



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Trade and Tourism Committee Meeting

May 12, 2016

9:30 A.M

Commission Chamber

Charles Anderson, CPA
Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

Trade and Tourism Committee
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Research Notes

Item No.	Research Notes												
1G1 160391	ORDINANCE CREATING SECTION 21-51 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROHIBITING THE AIMING OF A LASER POINTER AT AN AIRCRAFT OR MANNED POLICE VEHICLE; AMENDING SECTION 8CC-10 OF THE CODE PROVIDING FOR PENALTIES FOR AIMING A LASER POINTER AT AN AIRCRAFT OR MANNED POLICE VEHICLE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE												
Notes	<p>The proposed ordinance creates Section 21-51 of the Code (Code) of Miami-Dade County (County), prohibiting the aiming of a laser pointer at an aircraft or manned police vehicle. It further amends Section 8cc-10 of the Code providing for penalties for aiming a laser pointer at an aircraft or manned police vehicle.</p> <table><tr><th colspan="3">Code Comparison Chart</th></tr><tr><th colspan="3">Section 21-51 and 8CC-10 of the Miami-Dade County Code</th></tr><tr><th>Section</th><th>Current</th><th>Proposed</th></tr><tr><td>Section 21- 51 Prohibition on Aiming a Laser Pointer at an Aircraft or Manned Police Vehicle.</td><td>N/A</td><td><p>1. Purpose. The purpose of this ordinance is to prevent laser-induced accidents and to enhance aviation and police officer safety and will be read broadly in light of that purpose.</p><p>2. Definitions. (a) Aircraft means any contrivance intended for and capable of transporting persons through airspace. (b) Laser pointer means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam that is designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item or object.</p><p>3. Prohibition on Aiming a Laser Pointer at an Aircraft. It is unlawful for any person to knowingly aim, shine, point or focus the beam of a laser pointer on an aircraft on the ground or in flight.</p><p>4. Prohibition on Aiming a Laser Pointer at a Manned Police Vehicle. It is unlawful for any person to knowingly aim, shine, point, or focus the beam of a laser pointer at a police officer, or a motor vehicle, vessel, or aircraft operated by a police officer, when such police officer is acting within the scope of his or her official duties.</p><p>5. Penalties. Persons who violate the provisions of this section will be subject to penalties, civil liability, attorney’s fees and enforcement proceedings as set forth in Section 8CC of the Code and to any other such enforcement proceedings as may be provided by law.</p></td></tr></table>	Code Comparison Chart			Section 21-51 and 8CC-10 of the Miami-Dade County Code			Section	Current	Proposed	Section 21- 51 Prohibition on Aiming a Laser Pointer at an Aircraft or Manned Police Vehicle.	N/A	<p>1. Purpose. The purpose of this ordinance is to prevent laser-induced accidents and to enhance aviation and police officer safety and will be read broadly in light of that purpose.</p> <p>2. Definitions. (a) Aircraft means any contrivance intended for and capable of transporting persons through airspace. (b) Laser pointer means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam that is designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item or object.</p> <p>3. Prohibition on Aiming a Laser Pointer at an Aircraft. It is unlawful for any person to knowingly aim, shine, point or focus the beam of a laser pointer on an aircraft on the ground or in flight.</p> <p>4. Prohibition on Aiming a Laser Pointer at a Manned Police Vehicle. It is unlawful for any person to knowingly aim, shine, point, or focus the beam of a laser pointer at a police officer, or a motor vehicle, vessel, or aircraft operated by a police officer, when such police officer is acting within the scope of his or her official duties.</p> <p>5. Penalties. Persons who violate the provisions of this section will be subject to penalties, civil liability, attorney’s fees and enforcement proceedings as set forth in Section 8CC of the Code and to any other such enforcement proceedings as may be provided by law.</p>
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	Sec. 8CC-10. Schedule Of Civil Penalties.			
			<table><tr><th>Description of Violation</th><th>Civil Penalty</th></tr><tr><td>Aiming a laser pointer at an aircraft or manned police vehicle.</td><td>\$1,000</td></tr></table>	Description of Violation
Description of Violation	Civil Penalty			
Aiming a laser pointer at an aircraft or manned police vehicle.	\$1,000			

Background

Laser pointers are devices designed to highlight something of interest by illuminating it with a small bright spot and are most commonly used by people during audio visual presentations. They are easy to obtain and have variable power levels depending on the purpose for which they were designed.

