



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

Board of County Commissioners Meeting

February 5, 2019
9:30 A.M.
Commission Chambers

Thomas B. Davis, Esq.
Director, Policy and Legislation
Office of the Commission Auditor (OCA)
111 N.W. First Street, Suite 1030
Miami, FL 33128
(305) 375-2524

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**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 5A
File No. 182954**

Researcher: LE Reviewer: TD

RESOLUTION DECLARING SURPLUS ONE COUNTY-OWNED PROPERTY LOCATED AT 15300 SW 296TH STREET, MIAMI, FLORIDA AND REVISING THE INVENTORY LIST OF REAL PROPERTIES, AFTER A PUBLIC HEARING, TO INCLUDE SUCH PROPERTY AND THE COUNTY-OWNED PROPERTY LOCATED AT 445 NW 12TH STREET, HOMESTEAD, FLORIDA IN ACCORDANCE WITH SECTION 125.379(1), FLORIDA STATUTES; AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF BOTH COUNTY-OWNED PROPERTIES TO LHP INVESTMENT AND DEVELOPMENT LLC, A FLORIDA LIMITED LIABILITY COMPANY, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE- INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED, TO PROVIDE COPIES OF SUCH COUNTY DEED AND RESTRICTIVE COVENANTS CONTAINED THEREIN TO THE PROPERTY APPRAISER'S OFFICE AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

ISSUE/REQUESTED ACTION

Whether the Board should declare surplus a County-owned property located at 15300 SW 296th Street, Miami, Florida; revise the inventory list of real properties to include such property and a County-owned property located at 445 NW 12th Street, Homestead, Florida and authorize conveyance of both County-owned properties to LHP Investment and Development LLC at a price of \$10.00.

APPLICABLE LEGISLATION/POLICY

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

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

Miami-Dade County Code Section 2-8.6.5 governs the purchase, sale and lease of real property.

[https://library.municode.com/fl/miami -
_dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

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

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

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

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

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Florida Statutes Section 125.38 states that any department, agency, state, political subdivision, municipality of the state, corporation, or not for profit organization desires real or personal property that may be owned by any county of the state or its board of county commissioners, for the purposes of promoting community interest and welfare, must apply to the board of county commissioners for a conveyance or lease of such property.

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

Ordinance No. 12-53, adopted on July 3, 2012, requires criminal background checks of certain proposed tenants of County property and disclosure of adverse results to the Board.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120899min.pdf>

Section 125.379 of the Florida Statutes requires that each county prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing, and adopt a resolution that includes an inventory list of such property following a public hearing. The properties identified may be offered for sale and the proceeds used to purchase land for the development of affordable housing may be sold with restrictions or donated to a nonprofit housing organizing.

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

Section 125.411 of the Florida Statutes authorizes the board of county commissioners to take all action necessary to exercise the County Deed.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.411.html

Resolution No. R-376-11 authorizes the rehabilitation, improvement, or conveyance of County-owned real property appropriate for or to be used as affordable housing.

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

Resolution No. R-1004-17 declares the property located at 445 NW 12th Street, Homestead, Florida as surplus.

<http://intra/gia/matter.asp?matter=180692&file=false&yearFolder=Y2018>

Resolution No. R-974-09 directs that any resolutions authorizing the execution of instruments creating County interest in real property shall require such instruments to be recorded in the public records of the County and attached to the authorizing resolution.

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

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

Department/Requester: None

During the HSSC held on January 14, 2019 the item was forwarded to the BCC with a favorable recommendation.

ANALYSIS

This item is requesting Board authorization to declare surplus a County-owned property located at 15300 SW 296th Street, Miami, Florida; revise the inventory list of real properties to include such property and a County-owned property located at 445 NW 12th Street, Homestead, Florida; authorize conveyance of both properties to LHP Investment and Development, LLC at a price of \$10.00, for the purpose to develop such properties with affordable housing to be sold to very low, low, or moderate income households in accordance with the Miami-Dade County's Infill Housing Initiative Program.

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The proposed item has a positive impact of \$10.00 towards the County for the conveyance of both properties to LHP Investment and Development LLC. The County will save approximately \$978.00 annually in property monitoring and lawn maintenance and the new homes will generate property taxes to the County.

The Miami-Dade County Infill Housing Initiative Program was created to provide more housing opportunities for low-income and working families,. Commissioner Daniella Levine Cava advertised an application process where developers could apply for County-owned properties in District 8 to construct affordable single-family homes through the Miami-Dade County's Infill Housing Initiative Program. Applicants were evaluated based on the following criteria: 1) Experience and past performance in developing homes pursuant to the Infill Housing Program; 2) development team, key personnel and functions; 3) approach to providing services to each homeowner; 4) building plans for single family home models; 5) financial capability and demonstrated ability to obtain financing; 6) approach to meeting time schedule and budgets; and 7) marketing skills and ability to reach eligible households.

LHP Investment and Development LLC, was one of the developers that applied and is recommended because of their record of community projects in the County and qualified team members who have been involved in affordable housing production for more than 28 years. LHP Group has been in business in Miami for more than 38 years and LHP Investment and Development, LLC was formed by the owners of the Group. LHP Investment has been in business for approximately 15 months and has proposed to develop the County properties located at 15300 SW 296th Street, Miami, Florida and 445 NW 12th Street, Homestead, Florida into affordable housing and sold to very low, low, and moderate income households. The properties will be conveyed to LHP Investment at the price of \$10.00 if they follow through with their proposal. Furthermore, LHP Investment has disclosed in their application that it currently has deposits and credits in excess of \$1,000,000 for the proposed project.

LHP Investment represented in their application that they will be able to offer homebuyer assistance such as credit counseling and repair services to help families repair their credit, homebuyer education classes by a Housing and Urban Development (HUD) approved housing counseling organization, work with banks affordable housing lending programs to provide financing, and assist families in receiving assistance from the County's Down Payment Assistance Program and Surtax Program to assist in the structural financing for the purchase of homes. Moreover, the two properties are projected to be single family homes using a home model of a 3 bedroom, 2 bathroom home that is approximately 1,245 square feet. Pursuant to the Infill Program, the homes must be sold within 24 months to qualified first-time homebuyers for no more than \$205,000.00.

The property located at 15300 SW 296th Street, Miami, Florida has not been included in the County's Affordable Housing Sites Inventory List as required by Section 125.379(1) of the Florida Statutes. The Board previously adopted Resolution No. R-1004-17 that declared the property located at 445 NW 12th Street, Homestead, Florida as surplus, but it was also not added to the Inventory List. It is recommended to the Board to revise the Affordable Housing Inventory List to include both properties as they are considered appropriate for affordable housing use. According to the Property Appraiser, the current land value for the property located at 15300 SW 296th Street, Miami, Florida is \$65,200 and for the property at 445 NW 12th Street, Homestead, Florida is \$43,875.

Additionally, the item requests authorization to exercise all rights and provisions in the County Deed. If LHP Investment fails to comply with the deed restrictions, such as in the case the properties are not developed within two years of the signing of the deed and effective date of the conveyance of the Properties unless time is extended by the discretion of the Board, then the Properties will be subject to reverter.

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The image below showcases the property located at 15300 SW 296th Street, Miami, Florida 33033, Folio Number: 30-7909-003-0020.

Address
Owner Name
Subdivision Name
Folio

SEARCH:

30-7909-003-0020

Q

PROPERTY INFORMATION ⓘ

Folio: 30-7909-003-0020

Sub-Division:
DIXIE ESTS AMD

Property Address
15300 SW 296 ST
Miami, FL 33033-2646

Owner
MIAMI DADE COUNTY
ISD RE MGMT

Mailing Address
111 NW 1 ST STE 2480
MIAMI, FL 33128

PA Primary Zone
0100 SINGLE FAMILY - GENERAL

Primary Land Use
8080 VACANT GOVERNMENTAL : VACANT LAND -
GOVERNMENTAL

Beds / Baths / Half 0 / 0 / 0

Floors 0

Living Units 0

Actual Area 0

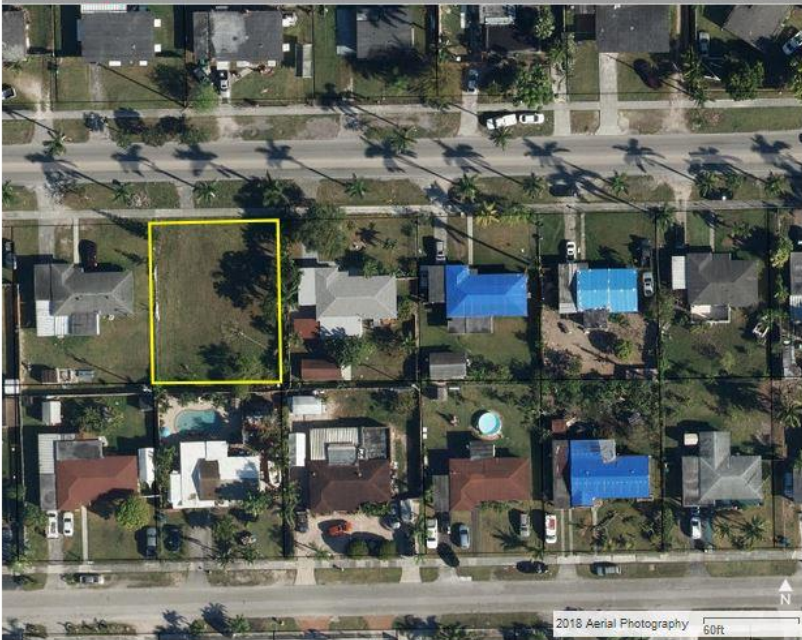
Living Area 0

Adjusted Area 0

Lot Size 8,800 Sq.Ft

Year Built 0

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Map View ▾ Layers ▾



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The image below showcases the property located at 445 NW 12th Street, Homestead, Florida 33033, Folio Number: 10-7812-007-0640.

Address

Owner Name

Subdivision Name

Folio

SEARCH:

10-7812-007-0640

Q

PROPERTY INFORMATION ⓘ

Folio: 10-7812-007-0640

Sub-Division:
PONCE DE LEON

Property Address
445 NW 12 ST
Homestead, FL 33030-4121

Owner
MIAMI DADE COUNTY
ISD RE MGMT

Mailing Address
111 NW 1 ST STE 2450
MIAMI, FL 33128

PA Primary Zone
0100 SINGLE FAMILY - GENERAL

Primary Land Use
8058 VACANT GOVERNMENTAL : EXTRA FEA OTHER THAN PARKING

Beds / Baths / Half

0 / 0 / 0

Floors

0

Living Units

0

Actual Area

0

Living Area

0

Adjusted Area

0

Lot Size

6,750 Sq Ft

Year Built

0

+

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🔒 Zoom

Map View ▾

Layers ▾

2018 Aerial Photography 60ft

DEPARTMENTAL INFORMATION

On January 10, 2019, the Office of the Commission Auditor posed the following questions to the Public Housing and Community Development Department and received the following answers; the department's response below is italicized.

- **Approximately how much are the proposed homes going to cost?**
The maximum sales price for the Infill homes cannot exceed \$205,000.00.
- **Are there any terms regarding resale to keep the properties available to low income families for subsequent years?**
The home will be subject to an affordable housing restrictive covenant for twenty (20) years.

ADDITIONAL INFORMATION

The Miami-Dade County's Infill Housing Initiative Program's main goal is to increase the availability of affordable homes for very low, low, and moderate income families. Their additional goals include maintaining a stock of affordable housing, redeveloping urban neighborhoods by eliminating blight on properties, generate payment of ad valorem taxes, and equitable distributing homeownership opportunities.

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

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**Item No. 5B
File No. 182854**

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO ART IN PUBLIC PLACES; AMENDING SECTION 2-11.15 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING EXCLUSIVE COUNTY JURISDICTION OVER ART IN PUBLIC PLACES FOR COUNTY FACILITIES IN MUNICIPALITIES; CLARIFYING APPLICABILITY IN THE INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY; AUTHORIZING MUNICIPALITIES TO OPT-OUT OF COUNTY'S ART IN PUBLIC PLACES PROGRAM UPON MUNICIPAL ADOPTION OF ART IN PUBLIC PLACES PROGRAM UNDER CERTAIN CIRCUMSTANCES; PROVIDING THAT ART PURCHASED WITH MUNICIPAL FUNDS IS OWNED AND MAINTAINED BY MUNICIPALITY; PROVIDING FOR APPLICABILITY TO PENDING APPLICATIONS; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 2-11.15 of the Miami-Dade County Code to establish exclusive County jurisdiction over art in public places for County facilities in municipalities; clarifies applicability in incorporated and unincorporated areas of the County; authorizes municipalities to opt-out of the Art in Public Places Program upon municipal adoption of Art in Public Places Program under certain circumstances; and provides that art purchased with municipal funds must be owned and maintained by the municipality.

APPLICABLE LEGISLATION/POLICY

Section 2-11.15 of the Miami-Dade County Code relates to the works of art in public places and the Art-in-public-places program.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-11.15WOARPUPL

Section 154.12 of the Florida Statutes, grants exclusive jurisdiction to the County for all designated facilities owned or operated by a public health trust and located within the boundaries of a municipality.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0154/Sections/0154.12.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Javier D. Souto, District 10

Department/Requester: Department of Cultural Affairs

The item was adopted on first reading at the January 23, 2019 BCC meeting and is scheduled for a public hearing during the February 5, 2019 BCC.

ANALYSIS

The proposed ordinance amends Section 2-11.15 of the Miami-Dade County Code to establish exclusive County jurisdiction over art in public places for County facilities in municipalities; clarifies applicability in incorporated and unincorporated areas of the County,

The proposed item has a positive fiscal impact as it will ensure that County capital projects will not incur additional costs for compliance with municipal Art in Public Places (AIPP) programs while requiring municipalities who commission artworks through the AIPP program own said artworks and assume responsibility for their maintenance and repair.

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The AIPP program assists in providing and utilizing art works as a cost-effective means of increasing building aesthetic and inviting environments to deliver services and programs.

Currently, Section 2-11.15 of the County Code requires the County and all municipalities in the County to provide for the acquisition of artworks in an equivalent value of no less than one and one-half (1 ½) percent of the construction cost of new governmental buildings.

A number of municipalities have adopted their own art in public places programs such as the City of Miami in which it attempts to expand the program's applicability and requirements for compliance. As a result, the City of Miami has delayed permitting for a number of County capital projects located within the City because the City is attempting to subject such projects to additional municipal art in public places requirements and related additional costs. Impacted projects within the City boundaries include remodeling of the Jackson Health System's main campus, renovation of diagnostic, imaging, and operating rooms in Jackson Hospital, and WASD consent-decree waste water treatment projects. The County projects would be required to apply for municipal art in public places requirements for infrastructure improvements that are not covered by the County's AIPP program, whereas the County's program only applies to habitable and semi-habitable structures. Through the proposed ordinance, municipalities will be able to adopt their own art in public places programs and opt out of the County's AIPP program.

The proposed changes allows the County's AIPP program exclusive jurisdiction over the collection, payment, and allocation of funds for the acquisition and display or works of art in and for County facilities. The Miami-Dade Art in Public Places Trust will oversee and administer funds for municipalities that do not have their own AIPP program, but they may choose to opt out for eligible municipal capital projects by adopting their own AIPP program that is consistent with County Code and provide written notice to the Trust. Furthermore, any art purchased with municipal funds will be owned and maintained by the municipality.

Any County facility that is an application seeking building permits or plat approvals filed before the item goes into effect may either obtain such permits based on the code provisions in effect at the time of the application filing or may choose to proceed as provided in the proposed ordinance.

The table below shows the original Section 2-11.15 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 2-11.15 of the County Code	Proposed changes to Section 2-11.15 of the County Code
<p>Sec. 2-11.15. - Works of art in public places.</p> <p>1. <i>Art-in-public-places program.</i></p> <p>(a) <i>Appropriation for construction to include amount for works of art.</i> Miami-Dade County and each municipality in Miami-Dade County shall provide for the acquisition of works of art equivalent in value to not less than one and one-half (1½) percent of the construction cost of new governmental buildings, provided that no funds may be appropriated for this purpose from the ad valorem tax operations fund. To the extent the total appropriation is not</p>	<p>Sec. 2-11.15. - Works of art in public places.</p> <p>1. >><u>This section shall be known, and may be cited, as the "Miami-Dade Art in Public Places Ordinance.</u></p> <p>2. << [[Art in public places]] >><u>Art in public places</u><< program.</p> <p>(a) >><u>Applicability and Jurisdiction over County facilities.</u> Subject to the provisions of paragraph (2)(e) below, this section is intended to, and shall, govern art in public places in the incorporated and unincorporated areas of the County. <u>County facilities located, or intended to be located, within the</u></p>

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used for the acquisition of works of art for said buildings, the remainder may be used for:

(1) Program administrative costs, insurance costs or for the repair and maintenance of any works of art acquired under this section; or

(2) To supplement other appropriations for the acquisition of works of art under this section or to place works or art in, on, or near government facilities which have already been constructed.

(b) *Waiver of requirements.* The requirements of subsection (a) may be waived by resolution of the Board of County Commissioners of Miami-Dade County when and if it appears to said Board that a construction project covered hereunder is not appropriate for application of the above requirements.

(c) *Definitions.* For the purpose of this section, the following terms are hereby defined:

(1) Works of art is defined as the application of skill and taste to production of tangible objects, according to aesthetic principles, including, but not limited to, paintings, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, lighting designs and drawings.

(2) Construction cost is defined to include architectural and engineering fees, site work, and contingency allowances. It does not include land acquisition or subsequent changes to the construction contract. All construction costs shall be calculated as of the date the contract is executed.

2. Art-in-Public-Places Trust. There shall be an Art-in-Public-Places Trust to administer the program.

(a) *Purpose.* The Trustees of the Art-in-Public-Places Trust shall act in the public interest upon all matters relating to the program and shall support the program's goals and objectives. The Trustees' responsibilities include the selection, maintenance, planning, public education and curating of all works of art acquired by the program.

* * *

boundaries of a municipality shall be governed solely and exclusively by the Miami-Dade Art in Public Places Ordinance with respect to the matters covered in this section, including with respect to the collection, payment, and allocation of funds for the acquisition and display of works of art relating to said County facilities, and shall not be within the jurisdiction of the municipality for such purposes.

(b)<< Appropriation for construction to include amount for works of art. Miami-Dade County and each municipality in Miami-Dade County shall provide for the acquisition of works of art equivalent in value to not less than one and one-half (1½) percent of the construction cost of new governmental buildings, provided that no funds may be appropriated for this purpose from the ad valorem tax operations fund. To the extent the total appropriation is not used for the acquisition of works of art for said buildings, the remainder may be used for:

(1) Program administrative costs, insurance costs or for the repair and maintenance of any works of art acquired under this section; or

(2) To supplement other appropriations for the acquisition of works of art under this section or to place works or art in, on, or near government facilities which have already been constructed.

>>(c)<< ~~[(b)]~~ *Waiver of requirements.* The requirements of ~~[[subsection (a)]]~~ >>paragraph (b)<< may be waived by resolution of the Board of County Commissioners of Miami-Dade County when and if it appears to said Board that a construction project covered hereunder is not appropriate for application of the above requirements.

>>(d)<< ~~[(e)]~~ *Definitions.* For the purpose of this section, the following terms are hereby defined:

(1) Works of art is defined as the application of skill and taste to production of tangible objects, according to aesthetic principles, including, but not limited to, paintings, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, lighting designs and drawings.

(2) Construction cost is defined to include architectural and engineering fees, site work, and contingency allowances. It does not include land acquisition or subsequent changes to the

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3. *Ownership and Upkeep.* Ownership of all works of art acquired by the County under this **section** is vested in Miami-Dade County. The Art-in-Public-Places Trust is charged with the custody, supervision, maintenance and preservation of such works of art. In each instance, the County shall acquire title to each work of art acquired.

4. *Personnel.* The County Manager shall provide adequate and competent clerical and administrative personnel as may be reasonably required by the Trust for the proper performance of its duties, subject to budget limitations.

construction contract. All construction costs shall be calculated as of the date the contract is executed.

>>(3) County facility is defined as any facility, building, structure, improvement, or infrastructure, whether subterranean, above-ground, or overhead, that is (i) owned, leased, or operated by, or (ii) constructed upon land owned or leased by, the County or any of its agencies or instrumentalities, including the Public Health Trust of Miami-Dade County.

