



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

Board of County Commissioners Meeting

October 23, 2018
9:30 A.M.
Commission Chambers

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**BCC Meeting: October 23, 2018
Research Notes**

**Item No. 5F
File No. 182268**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AS A GOVERNMENTAL FACILITY THE DEVELOPMENT PLAN FOR THE MIAMI-DADE FIRE RESCUE DEPARTMENT WESTWOOD LAKE TEMPORARY FIRE STATION NO. 41 LOCATED AT 4911 SW 117 AVENUE, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY

ISSUE/REQUESTED ACTION

Whether the Board should approve the development plan for the Miami-Dade Fire Rescue Department Westwood Lake Temporary Fire Station No. 41, as a governmental facility located at 4911 SW 117 Avenue.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 33-303 provides the exclusive procedure for zoning in the unincorporated areas or where the County retains zoning jurisdiction in incorporated areas; and provides the exception for approval of governmental facilities.

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

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Javier D. Souto, District 10
Department/Requester: Regulatory and Economic Resources**

The proposed resolution has no procedural history.

ANALYSIS

Miami-Dade Fire Rescue (MDFR) Department has ascertained the need to build a temporary fire station near Bird Road and the Florida Turnpike, as there is an urgent need for additional fire and medical services in this community. Existing fire stations in the area are able to respond to emergencies, however, the amount of development and high traffic volumes during peak hours has caused MDRF travel time to incidents within the area to be out of compliance with national performance industry standards.

MDFR has been attempting to locate a parcel of land in this area to accommodate the temporary fire station; however, it has been difficult to find such a parcel because the area is so heavily developed. Consequently, MDRF has reached an agreement with the Miami-Dade Water and Sewer Department to build a temporary fire station of a WASD site at the Westwood Lake facility. The inter-departmental agreement will be executed to stipulate specific terms of use, which include MDRF's right to operate the station on the WASD site for a 3-year term with the ability to renew the operation, if necessary. However, the site will revert back to WASD in its original condition at the end of the agreement.

The proposed resolution requests the Board's approval of the development plan for the Miami-Dade Fire Rescue Department Westwood Lake Temporary Fire Station No. 41, as a governmental facility located at 4911 SW 117 Avenue, pursuant to Section 33-303 of the Miami-Dade County Code.

Section 33-303 of the Code provides that notwithstanding any other provision of the code to the contrary, unless a governmental facility is authorized as a designated permitted use in a zoning district, Miami-Dade County and its agencies and authorities shall not be bound by the procedures contained in this chapter in constructing or operating any governmental facility listed below in the unincorporated area of the County or where the County retains zoning jurisdiction in incorporated areas.

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Section 33-303 further provides that the Board of County Commissioners may establish any of the following governmental facilities operated by or on behalf of Miami-Dade County where the Board may direct, without regard to the zoning or use classification of any particular site or location: public parks, playgrounds and buildings, and structures supplementary and incidental to such uses; domestic violence centers, fire stations; police stations, etc. The Board of County Commissioners may only authorize the construction or operation of the governmental facilities enumerated above by resolution following a public hearing.

Station No. 41 will be developed on a 15,174.16 square foot site comprised of two vacant residential lots on the east side of SW 117 Avenue and SW 49 Terrace, immediately south of WASD's Westwood Lake Distribution Facility. The site currently includes a 6-foot high concrete block wall along the north, south and east property boundary. The proposed Fire Station will be approximately 2,168 square feet and consist of a trailer and canopy structure to house a fire truck, a shed and emergency services personnel. It will be funded through fire impact fees.

Below are aerial views of the two lots:



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**Item No. 8F1
File No. 182265**

Researcher: MF Reviewer: PGE

RESOLUTION EXERCISING THE COUNTY'S OPTION TO SELL, LICENSE, OR OTHERWISE GRANT THE NAMING RIGHTS TO THE PROFESSIONAL SPORTS FRANCHISE FACILITY LOCATED AT 601 BISCAYNE BOULEVARD, MIAMI, FLORIDA, WHICH CURRENTLY SERVES AS HOME OF THE MIAMI HEAT, PART OF THE NATIONAL BASKETBALL ASSOCIATION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE COUNTY'S OPTION AND TO OBTAIN A NAMING RIGHTS' SPONSOR, INCLUDING BUT NOT LIMITED TO, NOTIFYING THE ARENA MANAGER OF THE COUNTY'S ELECTION TO EXERCISE ITS OPTION, RETAINING THE NECESSARY CONSULTANTS TO PURSUE A NEW NAMING RIGHTS SPONSOR, NEGOTIATING WITH ONE OR MORE POTENTIAL NAMING RIGHTS SPONSORS, AND EXECUTING ANY DOCUMENTS NECESSARY TO EFFECTUATE THE SAME; AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PRESENT THE NAMING RIGHTS SPONSORSHIP AGREEMENT TO THIS BOARD FOR APPROVAL

ISSUE/REQUESTED ACTION

Whether the Board should exercise the County's option to sell, license, or otherwise grant the Naming Rights to the professional sports franchise facility located at 601 Biscayne Boulevard, Miami, which currently serves as home of the Miami Heat, part of the National Basketball Association.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-499-14, adopted by the Board on June 3, 2014, approved the Amended and Restated Agreements effective retroactive to July 1, 2013, for the development, improvement, operation and management of the American Airlines Arena, the Miami Heat's guaranty of the Arena developer's and manager's obligations, and the Miami Heat's assurances regarding non-relocation.

<http://intra/gia/matter.asp?matter=141612&file=false&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: Audrey M. Edmonson, District

Department/Requester: Internal Services Department

The proposed resolution does not have a procedural history.

ANALYSIS

On April 29, 1997, Miami-Dade County and Basketball Properties, Ltd. (Arena Manager) entered into a series of agreement for the development, improvement, operation and management of the Arena. An amendment to the agreements transferred the Naming Rights responsibilities from the County to the Arena Manager. The current Arena agreements, which expire in 2030, originally required the County to provide the Arena Manager with an annual payment of \$8.5 million through Fiscal Year 2029 and \$3.5 million in Fiscal Year 2030, to be used for both operational expenses and Naming Rights related to the Arena.

Subsequently, the Arena Manager sold the Naming Rights to American Airlines, and the facility was named American Airlines Arena. This resulted in a \$2.1 million reduction to the County's annual payment from 8.5 million to \$6.4 million through December 31, 2019, when the initial term of the current Naming Rights agreement between the Arena Manager and American Airlines, Inc., will expire.

On June 3, 2014, the Board adopted Resolution No. R-499-14, which approved the Amended and Restated Agreements between Miami-Dade County and the Arena Manager, for the development, improvement, operation and management of the American

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Airlines Arena. Under these agreements, the Arena Manager may extend the American Airlines Naming Rights Agreement through the full term of the original Management Agreement (January 1, 2020 through June 30, 2030), subject to the Board's approval of such extension in the Board's sole and absolute discretion. If the American airlines Naming Rights Agreement is extended for such term, the Naming Rights receipts received by the Arena Manager exceeding \$2 million will be shared equally by the Arena Manager and the County.

If the American Airlines Naming Rights Agreement is not extended, the County at that time could elect to sell the Naming Rights, subject to exercising the option to sell no later than December 31, 2018. If the County does not exercise this option by such date, the Arena Manager has the right to sell the Naming Rights to the Arena for the term commencing on January 1, 2020, and ending on June 30, 2030, subject to certain restrictions set forth in the Management Agreement, and subject to the Board's approval.

Furthermore, the County would no longer be required to pay the annual \$2 million Naming Rights payment and would receive an equitable share of the Net Naming Rights receipts. This amount would be agreed upon by the Arena Manager and the County at that time. If the parties cannot come to an agreement, they will bring in a mediator, and if still at impasse, the matter would be referred to arbitration for consideration by an industry expert.

The County is faced with the following three scenarios in deciding whether to sell the Naming Rights to the Arena:

Scenario 1 – The County elects to sell the Naming Rights to any entity

Scenario 2 – The Arena Manager extends the Agreement with American airlines, In.;

Scenario 3 – The Arena Manager negotiates a new agreement with a third party.