Aiming or pointing a laser pointer at an aircraft or manned police vehicle jeopardizes the safety of the operators, passengers and the public, and may result in catastrophic consequences. There has been an escalation of extremely dangerous practices involving laser pointers, which has compromised the safety of the aviation industry and law enforcement in the County and around the nation.

The Federal Bureau of Investigation (FBI) has reported that there have been 141 arrests, 107 prosecutions and 84 convictions related to individuals aiming laser pointers at aircraft since 2004.

Laser reports have increased dramatically from fewer than 300 laser attacks reported in 2005 to 4,000 attacks in 2013, an increase of more than 1,000%.

Lasers distracting aircraft and vehicle operators can lead to temporary blindness and in some cases permanent retinal damage and can impair the operator’s ability to control the aircraft or vehicle.

Fiscal Impact

The proposed ordinance will provide for the ability to impose a fine on persons who violate its provisions. Thus its implementation will create a new civil penalty, which may have a positive fiscal impact to the County. However, it is difficult to determine at this time.

Additional Information - U.S. Code § 39A - Aiming a laser pointer at an aircraft:

(a) Offense.-Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States or at the flight path of such an aircraft will be fined under this title or imprisoned not more than five years or both.

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	<p><i>(b) Laser Pointer Defined. -As used in this section, the term "laser pointer" means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark or identify a specific position, place, item or object.</i></p> <p><i>(c) Exceptions. -This section does not prohibit aiming a beam of a laser pointer at an aircraft or the flight path of such an aircraft by:</i></p> <ol style="list-style-type: none"> <i>(1) An authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;</i> <i>(2) Members or elements of the Department of Defense (DOD) or Department of Homeland Security (DHS) acting in an official capacity for the purpose of research, development, operations, testing or training; or</i> <i>(3) By an individual using a laser emergency signaling device to send an emergency distress signal.</i> <p><i>(d) Authority To Establish Additional Exceptions by Regulation. -The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section as may be necessary and appropriate. The Attorney General will provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Commerce, Science, Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, not less than 90 days before such regulations become final¹.</i></p> <p><u>Additional Information - FBI launches campaign against aiming lasers at aircraft:</u></p> <ul style="list-style-type: none"> • The FBI has launched an educational campaign to make the public aware of the danger and criminality of pointing a laser at an airplane. • The agency is so concerned that it is offering a reward of up to \$10,000 for information that leads to the arrest of any individual who aims a laser at an aircraft. The reward is available for 90 days in all 56 FBI field offices. • The Laser Threat Awareness Campaign has resulted in an overall reduction of incidents. • Since the FBI and the Federal Aviation Administration (FAA) began tracking laser strikes in 2005, data shows a more than 1,100% increase in the deliberate targeting of aircraft by people with handheld lasers. • When aimed at an aircraft, the powerful beam of light from a handheld laser can travel more than a mile and illuminate a cockpit, disorienting and temporarily blinding pilots. Those who have experienced such attacks have described them as the equivalent of a camera flash going off in a pitch black car at night².

¹ <https://www.law.cornell.edu/uscode/text/18/39A>

² <http://www.news-gazette.com/news/local/2014-06-04/fbi-launches-campaign-against-aiming-lasers-aircraft.html>