(e) Option for municipalities to enact art in public places or ordinances. Any municipality within the County may opt out of this section by enacting and administering its own art in public places ordinance for non-County facilities located within its municipal boundaries. This section sets forth the minimum standards for any municipal ordinance and any such municipal ordinance shall be consistent with the minimum standards of this section. The municipality shall provide written notice of the municipality's intent to opt out of this section and a copy of the proposed ordinance to the Office of the County Mayor and to the Art in Public Places Trust at least 30 days prior to the scheduled adoption of any such municipal ordinance. Within 30 days following the adoption by municipality of an art in public places ordinance, the municipality shall provide a copy of the adopted ordinance to the County Mayor and the Art in Public Places Trust.

3. << [[2-]] [[~~Art in Public Places~~]] >>Art in Public Places<< Trust. There shall be an [[~~Art in Public Places~~]] >>Art in Public Places<< Trust to administer the program.

(a) Purpose. The Trustees of the [[~~Art in Public Places~~]] >>Art in Public Places<< Trust shall act in the public interest upon all matters relating to the program and shall support the program's goals and objectives. The Trustees' responsibilities include the selection, maintenance, planning, public education and curating of all works of art acquired by the program. >>The Trustees shall oversee and administer the funds collected by municipalities for municipal facilities and projects consistent with this section to be used for the benefit of such municipalities, except where a municipality has enacted its own art in public places ordinance and administers its own program as provided in this section.<<

* * *

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>>4. << [[3-]] *Ownership and Upkeep.* Ownership of all works of art acquired by the County under this **section** is vested in Miami-Dade County >>, except that ownership of all works of art acquired with municipal funds for a new governmental building shall be vested in the applicable municipality<<. The [[~~Art in Public Places~~]] >>Art in Public Places<< Trust is charged with the custody, supervision, maintenance and preservation of [[~~such~~]] works of art >>acquired by the County pursuant to this section, while each municipality is charged with the custody, supervision, maintenance, and preservation of works of art acquired with municipal funds pursuant to this section<<. In each instance, the County >>or municipality, as applicable, << shall acquire title to each work of art acquired.

>>5. << [[4-]] *Personnel.* The County [[~~Manager~~]] >>Mayor<< shall provide adequate and competent clerical and administrative personnel as may be reasonably required by the Trust for the proper performance of its duties, subject to budget limitations.

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**Item No. 5C
File No. 183024**

Researcher: LE Reviewer: TD

ORDINANCE REPEALING ORDINANCE NO. 18-07; AUTHORIZING INDEBTEDNESS IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$900,000,000.00 IN THE FORM OF LOANS (“LOANS”) FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT PROGRAM; APPROVING FORM OF AND AUTHORIZING EXECUTION AND DELIVERY OF LOAN AGREEMENTS; AUTHORIZING MAYOR OR MAYOR’S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE DETAILS, TERMS AND OTHER PROVISIONS OF LOANS; AUTHORIZING COUNTY OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH EXECUTION AND DELIVERY OF LOANS; AND PROVIDING FOR SEVERABILITY, EXCLUSION FROM CODE AND EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should repeal Ordinance No. 18-07; authorize indebtedness in aggregate principal amount not to exceed \$900,000,000.00 in the form of loans from the United States Environmental Protection Agency (EPA) Water Infrastructure Finance and Innovation Act (WIFIA) Program; and approve form of and authorize execution and delivery of loan agreements.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 18-07, adopted on January 23, 2018, authorizes applying for loan(s) from the United States Environmental Protection Agency’s Water Infrastructure and Innovation Act Program (WIFIA) in an Amount not to exceed \$500,000,000.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2017/172739.pdf>

Ordinance No. 15-59, adopted on June 30, 2015, requires inclusion of additional information in statements of fiscal impact required for ordinances.

<http://intra/gia/matter.asp?matter=151096&file=true&yearFolder=Y2015>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Finance Department

The item was adopted on first reading at the January 23, 2019 BCC meeting and is set for public hearing on the February 5, 2019 BCC.

ANALYSIS

The proposed ordinance seeks to repeal Ordinance No. 18-07; authorize indebtedness in aggregate principal amount not to exceed \$900,000,000.00 through loans from the United States Environmental Protection Agency (EPA) Water Infrastructure Finance and Innovation Act (WIFIA) Program; and approve the form, execution, and delivery of the loan agreements.

The item has a positive impact because if the County borrows the full \$900,000,000 for the WIFIA program, the County is estimated to save up to \$646,848,081 in interest costs over the life of loans compared to if the County opted to issuing and selling bonds to finance improvements to the County’s water and wastewater system.

The Water Infrastructure Finance and Innovation Act of 2014 established a federal credit program administered by the EPA to invest in the nation’s water and wastewater infrastructure by providing long-term, low-cost loans which can be used to fund up to 49 percent of eligible water and wastewater projects. In FY 2017 and 2018, WASD was invited to apply for loans of up to \$79 million and up to \$343 million. The purpose of the loans is to fund a portion of necessary water and wastewater improvements across the County.

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Ordinance No. 18-07 was adopted on January 23, 2018 and allowed the County to apply for loans from the U.S. EPA's Water Infrastructure and Innovation Act Program in an amount not to exceed \$500 million. The proposed ordinance would repeal Ordinance No. 18-07 and seek to apply for a loan that should not exceed \$900 million, a \$400 million difference. After adopting Ordinance No. 18-07, WASD entered negotiations with the EPA and they agreed to certain terms that conflicted with the terms approved in the respective ordinance.

The first scheduled debt service payment is anticipated to be due FY 2028. The funding source to repay the loans comes from WASD's operating revenues. The table below showcases the anticipated WIFIA loan disbursement schedule:

Anticipated WIFIA Loan Disbursement Schedule	
<u>Federal Fiscal Year</u>	<u>Amount</u>
2019	\$4,423,970.37
2020	\$12,408,324.13
2021	\$26,736,392.16
2022	\$24,218,892.06
2023	\$9,925,421.83
2024	\$900,003.87

Through the adoption of the proposed ordinance the County shall 1) apply for WIFIA loans in an amount not to exceed \$900 million; 2) enter into and execute the related loan agreements and any amendments related to this ordinance; and 3) expend the loans. The loan terms for each water project requires semi-annual payments over a 40-year period after the project reaches substantial completion, whereas the provided projects' completion dates have a varying range. The agreement will terminate once the outstanding balance of the WIFIA loan is paid off in full including all accrued interest, fees, and expenses.

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 5E
File No. 183033**

Researcher: LE Reviewer: TD

RESOLUTION APPROVING AS A GOVERNMENTAL FACILITY THE PLAN FOR THE MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT SLUDGE LAGOON TO BE GENERALLY LOCATED APPROXIMATELY 1,040 FEET WEST OF THE FLORIDA TURNPIKE AND SOUTH OF NW 74 STREET, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY

ISSUE/REQUESTED ACTION

Whether the Board should approve as a governmental facility the plan for the Miami-Dade County Water and Sewer Department sludge lagoon to be generally located approximately 1,040 feet west of the Florida Turnpike and south of NW 74 Street.

APPLICABLE LEGISLATION/POLICY

Section 33-303 of the Miami-Dade County Code, pertains to the exclusive procedure for zoning in the unincorporated areas or where the County retains zoning jurisdiction in incorporated areas with the exception for approval of governmental facilities. Prior to the construction or operation of a governmental facility in unincorporated areas of Miami-Dade County, a favorable public hearing before the Board is required.

[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)

Section 24-43(11) of the Miami-Dade County Code, prohibits the operation of a resource recovery facility within a Wellfield protection area.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARB
IBAENENTRFUENENLAPR_ARTIIWASOQU_DIV2WEPRDOWESYPOWAST_S24-43PRUTPOWASUWE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARB_IBAENENTRFUENENLAPR_ARTIIWASOQU_DIV2WEPRDOWESYPOWAST_S24-43PRUTPOWASUWE)

Section 24-5 of the Miami-Dade County Code defines “resource recovery and management facility” as any facility the purpose of which is disposal, recycling, incineration, processing, storage, transfer, or treatment of solid or liquid waste.

[https://library.municode.com/fl/miami - dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAEND
EAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR_S24-5DE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR_S24-5DE)

Section 24-42 of the Miami-Dade County Code prohibits against discharge in any of the waters of Miami-Dade County, any organic or inorganic matter which exceeds the effluent standards for the County, and/or cause water pollution.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBA
ENENTRFUENENLAPR_ARTIIWASOQU_DIV1WAQUWASASEPRST_S24-42PRAGWAPO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIIWASOQU_DIV1WAQUWASASEPRST_S24-42PRAGWAPO)

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Jose “Pepe” Diaz, District 12
Department/Requester: Regulatory and Economic Resources**

The item was set for public hearing at the BCC meeting on January 23, 2019. During the January 23, 2019 BCC, the sponsor requested deferral to the next BCC on February 5, 2019.

BCC Meeting: February 5, 2019
Research Notes

ANALYSIS

This item is requesting Board approval for the plan for the Miami-Dade County Water and Sewer Department (WASD) sludge lagoon to be generally located approximately 1,040 feet west of the Florida Turnpike and south of NW 74 Street as a governmental facility.

The new lagoon will be funded through WASD capital funds.

Calcium carbonate residuals are generated through the lime-softening process utilized in the production of drinking water at the Hialeah-Preston Water Treatment Plant (WTP). The residuals produced from this facility are currently conveyed through a 16-inch calcium carbonate pipeline to an existing sludge lagoon located on a WASD-owned property north of the proposed site.

The proposed lagoon will be located in Commission District 12 and the parcels are located outside of the Urban Development Boundary (UBD), located west of the Florida Turnpike south of theoretical NW 74 Street and contains existing rock pits. The parcels are an approximately 87.95-acre site and will be utilized to dispose of calcium residuals produced at the Hialeah-Preston Water Treatment Plant. The current site will only be able to withhold deposits for another two years while the proposed site is anticipated to provide more than 100 years of disposal capacity. The new site is required for the continued disposal of residual calcium carbonate and allow for continued production of drinking water from the Hialeah-Preston Water Treatment Plant. Once the site is acquired, the existing calcium carbonate pipeline connection, which borders the proposed site, will be abandoned and a new connection will be built to extend the pipeline to the new site.

DERM finds the proposed facility to be consistent with the CDMP based on the uses described and the CDMP goals, objectives, and policies.

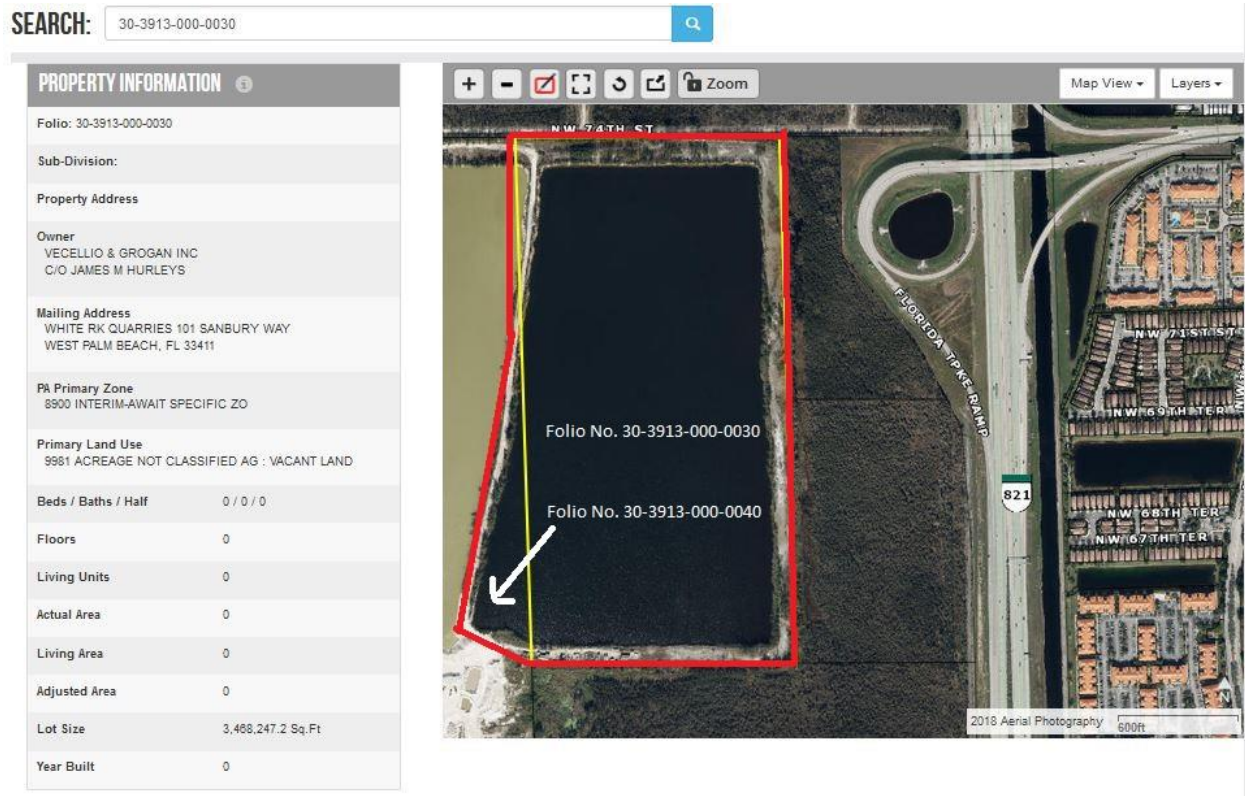
Section 24-5 of the Miami-Dade County Code defines “resource recovery and management facility” as any facility the purpose of which is disposal, recycling, incineration, processing, storage, transfer, or treatment of solid or liquid waste.

The Division of Environmental Resources Management (DERM) has reviewed the governmental facilities application and finds that it is in compliance with requirements of Chapter 24 of the Miami-Dade County Code for potable water service, wastewater disposal, and wellfield protection. The calcium carbonate residual does not present any threats or toxicity.

The completion of the lagoon is expected to be completed by 2020.

BCC Meeting: February 5, 2019 Research Notes

The image below is where the proposed lagoon will be constructed (Folio No. 30-3913-000-0030 and includes a portion of Folio No. 30-3913-000-0040).



DEPARTMENTAL INPUT

On January 18, 2019, the Office of the Commission Auditor posed the following questions to the Water and Sewer Department. The responses below are italicized.

- Since the lagoon will be funded through WASD capital funds, what is the total projected cost of the facility?
 - *The lake was purchased for \$5,150,000.*
- Are there other methodologies for the use of the calcium carbonate residuals?
 - *The calcium carbonate presents no risks or contamination and is a byproduct of processing water at the water treatment plant. The calcium carbonate is a solid byproduct and behaves and settles down like sediment.*
- Does the residual matter present any threats or toxicity to the ground water?
 - *The calcium carbonate will not affect the water.*

**BCC Meeting: February 5, 2019
Research Notes**

Item No. 7B

File No. 182789

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING PROVISIONS RELATING TO THE NAMING, RENAMING, OR CODESIGNATION OF MIAMI-DADE COUNTY ROADS, FACILITIES, OR PROPERTY AND THE APPROVAL OF STATE OR MUNICIPAL ROAD CODESIGNATIONS; REQUIRING THE COMMISSION AUDITOR TO INCLUDE IN ITS REPORT WHETHER THE PERSON TO BE HONORED IS LIVING OR DECEASED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board amend Section 2-1 of the Code of Miami-Dade County, relating to the naming, renaming, or codesignation of Miami-Dade County roads, facilities, or property and the approval of state or municipal road codesignations; and require the Commission Auditor to include in its report whether the honored person is living or deceased.

APPLICABLE LEGISLATION/POLICY

Section 2-1 of the Miami-Dade County Code relates to the rules of procedure of the County Commission.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1RUPRCOCO

Section 18.43 of the Broward County Code relates to the naming of Broward County-owned property, buildings, structures, and facilities.

https://library.municode.com/fl/broward_county/codes/administrative_code?nodeId=CH18OPPOBOCOCO_PTIIBOPOGE_18.43NABRCONEPRBUSTFA

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Joe A. Martinez, District 11

Department/Requester: None

The item was adopted on first reading during the December 4, 2018 BCC meeting.

During the GOC meeting on January 15, 2019, public hearing was opened and seeing as no member of the public elected to speak, public hearing was closed. The item was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The proposed ordinance amends Section 2-1 of the Miami-Dade County Code to revise the provisions relating to the naming, renaming, or codesignation of Miami-Dade County roads, facilities, or property and the approval of state or municipal road codesignations and requires the Commission Auditor to include in its report whether the person to be honored is living or deceased.

The proposed item has no fiscal impact.

Section 2-1, Rule 9.02 of the Miami-Dade County Code relates to the naming, renaming, or codesignation of County roads, facilities or property and the approval of state or municipal road codesignations. The amendment is being proposed to provide transparency and accountability.

Section 18.43 of the Broward County Code states that property, buildings, structures, and facilities should not be named after living persons. In regards to roads, the current name of the road shall be retained as a secondary designation.

BCC Meeting: February 5, 2019
Research Notes

The table below shows the original Section 2-1 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 2-1 of the County Code	Proposed changes to Section 2-1 of the County Code
<p>Sec. 2-1. Rules of Procedure of County Commission</p> <p style="text-align: center;">* * *</p> <p><i>Rule 9.02 Naming, renaming or codesignation of Miami-Dade County roads, facilities or property; approval of state or municipal road codesignations; exception for Public Health Trust designated facilities.</i></p> <p style="text-align: center;">* * *</p> <p>(f) The Commission Auditor shall complete background research, reviewing public records and other sources of information, in print, on the internet, or through other means of communication, that are publicly available, on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads, and shall prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered. In addition, for any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, the report shall also indicate (1) whether the subject road, facility, or property has been the subject of any prior codesignations and, if so, the location or terminus points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or terminus points of each. If there are no prior codesignations, then the report shall so state. The Clerk of the Board shall place the Commission Auditor's report on the commission agenda as a supplement to the related agenda item.</p> <p style="text-align: center;">* * *</p>	<p>Sec. 2-1. Rules of Procedure of County Commission</p> <p style="text-align: center;">* * *</p> <p><i>Rule 9.02 Naming, renaming or codesignation of Miami-Dade County roads, facilities or property; approval of state or municipal road codesignations; exception for Public Health Trust designated facilities.</i></p> <p style="text-align: center;">* * *</p> <p>(f) The Commission Auditor shall complete background research, reviewing public records and other sources of information, in print, on the internet, or through other means of communication, that are publicly available, on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads, and shall prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered. In addition, for any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, the report shall also indicate >>:</p> <p><u>(1) whether the person to be honored is living or deceased;</u></p> <p><u>(2)</u><< [[4]] whether the subject road, facility, or property has been the subject of any prior codesignations and, if so, the location or terminus points of each; and</p> <p>>>(3)<< [[2]] whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or terminus points of each.</p> <p>If there are no prior codesignations, then the report shall so state. The Clerk of the Board shall place the Commission</p>

BCC Meeting: February 5, 2019
Research Notes

Auditor's report on the commission agenda as a supplement to the related agenda item.

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**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 7C
File No. 182888**

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING SECTION 31-89 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING VEHICLE AGE AND INSPECTION REQUIREMENTS FOR TAXICABS; ESTABLISHING A PILOT PROGRAM FOR A SPECIFIED TIME WHICH WOULD ALLOW VEHICLES THAT ARE A CERTAIN MODEL YEAR OF AGE OR LESS TO BE OPERATED AS TAXICABS; ESTABLISHING PILOT PROGRAM ELIGIBILITY REQUIREMENTS AND EXCEPTION; PROVIDING FOR EXTENSION OF PILOT PROGRAM; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 31-89 of the Miami-Dade County Code to revise the vehicle age and inspection requirements for taxicabs; establish a pilot program for a specified time which would allow vehicles of a certain model year of age or less to be operated as taxicabs; establish pilot program eligibility requirements.

APPLICABLE LEGISLATION/POLICY

Section 31-89 of the Miami-Dade County Code, provides vehicles standards operating in the County.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Department/Requester: None

This item was adopted on first reading at the December 18, 2018 BCC meeting. The item was forwarded to the BCC with a favorable recommendation during the TPWC meeting on January 17, 2019,.

ANALYSIS

The proposed ordinance amends Section 31-89 of the Miami-Dade County Code to revise the vehicle age and inspection requirements for taxicabs; establish a pilot program for two years which would allow vehicles of a certain model year of age or less to be operated as taxicabs and program eligibility requirements.