It is expected that Scenario 1 will be most profitable to the County. Therefore, the proposed resolution requests the Board to exercise the County's option to sell, license, or otherwise grant the Naming Rights to the professional sports franchise facility located at 601 Biscayne Boulevard, Miami, which currently serves as home of the Miami Heat, part of the National Basketball Association. It also requests the Board to authorize the County Mayor to take all actions necessary to effectuate the County's option and to obtain a Naming Rights' Sponsor, including notifying the Arena Manager of the County's election to exercise its option; retaining the necessary consultants to pursue a new Naming Rights' Sponsor, and negotiating with one or more potential naming rights sponsors.

The fiscal impact of approving the proposed resolution is a \$2 million annual payment to the Arena Manager for the period of January 1, 2020 through June 30, 2030, totaling approximately \$21 million. The funding source of this obligation is anticipated to be the naming Rights payment received by the County from the Naming Rights' Sponsor. If the Naming Rights payment received by the County exceeds \$2 million, as is expected, then this item will result in a positive fiscal impact to the County as the County is entitled to retain all excess revenues above \$2 million and such funds can be used for any lawful purpose.

If the proposed resolution is approved, the county will sell the Naming Rights to the Arena for a term commencing on January 1, 2020 and ending any time on or before June 3, 2040.

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Item No. 8F2
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>

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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. At the October 2, 2018 BCC meeting the administration requested deferral of this item to the October 23, 2018 BCC.

ANALYSIS

This item requests 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/>

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

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**Item No. 8F3
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_S29-124SPFUCRUSSUPPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPRROCIINTRTR)

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>

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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>

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.

The item was deferred at the October 2, 2018 meeting of the Board. The following discussion transpired at the Board meeting:

- Commissioner Jordan voiced that one of the seven recommended vendors is an inactive business entity in the State of Florida and asked whether County policy permitted inactive vendors to be recommended for inclusion in a pool; the ISD Chief Procurement Officer responded that Romaine Electric Company is not active in the State of Florida but is active in the State of Washington and that the company once had an office in Broward County; the County Attorney's Office explained that if a company has extensive presence in the State of Florida, then it should be registered with the state; however, that is not a requirement for inclusion in the pool; Commissioner Jordan concluded by stating that certain pool requirements hinder qualified start-ups from qualifying.

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- Commissioner Martinez requested clarification on (1) the tools being purchased; (2) why ISD's modus operandi has changed, i.e., this pool is being re-established rather than extended; and (3) which vendor being recommended for inclusion in the pool would not have qualified under the current pool's requirements; the ISD Chief Procurement Officer responded that individual departments use the pool to purchase different things; for example, WASD uses it to buy wires, cables, circuit breakers, panel boards, transformers, and light fixtures; the old pool required companies to be in business for three years and the new pool does not require that; a lot of factors are considered in determining whether a pool is extended or re-solicited, such as outdated requirements; the ISD Director further explained that about a year ago there was a lot of discussion at the Board level about the utility in extending long-standing pools, such as this one, that have been around for 10 years or more; thus for such pools, ISD considers whether they should be re-established or extended; re-establishing a pool has both advantages and disadvantages; in this case and others, the pools lose vendors as vendors tend to wait until the Board approves the new pool before they submit their qualifications; the ISD Director concluded that since this pool does not expire until March 2019, the item could be deferred to give the department time to furnish the commissioner with an answer to his question regarding which vendors would not have qualified under the current pool.
- Commissioner Sosa stated that she believes there is a resolution requiring vendors that contract with the County to open a local office and if there is no such resolution, then she will work on legislation proposing that requirement.
- Commissioner Monestime suggested a workshop be held to discuss pools, legacies and designated purchases; he then commented that items, such as the present one, seem to steer contracts to the same businesses that have been around for over 20 years, foreclosing new, small businesses from participating in County procurement.

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 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.

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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. It is also important to note that the replacement pool removes the minimum three-year in-business requirement for pool inclusion.

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. An October 18, 2018 search of the Business Management Workforce System found the following vendors per referenced commodity code:

- 06037 (Electrical Parts, Not Ignition): 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.; and Rock International Distributors, Inc.
- 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.

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Item No. 8K1
File No. 182155

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING AWARD OF DEVELOPMENT RIGHTS THROUGH A 75-YEAR GROUND LEASE TO CORNERSTONE GROUP PARTNERS, LLC OR ITS SUBSIDIARIES, PURSUANT TO REQUEST FOR PROPOSAL NUMBER 2016-01, FOR THE PURPOSE OF DESIGNING AND BUILDING A MIXED-USE HOUSING AND COMMERCIAL TRANSIT-ORIENTED DEVELOPMENT KNOWN AS THE METRO GRANDE APARTMENT HOMES IN THE OKEECHOBEE TRANSIT VILLAGE WITH ANNUAL PAYMENTS BY CORNERSTONE GROUP PARTNERS, LLC OR ITS SUBSIDIARIES TO MIAMI-DADE COUNTY TOTALING \$300,000.00, 2.5% GROSS REVENUE PER ANNUM FOR THE TERM OF THE LEASE, 28% OF CASH FLOW AFTER DEBT SERVICE, AND AN AMOUNT EQUAL TO 2.5% OF THE INCOME FROM RETAIL SUBTENANTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH GROUND LEASE TO PROVIDE SITE CONTROL, TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN, TO CONSENT TO CORNERSTONE GROUP PARTNERS, LLC EXECUTION OF ANY SUB-GROUND LEASES, AS MAY BE NECESSARY, AND TO CONSENT TO AN ASSIGNMENT AND ACCEPTANCE AGREEMENT BETWEEN CORNERSTONE AND OKEECHOBEE LEASE HOLDINGS, LLC

ISSUE/REQUESTED ACTION

Whether the Board should approve award of Development Rights through a 75-year ground lease to Cornerstone Group Partners, LLC, or its subsidiaries, pursuant to Request for Proposal Number 2016-01, for the purpose of designing and building a mixed-use housing and commercial transit-oriented development known as the Metro Grande Apartment Homes in the Okeechobee Transit Village with annual payments by Cornerstone Group Partners, LLC or its subsidiaries, to Miami-Dade County totaling \$300,000.00, 2.5 percent gross revenue per annum for the term of the lease, 28 percent of cash flow after debt service, and an annual amount equal to 2.5 percent of the income from retail sub-tenants.

Whether the Board should authorize the County Mayor to execute such ground lease to provide site control, to exercise any cancellation and renewal provisions, to consent to Cornerstone Group Partners, LLC's execution of any sub-ground leases, as may be necessary, and to consent to an Assignment and Acceptance Agreement between Cornerstone and Okeechobee Lease Holdings, LLC.

APPLICABLE LEGISLATION/POLICY

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

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

Administrative Order 8-4 provides that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners.

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

Miami-Dade County Code, Section 2-8.6.5 provides that prior to the County's entering into any contract, agreement or lease relating to the purchase, sale or leasing of real property by, or to the County, all individuals, corporations, partnerships, joint ventures or other legal entities having any interest of any kind in the property to be purchases, sold or leased, shall file with the County a document identifying the extent of its ownership interest in the subject real property.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.6.5

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

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

Resolution No. R-376-11, adopted by the Board on May 3, 2011, directed that any resolution authorizing the rehabilitation, improvement of 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.

<http://intra/gia/matter.asp?matter=110684&file=true&yearFolder=Y2011>

Resolution No. R-333-15, adopted by the Board on 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>

PROCEDURAL HISTORY

Prime Sponsor: Esteban L. Bovo, District 13

Department/Requester: Public Housing and Community Development

The proposed resolution has no procedural history.

ANALYSIS

The Okeechobee Transit-Oriented Mixed-Development Request for Proposal (RFP) sought the creation, through a ground lease, of a mixed-use, multi-family transit-oriented development consisting of approximately 250 units of affordable housing, inclusive of 98 elderly residential units, a park-and-ride garage and/or resident parking spaces exclusively for transit users, a covered walkway from the garage to the existing Metrorail shelter, a "Kiss and Ride" area, and 10,000 square feet of retail/office space. The development would be built on approximately 3.49 acres of County-owned land located at 2005 West Okeechobee Road in Hialeah. The site is bound by the Hialeah Expressway/State Road 934 on the north, industrial warehouses on the east and south, and Okeechobee Road/Highway 27 on the west.