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2A 160997	RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DETERMINE THE COST OF DEVELOPING A MULTI-USE PATH AROUND THE PERIMETER OF MIAMI EXECUTIVE AIRPORT AND INCLUDE APPROPRIATE FUNDING FOR THIS PROJECT IN THE PROPOSED FY 2016-17 COUNTY BUDGET AND ANY SUBSEQUENT COUNTY BUDGETS AS NEEDED
	<p>The proposed resolution directs the Mayor or designee to provide for the following:</p> <ul style="list-style-type: none"> • Determine the total cost of the Multi-use Path Project at the Miami Executive Airport (MEA); • Identify a funding source in addition to the previously identified District 11 funds; and • Include appropriate funding for the remaining costs of the Multi-use Path Project in the proposed Fiscal Year (FY) 2016-17 County Budget and any subsequent County Budgets. <p><u>Background</u></p> <p>The Miami-Dade Aviation Department (MDAD) has identified aviation land along the perimeter of the MEA that may be used to develop a multi-use path, subject to approval by the Federal Aviation Administration (FAA) and the Board of County Commissioners (BCC). The MEA's Multi-use Path Project is included in the current West End Connectivity Master Plan. The Multi-use Path Project would improve the overall mobility of the County's Southwestern part by tying into the County's network of bike trails through a connection to the Black Creek Trail. The Black Creek Trail, once fully completed, will run through County Commission Districts 8, 9 and 11. Approximately \$1.2 million of funding for the Multi-use Path Project has already been identified from District 11 district funds.</p> <p><u>Additional Information Relating to the Black Creek Trail</u></p> <p>The Black Creek Trail, in the County's Southwestern part, runs between Black Point Park and Marina and Larry and Penny Thompson Park. Along the way, it connects to Old Cutler Trail, Biscayne Trail and the future West Kendall District Park. At its Southern end, Black Creek Trail users can look for manatees, alligators and birds that call the Biscayne Bay home.³</p>
3A 160548	RESOLUTION APPROVING AWARD OF THE PROFESSIONAL SERVICES AGREEMENT TO STANTEC CONSULTING SERVICES, INC., FOR FUELING SYSTEMS CONSULTING SERVICES AT MIAMI INTERNATIONAL AIRPORT (MIA) AND GENERAL AVIATION AIRPORTS (GAA) , PROJECT NO. E14-MDAD-03; IN AN AMOUNT NOT TO EXCEED \$2,305,500 AND FOR A TERM OF SEVEN YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN, INCLUDING TERMINATION PROVISIONS.
Notes	The proposed resolution approves the award of a Professional Services Agreement (PSA) to Stantec Consulting Services, Inc. for Fueling Systems Consulting Services at Miami International Airport (MIA) and General Aviation Airports (GAAs), Project No. E14-MDAD-03, in an amount not to exceed \$2,305,500 and for a term of seven years.

³ <http://www.traillink.com/trail/black-creek-trail-%28miami-dade%29.aspx>

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	<p>The scope will include, but is not be limited to, design services and preparation of contract documents for the upgrade, maintenance, repair and/or construction of the aviation fuel storage and distribution systems and proposed facilities under the MDAD’s jurisdiction including, but are not limited to:</p> <p style="padding-left: 40px;">Midfield gas station; west load rack facility and diesel and gasoline tanks; employee emergency vehicle fuel tank; hydraulic modeling and planning services; value appraisal of aviation fueling system and any other component related to it; equipment and facilities; emergency consulting services; construction management and inspection services; environmental regulatory projects; providing recommendations and inspections for maintenance repairs of fueling facilities; reviewing proposed maintenance work estimates; updating the fueling Atlas and Master Plan; consulting; design and work-site services for the fueling systems fire protection and detection systems; closed-circuit television; electrical work; structural improvements; and any other work associated with fueling systems at MIA and GAAs.</p> <p><u>Background</u></p> <p>Per the Florida Department of Environmental Protection (FDEP), under rules 62-761 to 62-762 and the County’s Department of Regulatory and Economic Resources – Division of Environmental Resources Management (RER-DERM), the MDAD is required to perform monthly inspections of all storage tanks and associated monitoring wells at the County’s airport.</p> <p><u>Selection Process</u></p> <p>On June 1, 2015, a Notice To Professional Consultants (NPC) was issued under full and open competition. On July 8, 2015, the Clerk of the BCC received four proposals. Burns & McDonnell Engineering Company, Inc. was found non-compliant with the Implementing Order governing the Small Business Enterprise (SBE)/Architectural Engineering (AE) Program.</p> <p>The Selection Committee held a first-tier meeting on August 27, 2015 to review the three remaining proposals. The Committee determined that the information provided in the proposals was sufficient to determine the qualifications of the three remaining teams and waived the second-tier phase.</p> <p>The two top-ranked firms, T.Y. Lin International, Inc. and Stantec Consulting Services, Inc., were found by the Selection Committee to have met the qualification requirements. The Negotiation Committee successfully negotiated a PSA with both firms on December 1, 2015.</p> <p><u>Fiscal Impact/Funding Source</u></p> <p>This procurement is for the award of two PSAs, each with a value of \$2,305,500. Funding Source: MDAD Civil/Environmental Operating Budget.</p>

