



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Economic Development and Tourism
Committee Meeting

February 16, 2017
1:30 P.M.
Commission Chamber

Research Division

Office of the Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

**Economic Development and Tourism Committee
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Item No.	Research Notes
2A 170248	RESOLUTION SUPPORTING THE ESTABLISHMENT OF A SISTER CITIES AFFILIATION BETWEEN MIAMI-DADE COUNTY AND THE CITY OF PARAMARIBO, SURINAME; AND AUTHORIZING THE MAYOR TO EXECUTE AN AFFILIATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF PARAMARIBO, SURINAME
Notes	<p>The proposed resolution supports the establishment of a Sister City affiliation between Miami-Dade County and the City of Paramaribo, Suriname and authorizes the Mayor to execute a Sister Cities affiliation agreement.</p> <p>Upon the execution of an affiliation agreement by the Mayor and the City of Paramaribo, the Miami-Dade County Sister Cities Committee will coordinate projects to increase and promote trade, culture, tourism, and educational opportunities between these two communities.</p> <p><u>Additional Information- Paramaribo, Suriname</u> Paramaribo is the capital and largest city of Suriname, located on the banks of the Suriname River in the Paramaribo District. Paramaribo has a population of roughly 240,000 people (2012 census), almost half of Suriname's population. The historic inner city of Paramaribo has been a UNESCO World Heritage Site since 2002.</p> <p><u>Additional Information- Sister Cities International</u> Sister Cities International¹ is a nonpartisan 501(c)(3) nonprofit which serves as the national membership organization for individual sister cities, counties, and states across the U.S. This network unites tens of thousands of citizen diplomats and volunteers in 570 member communities with over 2,300 partnerships in 150 countries on six continents.</p> <p>Sister Cities International was created at President Eisenhower's 1956 White House summit on citizen diplomacy, where he envisioned a network that would be a champion for peace and prosperity by fostering bonds between people from different communities around the world. By forming these relationships, President Eisenhower reasoned that people from different cultures could understand, appreciate, and celebrate their differences while building partnerships that would lessen the chance of new conflicts. Since its inception, the Sister Cities International network has played a key role in renewing and strengthening important global relationships.</p> <p>Sister Cities International motivates and assists private citizens, municipal officials, and business leaders to conduct long-term, mutually beneficial sister city, county, or state relationships. With a mission "to promote peace through mutual respect, understanding, and cooperation — one individual, one community at a time," Sister Cities International's member programs focus on four main areas of exchange: arts and culture, youth and education, business and trade, and community development and technical exchange to connect citizens around the globe.</p> <p>Sister Cities International continues to expand its reach to new and emerging regions of the world and dedicates special focus to growing partnerships in Africa, Southeast and East Asia, and Latin America.</p> <p><u>Miami-Dade County Sister Cities:</u> Asuncion, Paraguay; Dakar, Senegal; The Bahamas, Bahamas; Cabildo de Tenerife, Spain; Cape Town, South Africa; Kingston, Jamaica; Maldonado, Uruguay; Mendoza, Argentina; Monagas State, Venezuela; Pereira, Colombia; Petit Goave, Haiti; Prague, Czech Republic; Santo Domingo, Dominican Republic; Sao Paulo, Brazil; Stockholm County, Sweden; Provincia di Asti, Italy; San Jose, Costa Rica; Antolín del Campo, Venezuela; Veracruz, Mexico; and Taipei Municipality, Taiwan</p> <p><u>Miami-Dade County Emeritus Status:</u> Cayman Islands, Cayman Islands; Iquique, Chile; Lamentin, Guadeloupe, France; Pucallpa, Peru; Santa Cruz, Bolivia; Saint Kitts and Nevis Islands; Turks and Caicos Islands</p>
2B 170279	RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE: (1) TO ASSESS THE FEASIBILITY OF EXPANDING THE SEA LEVEL RISE EXHIBIT TO BE DISPLAYED IN THE