On September 7, 2016, RFP 2016-01 was advertised. Three proposals were received from Cornerstone Group Partners, LLC, Related Urban Development Group, LLC, and Atlantic Pacific Communities, LLC. Pursuant to a meeting of the Evaluation Selection Committee, the Mayor recommended that the County enter into negotiations with Cornerstone. On September 20, 2018, Related Urban filed a bid protest. A hearing was scheduled before a hearing examiner on October 15, 2018. However, on October 12, 2018, Related Urban informed the County in writing that they were withdrawing their bid protest.

The County considers that Cornerstone's Development Concept will, upon implementation, provide for important and needed neighborhood improvements and economic stimulus in and to the area around the subject property, serve as a positive model for transit-oriented development generally, and promote further economic development in Miami-Dade County.

The County also believes that the Development Concept submitted by Cornerstone will benefit the residents of Hialeah, and Miami-Dade County as a whole, and will provide an excellent living environment, add much needed affordable housing for workforce households, families and senior residents of the City of Hialeah, offer amenities and retail space to the neighborhood, improve ridership on Miami-Dade County's Metrorail System, and can provide a substantial and long-term income stream to the County. The Development Concept, primarily because of its proximity to the Metrorail Station, will, upon completion of the project, strengthen the link between transit and the community, and promote an increase in transit ridership, and overall transit system usage.

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The County, therefore, desires to lease the subject property to Cornerstone, in its “as-is” “where-is” condition, to enable Cornerstone to develop the property consistent with the Development Concept. Consequently, the proposed resolution

- seeks the Board’s approval of award of Development Rights through a 75-year ground lease to Cornerstone Group Partners, LLC, or its subsidiaries, pursuant to Request for Proposal Number 2016-01, for the purpose of designing and building a Transit-Oriented Development named Metro Grande Apartment Homes at the Okeechobee Road Metrorail Station at 2005 West Okeechobee Road, Hialeah, with a lease payment of \$100,000.00 per tower for a total of \$300,000.00, 2.5 percent gross revenue per annum for the term of the lease, 28 percent of cash flow after debt service, and an annual amount equal to 2.5 percent of the income from retail sub-tenants;
- authorizes the County Mayor to execute the lease with Cornerstone or its subsidiaries, subject to the County Attorney’s Office’s approval in order to provide Cornerstone with site control of the Metro Grande Site, as required by Florida Housing Finance Corporation’s (FHFC) requirements for Low-Income Housing Tax Credits applications.;
- authorizes the County Mayor to exercise the termination, cancellation, and renewal provisions in accordance with the terms and conditions of the lease, including but not limited to termination of the lease in the event that Cornerstone fails to close on all financing for the project no later than September 30, 2020;
- authorizes the County Mayor to make additional amendments to the lease, as may be required to meet the requirements of FHFC, including but not limited to amending the lease to increase or decrease the number of elderly residential units after consulting with the district commissioner;
- authorizes the County Mayor, at his sole option, to consent to Cornerstone executing sub-ground leases as may be necessary; and
- authorizes the County Mayor to consent, subject to the County Attorney’s approval, to an Assignment and Acceptance Agreement between Cornerstone and Okeechobee Lease Holdings, LLC.

There is no fiscal impact to the County related to general funds. Cornerstone may also compete for HOME Investment Partnerships program, Community Development Block Grant or Documentary Stamp Surtax funding for the affordable housing component of the project.

ADDITIONAL INFORMATION

The State Housing Initiatives Partnerships (SHIP) Program 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.

<http://www.miamidade.gov/housing/ship-program.asp>

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, Miami-Dade County exercised this authority, and established a Housing Assistance Loan Trust Fund, and implemented the Documentary Surtax Program to benefit very low, low and moderate income families.

<http://www.miamidade.gov/housing/documentary-stamp-surtax-program.asp>

The Home Investment Partnerships program is designed to expand the supply of decent and affordable housing, particularly rental housing, for low and very low income individuals; strengthen the abilities of State and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing; provide both financial and technical assistance to participating jurisdictions, including the development of model programs of affordable housing for very low, and

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low income families; and expand and strengthen partnerships among all levels of government and private sector in the production and operation of affordable housing.

<http://www.miamidade.gov/housing/home-program.asp>

Eligible activities for Community Development Block Grant (CDBG) funding must meet one or more of the national objectives set by HUD and benefit the low and moderate income persons of Miami-Dade County. CDBG funds are designed to support projects that benefit low and moderate income persons; are integrated in a long-range community strategy; leverage further private and public partnership; and enhance deteriorated residential and business districts.

<http://www.miamidade.gov/housing/community-development.asp>

On May 15, 2018, the Board approved a 75-year ground lease with Smathers Plaza Preservation Phase One, LLC for the rehabilitation of Smathers Phase One.

<http://www.miamidade.gov/govaction/matter.asp?matter=181166&file=true&fileAnalysis=false&yearFolder=Y2018>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Cornerstone Group Partners, LLC, has an active status as a Florida Limited Liability Company and first filed and registered on 06/03/2015. The principal address is registered as 2100 Hollywood Blvd., Hollywood, FL 33020. The registered agent is Wolfe, Leon, 2100 Hollywood Blvd., Hollywood, FL 33020.

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

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Okeechobee Lease Holdings, LLC, has an active status as a Florida Limited Liability Company and first filed and registered on 08/10/2017. The principal address is registered as 2100 Hollywood Blvd., Hollywood, FL 33020. The registered agent is McDonough, Brian, 150 West Flagler St., Suite 2200, Miami, FL 33130.

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



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Item No. 8K2
File No. 182302

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING A LOAN TO VERBENA, LLC OR RELATED ENTITY IN AN AMOUNT NOT TO EXCEED \$2,750,000.00 OF DOCUMENTARY STAMP SURTAX PROGRAM FUNDS, ALL BASED UPON PREPAYMENT BY PINNACLE LAKES, LTD. OF PREVIOUS LOANS IN THE SAME AMOUNT, FOR DEVELOPMENT OF THE VERBENA MULTI-FAMILY AFFORDABLE HOUSING PROJECT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE CONDITIONAL LOAN COMMITMENTS AND OTHER AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION

ISSUE/REQUESTED ACTION

Whether the Board should approve the redeployment of \$2,750,000.00 in repaid Documentary Surtax Program funds from Pinnacle Lakes, Ltd. to Verbena, LLC or a related entity for development of the Verbena Multi-Family Affordable Multi-Family Housing project in Commission District 9.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County code, Section 17-02 relates to refinancing of affordable housing loans made to developers. It states that “(a) [a]ny developer or other entity that has received a loan from Miami-Dade County for the provision of affordable housing and repays such loan in full before the date on which the loan is due in full, may upon approval of the Board of County Commissioners, have the repaid funds loaned to it, or a related entity, for additional eligible affordable housing projects ... (b) Notwithstanding any other provision of the Code of Miami-Dade County or of any ordinance, no competitive process shall be required for the loan of funds made pursuant to subsection (a) above.”

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH17HO_ARTIINGE_S17-02REAFHOLOMADE

Resolution No. R-869-01, adopted by the Board on July 24, 2002, authorized the County Manager to allocate \$2,947,105 of Documentary Surtax Incentive Pool funds to developers to execute agreements.

<http://intra/gia/matter.asp?matter=012154&file=false&yearFolder=Y2001>

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; and authorized the filing with U.S. HUD of Miami-Dade County's FY 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-210-03, adopted by the Board on March 11, 2003, authorized the County Manager to allocate \$750,000 from the Documentary Surtax Incentive Pool funds to Rayos Del Sol, Ltd. for the Rayos Del Sol project and \$1,000,000 to Pinnacle Lakes, Ltd. for the Pinnacle Lakes project.

<http://intra/gia/matter.asp?matter=030392&file=false&yearFolder=Y2003>

Resolution No. R-1423-04, adopted by the Board on November 30, 2004, authorized the allocation of \$750,000 from Surtax Incentive Pool funds to Pinnacle Lakes, Ltd. for the Pinnacle Lakes Apartments.

<http://intra/gia/matter.asp?matter=042789&file=true&yearFolder=Y2004>

Resolution No. R-346-15, adopted by the Board on April 21, 2015, established the maximum development cost per unit of \$225,000.00 for affordable housing constructed, rehabilitated or acquired with County funds, except for high-rise new construction which shall have a maximum development cost per unit of \$250,000.00.