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	<p><u>Contract Measures</u> Assigned Contract Measures: 25% SBE/AE / \$500,000. Measures Achieved at Award: 25% SBE/AE / \$500,000.</p> <p><u>Operations Cost</u> Impact: Not applicable as this is a PSA for AE services.</p> <p><u>Maintenance Cost</u> Impact/Funding: Not applicable as this is a PSA for AE services.</p> <p><u>SBE/AE Sub-consultant</u> Chen Moore and Associates, Inc.</p> <p><u>Additional Information Relating to Stantec Consulting Services Inc.</u> Stantec Consulting Services, Inc. was founded in 1954. With more than 15,000 employees and offices in 150 countries, Stantec Consulting Services, Inc. offers professional consulting services to both public and private-sector clients for all phases of a project's lifecycle. Services include: planning, architecture, interior design, landscape architecture, engineering, surveying, environmental remediation and project management⁴.</p> <p><u>Additional Information Relating to T. Y. Lin International Inc.</u> Founded in 1954, T.Y. Lin International Inc. is an internationally recognized, multi-disciplined full-service infrastructure engineering firm committed to providing constructible designs for the global infrastructure market. With more than 2,500 employees working in offices throughout the Americas and Asia, the firm provides support on projects of varying size and complexity⁵.</p>
3B 160550	RESOLUTION APPROVING AWARD OF THE PROFESSIONAL SERVICES AGREEMENT TO T.Y. LIN, INTERNATIONAL FOR FUELING SYSTEMS CONSULTING SERVICES AT MIAMI INTERNATIONAL AIRPORT (MIA) AND GENERAL AVIATION AIRPORTS (GAA) , PROJECT NO. E14-MDAD-03 IN AN AMOUNT NOT TO EXCEED \$2,305,500 AND FOR A TERM OF SEVEN YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN, INCLUDING TERMINATION PROVISIONS.
Notes	<p>The proposed resolution approves the award of A Professional Services Agreement (PSA) to T.Y. Lin International, Inc. for Fueling Systems Consulting Services at MIA and GAAs, Project No. E14-MDAD-03, in an amount not to exceed \$2,305,500 and for a term of seven years.</p> <p>The scope will include, but is not be limited to, design services and preparation of contract documents for the upgrade, maintenance, repair and/or construction of the aviation fuel storage</p>

⁴ <http://www.stantec.com/about-us/news/2015/outstanding-is-the-verdict>

⁵ <http://www.businesswire.com/news/home/20160428005424/en/>

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	<p>and distribution systems and proposed facilities under the MDAD jurisdiction including, but are not limited to:</p> <p style="padding-left: 40px;">Midfield gas station; west load rack facility and diesel and gasoline tanks; employee emergency vehicle fuel tank; hydraulic modeling and planning services; value appraisal of aviation fueling system and any other component related to it; equipment and facilities; emergency consulting services; construction management and inspection services; environmental regulatory projects; providing recommendations and inspections for maintenance repairs of fueling facilities; reviewing proposed maintenance work estimates; updating the fueling Atlas and Master Plan; consulting; design and work-site services for the fueling systems fire protection and detection systems; closed-circuit television; associated electrical work; structural improvements; and any other work associated with fueling systems at MIA and GAAs.</p> <p><u>Background</u> Per the FDEP, under rules 62-761 to 62-762 and the County's RER-DERM, the MDAD is required to perform monthly inspections of all storage tanks and associated monitoring wells at all County airports.</p> <p>On June 1, 2015, a Notice To Professional Consultants (NPC) was issued under full and open competition. On July 8, 2015, the Clerk of the BCC received four proposals. Burns & McDonnell Engineering Company, Inc. was found non-compliant with the Implementing Order governing the SBE/AE Program.</p> <p><u>Selection Process</u> The Selection Committee held a first-tier meeting on August 27, 2015 to review the three remaining proposals. The Committee determined that the information provided in the proposals was sufficient to determine the qualifications of the three remaining teams and waived the second-tier phase.</p> <p>The two top-ranked firms, T.Y. Lin International, Inc. and Stantec Consulting Services Inc., were found by the Selection Committee to have met the qualification requirements. The Negotiation Committee successfully negotiated a PSA with both firms on December 1, 2015.</p> <p><u>Fiscal Impact/Funding Source</u> This procurement is for the award of two PSAs, each with a value of \$2,305,500. Funding Source: MDAD Civil/Environmental Operating Budget.</p> <p><u>Contract Measures</u> Assigned Contract Measures: 25% SBE/AE / \$500,000. Measures Achieved at Award: 28% SBE/AE / \$560,000.</p> <p><u>SBE/AE Sub-consultants</u></p> <ul style="list-style-type: none"> • Nova Consulting, Inc.;