¹ <http://www.sistercities.org/>

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	LOBBY OF THE STEPHEN P. CLARK CENTER, AS AUTHORIZED BY RESOLUTION NO. R-807-16, TO INCLUDE THE DISPLAY OF ADDITIONAL EXHIBITS AT VARIOUS OTHER VENUES IN THE COUNTY; (2) TO EXPLORE OPPORTUNITIES FOR ENGAGEMENT AND PARTNERSHIP WITH COMMUNITY AND PHILANTHROPIC ORGANIZATIONS ON SEA LEVEL RISE EDUCATIONAL INITIATIVES; AND (3) TO SEEK GRANTS AND IDENTIFY FUNDING FOR THESE PURPOSES; AND TO PROVIDE A REPORT REGARDING POSSIBLE IMPLEMENTATION
Notes	<p>The proposed resolution directs the County Mayor or County Mayor's designee to:</p> <ul style="list-style-type: none"> • Assess the feasibility of expanding the sea level rise exhibit, authorized by Resolution No. R-807-16, to include possible additional exhibits displayed at the same time at various other venues, such as the Miami-Dade County Main Library, History Miami, the Miami International Airport, and PortMiami; • Explore opportunities for engagement and partnership with community and philanthropic organizations on sea level rise educational initiatives; and • Seek grants and identify funding for these purposes. <p>The County Mayor or designee may liaise with the Office of Community Advocacy in carrying out these directives. In addition, the County Mayor or designee will prepare a report regarding the directives described above, to include, at a minimum, a recommendation regarding possible implementation to extent feasible and the fiscal implications associated with such implementation. The report will be provided to the BCC within 180 days of the effective date of this resolution, and be placed on a BCC agenda.</p> <p>In addition, it may be possible to seek and utilize the engagement and partnership of various community and philanthropic organizations, such as the Greater Miami Chamber of Commerce, Beacon Council, and Rockefeller 100 Resilient Cities, on sea level rise educational initiatives, including the display and presentation to the public of exhibits relating to sea level rise.</p> <p><u>Additional Information</u> On September 7, 2016, the BCC, through Resolution No. R-807-16, approved and authorized the County Mayor or designee, in possible partnership with Florida International University and the University of Miami, to display an exhibit relating to sea level rise in the secured area of the first floor lobby of the Stephen P. Clark Center. The exhibit may be displayed for up to 14 days from the date of installation.</p>
2C 170285	RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ESTABLISH AN ECO-LAB TO ENGAGE STUDENTS ON ISSUES RELATED TO SUSTAINABILITY AND RESILIENCE TO SEA LEVEL RISE; TO COORDINATE WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY ON SUCH ISSUES; AND TO PREPARE A REPORT FOR THIS BOARD
Notes	<p>The proposed resolution directs the County Mayor or designee to establish an eco-lab in one or more County facilities, including in the Stephen P. Clark Center, in order to engage students with projects related to sustainability and resilience to sea level rise and better educate students and future generations on these important issues. The County Mayor or designee will prepare a report to the BCC on this eco-lab initiative, within one year of the effective date of this resolution. The report may be in the form of a powerpoint presentation, as appropriate, and may contain recommendations from the County Mayor or designee.</p> <p>The County's Office of Resilience and Office of Community Advocacy should be consulted and involved in the establishment of this eco-lab. The County Mayor or designee will also coordinate with the School Board of Miami-Dade County on the development of the curriculum and establishment of the eco-lab, to facilitate and allow for collaboration with public, private and charter schools within Miami-Dade County, including partnering with the School Board of Miami-Dade County to expand the eco-lab.</p>
3A 170218	RESOLUTION ESTABLISHING A SCHOLARSHIP PROGRAM WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY FOR STUDENTS AT GEORGE T. BAKER AVIATION TECHNICAL COLLEGE TO BE KNOWN AS THE GEORGE T. BAKER AVIATION TECHNICAL COLLEGE AMT SCHOLARSHIP; AUTHORIZING EXPENDITURES FROM AVAILABLE BUDGETED AVIATION DEPARTMENT OPERATING FUNDS IN AN AMOUNT NOT TO EXCEED \$25,000.00 ANNUALLY TO FUND 10 SCHOLARSHIPS; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO ENTER INTO AFFILIATION AGREEMENTS WITH GEORGE T. BAKER AVIATION TECHNICAL COLLEGE FOR ADMINISTRATION OF THE PROGRAM FOR A TERM OF UP TO THREE YEARS