This item has a positive fiscal impact of an estimated \$35,000 for the Department of Transportation and Public Works (DTPW) from the inspection fees generated during the pilot program. Future operational costs and additional staffing will not be needed.

The amendments to Section 31-89 will create a two year pilot program where vehicles that are 15 model years of age or less may be operated as a taxicab. In order to be eligible, the taxicab shall not have been previously used as a taxicab outside of Miami-Dade County or have a "rebuilt" or "salvage" title. Taxicabs that are one through ten model years of age must be inspected annually and taxicabs that are 11 through 15 model years of age must be inspected semi-annually.

Furthermore, if the operator has during any one-year period been found guilty of two or more violations of the vehicle standards, failed to pay or appeal two or more citations for the vehicle standard violations, or paid two or more fines for violating the vehicle standards then the vehicle operating as a taxicab shall be permanently removed from service.

The vehicle age increase benefits operators whose vehicles were retired after reaching the maximum allowed vehicle age, which is currently 10 model years of age, providing more opportunity to operators to be able to obtain more affordable vehicles. An increase in complaints regarding the maintenance, upkeep, or aesthetics of such vehicles by tourists or local patrons may occur which may negatively impact the hospitality industry if the item is approved.

BCC Meeting: February 5, 2019
Research Notes

The table below shows the original Section 31-89 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 31-89 of the County Code	Proposed changes to Section 31-89 of the County Code
<p>Sec. 31-89. Vehicle standards.</p> <p style="text-align: center;">* * *</p> <p>(f) Taxicab vehicle age limits and inspection schedules. Taxicab vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the RER may inspect a for-hire vehicle at any time. Any vehicle initially placed into service, shall not have been previously used as a taxicab outside of Miami-Dade County, or have a "rebuilt" or "salvage" title and shall be no greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not be operated as a taxicab. Notwithstanding the foregoing, any taxicab:</p> <p>(1) That operates as a Wheelchair Accessible Cab initially placed into service shall not have been previously used as a taxicab outside of Miami-Dade County or have a "rebuilt" or "salvage" title and shall be no greater than fifteen (15) model years of age. Any vehicle over fifteen (15) model years of age shall not operate as a Wheelchair Accessible Cab;</p> <p>Taxicabs shall be inspected annually.</p>	<p>Sec. 31-89. Vehicle standards.</p> <p style="text-align: center;">* * *</p> <p>(f) Taxicab vehicle age limits and inspection schedules. Taxicab vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the RER may inspect a for-hire vehicle at any time. Any vehicle initially placed into service, shall not have been previously used as a taxicab outside of Miami-Dade County, or have a "rebuilt" or "salvage" title and shall be no greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not be operated as a taxicab. Notwithstanding the foregoing, any taxicab:</p> <p>(1) That operates as a Wheelchair Accessible Cab initially placed into service shall not have been previously used as a taxicab outside of Miami-Dade County or have a "rebuilt" or "salvage" title and shall be no greater than fifteen (15) model years of age. Any vehicle over fifteen (15) model years of age shall not operate as a Wheelchair Accessible Cab;</p> <p>Taxicabs shall be inspected annually.</p> <p>(g) >>Notwithstanding the vehicle age limits and inspection schedules mandated by article II of this chapter, a two-year pilot program ("pilot program") is established whereby any vehicle that is 15 model years of age or less may be operated as a taxicab as provided in this subsection.</p> <p><u>The term of the pilot program shall be two years from the effective date of this ordinance. The Commission may by ordinance extend the duration of the pilot program if it determines that such an extension will serve the public interest. To be eligible for the pilot program, a taxicab shall:</u></p> <p>(1) <u>Not have been previously used as a taxicab outside of Miami-Dade County or have a "rebuilt" or "salvage" title; and</u></p>

BCC Meeting: February 5, 2019
Research Notes

- (2) Meet the following inspection schedules; a taxicab one through ten model years of age shall be inspected annually; and a taxicab 11 through 15 model years of age shall be inspected semi-annually.

A vehicle operating as a taxicab shall be permanently removed from service if the operator has during any one-year period: (i) been found guilty by an administrative hearing officer of two or more violations of the vehicle standards mandated in this section; (ii) failed to pay or appeal two or more citations for violations of the vehicle standards set forth in this section within the established time; or (iii) paid two or more fines for violating the vehicle standards set forth in this section. The provisions of this subsection shall not apply to Wheelchair Accessible Cabs.<<

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8A1
File No. 182721**

Researcher: LE Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ENTER INTO A MUTUAL AID AGREEMENT WITH MONROE COUNTY TO PROVIDE FOR REHABILITATION OF AVIATION FACILITIES FOLLOWING AN EMERGENCY; PROVIDING FOR RATIFICATION OF SUCH AGREEMENT BY THE BOARD OF COUNTY COMMISSIONERS

ISSUE/REQUESTED ACTION

Whether the board should authorize entering into a mutual aid agreement with Monroe County to provide for rehabilitation of aviation facilities following an emergency.

APPLICABLE LEGISLATION/POLICY

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Department/Requester: Miami-Dade Aviation Department

This item was heard during the EDTC meeting on January 17, 2019 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The proposed resolution seeks the Board's authorization to enter into a mutual aid agreement between Miami-Dade County, through its Aviation Department (MDAD), and Monroe County to provide rehabilitation of aviation facilities following an emergency.

The fiscal impact cannot currently be determined. When a manmade or natural emergency and disaster occurs, necessary assistance will be determined and presented to the Board for ratification.

Monroe County is highly susceptible to disastrous natural disasters and emergencies. The sole purpose of the mutual aid agreement is to provide expertise, equipment, or supplies to aviation facilities in Monroe County in the event of a State of Emergency or a Local State of Emergency. Monroe County owns and operates multiple airports such as Key West International Airport and the Florida Keys Marathon International Airport. The provision of equipment or supplies will be on a cost basis or a temporary basis where equipment is returned in the same condition. The agreement shall also be consistent with Federal Emergency Management Agency (FEMA) requirements and any relating agreements shall be presented to the Board for ratification. Additionally, within 90 days of the declaration of a State of Emergency or Local State of Emergency, the County Mayor or its designee will be authorized to enter a mutual aid agreement with Monroe County.

Both Miami-Dade County and Monroe County airports have access to expertise, equipment, and supplies. Should a natural disaster or emergency event occur, either party would be able to assist the other in need if their respective aviation facilities are impaired. Mutual aid assistance must be requested by the respective County Mayor or designee to the other County Mayor or designee.

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8A2
File No. 190067**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING AWARD OF THE PROFESSIONAL SERVICES AGREEMENT TO T. Y. LIN INTERNATIONAL FOR FLAMINGO AND DOLPHIN GARAGES REPAIRS AND UPGRADES FOR THE MIAMI-DADE AVIATION DEPARTMENT, PROJECT NO. E16-MDAD-06, IN AN AMOUNT NOT TO EXCEED \$5,447,786.80 FOR A TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 182735]

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA) between the County and T.Y. Lin International for repairs and upgrades to the Flamingo and Dolphin garages at the Miami International Airport in the amount up to \$5,447,786.80 for a contract period of five years.

APPLICABLE LEGISLATION/POLICY

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

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

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

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

[https://library.municode.com/fl/miami -](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

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Section 2-8.1 of the County Code requires that the award recommendation memorandum presented to the Board identify each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each and the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

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

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

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

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

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Research Notes

Section 2-8.5 of the County Code provides a definition for “local business/firm” as well as sets forth the procedure for application of a preference to local business in County contracts.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO)

Section 8-11 (Existing buildings) of the County Code requires all buildings to be recertified where such buildings or structures have been in existence for 40 years or longer as determined by the Building Official who shall at such time issue a Notice of Required Inspection to the building owner. Subsequent recertification shall be required at 10 years interval.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8BUCO_ARTIAD_S8-11EXBU](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8BUCO_ARTIAD_S8-11EXBU)

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

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

Implementing Order No. 8-8 sets forth the Sustainable Buildings Program, requiring the County to incorporate sustainable development building measures into the design, construction, renovation and maintenance of County-owned, County-financed and County-operated buildings.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO8-8.pdf>

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

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

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

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

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

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

Resolution No. R-421-16, adopted by the Board on May 17, 2016, requires the County Mayor or the County Mayor’s designee to attach to all items recommending design and/or construction contract awards of \$1,000,000 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor’s work.

<http://intra/gia/matter.asp?matter=160124&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Aviation

This substitute item was forwarded to the Board with a favorable recommendation by the Economic Development and Tourism Committee at its January 17, 2019 meeting. The substitute differs from the original item in that it includes the A/E Firm History Report.

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ANALYSIS

This item is requesting Board approval to award a PSA to T.Y. Lin International for repairs and upgrades to the Flamingo and Dolphin Garages at Miami International Airport (MIA) in an amount not to exceed \$5,447,786.80 for a five-year term. Per the Negotiation Authorization memorandum for this procurement, there is an estimated contingency period of 183 days.

The purpose of the solicitation is for the Aviation Department (MDAD) to contract with an A/E consultant to investigate the structural condition of the Flamingo and Dolphin garages at MIA and develop construction documents to bid the required repairs. The scope of services includes assessing the condition of all electrical, mechanical, and fire protection systems as well as developing an ADA compliance plan. The contracted firm will also evaluate the elevators at the garages.

The Request to Advertise was received by the Clerk of the Board on September 8, 2016. A revision to the Request to Advertise was received on March 21, 2017. Five proposals were received by the submittal deadline of April 21, 2017. On May 19, 2017, VEE Architecture Corp. was eliminated from the competitive procurement process due to failure to be pre-qualified and technically certified in the required category. The First Tier meeting was held on June 16, 2017. After final tabulation of the scores, Wiss, Janney, Elstner Associates Inc., a non-local firm, was the top-ranked. However, upon application of local preference, T.Y. Lin International, a local firm, became the highest-ranked. The Competitive Selection Committee decided to forego Second Tier proceedings.

As indicated in the PSA, payments to the consultant for basic services and reimbursable expenses performed shall be the fixed lump sum amount of \$4,940,183. The phases of the primary contracted services include: (1A) program verification, (1B) preparation of schematic design documents, (2) design development, (3A&B) complete contract documents, (3D) bid contract documents, (4) bidding and contract award, and (5) work related services. No services under the PSA shall be performed prior to the receipt of an appropriate Service Order.

The contract includes a 30 percent (\$1,630,260.39) SBE-A/E goal and 1 percent (\$54,342.13) SBE-G/S goal. Per sunbiz.org, the official State of Florida Division of Corporations website, T.Y. Lin International is an active, foreign for-profit corporation, with a principal address of 345 California Street, Suite 2300, San Francisco, CA.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System on January 31, 2019, finding that T.Y. Lin International has six evaluations with an average evaluation rating of 4.0 out of 4.0.

ADDITIONAL INFORMATION

T.Y. Lin International Group Ltd. operates as an engineering services company that focuses on various infrastructure challenges in the United States and internationally. The company offers architecture, codes compliance, construction engineering and inspection, construction management, construction phase, design, environmental and engineering, planning, program management, seismic analysis and design, and land surveying services. It serves aviation, bridge, facilities, federal, port and marine, rail and transit, and surface transportation, as well as mobility, planning, and management market sectors. T.Y. Lin International Group Ltd. was formerly known as T.Y. Lin Associates.

<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=4427971>

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See the link below to a Cook County Record article titled “T.Y. Lin International Group accused of negligence in fatal sewer accident.”

<https://cookcountyrecord.com/stories/511178843-t-y-lin-international-group-accused-of-negligence-in-fatal-sewer-accident>

A complaint was filed in the Circuit Court of Cook County, State of Illinois, against T.Y. Lin International alleging that Plaintiff’s husband’s head collided with the newly installed concrete sewer pipe when the trench shield caved in and collapsed on him while he was working in the trench dug of defendant’s sewer improvement project. The decedent was buried alive under the collapsed portion of the trench dug, resulting in his injuries and wrongful death. (See *Tucharski Edyta v. TY Lin International*, 2017-L-008009, Circuit Court, Cook County, Illinois.)

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**Item No. 8A3
File No. 182739**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING AWARD OF THE PROFESSIONAL SERVICES AGREEMENT TO GURRI MATUTE, P.A., FOR AIRPORT OPERATIONS CENTER DESIGN SERVICES FOR THE MIAMI-DADE AVIATION DEPARTMENT, PROJECT NO. A16-MDAD-01; IN AN AMOUNT NOT TO EXCEED \$1,654,125.00 FOR A TERM OF FIVE YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA) between the County and Gurri Matute, P.A. for Airport Operations Center Design Services for the Miami-Dade Aviation Department (MDAD) in the amount of up to \$1,654,125 for a contract period of five years.

APPLICABLE LEGISLATION/POLICY

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

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

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

[https://library.municode.com/fl/miami -](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

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

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

[https://library.municode.com/fl/miami -](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

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

Section 2-8.1 of the County Code requires that the award recommendation memorandum presented to the Board identify each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each and the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

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

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

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

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

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

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Section 2-8.5 of the County Code provides a definition for “local business/firm” as well as sets forth the procedure for application of a preference to local business in County contracts.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO

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

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

Implementing Order No. 8-8 sets forth the Sustainable Buildings Program, requiring the County to incorporate sustainable development building measures into the design, construction, renovation and maintenance of County-owned, County-financed and County-operated buildings.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO8-8.pdf>

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

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

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

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

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

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

Resolution No. R-421-16, adopted on May 17, 2016, requires the County Mayor or the County Mayor’s designee to attach to all items recommending design and/or construction contract awards of \$1,000,000 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor’s work.

<http://intra/gia/matter.asp?matter=160124&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Aviation Department

This item was forwarded to the Board with a favorable recommendation by the Economic Development and Tourism Committee at its January 17, 2019 meeting with scrivener's error corrected.

ANALYSIS

This item is requesting Board approval to award a PSA to Gurri Matute, P.A., a local firm, for Airport Operations Center Design Services for the Miami-Dade Aviation Department (MDAD) in the amount of up to \$1,654,125 for a five-year term.

The purpose of the solicitation is for the Aviation Department (MDAD) to contract with an A/E consultant to design a new state of the art Airport Operations Center to be located on the third floor of the North Terminal Development. The facility will require backup power and air-conditioning systems for its operation and electronic systems. Gurri Matute, P.A. will provide all design,

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construction, and training services needed to deliver a fully operational Airport Operations Center and will also develop a Concept of Operations that articulates the functions, processes, and procedures for the Airport Operations Center.

Seven proposals were received by the submittal deadline of September 27, 2016. The Competitive Selection Committee ranked the top four responsive proposers as follows:

Firm	Total Qualitative Points	Total Ordinal Score	Final Ranking
Gurri Matute, P.A.	468	10	1
M.C. Harry and Associates, Inc.465	465	12	2
Bermello, Ajamil & Partners, Inc.	459	14	3
Leo A. Daly Company	457	14	4

Approval to move forward with the negotiation process with Gurri Matute, P.A. was received on June 21, 2017. It is unclear from the item why there was such a delay in contract negotiations and subsequently bringing this item before the Board.

Per Sunbiz.org, the official State of Florida Division of Corporations website, Gurri Matute, P.A. is an active, local Florida for-profit corporation, with a principal address of 5001 S.W. 74th Court, Suite 208, Miami, FL 33155.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=GURRIMATUTEPA%20P000000761670&aggregateId=domp-p00000076167-6ca0e7df-fcb0-4805-b2f0-ed323d9c4d1b&searchTerm=Gurri%20Matute%2C%20P.A.%20&listNameOrder=GURRIMATUTEPA%20P000000761670>

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System database on January 31, 2019, finding that Gurri Matute, P.A. has nine evaluations with an average evaluation rating of 3.9 out of a possible 4.0.

ADDITIONAL INFORMATION

Gurri Matute, P.A.

Gurri Matute PA is a high-energy, award-winning architectural and interior design studio established since 1996. Founding partner, Daphne I. Gurri, AIA, LEED AP initially started the practice as a sole proprietor and in the year 2000, Jose G. Matute, AIA, LEED AP, CGC joined as Partner, and as a result, the Firm changed its name to Gurri Matute PA (GMPA). GMPA is a Florida registered corporation and is headquartered in Miami, Florida with a satellite office in Fort Lauderdale, Florida. GMPA is authorized to provide architectural and interior design services in the State of Florida and Texas.

<http://gurrimatute.com/>

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**Item No. 8A4
File No. 183034**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND TERRENO ROUTE 100 LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR THE USE BY THE MIAMI-DADE AVIATION DEPARTMENT OF A 65,448 SQUARE FOOT WAREHOUSE, INCLUDING TWENTY FOUR (24) PARKING SPACES, LOCATED AT 1775 NW 70 AVENUE, MIAMI, FLORIDA, FOR A TERM OF FIVE YEARS, WITH TWO FIVE YEAR OPTIONS TO RENEW, AND PROVIDING FOR RENT PAYMENTS FROM THE COUNTY TO THE LESSOR DURING THE INITIAL TERM IN THE TOTAL AMOUNT OF \$3,185,481.48, EXCLUSIVE OF COSTS FOR UTILITIES; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO PROVIDE SAID LEASE TO THE COUNTY PROPERTY APPRAISER PURSUANT TO RESOLUTION NO. R-791-14

ISSUE/REQUESTED ACTION

Whether the Board should approve the terms of and authorize the execution by the County Mayor of a Lease Agreement between Miami-Dade County and Terreno Route 100 LLC, a Delaware Limited Liability Company, for use by the Miami-Dade Aviation Department of a 65,448 square foot warehouse, including twenty four parking spaces, located at 1775 NW 70th Avenue, for a term of five years, with two five-year options to renew, and providing for rent payments from the County to the lessor during the initial term in the total amount of \$3,185,481.48, exclusive of costs for utilities.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 2-8.6.5, governs the purchase, sale and lease of real property.

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

Resolution No. R-791-14, adopted on September 3, 2014, directs the Mayor provide the Miami-Dade County Property Appraiser a copy of all leases and operating agreements involving County-owned property.

<http://intra/gia/matter.asp?matter=141723&file=true&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Miami-Dade Aviation

The proposed resolution was considered at the January 17, 2019 Economic Development and Tourism Committee meeting. It was forwarded to the BCC with a favorable recommendation.

ANALYSIS

Miami International Airport (MIA) is operated by the Miami-Dade Aviation Department and is the second busiest airport in the United States for international passengers. It has a line-up of over 100 air carriers, and is the top U.S. airport for international freight. MIA's vision is to grow from a recognized hemispheric hub to a global airport of choice that offers customers a world-class experience and an expanded route network with direct passenger and cargo access to all world regions.

The proposed resolution seeks the Board's approval of a Lease Agreement between Miami-Dade County and Terreno Route 100 LLC, a Delaware Limited Liability Company, for the use by the Miami-Dade Aviation Department (MDAD) of a 65,448 square foot warehouse, including twenty four parking spaces, located at 1775 NW 70th Avenue, for a term of five years, with two five-

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year options to renew, and providing for rent payments from the County to the lessor during the initial term in the total amount of \$3,185,481.48, exclusive of costs for utilities.

Currently, MDAD's Maintenance Division is using approximately 50,000 square feet of a cargo warehouse space in several buildings located in the cargo area of the southwest portion of MIA for storage of supplies, materials and equipment used in the daily maintenance of the airport. This is not the best use of the cargo warehouse space, which has valuable airside access to the secure airfield at MIA. The space that Maintenance will vacate was built for use by cargo handling companies and cargo airlines to process belly and freighter cargo. The MDAD cargo space with valuable airside access will be rented at a base rate of \$10.15 per square foot, plus an additional \$3.00 per square foot for land and utilities.

According to the Fiscal Impact Statement, the fiscal impact for the first year of the initial lease term is the base rent of \$600,000, plus the cost of utilities. The base rent is based on a rental rate of \$9.17 per square foot. The original asking base rental rate was \$9.95 per square foot, but MDAD was able to negotiate a lower rate by committing to a five-year term with the likelihood of extending the lease with the OTR.

The base rent will be increased annually by three percent. The total projected fiscal impact for the five-year lease term is estimated to be the rent for five years of \$3,185,481.48, plus costs for utilities. As a self-funded department, MDAD has budgeted these funds for the lease expenses without the use of taxpayer funds.