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<http://intra/gia/matter.asp?matter=151090&file=false&yearFolder=Y2015>

Resolution No. R-343-15, adopted by the Board on April 21, 2015, limited the amount that any affordable housing development may receive in Documentary Surtax funds for gap funding to a percentage of the total development cost for that development.

<http://intra/gia/matter.asp?matter=151100&file=false&yearFolder=Y2015>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

Department/Requester: Public Housing and Community Development

The proposed resolution was considered at the October 16, 2018 Housing and Social Services Committee meeting.

Assistant County Attorney Terrence Smith advised that Commissioner Moss was requesting that the proposed resolution be waived to the October 23, 2018 Board meeting.

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

ANALYSIS

Resolution Nos. R-869-01, R-1355-01, R-210-03 and R-1423-04 allocated a total of \$2,750,000 to Pinnacle Lakes, Ltd. for its Pinnacle Lakes Apartments through Documentary Stamp Surtax Program funds for Fiscal Years 2002-2004. These funds were paid in full on September 13, 2018, well in advance of the loans' maturity dates of December 31, 2033 and December 31, 2034. This item is requesting that the funds, pursuant to County Code, be redeployed to a related entity, Verbena, LLC, for the development of affordable housing in Commission District 9.

Miami-Dade County Code, Section 17-02 provides that "(a) [a]ny developer or other entity that has received a loan from Miami-Dade County for the provision of affordable housing and repays such loan in full before the date on which the loan is due in full, may upon approval of the Board of County Commissioners, have the repaid funds loaned to it, or a related entity, for additional eligible affordable housing projects ... (b) Notwithstanding any other provision of the Code of Miami-Dade County or of any ordinance, no competitive process shall be required for the loan of funds made pursuant to subsection (a) above."

Pinnacle Lakes Ltd. and Verbena, LLC, are special purpose entities that were created as affiliates of Pinnacle Housing Group. They are all registered under the same address in Sunbiz. The proposed resolution seeks the Board's approval of a loan to Verbena, LLC or a related entity, in an amount not to exceed \$2,750,000.00 of Documentary Surtax Program funds, all based upon pre-payment by Pinnacle Lakes, Ltd. of previous loans, for development of the Verbena Multi-Family Affordable Multi-Family Housing project. The loan will be used for payment of hard construction costs as a portion of the development costs to construct the affordable housing units.

The loan, if approved, will be used to develop the Verbena affordable multi-family rental housing project, a 110-unit two-building mid-rise apartment complex located on South Dixie Highway, southwest of the intersection of SW 282nd Street and S. Dixie Highway. The applicant has committed to set aside 11 units for tenants with incomes at or below 30 percent of the Area Median Income (AMI) and 99 units for tenants with incomes at or below 60 percent of AMI.

According to the Fiscal Impact Statement, the total amount to be awarded will be \$2,750,000 for the Verbena affordable housing project. This amount will be taken from loans previously issued to Pinnacle Lakes Ltd., which along with Verbena, LLC, are affiliates of Pinnacle Housing Group.

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Upon approval of the new loan, the County Mayor will execute conditional loan commitments. The Verbena affordable housing project will be subject to a full credit underwriting analysis, and must receive a favorable recommendation from the underwriter and show financing commitments for the full development costs prior to financial closing of the loan.

The Verbena affordable housing project will break ground in December 2018. It has a 14-months construction schedule ending in February 2020. The loan term will be for 30 years, or as may be established prior to closing by the Mayor in accordance with the results of Underwriting. The loan terms, including interest rate, are those set forth in the FY 2017 Surtax Request for Applications (RFA) for repaid loan funds in accordance with Section 17-02 of the Code. Those terms are 0% interest during construction – years 1 and 2 – and then .75% interest-only payments for years 3- 30, as modified prior to closing by the Mayor in accordance with the results of Underwriting.

ADDITIONAL INFORMATION

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, Miami-Dade County exercised this authority, and established a Housing Assistance Loan Trust Fund, and implemented the Documentary Surtax Program to benefit very low, low and moderate income families.

<http://www.miamidade.gov/housing/documentary-stamp-surtax-program.asp>

Area Median Income (AMI): Each year, the Department of Housing and Urban Development (HUD) calculates the median income for every metropolitan region in the country. HUD uses the five-year estimates of the American Community Survey – a national survey similar to the United States Census – to measure household income. HUD distinguishes between three types of households: households earning less than 80 percent of the AMI are considered low-income; very low-income households earn less than 50 percent of the AMI; and extremely low-income households earn less than 30 percent of the AMI.

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Pinnacle Lakes Ltd., has an active status as a Florida Limited Partnership and first filed and registered on 09/08/2000. The principal address is registered as 9400 South Dadeland Blvd., Suite 100, Miami, FL 33156. Its registered agent is Corporation Company of Miami, 200 S. Biscayne Blvd., Suite 4100, Miami, FL 33131.

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

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Verbena, LLC, has an active status as a Florida Limited Liability Company and first filed and registered on 09/18/2013. The principal address is registered as 9400 South Dadeland Blvd., Suite 100, Miami, FL 33156. Its registered agent is Corporation Company of Miami, 200 S. Biscayne Blvd., Suite 4100, Miami, FL 33131.

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

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Pinnacle Housing Group, has an active status as a Florida Limited Liability Company and first filed and registered on 10/17/2001. The principal address is registered as 9400 South Dadeland Blvd., Suite 100, Miami, FL 33156. Its registered agent is Corporation Company of Miami, 200 S. Biscayne Blvd., Suite 4100, Miami, FL 33131.

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

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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:

- When is the construction of the Verbena Multi-Family Housing Project scheduled to begin, and be completed? **The Verbena affordable housing project will break ground in December 2018. It has a 14-months construction schedule ending in February 2020.**

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Research Notes**

**Item No. 8N1
File No. 182193**

Researcher: IL Reviewer: TD

RESOLUTION DESIGNATING A PORTION OF MIAMI-DADE COUNTY-OWNED PROPERTY IDENTIFIED AS PARCEL 22 AS ROAD RIGHT-OF-WAY FOR THE ROAD IMPROVEMENT PROJECT ALONG SW 216 STREET BETWEEN SW 127 AVENUE AND THE FLORIDA TURNPIKE IN SECTION 13, TOWNSHIP 56 SOUTH, RANGE 39 EAST AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should designate a portion of Miami-Dade County-owned property identified as parcel 22 as road right-of-way for the road improvement project along SW 216 Street between SW 127 Avenue and the Florida Turnpike in Section 13, Township 56 South, Range 39 East for the Department of Transportation and Public Works (DTPW).

APPLICABLE LEGISLATION/POLICY

N/A

PROCEDURAL HISTORY

**Prime Sponsor: District 9 Commissioner Dennis C. Moss
Department/Requester: Department of Transit and Public Works**

There is no procedural history at this time.

ANALYSIS

This item seeks Board designation of a portion of Miami-Dade County-owned property identified as parcel 22 as road right-of-way for the road improvement project along SW 216 Street between SW 127 Avenue and the Florida Turnpike in Section 13, Township 56 South, Range 39 East.

The Fiscal Impact is forecasted to be an increase of the maintenance cost of approximately \$184.00 annually associated with this action since this parcel will be added to the Miami-Dade County Road System.

The County owns vacant property as described in Exhibits A & B attached hereto (the "County Property.") DTPW has programmed the construction of SW 216 Street as part of the People's Transportation Plan (PTP). The project includes roadway expansion, beautification and improvements. The improvements consist of reconstructing the existing roadway to include a raised landscaped median, bicycle facilities, sidewalks, curb and gutters, continuous storm drainage system, signalization, pavement markings and signage, and roadway lighting. Parcel 22 is a portion of County property, as legally described in Exhibit A and depicted in Exhibit B. Parcel 22 is located within the limits of this road project and is needed in order to construct the project. It is therefore recommended that the Parcel 22 be designated as County road right-of-way.

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**BCC Meeting: October 23, 2018
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**Item No. 8N2
File No. 182119**

Researcher: IL Reviewer: TD

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 NORTH MIAMI AVENUE FROM SOUTH OF NW/NE 53 STREET TO NW/NE 55 STREET; 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 North Miami Avenue from South NW/NE 53 Street to NW/NE 55 Street, for the Department of Transportation and Public Works (DTPW).