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<p>Notes</p>	<p>The proposed resolution establishes a scholarship program with the School Board of Miami-Dade County for students enrolled at the George T. Baker Aviation Technical College (GBATC).</p> <p><u>Fiscal Impact/Funding Source</u> Scholarship monies not to exceed \$25,000.00 annually will be drawn from budgeted Miami-Dade Aviation Department (MDAD) operating funds.</p> <p><u>Background</u> The GBATC scholarship program, to be known as the George T. Baker Aviation Technical College Aviation Maintenance Technician (AMT) Scholarship, will accept up to ten (10) students annually, with each provided \$2,500.00 for students pursuing studies in the AMT Program specializing in Airframe or Powerplant. The scholarship program will provide financial scholarship assistance to GBATC students and complement the aims of MDAD's community involvement. Students will be nominated and selected by their educational institutions without regard to consideration of race, color, national origin, religion, sex, marital status or handicap condition. The term of the affiliation agreements for administration of the scholarships will not exceed three (3) years, and scholarship monies will not exceed \$25,000.00 annually.</p> <p><u>Additional Information- George T. Baker Aviation Technical College</u> George T. Baker Aviation Technical College is located at 3275 N.W. 42 Avenue, adjacent to the Miami International Airport. The school is a public, tax-supported institution authorized by the Florida Department of Education and operated by the Miami-Dade County Public School System. It is accredited by the Council on Occupational Education (COE) and the National Center for Aircraft Technician Training (NCATT) and is certificated by the Federal Aviation Administration under Part 147 of the Federal Aviation Regulations. Certificate # CT9T072R.</p> <p>Baker Aviation is currently preparing approximately 1,000 high school and adult students for careers in aviation. For high school students, they offer instruction in aerospace technology, electronics, avionics, and aircraft maintenance (airframe and powerplant). For adult students they offer instruction in electronics, avionics, and aircraft maintenance (airframe and powerplant). Both high school and adult students, upon completion of their respective course of study, may receive certificates issued from the NCATT, FCC, and FAA. They are only one of two schools in Florida to be accredited by the NCATT and the only school in the country to offer NCATT accredited courses to high school students.</p>
<p>3B 170213</p>	<p>RESOLUTION APPROVING AWARD OF THE PROFESSIONAL SERVICES AGREEMENT TO ATKINS NORTH AMERICA, INC, FOR MIAMI INTERNATIONAL AIRPORT CENTRAL BASE APRON AND UTILITIES MODIFICATION AND EXPANSION, PROJECT NO. E16-MDAD-09; IN AN AMOUNT NOT TO EXCEED \$7,795,440.00 FOR A TERM OF SIX YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN</p>
<p>Notes</p>	<p>The proposed resolution approves the award of the Professional Services Agreement (PSA) for Miami International Airport (MIA) Central Base Apron and Utilities Modification and Expansion, E16-MDAD-09, with Atkins North America, Inc. in the amount of \$7,795,440.00, and authorizes the County Mayor or designee to execute the Agreement. The contract term is for six (6) years with no option-to-extend.</p> <p>The selected architectural and engineering (A/E) consultant will perform design and construction inspection services for the MIA Central Base Apron and Utilities Modification and Expansion. This project provides the paving, grading and drainage for the modification and expansion of the Central Base apron, taxiway and associated infrastructure. The scope of work consists of pavement and bridge demolition, construction of new rigid and flexible asphalt pavements, installation of a culvert to replace a portion of Canal 10A, stormwater improvements, lighting, signage and pavement markings. Phasing and maintenance of aircraft traffic will be key elements of the project.</p> <p><u>Fiscal Impact/Funding Source</u> Commercial paper which will be converted into Aviation Revenue Bonds within three (3) years.</p> <p><u>Contract Measures</u></p>