Rent amounts for the initial term of the Lease Agreement:

Rent from	Rent to	Base Rent Amount Per Month
2/15/19	2/14/20	\$50,000.00
2/15/20	2/14/21	\$51,500.00
2/15/21	2/14/22	\$53,045.00
2/15/22	2/14/23	\$54,636.35
2/15/23	2/14/24	\$56,275.44

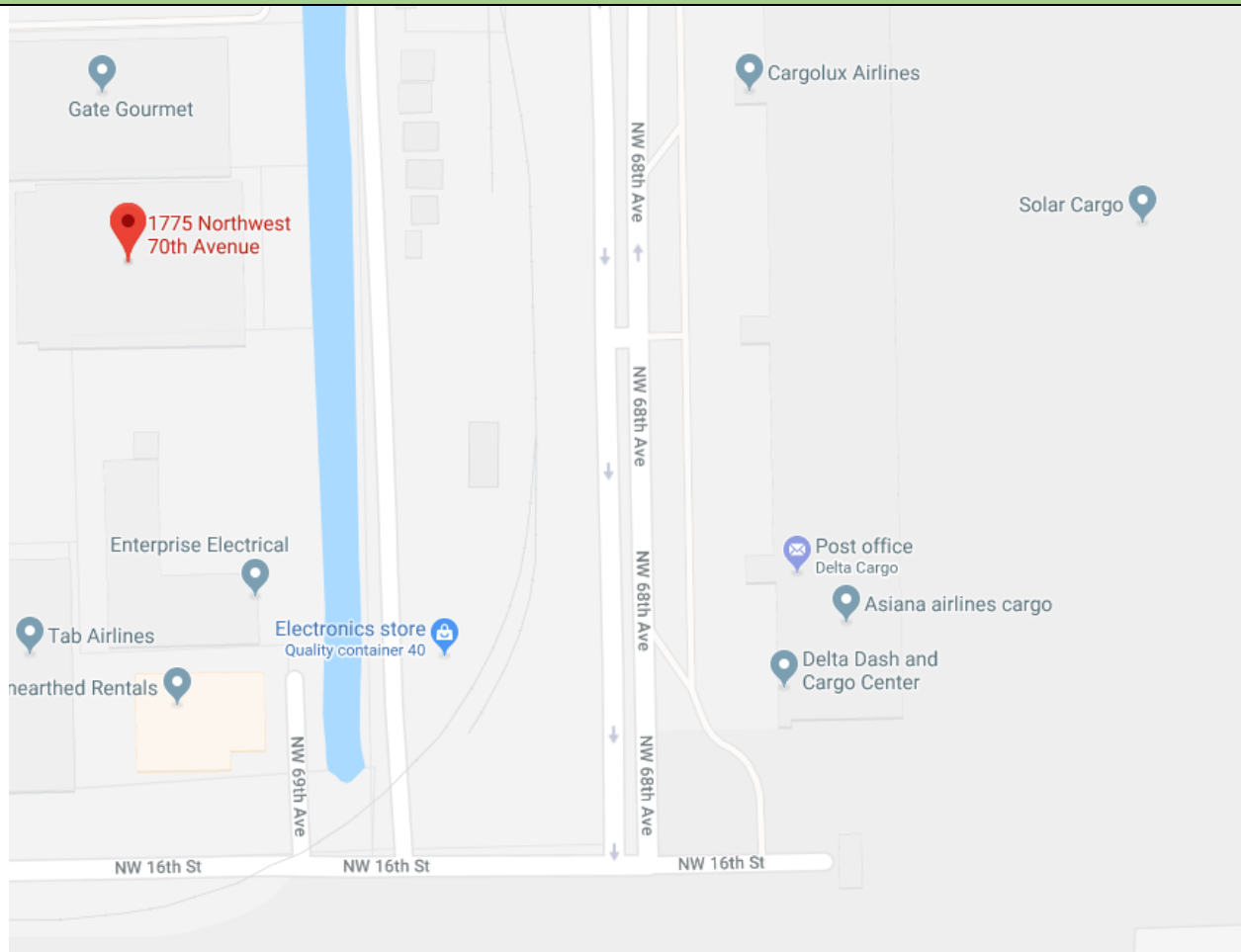
Rent amounts for the first option to renew term:

Rent from	Rent to	Base Rent Amount Per Month
2/15/24	2/14/25	\$57,963.70
2/15/25	2/14/26	\$59,702.61
2/15/26	2/14/27	\$61,493.69
2/15/27	2/14/28	\$63,338.50
2/15/28	2/14/29	\$65,238.66

Rent amounts for the second option to renew term:

Rent from	Rent to	Base Rent Amount Per Month
2/15/29	2/14/30	\$67,195.82
2/15/30	2/14/31	\$69,211.70
2/15/31	2/14/32	\$71,288.05
2/15/32	2/14/33	\$73,426.70
2/15/33	2/14/34	\$75,629.50

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ADDITIONAL INFORMATION

Miami International Airport (MIA), located on 3,230 acres of land near downtown Miami, is operated by the Miami-Dade Aviation Department and is the property of Miami-Dade County government. Founded in 1928, MIA now offers more flights to Latin America and the Caribbean than any other U.S. airport, is America's second-busiest airport for international passengers, boasts a line-up of over 100 air carriers and is the top U.S. airport for international freight. MIA is also a leading economic engine for Miami-Dade County and the State of Florida, generating business revenue of \$33.7 billion annually and welcoming 70 percent of all international visitors to Florida.

http://www.miami-airport.com/about_us.asp

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Terreno Route 100 LLC, has an active status as a Foreign Profit Corporation and first filed and registered on 10/20/2017. The principal address is registered as 101 Montgomery Street, Suite 200, San Francisco, CA 94104. Its registered agent is CT Corporation System, 1200 South Pine Island Rd., Plantation, FL 33324.

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

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**Item No. 8C1
File No. 182760**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING THE FUNDING OF 23 GRANTS FOR A TOTAL OF \$258,000.00 FROM THE FISCAL YEAR 2018-2019 FIRST QUARTER OF THE TOURIST DEVELOPMENT COUNCIL GRANTS PROGRAM ROOM TAX PLAN AND SURTAX CATEGORY TO PROMOTE MIAMI-DADE COUNTY TOURISM; WAIVING RESOLUTION NO. R-130-06, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENTS WITH VARIOUS ENTITIES AND TO EXERCISE ALL PROVISIONS, INCLUDING CANCELLATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the funding of 23 grants for a total of \$258,000.00 from the Fiscal Year 2018-19 First Quarter of the Tourist Development Council Grants Program Room Tax Plan and Surtax Category to promote Miami-Dade County tourism; whether the Board should waive Resolution No. R-130-06, and authorize the County Mayor to execute grant agreements with various entities.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-130-06, adopted January 24, 2006, amends Resolution No. R-1198-05 to clarify that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-County parties.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

Resolution No. R-1198-05, adopted on October 18, 2005, clarifies that approval of a third party contract in substantially the form presented to the Board means that the County Manager is authorized to execute the form of contract that is approved without any changes except those necessary to correct non-substantive, scrivener's errors; directs the County Manager not to place items on the agenda seeking Board approval of a third party contract and authority to execute same until the underlying contract is completely negotiated, in final form and executed by all non-County parties,

<http://intra/gia/matter.asp?matter=052006&file=true&yearFolder=Y2005>

Ordinance No. 18-102, adopted on September 20, 2018, approves, adopts and ratifies proprietary budgets, special Assessment District budgets, and other budgets of Miami-Dade County for fiscal year commencing on October 1, 2018 and ending on September 30, 2019.

<http://intra/gia/matter.asp?matter=182454&file=false&yearFolder=Y2018>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Cultural Affairs

The proposed resolution was considered at the January 17, 2019 Economic Development and Tourism Committee. It was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The Tourist Development Council (TDC) Grants Program promotes organizations/events on a quarterly basis promoting Miami-Dade County's appeal as a tourist destination by sponsoring tourist-oriented sports events, cultural and special events (visual and performing arts, including theater, concerts, recitals, opera, dance, art exhibitions, and festivals) and television origination projects. The TDC, a nine member volunteer advisory board established by Florida Statute, meets as a panel to review and make funding

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recommendations to the Miami-Dade County Mayor and Board of County Commissioners with the idea of developing and enhancing the image of Miami-Dade County locally, nationally and internationally.

<http://www.miamidadearts.org/tourist-development-council-tdc-grants-program>

The proposed resolution seeks the Board's approval of the funding of 23 grants for a total of \$258,000.00 from the Fiscal Year 2018-19 First Quarter of the Tourist Development Council Grants Program Room Tax Plan and Surtax Category to promote Miami-Dade County tourism. The proposed resolution also request the Board to waive Resolution No. R-130-06, and authorize the County Mayor to execute grant agreements with various entities.

Funding for the TDC Grants Program comes from the 2 percent Tourist Development Room Tax Revenue and the 2 percent Hotel/Motel Food and Beverage Surtax revenues. In addition, the Greater Miami Convention and Visitors Bureau provides \$25,000 to the TDC pursuant to a multi-year agreement. Further a remaining balance of \$425,272 from FY 2017-18 in unspent grant funds was carried over and is being appropriated as part of the FY 2018-19 program.

Pursuant to Ordinance No. 18-102, \$1.275 million has been allocated for FY 2018-19 TDC Grants (\$1.175 million from Fund ST 150, Subfund 151, plus \$100,000 from Fund 150, Subfund 152). The current First Quarter recommendations, totaling \$258,000, begin the recommended TDC grant allocations for this fiscal year.

The TDC convened on October 10, 2018 to review 24 applications requesting \$341,000 for the First Quarter of the program. The TDC recommended funding 23 applicants for a total of \$258,000. The TDC specifically evaluated each applicant organization based on the following competitive review criteria:

- Tourism impact/marketing plan;
- Quality and track record of the organization and its event;
- Event coordination and management;
- Fiscal feasibility and accountability; and
- Efforts to comply with and incorporate the American with Disabilities Act into projects.

The organizations recommended for award for the First Quarter of FY 2018-19 are listed below:

Organization	District	TDC Award Recommendation
Actors' Playhouse Productions, Inc.	(District 6)	\$20,000
Bayfront Park Management Trust Corporation	(District 5)	\$16,750
CI Foundation	(District 5)	\$10,500
Community Performing Arts Association Inc.	(District 12)	\$3,500
Fire Haus Projects, Inc.	(District 6)	\$4,000
IFCM Corp.	(Districts 3 and 5)	\$5,000
Miami-Broward One Carnival Host Committee, Inc.	(District 11)	\$10,500
Miami Center for Architecture & Design, Inc.	(District 5)	\$9,000
Miami Dade College	(Districts 4 and 5)	\$25,000
Miami New Drama, Inc.	(District 5)	\$12,000
Miami Short Film Festival, Inc.	(District 7)	\$9,000
MUCE Educates Corp.	(Districts 5 and 6)	\$11,250
Museum of Contemporary Art, Inc.	(District 2)	\$14,000
PAXy, Inc.	(District 5)	\$5,000
Peter London Global Dance Company, Inc.	(Districts 3 and 5)	\$6,000
Prizm Projects, Inc.	(District 5)	\$10,000
Seraphic Fire, Inc.	(Districts 5, 6 and 8)	\$9,000

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The Dance NOW! Ensemble, Inc.	(Districts 3 and 5)	\$5,000
The Dave and Mary Alper Jewish Community Center	(District 7)	\$13,500
The Key Biscayne Chamber of Commerce, Inc.	(District 7)	\$15,000
Tropical Everglades Visitor Association, Inc.	(District 9)	\$20,000
University of Miami	(Districts 1 and 7)	\$15,000
Village of Pinecrest	(District 7)	\$9,000

(The districts identified for each organization indicate the location(s) of the event/project. However, participants in and spectators attending the event/project come from all throughout the County.)

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8C2
File No. 183001**

Researcher: LE Reviewer: TD

RESOLUTION AUTHORIZING THE FUNDING OF 30 GRANTS FOR A TOTAL OF \$170,000.00 FROM THE DEPARTMENT OF CULTURAL AFFAIRS FISCAL YEAR 2018-2019 COMMUNITY GRANTS PROGRAM – SECOND QUARTER FOR VARIOUS ENTITIES; WAIVING RESOLUTION NO. R-130-06; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE GRANT AGREEMENTS AND TO EXERCISE ALL PROVISIONS, INCLUDING THE CANCELLATION PROVISIONS, CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize the funding of 30 grants for a total of \$170,000 from the Department of Cultural Affairs Fiscal Year 2018-2019 Community Grants Program – Second Quarter; and waive Resolution No. R-130-06.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-130-06, adopted January 24, 2006, clarifies that proposed agenda items seeking approval of a contract or conveyance and authority to execute, require contracts or conveyances with non-governmental entities to be completely negotiated in final form, signed, and executed by all non-County parties in order to be placed on any committee or commission agenda.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

PROCEDURAL HISTORY

Prime Sponsor: None

Requester/Department: Department of Cultural Affairs

During the PCAC meeting on January 16, 2019, the item was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The proposed resolution seeks to authorize grant funding of up to \$170,000 for 30 grants for the Fiscal Year 2018-2019 Second Quarter of the Department of Cultural Affairs Community Grants Program. The agenda item is also requesting to waive Resolution No. R-130-06, which requires contracts with non-governmental entities to be signed by all parties before being placed on any agenda. Resolution No. R-130-06 is being requested to be waived to expedite the funding allocation for time sensitive community events occurring in the County.

The fiscal impact of the proposed resolution is countywide. The funding for the Community Grants Program is sourced from Department of Cultural Affairs’ approved departmental revenues. In FY 2018-2019, a total of \$650,000 was allocated for the FY 2018-19 Community Grants (CG) with a remaining balance of \$300,000 to be used in the subsequent quarters of the program from Fund SO 125, Subfund 127.

The table below shows the recommended award amounts to each organization/project, district location(s) for project activity, and their Sunbiz registration and classification for the 2nd Quarter:

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<u>Organization</u>	<u>District Location(s) for Project Activity</u>	<u>FY 2018-2019 Community Grants Program Recommendation</u>	<u>Sunbiz Registration Status</u>
1. 4Ward Miami, Inc.	5	\$5,198	Active
2. After School Film Institute, Inc.	8	\$5,198	Active
3. Baba Collective, Inc.	3	\$5,198	Active
4. Brazilian Voices, Inc.	3	\$3,396	Active
5. Center for the Advancement of Jewish Education, Inc.	3, 4, 5, 6, 7	\$10,394	Active
6. Children's Hope Chest of Dreams, Inc.	3	\$5,198	Active
7. Dr. Martin Luther King Jr., Parade and Festivities Committee, Inc.	2, 3	\$10,394	Active
8. Evolutionary Arts Life Foundation, Inc.	1	\$5,198	Active
9. Florida International University Board of Trustees, for the benefit of the Miami Beach Urban Studios	5	\$4,505	N/A
10. Florida Shakespeare Theater, Inc.	6, 7	\$5,198	Active
11. Global Arts Project, Inc.	5	\$5,198	Active
12. Global Stem Academy, Inc.	2, 3	\$5,198	Active
13. Gray Area Collective	3	\$4,505	Active
14. IlluminArts, Inc.	5	\$5,198	Active
15. Kaleidoscope MusArt, Inc.	6, 7	\$5,198	Active
16. Miami Beach Arts Trust, Inc.	5	\$5,198	Active
17. Miami Dance Futures, Inc.	3	\$5,198	Active

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18. Miami International Ballet Competition, Inc.	4	\$5,198	Active
19. Miami International Jazz Fest, Inc.	5	\$5,198	Active
20. Miami International Science Fiction Film Festival, Inc.	5	\$5,198	Active
21. Miami Shores Village	3	\$5,198	N/A
22. Nigerian American Foundation, Inc.	3	\$5,198	Active
23. Power Access, Inc.	5	\$5,198	Active
24. Rotary Foundation of South Miami, Inc.	7	\$10,394	Active
25. Shakespeare Troupe, Inc.	3, 5, 6, 7	\$5,198	Active
26. St. Patrick's Day Committee, Inc.	7	\$5,128	Active
27. The Dance Now! Ensemble, Inc. a/f/a Miami Dance Hub, Inc.	3	\$5,198	Active
28. Tradisyon Lakou Lakay, Inc.	3	\$5,198	Active
29. United Jewish Generations, Inc.	4	\$5,198	Active
30. Village of Pinecrest	7	\$6,928	N/A
Total Recommendation Amount: \$170,000			

The organizations/projects receiving funding are located in Districts 1, 2, 3, 4, 5, 6, 7, and 8. The Community Grants Program provides funding to a diverse range of organizations and projects aimed to promote cultural significance in Miami. The projects listed above showcase a representative assortment of activities in varying locations across Miami-Dade County.

The Community Grants Panel and Cultural Affairs Council selected projects that represented a range of activities and demographic locations. Organizations may develop small and large-scale community-based projects, programs, events, and publications. The Community Grants Program focuses on the needs of 1) indigenous and cultural neighborhood activities and projects encouraging the preservation of heritage, traditions, and culture; and 2) social service organizations and cultural groups developing collaborative intervention projects. Other eligibility criteria includes being evaluated by the Community Grants panel based on the following:

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1) quality of program; 2) administrative capability; 3) marketing strategy; 4) fundraising efforts; and 5) geographic location of event.

The grant recommendations are submitted to the Board for expedited approval because of their thorough evaluation with the Council and would save one to two months in providing funding support, particularly to events that are time sensitive.

ADDITIONAL INFORMATION

The Department of Cultural Affairs Community Grants Program is responsive on a quarterly basis to not-for-profit organizations developing small and large-scale community-based cultural programs, projects, publications, and events. One-time cultural events/artistic projects receive a maximum request of \$7,500 while major and annually recurring projects with a two-year minimum track record drawing 1,000 people or more per day to the event may receive \$10,000-\$15,000.

<https://www.miamidadearts.org/community-grants-cg-program>

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Research Notes

Item No. 8F1
File No. 183015

Researcher: MF Reviewer: TD

RESOLUTION DECLARING AS SURPLUS 227 SQUARE FEET OF COUNTY-OWNED REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 700 NORTH HOMESTEAD BLVD., HOMESTEAD, FLORIDA; AUTHORIZING THE CONVEYANCE OF SAME TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR ROADWAY EXPANSION IN ACCORDANCE WITH FLORIDA STATUTES SECTION 125.38 FOR NO MONETARY CONSIDERATION SUBJECT TO CERTAIN CONDITIONS; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY

ISSUE/REQUESTED ACTION

Whether the Board should declare surplus 227 square feet of County-owned real property located at the southeast corner of 700 North Homestead Blvd., referred to as Parcel 121; and whether the Board should authorize the conveyance of this property to the Florida Department of Transportation (FDOT) for roadway expansion in accordance with Florida Statutes Section 125.38 for no monetary consideration and subject to certain conditions.

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Section 125.38 governs the sale of county property to the United States, or State. It provides that “[i]f the United States, or any department or agency thereof, the State or any political subdivision or agency thereof, or any municipality of this State, or corporation or other organization not for profit which may be organized for the purposes of promoting community interest and welfare, should desire any real or personal property that may be owned by and County of the State or by its board of county commissioners, for public or community interest and welfare, then the United States, or any department or agency thereof, State or such political subdivision, agency., municipality, corporation or organization may apply to the board of county commissioners for a conveyance or lease of such property.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.38.html

Administrative Order No. 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. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded in the policy, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.

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

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-380-17, adopted on April 4, 2017, requires that the County Mayor or County Mayor's designee provide written notification to District Commissioners in which County-owned property lies no less than four weeks prior to (1) any issuance of a request for proposal or expression of interest regarding the sale, lease, or development of such property or (2) placing any item on the agenda of the Board or any committee of the Board requesting the approval, sale, lease, or surplus of County-owned property.

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

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Research Notes

Resolution No. R-333-15, adopted by the Board on April 21, 2015, established a County policy to require disclosure of market-value or market rental in legislative items authorizing 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: Commissioner Daniella Levine Cava, District 8

Department/Requester: Internal Services

The proposed resolution was considered at the January 17, 2019 Transportation and Public Works Committee meeting. It was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The proposed resolution requests that the Board declare as surplus 227 square feet of County-owned real property located at the southeast corner of 700 North Homestead Blvd., referred to as Parcel 121.

The proposed resolution also seeks authorization for the conveyance of this property to the Florida Department of Transportation (FDOT) for roadway expansion in accordance with Florida Statutes Section 125.38 for no monetary consideration. This conveyance is subject to restrictions that the property will be used for transportation purposes and subject to and contingent upon the recordation of the Release prior to the recordation of the County Deed.