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	<ul style="list-style-type: none"> • BND Engineers, Inc.; • Nifah and Partners Consulting Engineers, Inc.; and • F.R. Aleman and Associates, Inc. <p><u>Additional Information Relating to T. Y. Lin International Inc.</u> Founded in 1954, T.Y. Lin International Inc. is an internationally recognized, multi-disciplined full-service infrastructure engineering firm committed to providing constructible designs for the global infrastructure market. With more than 2,500 employees working in offices throughout the Americas and Asia, the firm provides support on projects of varying size and complexity⁶.</p> <p><u>Additional Information Relating to Stantec Consulting Services Inc.</u> Stantec Consulting Services, Inc. was founded in 1954. With more than 15,000 employees and offices in 150 countries, Stantec Consulting Services, Inc. offers professional consulting services to both public and private-sector clients for all phases of a project's lifecycle. Services include: planning, architecture, interior design, landscape architecture, engineering, surveying, environmental remediation and project management⁷.</p>
<p>3C 160930</p>	<p>RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND HAZEN AND SAWYER, P.C. FOR UTILITIES MASTER PLAN (SANITARY SEWER) SERVICES, PROJECT NO. E15-MDAD-02; IN AN AMOUNT NOT TO EXCEED \$2,288,206 AND FOR A TERM OF SIX YEARS WITH TWO ONE YEAR OPTIONS TO RENEW; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS THEREOF, INCLUDING THE RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN</p>
	<p>The proposed resolution approves a Professional Services Agreement (PSA) between the County and Hazen and Sawyer, P.C. for Utilities Master Plan (Sanitary Sewer) Services, Project No: E15-MDAD-02, in an amount not to exceed \$2,288,206 for a term of six years with two one year options to renew.</p> <p>This project will consist of complying with the County RER-DERM Sanitary Sewer Consent Decree (SSCD) capacity, management, operation and maintenance program and updating and maintaining the sanitary sewer master plan for the MDAD facilities. The scope of the work includes: collecting and reviewing as-built data; field verifying as-built conditions; updating the utility atlas; updating the existing modeling scenario; re-establishing the future modeling scenarios; updating the master plan document; reviewing and updating the MDAD design guidelines; reviewing and updating the technical specifications; and assisting the Department with environmental and permitting issues.</p>

⁶ <http://www.businesswire.com/news/home/20160428005424/en/>

⁷ <http://www.stantec.com/about-us/news/2015/outstanding-is-the-verdict>

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	<p><u>Background</u> The utility master plan is required to provide the MDAD with the tools to operate, maintain, monitor and upgrade utility infrastructure at all the MDAD facilities. Two primary needs that have to be addressed are: satisfy the requirements for regulatory compliance and operating permits.</p> <p><u>Selection Process</u> On August 17, 2015, a Notice To Professional Consultants (NTPC) was issued under full and open competition. On September 18, 2015, the Clerk of the BCC received two proposals. In accordance with Chapter 287.055 of the Florida Statutes and Chapter 2-10.4 of the Code, both of which govern certification, selection and negotiation procedures, the Competitive Selection Committee (CSC) held a first-tier meeting on November 23, 2015, to review the submittals. The CSC determined that the information provided in the proposals was sufficient to determine the qualifications of the teams. Thus the CSC waived the second-tier phase, ranked the firms and recommended negotiations with the top-ranked firm Hazen and Sawyer, P.C.. The CSC found Hazen and Sawyer P.C. to have met the qualification requirements. On March 8, 2016, the Negotiation Committee successfully negotiated an agreement with Hazen and Sawyer, P.C..</p> <p><u>Fiscal Impact/Funding Source</u> Funding Source: The MDAD Operating Budget.</p> <p><u>Contract Measures</u> Assigned Contract Measures: SBE-A/E 10% / \$200,000. Contract Measures achieved at award: 10%.</p> <p><u>SBE-A/E Sub consultants</u> Robayna and Associates, Inc.: Four percent. Civil Works, Inc.: Two percent. Cardozo Engineering, Inc.: Two percent. 300 Engineering Group: Two percent.</p> <p><u>Additional Information Relating to Hazen and Sawyer P.C.</u> Hazen and Sawyer P.C. was founded in 1951 with a mission to provide safe drinking water and control water pollution. Its range of services encompasses: planning, designing and construction management of water and wastewater-related projects⁸.</p>

⁸ <http://www.hazenandsawyer.com/>