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	<p>Disadvantaged Business Enterprise (DBE) Goal 21 percent (21%)</p> <p><u>Measures Achieved at Award</u> 22 percent (22%)- \$1,714,997.00 Botas Engineering, Inc. – Seven percent (7%)- \$545,680.80; Keith and Associates, Inc. – 15 percent (15%)- \$1,169,316.00</p> <p><u>Subconsultants</u> Parsons Brinckerhoff, Inc. Trade Name: PB Americas, Inc.; Terracon Consultants, Inc.; Botas Engineering, Inc.; and Keith and Associates, Inc.</p> <p><u>Background</u> On July 18, 2016, a Notice to Professional Consultants was issued under full and open competition. On September 15, 2016, the Clerk of the Board received five (5) proposals. In accordance with Chapter 287.055 of the Florida Statutes and Chapter 2-10.4 of the Code of Miami-Dade County, both of which govern certification, selection, and negotiation procedures, the Competitive Selection Committee held a first-tier meeting on October 17, 2016 to review all proposals. The Committee determined that the information provided was sufficient to determine qualifications, and waived the second-tier phase.</p> <p>The top-ranked firm, Atkins North America, Inc. was found by the Selection Committee to have met the qualification requirements. With the approval to move forward with the negotiation process, the Negotiation Committee successfully negotiated a PSA with Atkins North America, Inc. on October 31, 2016. The remaining four (4) teams will serve as alternates; <i>T.Y. Lin International; RS&H, Inc.; HDR Engineering, Inc.; and Burns & McDonnell Engineering Company, Inc.</i></p>
<p>3C 170215</p>	<p>RESOLUTION WAIVING COMPETITIVE BIDDING BY TWO THIRDS VOTE OF THE MEMBERS PRESENT PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE; WAIVING THE PROVISIONS OF R-456-07 AND R-1587-72 AS BEING IN THE BEST INTERESTS OF MIAMI-DADE COUNTY; APPROVING AWARD OF A LEASE AND CONCESSION AGREEMENT FOR CHEF CREOLE AIRPORT LLC, AT MIAMI INTERNATIONAL AIRPORT, FOR PAYMENTS TO THE COUNTY OF THE GREATER OF 15 PERCENT OF GROSS REVENUES OR A MINIMUM ANNUAL GUARANTEE (MAG) PAYMENT OF \$100,800.00, AND FOR A TERM OF EIGHT (8) YEARS, WITH ONE (1) TWO YEAR EXTENSION AT THE MUTUAL CONSENT OF BOTH PARTIES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH AGREEMENT AND TO EXERCISE ALL PROVISIONS THEREIN, INCLUDING BUT NOT LIMITED TO TERMINATION AND EXTENSION PROVISIONS</p>
<p>Notes</p>	<p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> • Waives competitive bid procedures pursuant to Miami-Dade County Code Section 2-8.1 and Section 5.03D of the Home Rule Charter and Resolution No. R-1587-72; • Waives the provisions of Resolution No. R-456-07 prohibiting the use of trans fats; and • Approves the award of a Lease and Concession Agreement, for a term of eight (8) years with one (1) two-year option-to-renew, to Chef Creole Airport, LLC (Chef Creole) for an 825-square-foot location in Miami International Airport's (MIA) Central Terminal, Concourse E, Second Floor, to operate a creole cuisine restaurant. <p><u>Fiscal Impact/Funding Source</u> Chef Creole will pay MDAD the greater of 15 percent (15%) of gross revenues or a Minimum Annual Guarantee (MAG) payment of \$100,800.00, based on 15 percent (15%) of projected annual sales of \$672,000.00.</p> <ul style="list-style-type: none"> • <i>The projected annual sales number was derived from a combination of historical sales produced by a similar concept in close proximity, and projected sales numbers provided by Chef Creole Airport LLC. The store will be developed, financed, managed, and operated by Chef Creole.</i> <p><u>Background</u> Miami-Dade County is composed of a vibrant mix of peoples and cultures, many of which cannot be found in other parts of the country. For travelers and tourists entering the County, their first taste of this diverse mix is</p>