Finally, the proposed resolution requests waiver of Administrative Order 8-4 relating to the review by the County's Planning Advisory Board. The Planning Advisory Board does not have jurisdiction in this matter because the property is located in the City of Homestead.

On June 1, 2017, the Florida Department of Transportation (FDOT) sent a letter to the Director of the Miami-Dade County Public Library System requesting the donation of the property located at the southeast corner of 700 North Homestead Blvd., referred to as Parcel 121. This property is part of a larger parcel of land under the jurisdiction of the Miami-Dade Public Library System.

According to the FDOT letter, the department is planning roadway improvements for SW 312 Street/Campbell Drive and US 1/South Dixie Highway. Along Campbell Drive, the project limit extends from NW 1st Avenue to NE 12th Avenue. Along US 1, the project limits extend from NE 6th Avenue to NE 11th Street. The project consists of providing two 11-foot through lanes in each direction, upgrading existing traffic and pedestrian signals to current standards, repaving and restriping the roadway and installing new drainage and lighting.

The City of Homestead conveyed the library site to the County on January 14, 1977, subject to a reversionary interest in the property. The original conveyance states that in the event the property is abandoned as the site of a public library under the control of the County, title to the property will revert to the City of Homestead. The City of Homestead has executed a release of reversionary interest in Parcel 121, which will be recorded together with, but prior to the recording of the County Deed.

According to the Fiscal Impact Statement, the conveyance of Parcel 121 will eliminate the County's obligation to maintain the property, which is approximately \$350 annually.

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Research Notes

Below is an aerial view of the property located at 700 Homestead Blvd.:



**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8F2
File No. 183016**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING A CONTRACT FOR SALE AND PURCHASE IN THE AMOUNT OF \$8,900,000. BETWEEN DONNA J. PRICE, AS TRUSTEE OF THE REVOCABLE TRUST AGREEMENT FOR JOSEPH W. PRICE AND DONNA JEAN DOUGLAS PRICE, AS SELLER, AND MIAMI-DADE COUNTY, AS BUYER, FOR APPROXIMATELY 10 ACRES OF VACANT LAND LOCATED AT THE SOUTHEAST CORNER OF NW 66 STREET AND NW 102 AVENUE, DORAL, FLORIDA, AND AUTHORIZING THE EXPENDITURE OF UP TO \$30,000.00 FOR CLOSING COSTS TO BE FUNDED FROM THE DEPARTMENT OF SOLID WASTE MANAGEMENT PROPRIETARY FUNDS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT FOR SALE AND PURCHASE, EXERCISE ALL RIGHTS CONFERRED THEREIN, TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE SAID PURCHASE, AND ACCEPT CONVEYANCE OF THE PROPERTY BY WARRANTY DEED; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD SUCH DEED

ISSUE/REQUESTED ACTION

Whether the Board should approve a contract for sale and purchase in the amount of \$8,900,000 between Donna J. Price, as trustee of the Revocable Trust Agreement for Joseph W. Price and Donna Jean Douglas Price, as seller, and Miami-Dade County, as buyer, for approximately 20 acres of vacant land located at the southeast corner of NW 66th Street and NW 102nd Avenue in Doral; and authorize the expenditure of up to \$30,000.00 for closing costs to be funded from the Department of Solid Waste Management proprietary funds.

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Section 125.355, governs the proposed purchase of real property by the County.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.355.html

Miami-Dade County Code, Section 2-8.6.5, governs the purchase, sale and lease of real property.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

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

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

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12

Department/Requester: Internal Services

The proposed resolution was considered at the January 15, 2019 Infrastructure and Utilities Committee meeting. It was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The Resources Recovery Facility (RRF) was built in the 1970s and was certified in 1978. The RRF was originally established in a predominantly industrial area of northwest Miami-Dade County, with very little residential development. However, over a period of decades, the character of the area surrounding the RRF has changed from industrial to commercial and residential.

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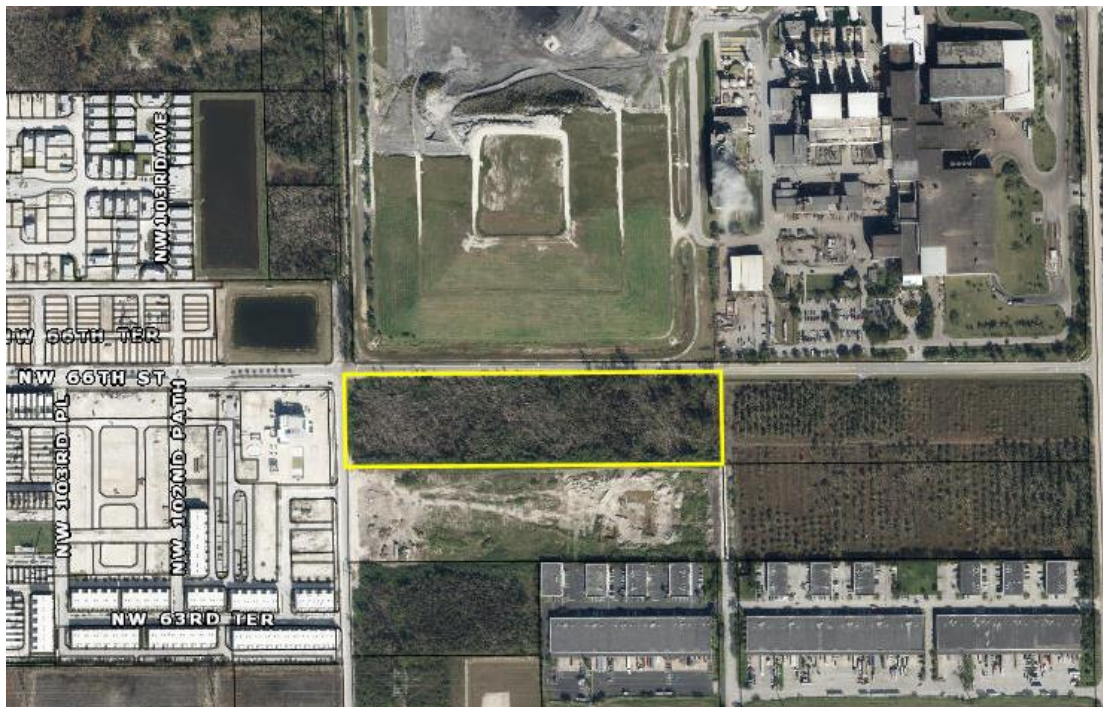
The facility, operated by Covanta Dade Renewable Energy, LLC, employs 230 full time workers, and an additional 200-300 workers twice a year during outages. It processed an estimated 1.6 million tons of waste in FY 2017-18, reducing the waste by roughly ninety percent through recycling of metals and thermal treatment. It also earned \$97.7 million in tipping fees, and \$10.3 million in revenue from generating electricity, while meeting all FDEP and DERM regulatory standards.

Ash generated from the process is placed in a monofill adjacent to the plant and immediately to the north of the vacant land. The purchase of this land will help create a buffer zone on the south side of the RFF. This buffer zone will maintain green space between the FFR and nearby residential and commercial development, limit future encroachment, and in emergency situations, provide space for temporary debris management operations.

The proposed resolution seeks the Board's approval of a contract for sale and purchase in the amount of \$8,900,000 between Donna J. Price, as trustee of the Revocable Trust Agreement for Joseph W. Price and Donna Jean Douglas Price, as seller, and Miami-Dade County, as buyer, for approximately 20 acres of vacant land located at the southeast corner of NW 66th Street and NW 102nd Avenue in Doral. It also requests the Board to authorize the expenditure of up to \$30,000.00 for closing costs to be funded from the Department of Solid Waste Management proprietary funds.

According to the Fiscal Impact Statement, the estimated total cost of the acquisition is \$8,930,000 for the acquisition, and \$30,000 for closing costs. The funding source for the acquisition and future expansion of the Resources Recovery Facility is the Department of Solid Waste Management Disposal Fund. Two appraisals were obtained by the County between July 2017 and August 2018, and the seller also provided an appraisal for the County's consideration. The appraisals estimated the market value of the property at \$9,050,000, \$8,700,000, and \$9,000,000.

Below is an aerial view of the property, comprised of 10 acres of vacant land located at the southeast corner of NW 66th Street and NW 102 Avenue in Doral.



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ADDITIONAL INFORMATION

Covanta Dade Renewable Energy, LLC, operates the Miami-Dade County Resources Recovery Facility on 160 acres in Doral. The facility began commercial operation in 1982 and serves the municipal waste disposal needs of the residents of Miami-Dade County. The facility processes 3,000 tons of municipal solid waste per day and 1,200 tons per day of biomass fuel, generating 77 megawatts of renewable electricity. Approximately 22,000 tons of ferrous (steel) and 2,000 tons of non-ferrous (tin, copper) metal are recovered and recycled by the facility each year.

<https://www.covanta.com/Our-Facilities/Covanta-Dade>

DEPARTMENT INPUT

On January 10, 2019, the Office of the Commission Auditor posed the following questions to the Internal Services Department, and is awaiting its answers:

- **How many complaints have been received from residents of surrounding properties regarding the RRF?** The Resources Recovery Facility (RRF) received four odor complaints last year. Solid Waste did not receive any odor complaints.
- **Will the purchase of the property abate those complaints?** The Department of Solid Waste Management is purchasing this property to create a buffer zone on the south side of the RRF. This buffer zone will maintain green space between the facility and the surrounding properties as well as in an emergency provide space for temporary debris management activities.
- **How many people does the RRF employ?** The RRF employs 230 full time workers. An additional 200-300 workers twice a year during outages.
- **What is the economic impact of the RRF including the value of the electricity produced and recyclables recovered?** In addition to employing hundreds of people, in FY 2017-18 the RRF processed an estimated 1.6 million tons of waste, reducing it by roughly ninety (90) percent through recycling of metals and thermal treatment to reduce landfill impact. It earned \$97.7 million in tipping fees, and \$10.3 million in revenue from generating electricity, while meeting all FDEP and DERM regulatory standards.

BCC Meeting: February 5, 2019
Research Notes

Item No. 8F3
File No. 182111

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT FROM OFF THE GRILLE II, CORP. TO GORDO FOOD MANAGEMENT CORP.; AUTHORIZING AN AMENDMENT TO LEASE AGREEMENT TO PROVIDE A RENTAL CREDIT IN THE AMOUNT OF \$31,118.99 FOR IMPROVEMENTS MADE TO COUNTY-OWNED PROPERTY, REDUCE THE GUARANTEED MONTHLY RENT FROM \$7,000.00 TO \$3,200.00 AND INCREASE THE ADDITIONAL RENT FROM THREE PERCENT TO FIVE PERCENT FOR ANNUAL GROSS SALES IN EXCESS OF \$500,000.00 UP TO \$625,000.00, SEVEN PERCENT OF ANNUAL GROSS SALES IN EXCESS OF \$625,000.00 UP TO \$750,000.00 AND NINE PERCENT OF ANNUAL GROSS SALES IN EXCESS OF \$750,000.00, WITH AN ESTIMATED ANNUAL FISCAL IMPACT OF \$45,600.00 IN REDUCED REVENUE TO THE COUNTY, EFFECTIVE MAY 1, 2016; AND DISCHARGING AN ARREARAGE OF \$189,467.74 AS OF DECEMBER 1, 2018, IN EXCHANGE FOR A LUMP SUM PAYMENT OF \$33,155.44; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TAKE ALL ACTIONS NECESSARY TO AFFECTUATE SAME; AND DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF SUPPLEMENTAL AGREEMENT NO. 1 AND THE AMENDED LEASE AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN THIRTY DAYS OF EXECUTION

ISSUE/REQUESTED ACTION

Whether the Board should approve: (1) an Assignment and Assumption of Lease Agreement from Off the Grille II, Corp. to Gordo Food Management, Corp.; (2) an Amendment to Lease Agreement to adjust the rental rate and percentage rent; and (3) a reimbursement of \$31,119 to Off the Grille II in the form of a rental credit for improvements made on behalf of the County.

APPLICABLE LEGISLATION/POLICY

Section 125.35 of the Florida Statutes (County authorized to sell real and personal property and to lease real property) provides that the board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.35.html

Section 2-8.6.5 of the County Code sets forth the County's policy relating to the purchase, sale and lease of real property.

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

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

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

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

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

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Research Notes

Resolution No. R-791-14, adopted on September 3, 2014, directs the County Mayor to provide the Miami-Dade County Property Appraiser a copy of all lease and operating agreements involving County-owned property.

<http://intra/gia/matter.asp?matter=141723&file=true&yearFolder=Y2014>

Resolution No. R-561-15, adopted on June 30, 2015, approved the award of a lease agreement with Off the Grille II, Corp. with a positive fiscal impact to the County of at least \$1,562,309 for the initial term of 10 years and one five-year renewal term for the development, operation and maintenance of a food service facility at the Gerstein Justice Building.

<http://intra/gia/matter.asp?matter=151085&file=true&yearFolder=Y2015>

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

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

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey M. Edmonson, District 3

Requester/Department: Internal Services

This item was considered at the January 15, 2019 Government Operations Committee and forwarded to the Board with a favorable recommendation. At the committee meeting, Commissioner Martinez voiced concern with assigning the lease to a company under the same ownership as the current lessee, considering the current lessee was unable to fulfill its rent and percentage rent obligations.

ANALYSIS

This item authorizes: (1) an Assignment and Assumption of Lease Agreement from Off the Grille II, Corp. to Gordo Food Management, Corp.; (2) an Amendment to Lease Agreement to adjust the rental rate and percentage rent; and (3) a reimbursement of \$31,119 to Off the Grille II in the form of a rental credit for improvements made on behalf of the County.

On June 30, 2015, the Board approved the award of a lease agreement to Off the Grille II, Corp. for the development, operation and maintenance of a food service facility at the Gerstein Justice Building, located at 1351 NW 12 ST, Miami, Florida. Award of the lease agreement was based upon the results of a full and open competitive procurement. The lease agreement has an initial 10-year term plus one, five-year option to renew. The guaranteed monthly rent for the first year of the initial term is \$7,000. Commencing on the first day of the second lease year and every lease year thereafter, the guaranteed monthly rent shall be adjusted upward at a rate of three percent. At a minimum, the total revenue to the County for the initial 10-year term for guaranteed monthly rent will be \$963,000. If the County exercises the option to renew period, the cumulative guaranteed monthly rent will be \$1,562,309. In addition to the guaranteed monthly rent, Off the Grille shall pay the County three percent of its monthly gross receipts.

The Off the Grille lease contains a provision allowing assignment so long as the County provides prior written approval. All terms and conditions of the lease extends to and is binding on assignees. In accord with that provision, Off the Grille is assigning its leasehold interest to Gordo Food Management. The Assignment and Assumption of Lease Agreement was signed by both Off the Grille and Gordo Food Management during calendar year 2017. It is important to note that Off the Grille and the assignee, Gordo Food Management, Corp., share the same Director, Javier Gordo. Under the assignment, the security deposit of \$21,000 shall be transferred to Gordo Food Management and disbursed to it at the end of the lease term or any extension thereof.

BCC Meeting: February 5, 2019
Research Notes

The lease is currently in the initial 10-year term. As of December 1, 2018, Off the Grille was in arrears to the County in the sum of \$189,467.74, which consisted of delinquent guaranteed minimum rent, percentage rent, utilities, late fees, and taxes. The arrearage was in part the result of excessive build-out costs incurred by Off the Grille and gross sales that were considerably lower than originally projected. Approval of the amendment discharges the arrearage in exchange for a lump sum payment of \$33,155.

Off the Grille has not met its projection of \$750,000 per year, which was based on sales generated by the previous restaurant operator, Bread Partners Holding, Inc. d/b/a Au Bon Pain. This item reduces the guaranteed monthly rent from \$7,000 to \$3,200 and increases the percentage of gross sales from three percent to five percent for annual gross sales in excess of \$500,000 up to \$625,000, seven percent of annual gross sales in excess of \$625,000 up to \$750,000 and nine percent of annual gross sales in excess of \$750,000. The rent adjustment is effective as of May 1, 2016. The fiscal impact to the County is estimated to be approximately \$45,600 per year in reduced revenue, i.e., the difference between the current annual guaranteed rent of \$84,000 and the proposed guaranteed annual rent of \$38,400.

The County acknowledges that Off the Grille made certain improvements to the facility costing \$31,118.99 that were the responsibility of the County as owner of the property. The improvements included installation of a grease trap and upgrades to the electrical junction boxes, fire suppression system, plumbing and gas lines. This item authorizes a rent credit in the amount of \$31,119 for those improvements.

Note that there is no information in the agenda item pertaining to whether a business viability assessment or other form of due diligence was conducted to ensure that the assignee will be able to honor rent and percent rent obligations under the Amendment to Lease Agreement, considering Off the Grille and Gordo Food Management share the same ownership.

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8F4
File No. 182991**

Researcher: PGE Reviewer: TD

RESOLUTION RATIFYING AN EMERGENCY PURCHASE IN THE AMOUNT OF \$1,267,000.00 AND AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN THE AMOUNT OF \$5,100,000.00 FOR SECURITY GUARD SERVICES AT PUBLIC HOUSING FACILITIES FOR CONTRACT NO. RFP-00281 FOR THE INTERNAL SERVICES DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should waive formal bid procedures by a two-thirds vote of the Board members present to ratify an emergency purchase of \$1,267,000 and authorize additional expenditure authority of \$5,100,000 to *Contract No. RFP-00281, Security Guard Services for Housing Facilities*, for the Public Housing and Community Development Department.

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 Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

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

Section 2-8.1 of the County Code requires formal sealed bids for all contracts and purchases when the transaction involves the expenditure of \$250,000 or more, except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

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

Resolution No. R-477-18, adopted on May 1, 2018, directed the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

Resolution No. R-454-13, adopted on June 4, 2013, directed the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and bring retroactive contract modifications to the Board within 120 days of modification.

<http://www.miamidade.gov/govaction/matter.asp?matter=131016&file=true&fileAnalysis=false&yearFolder=Y2013>

Resolution No. R-1011-15, adopted 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>

BCC Meeting: February 5, 2019
Research Notes

Resolution No. R-391-17, adopted on April 4, 2017, directed the County Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts.

<http://intra/gia/matter.asp?matter=170534&file=true&yearFolder=Y2017>

Resolution No. R-751-17, adopted on July 18, 2017, approved award of *Contract No. RFP-00281, Security Guard Services for Housing Facilities*, to Security Alliance, LLC in an amount of \$6,552,000 for an initial three-year term plus two, three-year option to renew terms for the Public Housing and Community Development Department.

<http://intra/gia/matter.asp?matter=171564&file=true&yearFolder=Y2017>

Implementing Order 3-38 sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources. An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order.

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item was forwarded to the Board with a favorable recommendation from the Housing and Social Services Committee at its January 14, 2019 meeting. At the meeting, the following discussion transpired:

- Commissioner Jordan asked the Administration whether funds remaining on the contract would be transferred to the replacement contract or will the funds be exhausted by December 31, 2019, the date that the contract is scheduled to be terminated for convenience; the County's Chief Procurement Officer responded that the funds will be exhausted by December 31, 2019 based on departmental projections regarding security guard services usage and needs at various housing facilities.
- Commissioner Cava asked the Administration the following questions: (1) what is the state of security across housing projects; (2) how does PHCD determine which projects receive security services; (3) is there a service gap in the provision of security guard services; and (4) whether security guard services can be built into the RAD Program. The commissioner also requested that an assessment of security needs be conducted for each future project. The PHCD Director responded that: (1) the County examines crime in cooperation with law enforcement to determine which public housing sites receive security guard services as not all sites require services; (2) money for security guard services is from the operating fund; HUD does not allocate funds for security guard services; (3) the requested additional expenditure will enable the County to provide security guard services at 16 sites, representing 20 percent of PHCD's property portfolio, through the contract's expiration date; and (4) RAD Program funds will cover certain security related updates such as cameras and state of the art entryways and public housing facilities.

ANALYSIS

This item is requesting that the Board ratify an emergency purchase in the amount of \$1,267,000 and authorize increased spending in the amount of up to \$5,100,000 for delivery of security guard services at public housing facilities. Although absent from both the resolution and mayoral memorandum, the ratification element of this item requires waiver of competitive bidding procedures by a two-thirds vote of the Board members present.

BCC Meeting: February 5, 2019
Research Notes

The Board awarded this contract to Security Alliance, LLC on July 18, 2017 to deliver Tier 1 security guard services (armed and unarmed) at various Public Housing and Community Development facilities across the County. The tier designation represents level of risk at facilities or posts throughout the County, with Tier 1 having the lowest level of risk up to Tier 3, which has the highest level of risk. Under the contract, all security guards must hold a Class B security agency license or Class BB security agency branch office license issued by the State of Florida.