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 North Miami Avenue from South NW/NE 53 Street to NW/NE 55 Street. The work shall include but is not limited to:

- Install a raised median on North Miami Avenue. This median will be from NW/NE 54 Street to NW/NE 55 Street on the north leg and from NW/NE 54 Street to south of NW/NE 53 Street on the south leg;
- Implement high-emphasis cross-walks on all four quadrants at the intersection of NW/NE 54 Street and North Miami Avenue;
- Signal timing modifications for the intersection of NW/NE 54 Street and North Miami Avenue along with loop replacement; and
- Pedestrian signal improvements

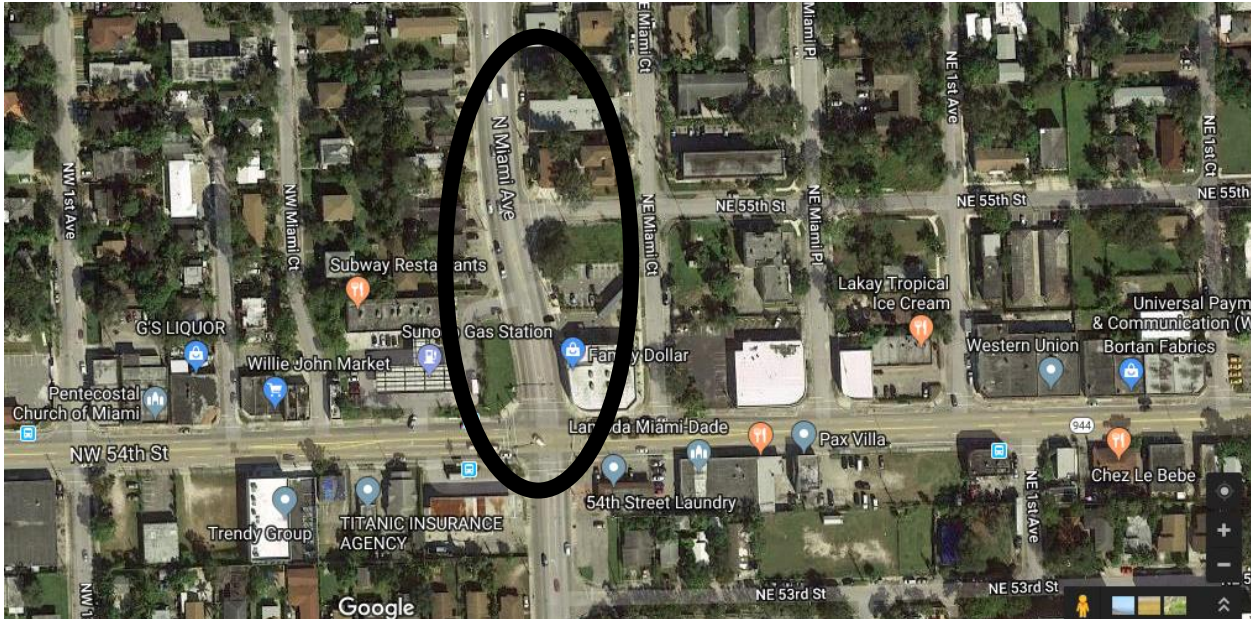
In the event that the Project requires the acquisition of additional right-of-way, FDOT shall acquire such right-of-way in order to complete the Project at no cost to the County. Construction of the improvements is scheduled to commence in October, 2018.

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#428278-3-32-0-1-52-01, page2)

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The project is located in District 3, which is represented by Commissioner Audrey Edmonson. The commencement of this project is scheduled in October 2018. The fiscal impact is estimated to cost \$35,569.00 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 \$225.30.00.



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Research Notes**

**Item No. 8N3
File No. 182199**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE COUNTY WITH FUNDING IN AN AMOUNT UP TO \$1,000,000.00 FOR THE CONSTRUCTION OF A ROADWAY IMPROVEMENT PROJECT ALONG SW 136 STREET FROM US-1 TO OLD CUTLER ROAD; 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 a Local Agency Program Agreement (LAP) between Miami-Dade County and the Florida Department of Transportation (FDOT) to provide \$1,000,000.00 for the construction of a roadway improvement project along SW 136 Street from US-1 to Old Cutler Road for the Transportation and Public Works Department (DTPW).

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1156-17, adopted on December 5, 2017, approves the execution of a Local Agency Program agreement between Miami-Dade County and the Florida Department of Transportation to provide \$3,944,000.00 in Federal Highway administration funding for the Underline M-Path/Brickell Backyard - Phase 1 project; authorizing the receipt and expenditure of funds as specified in the agreement;

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Department of Transit and Public Works

This item has no procedural history.

ANALYSIS

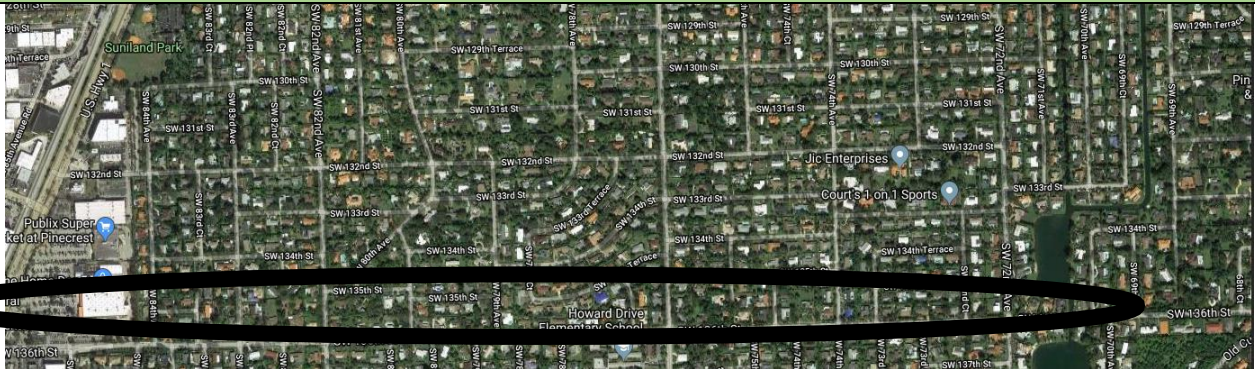
This proposed Resolution recommends the Board to authorize and approve the execution of a Local Agency Program Agreement between Miami-Dade County Department of Transportation and Public Works (DTPW) and FDOT with reimbursement to the County in the amount of \$1,000,000.00.

The Fiscal impact for LAP consists of \$1,000,000.00 in federal funding for the construction of a roadway improvement project along SW 136 Street from US-1 to Old Cutler Road. The construction cost estimate for the Project is \$1,700,345.00. FDOT will provide funding in an amount up to \$1,000,000.00 in federal funds for the Project. This LAP Agreement requires that a local funding source provide upfront funding for the Project, to be reimbursed by FDOT. The upfront funding for the Project will be derived from deposits provided by the Village of Pinecrest (\$300,345.00) and the Village of Palmetto Bay (\$400,000.00). Joint Participation Agreements with the Village of Pinecrest and the Village of Palmetto Bay are being presented for approval by the Board under separate resolutions. Construction is tentatively scheduled to commence in July 2020.

As stated in LAP, the purpose of the Agreement is to provide bicycle facilities on SW 136 Street from US-1 to Old Cutler Road. The Project provides east-west connectivity for bicycle mobility, connecting the South Dade Busway bicycle facility, with the Old Cutler Trail bicycle facility for the Village of Pinecrest, the Village of Palmetto Bay, and the County.

Picture Illustrating 136th Street between US-1 and Old Cutler Road.

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Research Notes



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**Item No. 8N4
File No. 182200**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF PALMETTO BAY TO PROVIDE THE COUNTY WITH FUNDING IN AN AMOUNT UP TO \$400,000.00 FOR THE CONSTRUCTION OF A ROADWAY IMPROVEMENT PROJECT ALONG SW 136 STREET FROM US-1 TO OLD CUTLER ROAD; 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 a Joint Participation Agreement (JPA) between Miami-Dade County and the Village of Palmetto Bay to provide the County with funding in an amount up to \$400,000.00 for the construction of a roadway improvement project (the Project) along SW 136 Street from US-1 to Old Cutler Road for the Department of Transportation and Public Works (DTPW).