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	<p>MIA. MDAD is striving to create that sense of destination for its passengers by offering a unique blend of concessions showcasing local and unique businesses that create that “sense of destination.”</p> <p><u>Additional Information</u></p> <p>On February 2, 2016, the BCC, through Resolution No. R-137-16, directed the County Mayor or designee to negotiate Concession Agreements with Jackson Soul Food and Chef Creole for locations, either existing or future, at Miami International Airport (MIA), and to present a written recommendation to the BCC as to whether the County should enter into such Concession Agreements within 120 days.</p> <p>During the January 14, 2016, Economic Prosperity Committee (EPC) Meeting, Resolution No. R-137-16 was discussed as follows:</p> <ul style="list-style-type: none"> • <i>In response to whether MDAD had an available location or if the BCC was selecting a specific company and instructing Mayor to enter into negotiations; the Assistant County Attorney responded that the item was directing the Mayor to negotiate with the two firms and bring a recommendation back to the BCC.</i> • <i>Committee members pointed out that during consideration of the Perry Ellis, Bongos, and Children’s Museum bid waiver items for MDAD concessions that were adopted, the BCC discussed that diversity needed to exist at MIA and because Miami-Dade County was such a diverse community, the vendors at MIA needed to be representative of the entire community.</i> • <i>It was stated that MDAD was already in discussions for these concessions.</i> <p><u>Additional Information- Resolution No. R-823-15</u></p> <p>On October 6, 2015, the BCC, through Resolution No. R-823-15, did the following:</p> <ul style="list-style-type: none"> • Waived competitive bid procedures pursuant to Miami-Dade County Code Section 2-8.1 and Section 5.03D of the Home Rule Charter and Resolution No. R-1587-72; • Approved the award of a Lease and Concession Agreement, for an eight (8) year term with one (1) two-year option to renew, to Bongos Cuban Café Miami, Inc. (Bongos) d/b/a Estefan Kitchen Express (EKE) for one (1) location in the Miami International Airport (MIA) North Terminal Marketplace to operate Estefan Kitchen Express, a rum bar serving light foods; and • Authorized the County Mayor or designee to execute the Agreement and exercise any renewal options and termination provisions; and Bongos will occupy 529 square feet of space in the MIA Marketplace and will pay MDAD the greater of 14 percent of gross revenues for food sales plus 19 percent of gross revenues for alcohol sales or a Minimum Annual Guarantee (MAG) payment of \$156,000.00, based on 19 percent of projected annual sales of \$821,000.00.
3D 170249	RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO ISSUE A NEW STEVEDORE LICENSE TO JORDAN MONOCANDILOS IN ACCORDANCE WITH CHAPTER 28A, SECTION 28A-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA
Notes	<p>The proposed resolution authorizes the County Mayor or designee to issue a new Miami-Dade County stevedoring license to Jordan Monocandilos pursuant to Chapter 28A, Section 28A-6 of the Code of Miami-Dade County.</p> <p><u>Background</u></p> <p>Chapter 28-A, Section 28A-6, of the Miami-Dade County Code, mandates that applications for new County stevedore licenses be presented to the BCC by the Mayor, after examination of the qualifications of the applicants by the Seaport Director, and after completion of a background investigation by the Miami-Dade Police Department.</p> <p>Staff has reviewed the qualifications of the applicant for issuance of a new County stevedore license and determined that he is qualified in accordance with Code licensure requirements of Chapter 28A, Section 28A-6 of the Code. An investigation of the applicant by the Miami-Dade Police Department has revealed no record of criminal activity as outlined in Chapter 28-A of the Code. The applicant has also provided the mandatory bond.</p>
3E 170216	RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND BAYVIEW AT FISHER ISLAND CONDOMINIUM ASSOCIATION NO. TWO, FOR A TERM OF TWO YEARS WITH FOUR ONE YEAR RENEWAL OPTIONS FOR A RENT IN THE AMOUNT OF \$1,320.00 PER MONTH AND A TOTAL RENTAL OF \$95,040.00 IF ALL FOUR RENEWAL PERIODS ARE EXERCISED FOR THE PURPOSES OF INSTALLING AND MAINTAINING HOMELAND SECURITY