The cumulative contract value is \$6,552,000 for an initial three-year term plus two, three-year option to renew terms. The current term expires on August 31, 2020 and has a value of \$3,887,800. As of January 30, 2019, of the \$3,887,800 allocated to the contract's Blanket Purchase Order, \$3,744,426.19 has been released, leaving a balance of \$143,373.81. The requested modification is for \$5,100,000, reflecting an expansion in the scope of services (i.e., adding Tier 3 security guard services).

During the contract term, there has been an unexpected rise in criminal activity, including homicide, at multiple housing developments (i.e., Liberty Square, Annie Coleman, Palm Court, Palm Tower and Harry Cain Tower). In response to such activity, the Internal Services Department increased security guard presence patrolling those developments, resulting in an exhaustion of contract funds. To expeditiously address that exhaustion, an emergency purchase of \$1,267,000 was approved by the Internal Services Department on November 5, 2018 to ensure the delivery of heightened security guard services while a larger modification request travelled to the Board. Hence, the Internal Services Department is requesting \$5,100,000 in increased spending to guarantee sufficient funding for expanded security guard services for the remainder of the contract term.

The mayoral memorandum indicates that due to the increased use of security guard services at housing facilities, the County Attorney's Office has recommended the termination of this contract for convenience on December 31, 2019 to enable the Public Housing and Community Development Department to restructure the scope of services in the replacement contract to better address required levels of safety at County facilities.

On January 30, 2019, a search for local small business vendors registered under Commodity Code 99067 (Patrol Services) was conducted on the Business Management Workforce System. That search yielded 26 SBEs.

ADDITIONAL INFORMATION

Miami-Dade County filed a complaint in the Eleventh Judicial Circuit Court against Security Alliance, LLC, for indemnification, breach of contract and contribution. The County is suing Security Alliance, LLC for \$42,000, which was paid by the County as a settlement to Jorge Basulto who was injured while patrolling County property during the course of his employment as a security guard for Security Alliance, LLC. (See *Miami-Dade County v. Security Alliance, LLC*, No. 2017-029385-CA-01.)

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8F5
File No. 183014**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING A DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING ADDITIONAL TIME OF ONE YEAR AND SIX MONTHS AND ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT NOT TO EXCEED \$150,000.00 TO CONTRACT NO. L532 FOR THE PURCHASE OF PARK AND RECREATION BUSINESS MANAGEMENT SOFTWARE MAINTENANCE AND TECHNICAL SUPPORT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize a designated purchase to award additional time of up to one year and six months and additional expenditure authority in an amount not to exceed \$150,000.00 for Contract No. L532 for the purchase of Business Management Software Maintenance and Technical Support for the Miami-Dade Parks and Recreation and Open Spaces department (PROS).

APPLICABLE LEGISLATION/POLICY

Section 2-8.1(b)(3) of the Code of Miami-Dade County (*Procedures for purchases when competitive procedures are not practicable*), Notwithstanding the requirements of section 2-8.1(b)(1), formal sealed bids for purchase of goods or services shall not be required where such formal sealed bids would not be practicable as set forth herein. Designated Purchase shall mean a purchase within the scope of this section when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (i) sole source purchases, (ii) services where no competition exists such as public utility services, (iii) where purchases or rates are fixed by law or ordinance, (iv) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act, section 287.055, Florida Statutes, (v) purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable, and (vi) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

Any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

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

Resolution No. R-187-12, adopted 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 on May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

BCC Meeting: February 5, 2019
Research Notes

Resolution No. R-140-15, adopted on February 3, 2015, directs the County Mayor to conduct a full review, prior to re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County, to include information in recommendations to the board, and to consult with the Small Business Development Division regarding solicitation and contract language.

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

Resolution No. R-1429-09, adopted on December 15, 2009, authorizing the county mayor or county mayor's designee to exercise option-to-renew periods for competitively bid contracts awarded under the county mayor or county mayor designee's delegated authority. Particularly Item No. 2: Park & Recreation Business Management Software seeks authority to exercise the first OTR period for maintenance and support services for Business Management Software for the Miami-Dade Park & Recreation Department. The amount being requested for the first option term is \$78,000.

<http://intra/gia/matter.asp?matter=081302&file=true&yearFolder=Y2008>

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

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item was brought before the Infrastructure and Utilities Committee on January 15, 2019 and waived to the February 05 2019 BCC with a favorable recommendation. Prior to the passage of the item the following question was raised by Commissioner Martinez:

Commissioner Joe Martinez: Why is this replacement contract taking so long?

Director Angel Petisco: "It is taking so long because we need to make sure that the Current system that we have now is Payment Credit Industry Standard (PCI) compliant. We want to make sure that the new system we implement follows the same standard. We need to develop the specifications so that the new system can implement them as well. Once the new system is implemented the old system will be phased out."

ANALYSIS

This proposed resolution is requesting Board authorization for a designated purchase to award additional time of up to one year and six months and additional expenditure authority in an amount not to exceed \$150,000.00 for Contract No. L532 for the purchase of Business Management Software Maintenance and Technical Support for the Miami-Dade Parks and Recreation and Open Spaces department (PROS).

Additional expenditure authority and time is needed to provide continuous service and to prepare for the replacement solicitation, RFP-00891. This RFP was advertised under full an open competition on June 27, 2018. The award of this replacement solicitation is expected to be presented in the early part of 2019.

The Fiscal Impact is \$150,000 and an additional time of 1 year and 6 months.

BCC Meeting: February 5, 2019
Research Notes

The table below illustrates the existing cumulative allocation, released amount and final balance as of January 07, 2019:

Department	Existing Cumulative Allocation	Released Amount	Balance
PROS	\$265,000.00	\$225,000.00	\$40,000.00
Total :	\$265,000.00	\$225,000.00	\$40,000.00

The initial contract (L532) was effective on March 15, 2007 in the amount of \$988,365.00, and was scheduled to expire on March 31, 2019. Two monetary modifications occurred to the initial contract, the first was in the amount of \$500,000.00 and the second modification was in the amount of \$785,000.00. It was presented as sole source contract with an option to renew and was approved by the Board. The option-to-renew (SS8667-1/18-1) was executed on June 24, 2013 in the amount of \$4,933,500.00 and is scheduled to expire on November 30, 2018. The yearly allocation under the current option is \$493,350.00 and the yearly allocation under the recommended contract is also \$781,800.00 (a difference of \$288,450.00 annually).

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

Timeline

Contract No.	Effective Date	Expiration Date	Value
RFP-532	03/15/2007	03/14/2010	\$ 988,365.00
RFP-532-1	03/15/2010	06/14/2011	\$ 77,920.00
RFP-532-2	06/15/2011	06/14/2012	\$ 287,600.00
RFP-532-3	06/15/2012	06/14/2013	\$ 287,600.00
RFP-532-4	06/15/2013	06/14/2014	\$ 129,000.00
RFP-532-5	06/15/2014	06/14/2015	\$ 94,000.00
RFP-532-6	06/15/2015	06/14/2016	\$ 94,000.00
RFP-532-7	06/15/2016	12/31/2017	\$ 141,000.00
L532	01/01/2018	03/31/2019	\$ 265,000.00
		Total	\$ 2,364,485.00

OCA performed a search for commodity code 20562: (Software, Data Base Management Control; Pre-Program) and 20554: (Microcomputers, Handheld, laptop, and Notebook, environmentally certified products) on the Business Management Workforce System's Certified Vendor Directory on January 7, 2019. Listed below are the five (5) local SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned codes.

Network & Communication Services, Inc.	Miami, FL	SBE-G&S
Visual Data Solutions, Inc.	Miami, FL	SBE-G&S
Laser Products, Inc.	Miami, FL	SBE-G&S
Network & Communication Services, Inc.	Miami, FL	SBE-G&S
Visual Data Solutions, Inc.	Miami, FL	SBE-G&S

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8F6
File No. 183022**

Researcher: PGE 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 MIAMI-DADE COUNTY CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE THE REMAINING TWO, ONE-YEAR OPTION TO RENEW PERIODS FOR CONTRACT NO. BW9640-3/19, ACCELERATED DATA SYSTEM SOFTWARE MAINTENANCE AND SUPPORT SERVICES, WITH AN ALLOCATION OF UP TO \$48,000.00 FOR THE FINANCE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should waive formal bid procedures by a two-thirds vote of the Board members present and authorize the County Mayor to exercise the remaining two, one-year option to renew periods for *Contract No. BW9640-3/19, Accelerated Data System Software Maintenance and Support Services*, with an allocation of up to \$48,000 for the Finance Department.

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 Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

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

Section 2-8.1 of the County Code requires formal sealed bids for all contracts and purchases when the transaction involves the expenditure of \$250,000 or more, except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

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

Resolution No. R-477-18, adopted on May 1, 2018, directed the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

Resolution No. R-1433-06, adopted on December 19, 2006, directs the County Mayor to develop an administrative process for review of all contracts for procurement of goods and services for opportunities for small business enterprise participation prior to exercising the option to renew.

<http://intra/gia/matter.asp?matter=063176&file=true&yearFolder=Y2006>

BCC Meeting: February 5, 2019
Research Notes

Resolution No. R-98-12, adopted on January 24, 2012, directs the County Mayor to negotiate better prices on all awarded contracts for the purchase of goods and services prior to the exercise of any option to renew and delegates to the County Mayor the authority to amend contracts to provide better prices for the County.

<http://intra/gia/matter.asp?matter=112444&file=true&yearFolder=Y2011>

Resolution No. R-716-12, adopted on September 4, 2012, requires identification of small business enterprise firms in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

Implementing Order 3-38 sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources. An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order.

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee at its January 15, 2019 meeting.

ANALYSIS

This item is requesting that the Board waive formal bid procedures by a two-thirds vote of the Board members present and authorize the County Mayor to exercise the remaining two, one-year option to renew periods for *Contract No. BW9640-3/19, Accelerated Data System Software Maintenance and Support Services*, with an allocation of up to \$48,000 for the Finance Department.

This contract was approved in January 2013 under the delegated authority of the Director of the Internal Services Department for a five-year term plus an option to renew of three additional years. The awarded vendor, Accelerated Data Systems, Inc., is nonlocal, having no registration data in sunbiz.org, the official website for the State of Florida Division of Corporations. However, the vendor is registered and in good standing in its state of organization – Colorado.

The initial term, effective from January 7, 2013 through January 6, 2018, had a value of \$208,000. The contract is currently in its first, one-year option to renew term, which was approved administratively. The purpose of the contract is for Accelerated Data Systems, Inc. to deliver required maintenance and support services for the licensed AdvantEdge Collections Software System as well as implementation and maintenance of the IAT SMARTDIAL CT Center Predictive Dialing and Inbound Blending Software Solution. The system is used by the Finance Department's Credit and Collections Section to recover monies owed to various County agencies. Note that the initial system was acquired from Accelerated Data Systems, Inc. in 2003 via a competitive procurement.

The contract has a cumulative value of \$238,921.25 and expires on April 6, 2019. The contract's original expiration date was January 6, 2019; however, the contract was administratively extended by three months under the delegated authority of the Director of the Internal Services Department. The current option term is valued at \$30,921.25, which has been released in its entirety, leaving a balance of \$0.00.

BCC Meeting: February 5, 2019
Research Notes

Board approval of the requested option terms is required as the value of the contract, including all option terms, exceeds the County Mayor's delegated authority. Under the requested option terms, Accelerated Data Systems, Inc. will continue to provide annual software maintenance and support services for AdvantEdge. As the system is proprietary, Accelerated Data Systems, Inc. is the sole provider of the required maintenance and technical support services. The mayoral memorandum indicates that it would be cost prohibitive to switch these services to a new vendor yet the Finance Department is working on a solicitation for a system replacement, which is anticipated to be issued before calendar year 2021.

The commodity code for this procurement is 92045 (Software Maintenance and Support Services). A search on the Business Management Workforce System under that code on January 31, 2019 yielded the following certified small business vendors:

- Amiritech Group LLC
- Computer Based Associate, Inc.
- Insinet Group LLC
- Meridian Partners LLC
- The Ashvins Group, Inc.
- Trust Technology Solutions, Inc.
- Visual Data Solutions, Inc.

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8F7
File No. 190047**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-00426A TO RANDLE-EASTERN AMBULANCE SERVICE, INC. DBA AMERICAN MEDICAL RESPONSE (PRIMARY) AND RFP-00426B TO MCT EXPRESS, INC. DBA MIAMI DADE AMBULANCE (SECONDARY) FOR PURCHASE OF MEDICAL TRANSPORTATION SERVICES FOR THE MIAMI-DADE FIRE RESCUE DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$6,624,000.00 FOR BOTH CONTRACTS FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a contract award to Randle-Eastern Ambulance Service, Inc. Dba American Medical Response (Primary), for *Contract No. RFP-00426A* and RFP-00426B MCT Express, Inc. dba Miami Dade Ambulance (Secondary) for the purchase of Medical Transportation Services for a five-year term for an amount of up to \$6,624,000 for the Miami-Dade Fire Rescue Department (MDFR).

APPLICABLE LEGISLATION/POLICY

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

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

Resolution No. R-716-12, adopted on September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

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

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

Resolution No. R-1011-15, adopted on November 3, 2015, directs the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-477-18, adopted on May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

BCC Meeting: February 5, 2019
Research Notes

Resolution No. R-140-15, adopted 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 scopes 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>

Resolution No. R-153-11, adopted on March 1, 2011, authorizing execution of an agreement in the amount of \$120,000 for a term of three years with one, two-year option to renew with Randle-Eastern Ambulance Service, Inc. d/b/a American Medical Response to obtain medical transportation services,

<http://www.miamidade.gov/govaction/matter.asp?matter=110246&file=true&fileAnalysis=false&yearFolder=Y2011>

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

The item was brought before the Public Safety and Health Committee on January 16, 2019 and forwarded to the February 05 2019 BCC with a favorable recommendation.

ANALYSIS

This item requests approval for a contract award to Randle-Eastern Ambulance Service, Inc. dba American Medical Response (Primary), for *Contract No. RFP-00426A* and RFP-00426B MCT Express, Inc. dba Miami Dade Ambulance (Secondary) for the purchase of Medical Transportation Services for a five-year term for an amount of up to \$6,624,000 for the Miami-Dade Fire Rescue Department (MDFR).

The fiscal impact of the proposed contract is an amount up to \$6,624,000 for a five year term. The primary allocation of the current contract (RFP-692) was intended to assist the Office of Emergency Management (OEM) with non-emergency transportation of individuals registered through the Emergency Evacuation Assistance Program (EEAP). The current contract also provides transportation services for MDRF for the use of ambulance services for the transport of Basic Life Support (BLS) patients when 911 care was rendered by fire rescue non-transport units.

There is no penalty under the current contract for lack of response by the ambulance company. This resulted in an inconsistent availability of ambulance services causing MDRF to commit Advanced Life Support (ALS) units to transport non-life threatening patients and decreasing MDRF's availability for life-threatening 911 calls. As a result the proposed contract provides monetary incentives for BLS responses tailored into the agreement to be paid quarterly after response times and availability is verified. According to the mayoral memo this new provision will add significant efficiencies and reliability of BLS transportation services, and allows MDRF ALS units to respond solely to life threatening emergencies.

Article 7 (Payment for Services/mount Obligated) states that compensation for all work and services performed under this contract, including all costs shall not to exceed fifty-five dollars (\$55.00) per on-scene arrival. An exception is for the duration of a Miami-Dade County Emergency Operations Center activation period for which the County will pay a \$260.00 fixed fee per transport. Vendors must be available 24 hours a day, seven days a week.

BCC Meeting: February 5, 2019
Research Notes

Annual Allocation comparison between current contract and replacement contract

Contract	Total Allocation	Annual Allocation
RFP-692 (Current Contract)	\$ 238,100.00	\$ 29,762.50
RFP-00426 (Replacement Contract)	\$6,624,000.00	\$1,324,800.00

The replacement contract appears to have an increase value of \$1,295,037.00 per year over the 5 year term when compared to the current contract.

The Primary selected proposer (Randle-Eastern Ambulance Service, Inc. dba American Medical Response) will receive all transport requests first. The Fire Rescue/Police Dispatcher may cancel the request to the Primary, and use the Secondary selected proposer (MCT Express, Inc. dba Miami-Dade Ambulance), if the Primary selected Proposer provides an ETA greater than (20) minutes or notifies the Requesting Agency that there is no ambulance available.

The current contract (RFP-692) is valued at \$238,100.00 for an eight-year term and expires on March 31, 2019.

The solicitation was advertised on May 4, 2018, and two local vendors responded and both are being recommended for award.

Firm Name	Sunbiz (the official website of the Division of Corporations of the State of Florida) Address	Miami-Dade County Tax Collector Account No. and Address
Randle-Eastern Ambulance Service, Inc. Db a American Medical Response (Primary)	6363 S. Fiddler's Green Circle, Suite 1400, Greenwood Village, CO 80111	Account No. 4606266 Address: 12600 NW 107 th Avenue Medley, FL 33178
MCT Express, Inc. dba Miami Dade Ambulance (Secondary)	2766 NW 62 nd Street, Miami, FL 33147	

The Division of Policy and Legislation of OCA conducted a search in the Business Management Workforce System. The commodity code for this procurement is 99037 (Emergency Medical and Ambulance). A search for local certified small business firms under this code yielded one results.

Professional Medical Transportation Corp.

Hialeah, FL

SBE-G&S

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8F8
File No. 182651**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL TIME OF ONE YEAR AND EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$16,517,860.00 FOR PREQUALIFICATION POOL NO. RTQ-00439 FOR PURCHASE OF FURNITURE OFFICE AND NON-OFFICE FOR VARIOUS COUNTY DEPARTMENTS; 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 COUNTY CODE 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 approve increased expenditure authority of \$16,517,860 and additional time of one year to *Pool No. RTQ-00439, Furniture Office and Non Office*, for multiple County Departments.

APPLICABLE LEGISLATION/POLICY

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

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

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

Resolution No. R-716-12, adopted on September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

Resolution No. R-187-12, adopted 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 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-95-18, adopted on February 6, 2018, established *Pool No. RTQ-00439* in a total amount up to \$15,185,000 for office and non-office furniture for multiple County departments for a term of one year.

<http://intra/gia/matter.asp?matter=182327&file=false&yearFolder=Y2018>

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

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

BCC Meeting: February 5, 2019
Research Notes

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

This item was deferred at the December 11, 2018 Government Operations Committee meeting. At that meeting, Commissioner Martinez inquired about whether the requested allocation was approved in the County budget; he also questioned the need to purchase new furniture when there are County warehouses stocked with furniture and carpet.

Commissioner Sosa questioned why there are only 10 local vendors out of 46 prequalified vendors as there are many local furniture businesses; she stated that it is cheaper to purchase furniture locally. Responding to Sosa's concerns, the ISD Director explained that a large component of the pool is systems furniture and ISD was unable to locate a local vendor who could provide such furniture.

The item was next considered at the January 15, 2019 Government Operations Committee wherein it was forwarded to the Board without a recommendation. At the meeting, Commissioner Martinez voiced that the item does not address what the departments will specifically be using the funds to purchase. Commissioner Moss requested that the Administration develop a reporting mechanism to provide the Board with a breakdown of what each department spends under the pool for furniture.

ANALYSIS

This item is requesting Board authorization for increased spending of \$16,517,860 and additional time of one-year for the County's prequalification pool for the purchase of office furniture and non-office furniture for various County departments. This request reflects Board adopted departmental budgets for Fiscal Year 2018-19. The departments requesting the largest allocations are: Aviation (\$3,113,000), Internal Services (\$4,350,000), and Library System (\$3,985,000). Continuation of this pool for future fiscal years based on adopted departmental budgets will be presented for Board approval.

This pool was approved by the Board on February 6, 2018 for a term of one-year with a value of \$15,185,000, reflecting departmental budgets for Fiscal Year 2017-18. An administrative modification in the amount of \$500,000 for the Internal Services Department was approved on January 17, 2019, resulting in the current cumulative value of \$15,685,000. The pool expires on February 28, 2019.

The pool provides for the purchase and installation of furniture, including replacement parts, upholstery and associated products and services. There are currently 46 prequalified vendors, of which 10 are local and five are SBEs. Additional vendors and manufacturer product lines may be added throughout the pool's term.