APPLICABLE LEGISLATION/POLICY

Section 2-9 of the Code of Miami-Dade County, (Contracts with municipalities or governmental units for services-Authority of Manager), authorizes the County Manager/Mayor to enter into contracts in behalf of this County with municipalities and other governmental units for joint performance with the County or performance by any municipality or other governmental unit in behalf of the County or any function or service which the County is authorized or directed to perform under Section 11, Article VIII of the Florida Constitution, the Home Rule Charter, or any ordinance adopted by the Board.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-9COMUGOUNSEUTMA](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, (Ratification of Board; duration; filing.), 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 (1) 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](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI)

PROCEDURAL HISTORY

Prime Sponsor:

Department/Requester: Transportation and Public Works

There is no procedural history on this item.

ANALYSIS

This item seeks approval for a JPA between Miami-Dade County and the Village of Palmetto Bay to provide the County with funding in an amount up to \$400,000.00 for the construction of a roadway improvement project along SW 136 Street from US-1 to Old Cutler Road.

The fiscal impact for the construction cost estimate for the Project is \$1,700,345.00. The Village of Palmetto Bay will provide funding in an amount up to \$400,000.00 for the Project. The balance of the Project's construction costs will be provided by the Village of Pinecrest (\$300,345.00) and the Florida Department of Transportation (FDOT) (\$1,000,000.00). A JPA with the Village of Pinecrest and a Local Agency Program Agreement with FDOT are being presented for approval by the BCC under separate resolutions.

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The Village of Palmetto Bay, the Village of Pinecrest, and the County have been working on the concept of providing bicycle facilities on SW 136 Street from US-1 to Old Cutler Road. The Project provides east-west connectivity for bicycle mobility, connecting the South Dade Busway bicycle facility, with the Old Cutler Trail bicycle facility. The Village of Palmetto Bay is providing the design of the Project at its sole expense.

On April 19, 2017, the Village Council of Palmetto Bay adopted Resolution No. 2017-47 authorizing the Village Manager to enter into a JPA with the County for the Project. The County will implement a Public Involvement Plan (PIP) during the construction of the Project to provide information to property owners, tenants, and area residents for major work to be performed in the area. Construction is tentatively scheduled to commence in July 2020.

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**Item No. 8N5
File No. 182201**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF PINECREST TO PROVIDE THE COUNTY WITH FUNDING IN AN AMOUNT UP TO \$300,345.00 FOR THE CONSTRUCTION OF A ROADWAY IMPROVEMENT PROJECT ALONG SW 136 STREET FROM US-1 TO OLD CUTLER ROAD; 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 a Joint Participation Agreement between the County and the Village of Pinecrest to provide the County with funding in an amount up to \$300,345 for the construction of a roadway improvement project in Districts 7 and 8 along SW 136 Street from US-1 to Old Cutler Road to allow for bicycle mobility.

APPLICABLE LEGISLATION/POLICY

Section 2-10 of the Code of Miami-Dade County governs County contracts with municipalities. Such contracts 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.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI

Section 768.28 Florida Statutes addresses the waiver of governmental sovereign immunity in tort actions. In the agreement between the County and the Village of Pinecrest, the Village agrees to indemnify the County to the extent of all the limitations included in the below statute from all claims and liabilities arising out of, because of or due to the breach of the agreement by the Village, its agents or employees.

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

Chapter 164, Florida Statutes governs governmental disputes. The parties to the agreement are to resolve any disputes, controversies or claims between them arising out of the agreement in accordance with the below statute.

http://leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0164/0164ContentsIndex.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item was forwarded to the BCC by the BCC Chairman due to cancellation of the October 19, 2018 Transportation and Public Works Committee meeting.

ANALYSIS

The proposed resolution is for approval of a Joint Participation Agreement between the County and the Village of Pinecrest to provide the County with funding in an amount up to \$300,345 for the construction of a roadway improvement project in Districts 7 and 8 along SW 136 Street from US-1 to Old Cutler Road to allow for bicycle mobility. The project, construction of which is scheduled to commence in July 2020, intends to connect the South Dade Busway facility with the Old Cutler Trail bicycle facility.

The Village of Pinecrest will provide funding in an amount up to \$300,345 to the County for the project. The total project construction cost estimate is \$1,700,345, the balance of which will be provided by the Village of Palmetto Bay (\$400,000) and

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the Florida Department of Transportation (\$1,000,000). Both funding initiatives and the corresponding agreements with the respective entities are being presented to the BCC for approval under separate resolutions.

The following are key responsibilities of the Village of Pinecrest pursuant to the Joint Participation Agreement:

- The Village will, no later than 14 calendar days after the County's approval of the contract award recommendation, disburse to the County funding in the amount of \$300,345 for payment of the Village's share of the estimated construction cost.
- The Village shall review and make a determination or approval of all change orders or supplemental agreements, permits, modifications of plans, or other requests for approvals submitted by the County within ten calendar days.
- The Village's inspector or a consultant of the Village shall have an oversight role in the routine daily inspections for the Project. In the case of a disagreement over the interpretation of the plans, the County's Department of Transportation and Public Works Director, or their designee, shall have final authority. The Village's designated representative and the County's designated representative shall jointly perform the inspection of the Project which immediately precedes substantial completion.

The following are the key responsibilities of the County pursuant to the Joint Participation Agreement:

- **Public Information and Involvement:** The County will implement a Public Involvement Plan (PIP) during the construction of the project to provide information to property owners, tenants, and area residents, including but not limited to: public meetings, project documentation and flyers, business signs, directional parking signs, and schedules for major work to be performed in the area. Appropriate investigation of the project stakeholders will be used to develop the goals and objectives to implement the PIP.
- **Publicity:** By the acceptance of these funds, the County agrees that the activities funded by the agreement shall recognize and adequately reference the Village as a funding source.
- **Accounting:** The County shall at all times maintain separate accounting for the costs of the project so those costs may be independently verified and audited by the Village, at the request and cost of the Village. The County agrees to permit the Village auditors to inspect the books, records and accounts of the project for three years after completion of the project. These records shall be made available to the Village for inspection within five business days upon written receipt of a written request from the Village.
- **Construction:** The County shall procure the services of a licensed contractor holding and engineering contractor's license to construct the project. If the bid amount exceeds the current estimated cost of the project, the County reserves the right to reject all bids and rebid. The construction contract shall contain a requirement that the contractor(s) provide a payment and performance bond at least in the amount and form required by state law naming the Village and the County as joint obligees or joint contracting public entities. The construction contract shall contain a contingency amount to address unforeseen conditions and other required changes which shall not exceed ten percent (10%) of the base amount of the contract.
- **Claims and Change Orders:** The County shall notify the Village's Public Works Director in writing when claims or change orders arise. The County shall also invite the Village to participate in negotiations of these claims and change orders.
- **Construction Administration and Inspection:** The County shall exercise all responsibilities of the owner under the construction contract, including construction administration and inspections. The County may delegate this function to an authorized agent or Construction Engineering Inspection (CEI) consultant. The Village's inspector or a consultant of the Village shall have an oversight role in the routine daily inspections for the Project. In the case of a disagreement over the interpretation of the plans, the County's Department of Transportation and Public Works Director, or their designee, shall have final authority. The Village's designated representative and the County's designated representative shall jointly perform the inspection of the Project which immediately precedes substantial completion.
- **Right-of-Way:** The County shall acquire at its sole expense, any right-of-way that is required to complete the construction of the project.

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- Maintenance: The County shall be solely responsible for maintenance upon completion of construction.
- Coordination with Miami-Dade County Public Schools: Due to potential safety, operational and bus transportation impacts, the County shall coordinate with Miami-Dade Public Schools staff to implement maintenance of traffic measures.