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	SURVEILLANCE EQUIPMENT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE LEASE AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY, AND TO EXERCISE THE CANCELLATION, TERMINATION AND RENEWAL PROVISIONS AND ALL OTHER COUNTY RIGHTS CONFERRED THEREIN
Notes	<p>The proposed resolution authorizes the County Mayor to execute a lease agreement between Miami-Dade County and Bayview at Fisher Island Condominium Association No. Two (Bayview) for the purpose of maintaining the installed Homeland Security Surveillance Equipment located on the rooftop of the condominium. The term of this lease agreement is for two (2) years commencing on the effective date with four (4) additional one-year options to renew.</p> <p><u>Fiscal Impact/Funding Source</u> The rental cost will be \$1,320.00 per month for a total fiscal impact of \$31,680.00 over the two- year term of the lease and \$95,040.00 if all renewal terms are exercised, which will be paid from seaport operating revenues. The rental cost is based on the estimated electrical consumption resulting from the operation of the equipment.</p> <p><u>Background</u> In October of 2006, PortMiami received a Port Security Grant of \$2,250,000.00 from the Office for Domestic Preparedness for the second phase of a Waterside Surveillance System.</p> <p>The Waterside Surveillance System provides real-time situational awareness of the waterside enabling the detection of unauthorized watercraft and/or intruders accessing restricted areas of the Port's perimeter or approaching docked vessels. The system consists of five (5) sites, one of which is hosted on the rooftop of Bayview. The lease agreement provides access to the rooftop space for the installation and maintenance of the surveillance equipment.</p> <ul style="list-style-type: none"> For a period of time, the roof on the building at Bayview at Fisher Island Condominium was under construction resulting in the removal of the security equipment. During the construction period, the lease was not in effect and no payments were issued to Bayview at Fisher Island Condominium Association. The construction is complete and the security equipment has been upgraded and reinstalled at the site. <p>The lease agreement will allow PortMiami to resume using the Bayview at Fisher Island Point Building as a base for the security equipment needed for the Waterside Surveillance System. The County has the right to cancel this lease agreement any time by giving Bayview at least 30 days written notice prior to its effective date. It is important to note that the County negotiated this lease agreement with Bayview because this building is strategically located in the surveillance area that can best provide the proper coverage for the southwest portion of the island.</p>
3F 170358	RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AN EARLY TERMINATION AND BUYOUT AGREEMENT AMONG MIAMI-DADE COUNTY, BIMINI SUPERFAST OPERATIONS LLC, AND RESORTS WORLD OMNI LLC; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL CANCELLATION, TERMINATION, EXTENSION, RELEASE, AND OTHER RIGHTS THEREIN
Notes	<p>The proposed resolution authorizes the County Mayor or designee to execute an Early Termination and Buyout Agreement (Buyout) among Miami-Dade County (County), Bimini Superfast Operations LLC (BSO), and Resorts World Omni LLC (RWO).</p> <p><u>Fiscal Impact/Funding Source</u> This Agreement commits BSO to make two payments to the County. The first is an Early-Termination Buyout Payment (Buyout Payment) in a lump sum of twenty million dollars (\$20,000,000). This payment was a negotiated number by the parties taking into consideration BSO's annual guarantees, its early termination rights under the current Cruise Terminal Usage and Development Agreement with Bimini Superfast Operations LLC. (Terminal Agreement) and the Port's desire to regain berthing rights at Terminal H and its pier.</p> <p>The second payment is BSO's Pre-Termination Payment Obligation to cover all fees and charges accruing under the current Terminal Agreement through March 15, 2017 amounting to an additional lump sum of \$1,099,606.11. Thus, the Buyout Sum, total of the above obligations, is \$21,099,606.10 payable to the County no later than three (3) Business Days from the Effective Date of this Buyout Agreement.</p>

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	<p>If the contract were to run out its full 10-year term (through 2023), BSO would be responsible to pay the County approximately forty-seven million dollars (\$47,000,000). BSO is current with its financial obligations to the Port and their account is in good standing.</p> <p><u>Background</u></p> <p>On July 2, 2013, the BCC approved Resolution No. R-520-13, approving and authorizing the execution of a Cruise Terminal Usage and Development Agreement between Miami-Dade County and Bimini Superfast Operations LLC (Terminal Agreement). Under the Terminal Agreement, BSO committed to make certain guaranteed minimum payments to the County for a term of ten (10) years, including dockage, wharfage, harbor fees, and parking fee payments. In return, the County granted BSO preferential berthing rights at Terminal H, and its related tent annex. The County also committed to making improvements to Terminal H estimated to be \$10 million (excluding design costs), but no more than \$11 million, which construction costs were to be advanced by BSO to the County. Upon advancing terminal construction costs, BSO was to be eligible to obtain credit offsets against future Port dockage and wharfage fees.</p> <p>Under the initial Term of this Terminal Agreement, BSO committed annual guaranteed revenues to the County ranging from \$7 million to \$7.8 million during the first six years of the Agreement (based on \$1.9 million in passenger and harbor fees, \$2.9 million in dockage fees, and approximately \$2.2 million in parking guarantees, plus annual escalators) and ranging from \$5.8 million to \$6.3 million in years seven through ten (when parking fees were no longer guaranteed).</p> <p>The Terminal Agreement contained certain conditioned early termination rights from year three to year ten of the Term, in which BSO could elect to early terminate upon certain required prior notice and payment of an early termination fee set forth in a stepped early termination fee schedule, ranging from \$9 million in year three and ultimately dropping to \$2 million in year 9, but subject to a required pre-condition that the BSO-funded terminal improvements were substantially completed.</p> <p>The Bimini Superfast, with a capacity to hold 1,600 passengers, arrived to Miami on June 17, 2013. BSO intended to provide two daily cruises from PortMiami to Bimini, Bahamas onboard the 670-foot vessel. However, after the Bimini cruise service did not meet BSO's anticipated projections, BSO ultimately made a business decision in early 2016 to exit the cruise vessel operation business and sell the M/V Bimini SuperFast. Consequently, BSO ceased vessel operations from PortMiami in March 2016 and, since then, has no longer needed a dedicated cruise terminal. Shortly thereafter, the County was approached by BSO to discuss a potential buyout of the remaining 6 ½ years of its ten-year Terminal Agreement.</p>