The item's supplement (File No. 190072) provides information aligning each department's requested spending increase with the department's capital and operating budgets, funding source and description of items to be purchased under the pool. It is important to note that 75 percent of the planned expenditures are for capital projects serving the community, and that the Board has already approved funding for these purchases in the Fiscal Year 2018-19 Adopted Budget.

The commodity code for this procurement is 42594 (Work Stations, Modular, Systems Furniture). A search for local certified SBEs under the code on the Business Management Workforce System on January 31, 2019 yielded the following results:

- Apricot Office Interiors, Inc.
- Office Dimensions, Inc.
- Woodwork Studio Center, Inc.

Note that Apricot Office Interiors and Office Dimensions are prequalified vendors under this pool.

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8F9
File No. 183005**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00809 IN A TOTAL AMOUNT UP TO \$1,655,000.00 FOR THE PURCHASE OF CONTINUOUS PINFEED FORMS PRINTING SERVICES FOR MULTIPLE DEPARTMENTS FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

ISSUE/REQUESTED ACTION

Whether the Board should authorize the establishment of Prequalification Pool No. RTQ-00809, for continuous pinfeed forms printing services in the total amount up to \$1,655,000.00 for a five-year term for various County departments.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 2-8.1 (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 \$250,000.00; (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-716-12, adopted on September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

Resolution No. R-36-14, adopted on January 22, 2014, authorizes additional time of five years and expenditure authority in a total amount up to \$69,552,000.00 for various services and various County departments.

<http://www.miamidade.gov/govaction/matter.asp?matter=132381&file=true&fileAnalysis=false&yearFolder=Y2013>

Resolution No. R-187-12, adopted 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 on May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

Resolution No. R-718-17, adopted on July 6, 2017, Directs the Mayor to commence planning for re-procurement no later than 18 months PRIOR to the expiration of contracts and Lists of Prequalified Vendors for the purchase of goods and/or services; and directs the Mayor or their designee, on a quarterly basis to identify in writing to the Office of Commission Auditor those contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration.

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

BCC Meeting: February 5, 2019
Research Notes

Resolution No. R-140-15, adopted on February 3, 2015, directs the County Mayor to conduct a full review, prior to re-procurement of replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County, to include information in recommendations to the board, and to consult with the Small Business Development Division regarding solicitation and contract language.

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

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

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item was brought before the Government Operations Committee on January 15, 2019 and forwarded to the February 5, 2019 BCC with a favorable recommendation.

ANALYSIS

The proposed resolution is requesting Board authorization to establish a prequalification pool No. RTQ-00809, for continuous pinfeed forms printing services in the total amount up to \$1,655,000.00 for a five-year term for various County.

The purpose of this pool is to be used to print standard "non-mailer" forms, single and multipart, continuous pinfeed and/or print standard continuous pinfeed forms on an as needed basis. Examples of department use are for chauffer registration licenses, permit card/cashier receipts given to customers, mail distribution bar code labels and late library material mail notification notices. Continuous pinfeed form printing services are used for a wide array of printed material, including TRIM Notices, W-2 forms, various licenses and permits, receipts, reports, and notices sent via postal mail. Examples of departmental uses are for chauffer registration licenses, permit card/cashier receipts given to customers, mail distribution bar code labels and late library material mail notification notices.

The fiscal impact for the five-year term is \$1,655,000.00. The current pool, 3287-0/13, is valued at \$3,486,000.00 for a ten (10) year and one (1) month term and scheduled to expire on March 31, 2019. The annual allocation under the current pool is \$348,600.00 while the annual allocation is \$331,000.00 under the proposed pool. The proposed pool is \$17,000.00 less based on the various agency's projected usage.

Three (3) vendors are recommended for inclusion in the pool (American Business Forms Inc., Suncoast Marketing Inc., and Tiger Business Forms Inc., (local business)). All of the vendors were vetted in Sunbiz the Official website for the State of Florida's Division of Corporation and the Tax Collector's website. Tiger Business Forms, Inc. has a local address on the Sunbiz website. Of the three recommended vendors, the following two are incumbents as they are included in the current contract under 3287-0/13: American Business Forms Inc., and Suncoast Marketing Inc.

OCA performed a search for commodity code 96612 (Forms, Printed), 96616 (Continuous Form Printing) on the Business Management Workforce System's Certified Vendor Directory on January 7, 2019. No results were attained under 96612, however, 96616 had one SBE-G&S which was Jasma Graphics Inc.

BCC Meeting: February 5, 2019
Research Notes

ADDITIONAL INFORMATION

American Business Forms Inc.'s has an A+ rating with the Better Business Bureau.

<https://www.bbb.org/us/mn/glenwood/profile/business-form-printer/american-solutions-for-business-0704-96051562>

Suncoast Marketing Inc. has an A+ rating with the Better Business Bureau.

<https://www.bbb.org/us/fl/fort-myers/profile/product-development-and-marketing/suncoast-identification-solutions-llc-0653-90186554>

Tiger Business Forms Inc. does not have a rating with the Better Business Bureau.

<https://www.bbb.org/us/la/baton-rouge/profile/copy-services/tiger-business-forms-inc-0835-22000698/complaints>

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8F10
File No. 182477**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING CONTRACT NO. RFQ-MDAD-17-02 FOR THE PURCHASE OF PROFESSIONAL COST ESTIMATING AND SCHEDULING SERVICES FOR MIAMI-DADE AVIATION DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$33,084,000.00 FOR AN INITIAL FIVE-YEAR TERM PLUS ONE FIVE YEAR OPTION TO RENEW TERM TO U.S. COST INCORPORATED D/B/A RIB U.S. COST.; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve an award recommendation for the purchase of professional cost estimating and scheduling services in an amount not to exceed \$33,084,000.00 for an initial five-year term plus one five year option to renew term, to U.S. Cost Incorporated d/b/a Rib U.S. Cost, for the Miami-Dade Aviation Department (MDAD)

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami Dade County (Contracts and Purchases Generally), Requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved; establishes requirements for legacy purchases, designated purchases, and single vehicle leases; 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_ARTINGE_S2-8.1COPUGE

Resolution No. 404-14, adopted on May 6, 2014, approving a Professional Services Agreement to U.S. Cost Inc. d/b/a RIB U.S. Cost for Professional Cost Estimating and Scheduling Services for MDAD for a contract term of three years and reserves the right to extend the agreement for up to two separate one year periods in an amount of 10,025,000.00

<http://intra/gia/matter.asp?matter=140735&file=true&yearFolder=Y2014>

Resolution No. R-477-18, adopted on May 1, 2018, directing the County Mayor, to disclose to the board reasons goods and services are not being procured through local businesses when recommendation is to award contract to non-local vendor or establish a prequalification pool of vendors where less than 75% of the pool members are local businesses.

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

Resolution No. R-1011-15, adopted on November 3, 2015, Directs the 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, and directs the Mayor to include such information in the memorandum to Board pertaining to vendor being recommended for contract award.

<http://www.miamidade.gov/govaction/matter.asp?matter=152271&file=true&yearFolder=Y2015>

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&yearFolder=Y2012>

BCC Meeting: February 5, 2019
Research Notes

Resolution No. R-140-15, adopted on February 3, 2015, Directs the Mayor to conduct a full review of the scope, prior to the re-procurement of replacement contracts for goods or services to ensure such contracts reflect the current needs of the County, to include information in recommendations to the Board, and to consult with the Small Business Development Division regarding solicitation contract language.

<http://www.miamidade.gov/govaction/matter.asp?matter=150090&file=true&yearFolder=Y2015>

Implementing Order (I.O.) 3.38, adopted on March 18, 2016, Governs the County's processes and procedures for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item was brought before the Transportation and Public Works Committee on January 17, 2019 and forwarded to the February 5, 2019 BCC with a favorable recommendation.

ANALYSIS

This item requests Board authorization to approve the purchase of professional cost estimating and scheduling services in an amount not to exceed \$33,084,000.00 for an initial five-year term plus one five year option to renew term, to U.S. Cost Incorporated d/b/a Rib U.S. Cost, for the Miami-Dade Aviation Department (MDAD).

This award recommendation provides MDAD direct support on projects currently in the planning, design and construction phases, as well as proposed construction projects within the County's airport system. The required support services include, but are not limited to, preparation of estimates, analysis of project schedules, performance of risk analysis, development of risk mitigation, and analysis/evaluation of claims.

The fiscal impact of the proposed contract is \$16,542,000.00, for a five-year term. The current contract (RFQ No. MDAD 13-02) was valued at \$10,025,000.00 for a five-year term which expires on May of 2019. U.S. Cost Incorporated is the firm awarded the current contract. The annual allocation for the current contract is \$2,005,000.00. The proposed contract's (RFQ-MDAD-17-02) annual allocation is forecasted to be \$3,308,400.00 an increase of \$1,303,400.00 annually. The mayoral memo states that the cumulative amount for this contract is \$33,084,000, however OCA could not verify that amount in the bid tracking system (BTS). There are no evaluations for this firm in the Capital Improvements Information system (CIIS).

A Request for Qualifications (RFQ) was conducted on December 1, 2017 with four vendors responding by February 16, 2018 (submittal deadline). The submittals were Hill International, Inc., PMA Consultants, LLC, PSA Constructors, Inc., and U.S. Cost Incorporated dba RIB U.S. Cost. Sixty-six firms were notified and outreach was conducted to 379 SBE Certified firms.

The ranking by the competitive selection committee of the four firms is illustrated below:

Firm	Technical Score (Max 500)	SBE-G&S (20%)
U.S. Cost d/b/a RIB U.S. Cost	474	43%
Hill International, Inc.	463	20%
PMA Constructors, L.L.C.	449	30%
PSA Constructors, Inc.	431	20%

BCC Meeting: February 5, 2019
Research Notes

Contracted services are broken down as follows:

Prepare project estimates at various stages of construction, establish budgets, prepare cost escalations, analyze bids, assess proposals, participate in negotiations, and support project coordination, pre-construction services and administration.
Prepare and analyze project schedules using Primavera Project Planner version 7, or other software as required, at various levels of planning, funding, design and construction.
Support the development of specifications, contract requirements, review contractors schedules, delay claims and time impact analyses.
Provide cost and cash flow projections for funding needs.
Assist in providing data for official statements for bond offerings.
Support modification of procedures, processes and systems to meet evolving needs and departmental goals.
Analyze monthly schedules, track progress, and timely completion of construction projects and prepare recommendations as a result of such analyses.
Recommend language to be included in contract documents relating to schedules, payments and claims to allow for project completion.
Support MDAD with claims arising from the design and construction of projects.

Firm U.S. Cost Incorporated D/B/A Rib U.S. Cost was cross referenced in Sunbiz, the official website of the Florida Division of Corporations and it shows an active status. The principal address for this firm 1200 Abernathy Road NE, Building 600, Suite 950, Atlanta, GA 30328. A search was conducted in the Tax Collectors Office's website under the names U.S. Cost Incorporated as well as RIB U.S. Cost and no results were found. Please note that the Mayor's memo does reference a local address of 11900 Biscayne Boulevard, Suite 620, Miami, FL 33181, OCA was able to verify this address under the "Application for renewal of fictitious name" document filed on July 31, 2018.

The Division of Policy and Legislation of OCA performed a search of the following commodity codes 91815 (Architectural Consulting) 36 SBE G&S firms were identified, 91831 (Construction Consulting) 284 SBE G&S firms identified, 91842 (Engineering Consulting) 87 SBE G&S firms identified, 92544 (General Construction Management, Scheduling, Cost Estimation – Engineering) 9 SBE G&S firms identified, and 95826 (Construction Management Services) 50 SBE G&S firms identified, on the Business Management Workforce System on January 15, 2019.

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8F11
File No. 182740**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING RATIFICATION OF AN EMERGENCY PURCHASE OF PET SUPPLIES FOR THE MIAMI-DADE ANIMAL SERVICES DEPARTMENT IN A TOTAL AMOUNT OF \$425,000.00

ISSUE/REQUESTED ACTION

Whether the Board should ratify an emergency purchase of \$425,000 for various pet supplies for the Animal Services Department.

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 Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

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

Section 2-8.1 of the County Code requires formal sealed bids for all contracts and purchases when the transaction involves the expenditure of \$250,000 or more, except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

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

Resolution No. R-477-18, adopted on May 1, 2018, directed the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

Resolution No. R-454-13, adopted on June 4, 2013, directed the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and bring retroactive contract modifications to the Board within 120 days of modification.

<http://www.miamidade.gov/govaction/matter.asp?matter=131016&file=true&fileAnalysis=false&yearFolder=Y2013>

Resolution No. R-1011-15, adopted 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-511-14, adopted on June 3, 2014, established *Prequalification Pool No. 9797-1/24* for the purchase of various animal care products in the amount of up to \$1,940,000 for an initial five-year term plus one, five-year option to renew.

<http://intra/gia/matter.asp?matter=140767&file=true&yearFolder=Y2014>

**BCC Meeting: February 5, 2019
Research Notes**

Implementing Order 3-38 sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources. An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order.

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item was forwarded to the Board with a favorable recommendation by the Public Safety and Health Committee at its January 16, 2019 meeting.

ANALYSIS

This item is requesting that the Board ratify an emergency purchase in the amount of \$425,000 for various pet supplies (i.e., dog crates, cat carriers, plastic bowls, waste scoopers, muzzles and leashes) for the Animal Services Department. The Animal Services Department purchased the emergency pet supplies from three vendors under *Prequalification Pool No. 9797-1/24*, which was adopted by the Board on June 3, 2014 with an allocation of \$970,000 for the initial five-year term. Of the three vendors, only one is local (Pet's Area Code, Inc.), and a PO Box is listed as the principal business address for another vendor (Tomahawk Live Trap, LLC). Of the \$970,000 allocation, the Animal Services Department had an allocation of \$875,000.

The Animal Services Department's current allocation of \$1,551,000 under the pet supplies pool is due to several administrative modifications as well as the \$425,000 in emergency funds. Based on information found in the Bid Tracking System on January 31, 2019, of the \$1,551,000 allocated to the department's Blanket Purchase Order, a total of \$1,298,674.92 has been released, leaving a balance of \$252,325.08. Note that the pool, which is in its initial term, is valued at \$1,979,000 and expires on June 12, 2019.

On October 11, 2018, an emergency purchase was declared by the Animal Services Department Director. Emergency funds were needed as the department's current allocation was insufficient to cover the unplanned purchase of pet supplies to house and care for animals at evacuation centers. Following Hurricane Irma, which hit southwest Florida on September 10, 2017, the County Mayor issued a directive to various departments involved in emergency planning to secure resources to expand the County's ability to operate twice the number of Pet Friendly Evacuation Centers. That directive increased the number of shelters operated and managed by the Animal Services Department from four to eight. Such costs were not forecasted in the department's original allocation under the pet supplies pool.

Other unplanned costs contributing to the need for the emergency funds were the move to the new Doral-based animal services facility during calendar year 2016 and the opening of the Homestead Clinic in 2017. The Animal Services

Department alleges that it could not wait for a modification request for increased spending to travel to the Board as hurricane season was underway, and hence, the emergency declaration was required to comply with the Mayor's directive.

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8F12
File No. 182992**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY UNDER CONTRACT NO. RFP-00725(1) FOR THE PURCHASE OF METRORAIL CENTRAL CONTROL UPGRADE FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS IN A TOTAL AMOUNT UP TO \$403,000.00 FOR THE OPTION TO RENEW PERIODS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority in an amount of up to \$403,000 for *Contract No. RFP-00725(1)* for the purchase of Metrorail Central Control upgrades for the Transportation and Public Works Department (DTPW).

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code requires formal sealed bids for all contracts and purchases when the transaction involves the expenditure of \$250,000 or more, except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

[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(f) of the County Code provides that no surtax proceeds may be used to pay the costs of a contract 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 two-thirds vote of the Commission's membership. 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.

http://miamidade.fl.elaws.us/code/coord_ptiii_ch29_artxvi_sec29-124

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

Resolution No. R-955-11, adopted on November 15, 2011, approved award of *Contract No. 725* to B&C Transit, Inc. for Metrorail Control Center Upgrades for a term of 30 months, including a three-year warranty period plus two, five-year options to renew in an amount of \$15,917,956.

<http://intra/gia/matter.asp?matter=112195&file=true&yearFolder=Y2011>

BCC Meeting: February 5, 2019
Research Notes

Implementing Order 3-38 sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources. An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order.

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item was forwarded to the Board with a favorable recommendation by the Transportation and Public Works Committee at its January 17, 2019 meeting. At the meeting, Commissioner Sosa questioned whether a subsequent allocation would be needed to fund the contract through its expiration date and whether PTP funds may be used to purchase software. Responding to the first question, the DTPW Director stated that no subsequent modification would be needed as there is no option to exercise beyond the requested three-year extended warranty period. The County Attorney addressed the PTP concern, stating that the purchase of software was not included in the ballot language approved by the voters. The final vote for the item was 3-2.

ANALYSIS

This item is requesting that the Board authorize increased spending to *Contract No. RFP-725(1), Metrorail Central Control Upgrade*, in the amount of \$403,000 for DTPW. The additional expenditure will be used to purchase an extended warranty option for three years, including a 10 percent bond. Pursuant to Resolution No. R-955-11, on November 15, 2011, the Board authorized execution of an agreement in the amount of \$15,917,956 with B&C Transit, Inc. to provide Metrorail Control Center upgrade services. The contract provides for a term of 30 months for completion of the upgrades, a three-year warranty period and two, five-year options to renew. The scope of work under the contract is the modernization of the Central Control facility and systems, including servers, workstations, fire suppression, telephony, electrical, hardware, software design, construction and HVAC.

The contract, which expires on December 31, 2023, is in its first option term. The contract's cumulative value is \$17,329,218, reflecting modifications during the initial term. Note that no funds have been allocated to the contract's Blanket Purchase Order for the option term. Approval of this modification request would result in a modified cumulative allocation of \$17,733,000. The additional allocation requested will be used to cover the cost of the three-year extended warranty option as well as for a three-year warranty bond.

Under Resolution No. R-955-11, B&C Transit, Inc. is required to furnish a performance bond of 100 percent as well as a warranty bond in the amount of 10 percent of the contract value for the three-year warranty period. The resolution also stipulates that no additional funds are included for the option terms as the County will own the source code and provide its own maintenance and support for the software.

The mayoral memorandum states that the cost of the extended warranty was not included in the contract award approved by the Board for the Central Control upgrades. Section 5.2.14 of the contract sets forth the Extended Warranty provision, which states that the County may elect to purchase an extended warranty beyond the initial three-year warranty. The three-year extended warranty will provide for continuity of warranty coverage beyond the expiration of coverage provided under the three-year warranty requirements for each equipment type. The extended warranty does not include normal wear and tear, parts and standard, preventative maintenance items.

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8F13
File No. 182782**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00968 FOR PURCHASE OF NFPA TYPE III WITH PUMP CAPABILITIES VESSEL FOR MIAMI-DADE FIRE RESCUE DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$5,152,000.00 FOR A FOUR-YEAR TERM; AUTHORIZING THE PURCHASE OF TWO VESSELS; DELEGATING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE THE AUTHORITY TO EXERCISE THE OPTION TO PURCHASE ONE ADDITIONAL VESSEL; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a contract award to Gravois Aluminum Boats, LLC DBA Metal Shark Boats., for *Contract No. FB-00968*, purchase of National Fire Protection Association 1925 Type III (NFPA Type III), for a four-year term for an amount of up to \$5,152,000 the Miami-Dade Fire Rescue Department (MDFR).

APPLICABLE LEGISLATION/POLICY

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

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

Resolution No. R-716-12, adopted on September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

<http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012>

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

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

Resolution No. R-1011-15, adopted on November 3, 2015, directs the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-477-18, adopted on May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

BCC Meeting: February 5, 2019
Research Notes

Resolution No. R-140-15, adopted 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 scopes 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

ANALYSIS

This item requests approval to award contract to Gravois Aluminum Boats, LLC DBA Metal Shark Boats., for *Contract No. FB-00968*, purchase of National Fire Protection Association 1925 Type III (NFPA Type III), for a four-year term for an amount of up to \$5,152,000 for MDFR. The recommended awardee is a non-local vendor, and could not be verified on Sunbiz.org, the website of the State of Florida Division of Corporations. The same result was also true on the Tax Collector's website as well.

The purpose of the award is to equip MDFR with a new fleet of vessels to deliver dependable and responsive fire and rescue services as required by the Captain of the Ports (COTP) and Miami-Dade County.

