paying for utilities, maintenance, cleaning, security, landscaping, repair and replacement of furniture, fixtures and equipment, and any and all other costs and expenses relating to the property. Palmetto Bay is also responsible for phone and data-related installation and services.

Florida Statutes, Section 125.38, provides that "... if 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 commissioners, for public or community interest and welfare, then this ... agency, municipality, corporation or organization may apply to the board of county commissioners for a conveyance or lease of such property. Such board, if satisfied that such property is required for such use and is not needed for County purposes, may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such board may fix, regardless of the actual value of such property."

The property will be used to provide programming to the senior and elderly population of the County. Such programming will include lunch and learn, bingo, socials, game days, arts and crafts, and lectures. In addition, the Greater South Dade/South Miami/Kendall Chamber of Commerce, Inc., will be allowed the occasional use of the property, at no cost, for the purposes of conducting its monthly organizational meetings. Therefore, the proposed resolution seeks the Board's approval because the property will be used to promote public or community interest and welfare; and the property is not otherwise needed for County purposes.

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Below is an aerial view of the property. Folio No. 33-5032-004-2610:



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Research Notes**

**Item No. 11A8
File No. 182097**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING WITH CHILDREN'S LEGAL SERVICES TO JOIN THE COUNTY'S E-NOTIFY SYSTEM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING AND ANY REQUIRED AMENDMENTS TO THE E-NOTIFY SYSTEM MEMORANDUM OF UNDERSTANDING; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ADDITIONAL MEMORANDA OF UNDERSTANDING WITH OTHER AGENCIES SEEKING TO JOIN THE E-NOTIFY SYSTEM UPON APPROVAL BY THE E-NOTIFY STEERING COMMITTEE

ISSUE/REQUESTED ACTION

Whether the Board should approve the Memorandum of Understanding with Children's Legal Services (CLS) to allow CLS to join the County's e-Notify System.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-709-07, adopted by the Board on June 5, 2007, authorized execution of a Memorandum of Understanding with the State Attorney's Office, Public Defender's Office, Clerk of Courts, Administrative Office of the Courts, and Miami-Dade County Association of Chiefs of Police establishing the terms for the use and oversight of the e-Notify System.

<http://intra/gia/matter.asp?matter=071387&file=true&yearFolder=Y2007>

Resolution No. R-447-13, adopted by the Board on June 4, 2013, ratified a Letter Agreement with the Office of Criminal Conflict to provide access to the County's e-Notify System.

<http://intra/gia/matter.asp?matter=130785&file=true&yearFolder=Y2013>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

Department/Requester: N/A

The proposed resolution was considered at the September 13, 2018 Public Safety and Health Committee meeting; and was forwarded to the BCC with a favorable recommendation.

ANALYSIS

On June 5, 2007, the Board adopted Resolution No. R-709-07, which authorized execution of a Memorandum of Understanding with the State Attorney's Office, Public Defender's Office, Clerk of Courts, Administrative Office of the Courts, and Miami-Dade County Association of Chiefs of Police establishing the terms for the use and oversight of the e-notify system.

The e-Notify System provides an automated process that helps streamline the process conducted by the Miami-Dade Police Department Court Services Bureau and the Clerk of Courts in the delivery and notification of subpoenas and court notifications to law enforcement witnesses. It helps improve monitoring of law enforcement court-related overtime expenses and enhances the communication among the court and law enforcement agencies.

The County and the Miami-Dade Association of Chiefs of Police (MDCACP) are jointly responsible for the yearly cost of maintaining the software license. According to 2007 Memorandum of Understanding, the County supports the hardware infrastructure necessary to support the system, while MDCACP pays for application software maintenance costs, established

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at \$30,240 per year during the first 24 months of system use; and after the initial period, pays the actual costs to maintain the software.

On June 4, 2013, the Board adopted Resolution No. R-447-13, which ratified a Letter Agreement with the Office of Criminal Conflict and Civil Regional Counsel Third Region of Florida to provide access to the County's e-Notify System.

The proposed resolution seeks the Board's approval of a Memorandum of Understanding with Children's Legal Services (CLS) to join the County's e-Notify System. CLS's application has already been approved by the e-Notify Steering Committee, composed of representatives of the original signatories to the 2007 agreement.

ADDITIONAL INFORMATION

Children's Legal Services (CLS) represents the State of Florida through the Department of Children and Families to ensure the health and safety of children and the integrity of families. Working with other department programs and community stakeholders, CLS advocates for the safety, well-being, and permanency of Florida's abused, abandoned and neglected children.

<http://www.myflfamilies.com/service-programs/childrens-legal-services>

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Research Notes**

**Item No. 11A11
File No. 181913**

Researcher: MF Reviewer: TD

RESOLUTION RESCINDING RESOLUTION NO. R-511-18 RELATED TO THE CONVEYANCE OF FOUR COUNTY-OWNED PROPERTIES TO SOUTHEAST LAND DEVELOPMENT GROUP, LLC FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO KEEP SUCH PROPERTIES ON MIAMI-DADE COUNTY'S AFFORDABLE HOUSING INVENTORY LIST AND TO PROVIDE SUCH WRITTEN NOTIFICATION TO THE DISTRICT COMMISSIONER IN WHICH THE COUNTY PROPERTIES LIE IN ACCORDANCE WITH RESOLUTION NO. R-380-17

ISSUE/REQUESTED ACTION

Whether the Board should rescind Resolution No. R-511-18 related to the conveyance of four County-owned properties to Southeast Land Development Group, LLC, for the purpose of developing such properties with affordable housing to be sold to very low, low, or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 17-121, relates to the Infill Housing Initiative Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIINHAIN_S17-121TIPU

Implementing Order No. 3-44 establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County, whereby the procedures are established to carry out the goals of the Infill Program.