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**Item No. 8N6
File No. 182292**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE LOCALLY FUNDED AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE FLORIDA DEPARTMENT OF TRANSPORTATION WITH \$154,615.58 TO INCREASE FUNDING FOR THE PROJECT DEVELOPMENT AND ENVIRONMENT STUDY FOR THE VENETIAN CAUSEWAY BRIDGES, FOR ADDITIONAL SERVICES AND ACTIVITIES RENDERED; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN AS REQUIRED BY THIS AMENDMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve the Second Amendment to the Local Funding Agreement between the County and the Florida Department of Transportation (FDOT) for the authorization of additional efforts and corresponding funds needed to meet Federal Highway Administration (FHWA) requirements for the Project Development and Environment Study (PD&E) study related to the Venetian Causeway Bridges, providing for an increase to the contract in an amount not to exceed \$309, 231.16, of which the County is responsible for 50%, or \$154,615.58.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-547-11, adopted by the Board on July 7, 2011, approved a Local Funding Agreement between the County and FDOT in order to address the need for funding a PD&E Study for the rehabilitation and/or replacement of the 12 existing Venetian Causeway Bridges.

<http://intra/gia/matter.asp?matter=111093&file=true&yearFolder=Y2011>

Resolution No. R-906-13, adopted by the Board on November 5, 2013, authorized the County to amend Resolution No. R-547-11 to contribute an additional \$516,483.50 as its share of a Local Funding Agreement between the County and FDOT, and authorized the Mayor to execute a further amendment approving, but not to exceed, an additional \$570,687.50 in the event that the Class of Action for the PD&E study was elevated from an Environmental Assessment to require an Environmental Impact Statement.

<http://intra/gia/matter.asp?matter=131821&file=true&yearFolder=Y2013>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item was forwarded to the BCC by the BCC Chairman due to cancellation of the October 19, 2018 Transportation and Public Works Committee meeting.

ANALYSIS

The proposed resolution is before the Board for approval of the Second Amendment to the Local Funding Agreement between the County and the Florida Department of Transportation (FDOT) for the authorization of additional efforts and corresponding funds needed to meet Federal Highway Administration (FHWA) requirements for the Project Development and Environment Study (PD&E) study related to the Venetian Causeway Bridges, providing for an increase to the contract amount, with the County's responsibility thereof being in an amount not to exceed \$154,615.58. While the project will not be elevated from an Environmental Assessment to require an Economic Impact Statement nor the \$570,687.50 in funds previously authorized by the Board via Resolution No. R-906-13 for this purpose, the project does require additional efforts to meet FHWA requirements, and additional funding to support such efforts. The total amount to fully fund the PD&E Study has increased by an additional \$309,231.16, of which the County is responsible for 50 percent, or \$154,615.58, pursuant to previous agreements. A PD&E

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Study for the rehabilitation and/or replacement of the 12 existing Venetian Causeway Bridges is required in order to have the project's construction be eligible to receive federal funding. The Study has an anticipated completion date of July 2019.

Among the additional efforts needed to meet FHWA requirements in furtherance of completing the PD&E study are:

- Coordination with the United States Coast Guard and United States Army Corps of Engineers as cooperating agencies, the State Historic Preservation Officer as a participating agency, as well as local agencies and stakeholders.
- Additional engineering analysis for an alternative to replace the east bascule bridge with a raised fixed bridge.
- Required updates to the Draft Preliminary Engineering Report, the Cultural Resource Assessment Survey, and some of the Draft environmental technical memoranda to take into account new considerations resulting from DTPW's recent removal and replacement of approximately 750 feet of the West Venetian Bridge
- Additional documentation services, which include uploading project documents into the new FDOT Statewide Environmental Project Tracker, which is essential for federal review and approval of the PD&E Study.

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**Item No. 8N7
File No. 182425**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH TO PROVIDE THE CITY OF HIALEAH WITH FUNDING IN AN AMOUNT UP TO \$3,548,341.85 FOR THE CONSTRUCTION OF A ROADWAY IMPROVEMENT PROJECT ALONG NW 142 STREET FROM NW 107 AVENUE TO NW 97 AVENUE; 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 a Joint Participation Agreement between the County and the City of Hialeah for the County's reimbursement in an amount up to \$3,548,341.85 to the City of Hialeah for the construction of a roadway improvement project along NW 142 Street from NW 107 Avenue to NW 97 Avenue in District 12, represented by Commissioner Jose "Pepe" Diaz.

APPLICABLE LEGISLATION/POLICY

Section 2-10 of the Code of Miami-Dade County governs County contracts with municipalities. Such contracts 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.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI

Section 768.28 Florida Statutes addresses the waiver of governmental sovereign immunity in tort actions. In the agreement between the County and the City of Hialeah, the City agrees to indemnify the County to the extent of all the limitations included in the below statute from all claims and liabilities arising out of, because of or due to the breach of the agreement by the City, its agents or employees.

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

Chapter 164, Florida Statutes governs governmental disputes. The parties to the agreement are to resolve any disputes, controversies or claims between them arising out of the agreement in accordance with the below statute.

http://leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0164/0164ContentsIndex.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item was forwarded to the BCC by the BCC Chairman due to cancellation of the October 19, 2018 Transportation and Public Works Committee meeting.

ANALYSIS

The proposed resolution is for approval of a Joint Participation Agreement between the County and the City of Hialeah for the County's reimbursement in an amount up to \$3,548,341.85 to the City of Hialeah for the construction of a new two lane roadway with a center left-turn lane along NW 142 Street from NW 107 Avenue to NW 97 Avenue in District 12, represented by Commissioner Jose "Pepe" Diaz. Construction commenced in April 2018 and is estimated to be completed by December 2018. The reimbursement to the City for construction costs will be funded with Road Impact Fee District 3 funds.

The City Council approved the Joint Participation agreement at its September 25, 2018 meeting via City Resolution No. 2018-090. The key responsibility of the County pursuant to the Joint Participation Agreement is to provide funds up to \$3,548,341.85,

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which includes 10% contingency, for eligible costs incurred by the City from the date the City issues the Notice to Proceed to the contractor for the construction of the project. The County shall incur no liability for any costs in excess of the specified funding amount unless there has been a duly authorized increase approved by the Board.

The following are the key responsibilities of the City pursuant to the Joint Participation Agreement:

- **Design:** The City shall complete at its sole expense, the construction plans, technical specifications, special provisions, pay items and cost estimates for the project in accordance with standard Florida Department of Transportation, County, and/or City, as applicable, design criteria, to the satisfaction of the County Department of Transportation and Public Works Director. The City's design consultant shall be made available to County at the City's expense solely to review shop drawings and perform required post-design services, limited to project design.
- **Permits and Approvals:** The City shall obtain all necessary permits, and utility adjustments; and coordinate the review of construction documents by utilities and permitting agencies. The City shall make all necessary adjustments as required for approval and/or permitting by those agencies. The City shall obtain all necessary permits, and utility adjustments for the project in accordance with applicable state, federal and local laws and ordinances. The City shall not pay for any permits required by the County Department of Transportation and Public Works.
- **Right-of-Way:** The City shall acquire at its sole expense, any right-of-way that is required to complete the construction of the project.
- **Public Information and Involvement:** The City will implement a Public Involvement Plan (PIP) during the construction of the project to provide information to property owners, tenants, and area residents, including but not limited to: public meetings, project documentation and flyers, business signs, directional parking signs, and schedules for major work to be performed in the area. Appropriate investigation of the project stakeholders will be used to develop the goals and objectives to implement the PIP. The City shall submit a copy of the PIP to the County Department of Transportation and Public Works Director for review and concurrence prior to its implementation.
- **Publicity:** By the acceptance of these funds, the City agrees that the activities funded by the agreement shall recognize and adequately reference the County as a funding source.
- **Accounting:** The City shall at all times maintain separate accounting for the costs of the project so those costs may be independently verified and audited by the County, at the request and cost of the County. The City agrees to permit the County auditors to inspect the books, records and accounts of the project for three years after completion of the project. These records shall be made available to the County for inspection at the City's government office in which these records are regularly kept within ten business days upon written receipt of a written request from the County.
- **Construction:** The City shall procure the services of a licensed contractor holding and engineering contractor's license to construct the project. If the bid amount exceeds the current estimated cost of the project, the City reserves the right to reject all bids and rebid the project. The construction contract shall contain a requirement that the contractor(s) provide a payment and performance bond at least in the amount and form required by state law naming the County and the City as joint obligees or joint contracting public entities. The construction contract shall contain a contingency amount to address unforeseen conditions and other required changes which shall not exceed ten percent (10%) of the base amount of the contract, unless otherwise approved in writing by designated representatives of the County and the City.
- **Claims and Change Orders:** The City shall notify the County Department of Transportation and Public Works Director in writing when claims or change orders arise. The City shall also invite the County to participate in negotiations of these claims and change orders.
- **Construction Administration and Inspection:** The City shall exercise all responsibilities of the owner under the construction contract, including construction administration and inspections. The City may delegate this function to an authorized agent or Construction Engineering Inspection (CEI) consultant. The County's inspector shall have an oversight role in the routine daily inspections. In the case of a disagreement over the interpretation of the plans, the County Department of Transportation and Public Works Director shall have final authority subsequent to an independent final inspection by the County. The City's designated representative and the County's designated representative shall jointly perform the inspection of the project which immediately precedes substantial completion. The City shall certify

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upon completion that the project has been constructed pursuant to the design plans, specifications and approved change orders. Final payment to the City and obligation of maintenance responsibility to the parties shall be subject to the final acceptance of the project by the County Department of Transportation and Public Works Director.

- Coordination with Miami-Dade County Public Schools: Due to potential safety, operational and bus transportation impacts, the City shall coordinate with Miami-Dade Public Schools staff to implement maintenance of traffic measures.
- Maintenance: The City shall be solely responsible for maintenance upon completion of the project.

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**Item No. 8N8
File No. 182429**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH TO PROVIDE THE CITY OF HIALEAH WITH FUNDING IN AN AMOUNT UP TO \$4,233,039.21 FOR THE DESIGN AND CONSTRUCTION OF A ROADWAY IMPROVEMENT PROJECT ALONG NW 102 AVENUE FROM NW 138 STREET TO NW 145 PLACE; 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 a Joint Participation Agreement between the County and the City of Hialeah for the County to reimburse the City of Hialeah in an amount up to \$4,233,039.21 for the design and construction of a roadway improvement project along NW 102 Avenue from NW 138 Street to NW 145 Place in District 12, represented by Commissioner Jose "Pepe" Diaz.

APPLICABLE LEGISLATION/POLICY

Section 2-10 of the Code of Miami-Dade County governs County contracts with municipalities. Such contracts 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.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10SAATBODUFI

Section 768.28 Florida Statutes addresses the waiver of governmental sovereign immunity in tort actions. In the agreement between the County and the City of Hialeah, the City agrees to indemnify the County to the extent of all the limitations included in the below statute from all claims and liabilities arising out of, because of or due to the breach of the agreement by the City, its agents or employees.

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

Chapter 164, Florida Statutes governs governmental disputes. The parties to the agreement are to resolve any disputes, controversies or claims between them arising out of the agreement in accordance with the below statute.

http://leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0164/0164ContentsIndex.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item was forwarded to the BCC by the BCC Chairman due to cancellation of the October 19, 2018 Transportation and Public Works Committee meeting.

ANALYSIS

The proposed resolution is for approval of a Joint Participation Agreement between the County and the City of Hialeah for the County to reimburse the City of Hialeah in an amount up to \$4,233,039.21 for the design and construction of a roadway improvement project along NW 102 Avenue from NW 138 Street to NW 145 Place in District 12, represented by Commissioner Jose "Pepe" Diaz. The County wishes to utilize the resources of the City to design, contract, and construct the project, subject to the terms of the Agreement. Construction is tentatively scheduled to commence in January 2019. The reimbursement to the City for construction costs will be funded with FY 2017-2018 Road Impact Fee District 3 funds.

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The project is phased as follows:

- Phase 1 – NW 102 Avenue from NW 138 Street to NW 142 Street
- Phase 2 – NW 102 Avenue from NW 142 Street to NW 145 Place.

The funding for Phase 2 is subject to the dedication of NW 145 Place from NW 107 Avenue to NW 102 Avenue as a public road.

The City Council approved the Joint Participation agreement at its September 25, 2018 meeting via City Resolution No. 2018-091. The key responsibility of the County pursuant to the Joint Participation Agreement is to provide funds up to \$4,233,039.21, which includes 10% contingency, for eligible costs incurred by the City from the date the City issues the Notice to Proceed to the contractor for the construction of the project. The County shall incur no liability for any costs in excess of the specified funding amount unless there has been a duly authorized increase approved by the Board.

The following are the key responsibilities of the City pursuant to the Joint Participation Agreement:

- Design: The City will secure engineering design and consulting services from qualified firms to develop the construction plans, technical specifications, special provisions, pay items and cost estimates for the project in accordance with standard Florida Department of Transportation, County, and/or City, as applicable, design criteria, to the satisfaction of the County Department of Transportation and Public Works Director. The City's design consultant shall be made available to County to review shop drawings and perform required post-design services, limited to project design.
- Permits and Approvals: The City shall obtain all necessary permits, and utility adjustments; and coordinate the review of construction documents by utilities and permitting agencies. The City shall make all necessary adjustments as required for approval and/or permitting by those agencies. The City shall obtain all necessary permits, and utility adjustments for the project in accordance with applicable state, federal and local laws and ordinances. The City shall not pay for any permits required by the County Department of Transportation and Public Works.
- Right-of-Way: The City shall acquire at its sole expense, any right-of-way that is required to complete the construction of the project.
- Public Information and Involvement: The City will implement a Public Involvement Plan (PIP) during the construction of the project to provide information to property owners, tenants, and area residents, including but not limited to: public meetings, project documentation and flyers, business signs, directional parking signs, and schedules for major work to be performed in the area. Appropriate investigation of the project stakeholders will be used to develop the goals and objectives to implement the PIP. The City shall submit a copy of the PIP to the County Department of Transportation and Public Works Director for review and concurrence prior to its implementation.
- Publicity: By the acceptance of these funds, the City agrees that the activities funded by the agreement shall recognize and adequately reference the County as a funding source.
- Accounting: The City shall at all times maintain separate accounting for the costs of the project so those costs may be independently verified and audited by the County, at the request and cost of the County. The City agrees to permit the County auditors to inspect the books, records and accounts of the project for three years after completion of the project. These records shall be made available to the County for inspection at the City's government office in which these records are regularly kept within 10 business days upon written receipt of a written request from the County.
- Construction: The City shall procure the services of a licensed contractor holding and engineering contractor's license to construct the project. If the bid amount exceeds the current estimated cost of the project, the City reserves the right to reject all bids and rebid the project. The construction contract shall contain a requirement that the contractor(s) provide a payment and performance bond at least in the amount and form required by state law naming the County and the City as joint obligees or joint contracting public entities. The construction contract shall contain a contingency amount to address unforeseen conditions and other required changes which shall not exceed 10 percent of the base amount of the contract, unless otherwise approved in writing by designated representatives of the County and the City.

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Research Notes

- **Claims and Change Orders:** The City shall notify the County Department of Transportation and Public Works Director in writing when claims or change orders arise. The City shall also invite the County to participate in negotiations of these claims and change orders.
- **Construction Administration and Inspection:** The City shall exercise all responsibilities of the owner under the construction contract, including construction administration and inspections. The City may delegate this function to an authorized agent or Construction Engineering Inspection (CEI) consultant. The County's inspector shall have an oversight role in the routine daily inspections. In the case of a disagreement over the interpretation of the plans, the County Department of Transportation and Public Works Director shall have final authority subsequent to an independent final inspection by the County. The City's designated representative and the County's designated representative shall jointly perform the inspection of the project which immediately precedes substantial completion. The City shall certify upon completion that the project has been constructed pursuant to the design plans, specifications and approved change orders. Final payment to the City and obligation of maintenance responsibility to the parties shall be subject to the final acceptance of the project by the County Department of Transportation and Public Works Director.
- **Coordination with Miami-Dade County Public Schools:** Due to potential safety, operational and bus transportation impacts, the City shall coordinate with Miami-Dade Public Schools staff to implement maintenance of traffic measures.
- **Maintenance:** The City shall be solely responsible for maintenance upon completion of the project.
- **The City agrees to comply with applicable County regulations, including but not limited to, the Small Business Enterprise Goods and Services Program, the Small Business Enterprise Architecture and Engineering Program, the Small Business Enterprise Construction Services Program, the Community Workforce Program, the Resident First Training and Empowerment Program, and the Responsible Wages and Benefits Ordinance. A Contract Measure Recommendation of 24.25 percent Small Business Enterprise (SBE)-Architectural and Engineering, 1.74 percent SBE-Goods and Services, and 8.31 SBE Construction was established after review by the County's Small Business Development Division.**