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

Miami-Dade County Administrative Order No. 8-4 states that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable."

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

Florida Statutes, Section 125.379(1), requires each County to prepare an inventory list at least every three years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html

Florida Statutes, Section 125.379(2), prescribes the County's authority as to the County properties identified as affordable housing.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html

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Florida Statutes, Section 125.411, relates to deeds of conveyance of lands

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html

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-376-11, adopted on May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

Resolution No. R-333-15, adopted April 21, 2015, establishes County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

Resolution No. R-979-17, adopted on November 7, 2017, declared the County properties at issue in the proposed resolution surplus and added such properties to the County's inventory list of affordable housing sites.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-979-17.pdf>

Resolution No. R-974-09, adopted 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.

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

Resolution No. R-380-17, adopted by the Board on April 4, 2017, established the policy requiring the County Mayor to provide written notification to the District Commissioner in which the County-owned property lies no less than four weeks prior to placing any item on the agenda requesting approval of the sale, lease or surplus of County-owned property.

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

Resolution No. R-511-18, adopted by the Board on May 15, 2018, authorized conveyance of four County-owned properties to Southeast Land Development Group, LLC, at a price of \$10.00, for the purpose of developing such properties with affordable housing to be sold to very low, low, or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program.

<http://intra/gia/matter.asp?matter=180743&file=true&yearFolder=Y2018>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

Department/Requester: None

The proposed resolution was considered at the September 13, 2018 Housing and Social Services Committee meeting; and was forwarded to the BCC with a favorable recommendation.

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Research Notes

ANALYSIS

On March 14, 2018 Southeast Land Development Group, LLC (SouthEast) submitted an application to Commissioner Moss requesting that the County convey four County-owned vacant properties located in District 9, in order to build four affordable housing for sale to very low, low or moderate income households. According to a letter from Southeast to Commissioner Moss, the company requested conveyance of four properties to develop single family homes meeting the Infill program criteria. The goal of this project is to design residences which would involve little to no maintenance in the initial five years of ownership, while remaining attractive and affordable. The target price range would be in the high \$190,000.

The purpose of the Infill Housing Program is to increase the availability of affordable homes for very low, low, and moderate income persons and households; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. Between January 1, 2017 and December 12, 2017, 27 homes were sold under the Infill Housing Program.

<https://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

On May 15, 2018, the Board adopted Resolution No. R-511-18 authorizing conveyance of four County-owned properties to SouthEast Land Development Group, LLC, at a price of \$10.00, to develop the properties with affordable housing to be sold to very low, low, or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program.

Lot No.	Address	Land Value	Square Footage
30-6934-003-0100	26525 S.W. 137 Court	\$26,812	10,725
30-6934-003-0570	26525 S.W. 139 Ave.	\$26,812	10,725
10-7813-009-0250	312 N.W. 4 th Ave., Homestead	\$27,400	6,850
10-7813-028-0300	822 S.W. 5 th Street	\$20,038	6,450

SouthEast has informed the Public Housing and Community Development Department that it no longer desires to develop the County properties, because existing conditions make the lots unfeasible to develop. SouthEast discovered that the water and sewer lines were too far from two of the properties, and on the other two lots, a charrette requires parking in the back of the lot, which means the installation of a 16-foot wide driveway, over 100 feet long. This would substantially increase costs, and render the project unfeasible.

The County Deed to the properties have not yet officially been conveyed to SouthEast, and the proposed resolution seeks to rescind Resolution No. R-511-18 related to the conveyance of four County-owned properties to Southeast. The proposed resolution directs the County Mayor to maintain the properties on the County's Affordable Housing Inventory List.

ADDITIONAL INFORMATION

The Public Housing and Community Development Department oversees the Infill Housing Initiative Program and has developed guidelines for the administration of the program. The guidelines summarize the infill development process and requirements to be followed by developers.

<http://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

Infill Housing Homebuyer Requirements can be found at the below link:

<http://www.miamidade.gov/housing/infill-housing-homebuyers.asp>

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According to the Florida Department of State Division of Corporations website (Sunbiz.org), SouthEast Land Development Group, LLC, has an active status as a Florida Limited Liability Company and first filed and registered on 11/30/2016. The principal address is registered as 13364 S.W. 128 Street, Miami, FL 33186. Its registered agent is Kirilauscas, Rodrigo, 13364 S.W. 128 Street, Miami, FL 33186.

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

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following question to the Public Housing and Community Development Department, and received the following answer:

- What reasons has SouthEast Land Development Group provided for no longer wishing to develop the properties? **SouthEast has advised that it is no longer interested in developing the four awarded lots because existing conditions make the lots unfeasible to develop. SouthEast discovered that the water and sewer lines were too far from two of the properties, and on the other two lots, a charrette requires parking in the back of the lot, which means the installation of a 16-foot wide driveway, over 100 feet long. This would substantially increase costs, and render the project unfeasible.**