The fiscal impact of this contract is in an amount of up to \$5,152,000 (including the option to purchase a third vessel). MDFR intends to purchase two 50 foot vessels with an option for a third vessel at approximately \$1.7 million each. MDFR has two Port-Miami Security Grants for a three-year period, and MDFR is applying for a third Port Security Grant for the last vessel. The first two vessels will replace an existing 50 foot-vessel at Port-Miami and a 36 foot-vessel at Haulover. The last vessel will support the first two vessels.

Market research conducted by the Administration concludes that "the majority of these type of vessels are custom made and many manufacturers fabricate them by order only". Accordingly, the solicitation was advertised on July 2, 2018, with seven vendors responding.

The Division of Policy and Legislation of OCA conducted a search in the Business Management Workforce System. The commodity code for this procurement is 12023 (Boats), A search for local certified small business firms under this code yielded zero results.

**BCC Meeting: February 5, 2019
Research Notes**

ADDITIONAL INFORMATION:

Below is a picture of a fire rescue boat vessel built by the selected vendor.



DEPARTMENTAL INPUT:

The following questions were presented to the department of ISD on January 31, 2019. As of the date of this publication, these questions have not been answered:

- Gravois Aluminum Boats, LLC dba Metal Shark Boats is one of the vendors in the pool (RTQ-00959 Marine Patrol Boat/ Watercraft Vessels) approved by the Board on January 23 2019, under File No. 182500 (R-40-19), Is this contract (FB-00968) different in scope from the scope found under pre-qualification pool RTQ-00959 (Marine Patrol Boat/ Watercraft Vessels)?
- Is RTQ-00959 for the purchase of Watercraft vessels smaller than 50 feet?

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8G1
File No. 182963**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING THE AMENDED BUDGET FOR FISCAL YEAR 2017-18 AND BUDGET FOR FISCAL YEAR 2018-19 FOR THE NORTH MIAMI COMMUNITY REDEVELOPMENT AGENCY AND NORTH MIAMI COMMUNITY REDEVELOPMENT AREA TOTALING \$9,141,051.00 AND \$8,238,894.00 RESPECTIVELY

ISSUE/REQUESTED ACTION

Whether the Board should approve the amended budget for Fiscal Year 2017-18 and for Fiscal Year 2018-19 for the North Miami Community Redevelopment Agency and North Miami Community Redevelopment Area totaling \$9,141,051.00 and \$8,238,894.00 respectively.

APPLICABLE LEGISLATION/POLICY

Section 163.356, Florida Statutes governs the creation of community redevelopment agencies.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=163.356&URL=0100-0199/0163/Sections/0163.356.html

Section 163.387, Florida Statutes governs redevelopment trust funds. A redevelopment trust fund may be established for each community redevelopment agency after approval of a community redevelopment plan. Funds in the trust shall be used by the agency to finance or refinance any community redevelopment in accordance with the approved community redevelopment plan.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=163.387&URL=0100-0199/0163/Sections/0163.387.html

Part III of Chapter 163 of Florida Statutes defines the meaning of a “blighted area” to constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/0163.html

Resolution No. R-599-15, adopted on June 30, 2015, allows for designee to be appointed to CRA.

<http://intra/gia/matter.asp?matter=151301&file=true&yearFolder=Y2015>

Resolution No. R-837-04, adopted on July 13, 2004 declared certain area of the City of North Miami to be a slum or blighted area; declared the rebuilding, rehabilitation, conservation and redevelopment of the area to be in the interest of the public health, safety, morals and welfare of residents of the City of North Miami and of Miami-Dade County; found the need for the creation of a Community Redevelopment Agency; and delegated certain community redevelopment powers to the City of North Miami.

<http://intra/gia/matter.asp?matter=042309&file=false&yearFolder=Y2004>

Ordinance No. 05-109, adopted on June 7, 2005, pertained to the redevelopment of the City of North Miami Redevelopment Area, described generally as bounded on the west by the City of North Miami Boundary, on the east by Biscayne Boulevard, on the North by the City Boundary, and on the South by the City Boundary; a separate CRA Boundary including the “Munisport” Property east of Biscayne Boulevard, and adjacent mangrove preserve areas east to the adjacent FIU Property on the east, and three properties fronting on the north side of NE 151st Street, and from Biscayne Boulevard east to the FIU Campus Western Boundary; and additional separate 17.06 acre area generally bounded by the NE 123rd Street on the north, 18th Avenue on the west and the alley paralleling Sans Souci Boulevard on the south; establishing the Redevelopment Trust Fund; provided for appropriation of

BCC Meeting: February 5, 2019
Research Notes

funds and calculation of increment for deposit into the fund; set forth the obligation to appropriate to the Fund and the duration of the obligation; provided for limited County approval of debt; provided for review of financial records and right of audit.

<http://intra/gia/matter.asp?matter=051261&file=true&yearFolder=Y2005>

Resolution No. R-1132-16, adopted on December 6, 2016, approved an amendment to the North Miami Community Redevelopment Agency Redevelopment Area's Second Amended Plan; approved the second amendment between Miami-Dade County, the City of North Miami, and the North Miami Community Redevelopment Agency Interlocal Cooperation Agreement; and extended the life of the North Miami Community Redevelopment Agency and the Community Redevelopment Area for a prescribed period of time.

<http://intra/gia/matter.asp?matter=162732&file=true&yearFolder=Y2016>

Resolution No. R-882-17, adopted on October 3, 2017, approved a third amendment to the North Miami Community Redevelopment Agency Redevelopment's Interlocal Cooperation Agreement to provide for the removal of the requirement that the North Miami Community Redevelopment Agency reduce the boundaries of the redevelopment area.

<http://intra/gia/matter.asp?matter=171338&file=true&yearFolder=Y2017>

Resolution No. R-97-18, adopted on February 6, 2018 approved the Fiscal Year 2017-18 North Miami Community Redevelopment Agency budget totaling \$8,742,942.00.

<http://intra/gia/matter.asp?matter=172689&file=true&yearFolder=Y2017>

PROCEDURAL HISTORY

Prime Sponsor:

Department/Requester: Office of Management and Budget

The proposed resolution was considered at the January 14, 2019 Housing and Social Services Committee meeting. It was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The Florida Legislature enacted the Community Redevelopment Act of 1969, which is presently codified in Part III of Chapter 163, Sections 163.330, et. seq., of the Florida Statutes. All powers arising in the Act are conferred upon counties with home rule charters.

On July 13, 2004, the Board adopted Resolution No. R-837-04, which among other things (i) found certain portions of the City of North Miami a "blighted area" within the meaning of Part III of Chapter 163 of the Florida Statutes, and (ii) delegated to the City of North Miami the power to:

- (a) make findings and determine the Redevelopment Area to be a slum and/or blighted area;
- (b) make findings of necessity as to the rehabilitation, conservation, and/or redevelopment of the Redevelopment Area;
- (c) create a Community Redevelopment Agency and delegate powers to the Agency, or declare itself as the Agency with the power to exercise such powers assigned to the Agency; and
- (d) initiate, prepare and adopt a Plan of Redevelopment and any amendments, subject to the review and approval of the Board.

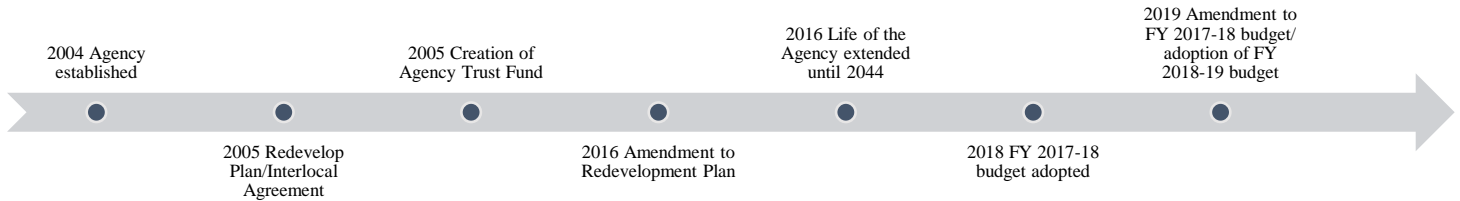
On June 7, 2005, the Board approved the Redevelopment Plan and Interlocal Cooperation Agreement. The Board approved the funding of the Plan, also on June 7, 2005, when it enacted Ordinance No. 05-109, which created the Agency's Trust Fund.

On December 6, 2016, the Board approved an Amendment to the Redevelopment Plan and Second Amendment to the Interlocal Agreement, which extended the life of the Agency until 2044.

BCC Meeting: February 5, 2019
Research Notes

Resolution No. R-97-18, adopted by the Board on February 6, 2018, approved the Fiscal Year 2017-18 North Miami Community Redevelopment Agency budget totaling \$8,742,942.00.

The proposed resolution requests the Board's approval of the amended budget for Fiscal Year 2017-18 and for Fiscal Year 2018-19 for the North Miami Community Redevelopment Agency and North Miami Community Redevelopment Area totaling \$9,141,051.00 and \$8,238,894.00 respectively.



According to the Fiscal Impact Statement, the Agency's revenue source is Tax Increment Financing (TIF), which is generated through the incremental growth of ad valorem revenues beyond an established base year, as defined in Section 163.387 of the Florida Statutes.

The County's TIF revenue payment into the Agency's Trust Fund for FY 2017-18 was \$1,877,602, and the Agency provided a refund to the County of the west of Biscayne Boulevard of \$1,276,653, for a net County contribution of \$600,949. The City of North Miami's TIF revenue payment into the Trust Fund for FY 2017-18 was \$3,031,173, and the Agency provided a refund to the City of \$368,364 for a net City contribution of \$2,662,809.

The County's TIF revenue payment into the Agency's Trust Fund for FY 2018-19 is \$2,545,885, and the Agency will provide a refund to the County for the properties west of Biscayne Boulevard of \$2,091,649, for a net County contribution of \$454,236. The City's TIF revenue payment into the Agency's Trust Fund for FY 2018-19 is \$3,928,836, and the Agency provided a refund to the City of \$408,542, for a net City contribution of \$3,520,294.

Fiscal Year 2017-18 Expenditures:

	FY 2017-18	FY 2017-18 Amended	Difference +/-
Total Administrative Expenses	\$ 354,432	\$ 354,432	0
Total Operating Expenses	\$1,069,300	\$ 997,300	-\$ 72,000
Total Refund to Taxing Authorities	\$1,645,017	\$1,645,017	0
Capital Improvement	\$5,674,193	\$6,144,302	+\$470,109
Total Budget	\$8,742,942	\$9,141,051	+\$398,109

Fiscal Year 2017-18 and 2018-19 Proposed Expenditures:

	FY 2017-18 Amended	Fiscal Year 2018-19
Total Administrative Expenses	\$ 354,432	\$ 323,955
Total Operating Expenses	\$ 997,300	\$1,309,680
Total Refund to Taxing Authorities	\$1,645,017	\$2,500,191
Capital Improvement	\$6,144,302	\$4,105,068
Total Budget	\$9,141,051	\$8,238,894

BCC Meeting: February 5, 2019
Research Notes

Major Accomplishments for 2017-18:

- Provided over \$1 million in commercial grants;
- Commissioned a Workforce Housing Study to guide future housing priorities;
- Commissioned the Mobility Hub Masterplan;
- Completed 80 percent of Market Positioning Plan;
- Funded rehabilitation for 59 homes totaling \$1,190,000, in addition to funding half a Housing Coordinator and Housing Inspector;
- Moca Plaza renovations underway; and
- Established the North Miami (NoMi) Connect Program with the North Miami Police Department to assist businesses.

2018-19 initiatives:

- A. Complete the remaining goals of the Strategic Market Positioning of Downtown North Miami and City of North Miami
- Hire a Public Relations Firm to market and promote positive experiences of being in Downtown North Miami and within the City of North Miami.
 - Establish the Downtown Neighborhood Ambassadors and Clean Team program to improve Downtown North Miami and the City of North Miami as a safe place to live, work, visit and enjoy.
 - Launch a monthly strolling event or similar and continue to support events by enhancing existing ones such as Jazz at MOCA events.
 - Implement an Arts in Public Places program, to beautify and/or activate unexpected pockets of the downtown. Focus will be murals and utility box wrapping in the Downtown surrounding the MOCA Museum.
- B. Allocate \$540,000 to continue funding single-family rehabilitation program through the City's Housing Division. By the end of this fiscal year, the NMCRA will have completed its benchmarks in the Interlocal Agreement, to rehabilitate a minimum of 70 units of low-income housing.

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Research Notes

A map of the North Miami Community Redevelopment Area is depicted below.



ADDITIONAL INFORMATION

The North Miami Community Redevelopment Agency (NMCRA) is an independent government agency that was fully established in 2005 by the City of North Miami and Miami-Dade County, under Chapter 163 of the Florida Statutes. The NMCRA is charged with the responsibility of eliminating conditions of blight that exist within the City and helping to improve the quality of life by revitalizing the City's physical, economic, educational and social resources. The Agency seeks to achieve this by organizing programs related to economic development, marketing, public relations, security, physical improvements, special events, parking, and any other programs which further redevelopment. The designated Community Redevelopment Area comprises 3,250 acres, approximately 60 percent of the city.

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

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8H1
File No. 183000**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING POLICY WITH RESPECT TO DISTRIBUTION OF TICKETS FOR MIAMI MARLINS BASEBALL GAMES FOR THE 2019 BASEBALL SEASON AND FUTURE SEASONS AND AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONFERRED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a policy to receive and distribute tickets for the 2019 Miami Marlins baseball season.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-318-09, adopted by the Board on March 23, 2009, approved agreements for the development and construction of the Marlins Ballpark, including a stipulation whereby the Marlins Stadium Operator LLC will provide complimentary baseball tickets to the County for public or charity use.

<http://intra/gia/matter.asp?matter=091009&file=false&yearFolder=Y2009>

Resolution No. R-24-13, adopted by the Board on January 23, 2013, approving policy with respect to distribution of complimentary tickets for 2013 Miami Marlins Baseball Season, and any other events and/or facilities in 2013 and future years;.

<http://intra/gia/matter.asp?matter=130052&file=true&yearFolder=Y2013>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Eileen Higgins, District 5

Department/Requester: Parks, Recreation and Open Spaces Department

The item was brought before the Parks and Cultural Affairs Committee on January 16, 2019 and waived to the February 05 2019 BCC with a favorable recommendation. Prior to the passage of the item the following question was raised by Commissioner Barbara Jordan: usually with the youth fair grounds, the commission is privy of the activities so that the districts can update their respective communities. The lighting thing that they have out there, is that something that the Commission was informed about.

Director Michael Spring: Youth fair is on Parks Property but they have the right to lease that property.

Commissioner Barbara Jordan: But usually when there are events on that property we are made aware so that we can advertise it to our constituency.

Director Michael Spring: We will do a better job of communicating events are our parks.

FISCAL IMPACT

There is no fiscal impact since the Miami Marlins tickets provide are complimentary to the County.

ANALYSIS

The purpose of this proposed item is to seek the Board's approval regarding the ticket distribution agreement for the 2019 the Miami Marlins baseball season with the Marlins Stadium Operator, LLC.

This item would fall within the parameters set out in the "Guidelines and Recommendations Regarding 'Public Benefits Clauses in Certain Government Contracts' report" that was approved on March 1, 2012 by the Miami Dade Commission on Ethics and Public Trust. The purpose of this report stemmed from an investigation involving a grant dispute between the City of Miami Beach and the New World Symphony (NWS).

The initial complaint was brought by a former Miami Beach Mayor and also a Member of the Board of Trustees at the NWS. The allegation was that City of Miami Beach was refusing to pay the NWS funds due under a Grant-in-Aid Agreement unless the NWS

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provided complimentary tickets. Although the investigation did not determine any violation of criminal laws, it did expose flaws in policies, which have resulted in unwarranted and inappropriate benefits for elected and appointed officials. It was recommended that elected officials be entirely removed from the process involving distribution of complimentary tickets. It was also recommended that all local government entities that have contractual relationships wherein the municipality receives “public benefits” should adopt a policy or procedure that insulates elected and appointed officials from involvement in the distribution process of the benefits, and limits their receipts of complimentary tickets to occasions when there is public purpose served by their attendance.

The Addendum that followed in March 29, 2012, specifically clarified what was considered a “Public Purpose and Public Benefits”.

Below is a list of allowable individuals that can be hosted for Public Purpose and other permissible uses of Public Benefits:

- **Business leader** to promote economic development.
- **Community leaders** that provide service to an organization.
- **Public leaders** from the state or federal government entity or other countries.
- **Youth groups or students** who have been recipients of an awards.
- **Elderly, disabled, and low income residents** within the County.
- **Employees being recognized** for job related achievement.
- **Employee performing a certain function** at the event such as, giving a speech, ribbon cutting ceremony, introducing organizers, participants or dignitaries and to receive an award or another special recognition.

The Marlins Park was built in 2012 and is a baseball park located in Miami, Florida and current home to the Miami Marlins, the city’s Major League baseball team. The season will begin on March 29, 2018 and last till September 30, 2018. Under Resolution No. R-318-09, the County and the Marlins Stadium Operator, LLC agreed on the amount of complimentary tickets that would be given to the County every year. In 2018, the Board approved the County to receive 16 tickets for each home game, 8 tickets for the first home game, and 16 tickets for one exhibition game, totaling 664 tickets a year. The same amount of complimentary tickets would be provided this year if the Board approves the proposed Resolution.

<http://intra/gia/legistarfiles/Matters/Y2016/162705.pdf>

<https://www.mlb.com/marlins/schedule/2018-03>

It is recommended that the 2019 complementary tickets provided to the County by the Miami Marlins be distributed through a random lottery process similar to the one used in 2017 and include the Mayor and Commissioners that choose to participate. The Commissioners and Mayor should also advise the Clerk of the Board in writing as to his/her participation in the lottery and the organizations/departments to which they want tickets distributed. The Clerk of the Board will then distribute the tickets.

ADDITIONAL INFORMATION

The Marlins Stadium Operator LLC, is a Foreign Limited Liability business incorporated in Florida on January 22, 2009. The corporation is currently listed as active on Sunbiz.org.

<http://www.companies-florida.com/marlins-stadium-operator-llc-1wp5k/>

<https://goo.gl/G65ddN>

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**Item No. 8I1
File No. 182894**

Researcher: MF Reviewer: TD

RESOLUTION RETROACTIVELY APPROVING THE MULTIDISCIPLINARY TEAM AGREEMENT AND MEMORANDUM OF AGREEMENT WITH KRISTI HOUSE CHILDREN'S ADVOCACY CENTER AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT, FOR A PERIOD OF ONE YEAR FROM THE DATE ALL PARTIES SIGN AND AUTOMATICALLY RENEWING EACH YEAR THEREAFTER FOR AN ADDITIONAL FOUR YEARS, UNLESS TERMINATED; RETROACTIVELY AUTHORIZING THE ACTION OF THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE IN EXECUTING THE MULTIDISCIPLINARY TEAM AGREEMENT AND MEMORANDUM OF AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE THE MODIFICATION AND TERMINATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should retroactively approve the multidisciplinary Team Agreement and Memorandum of Agreement with Kristi House Children's Advocacy Center and Miami-Dade County, through the Miami-Dade Police Department, for a period of one year from the date all parties sign and automatically renewing each year thereafter for an additional four years, unless terminated.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Chapter 39 governs proceedings relating to children.

<http://centerforchildwelfare.fmhi.usf.edu/flstat/Chapter%2039%20Proceedings%20Relating%20to%20Children.htm>

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Sally A. Heyman, District 4
Department/Requester: Miami-Dade Police**

The proposed resolution was considered at the January 16, 2019 Public Safety and Health Committee meeting. It was forwarded to the BCC with a favorable recommendation.

ANALYSIS

Whether the Board should retroactively approve the multi-disciplinary Team Agreement and Memorandum of Agreement with Kristi House Children's Advocacy Center and Miami-Dade County, through the Miami-Dade Police Department, for a period of one year from the date all parties sign and automatically renewing each year thereafter for an additional four years, unless terminated. The Agreement was originally entered into in November 2018.

Kristi House Children's Advocacy Center is accredited by the National Children's Alliance (NCA). The accreditation process requires a Multi-disciplinary Team Agreement and Memoranda of Agreement with the partner agencies. The accreditation is a requirement to continue State funding, which is provided only to accredited Children Advocacy Centers.

The Multidisciplinary Team (MDT) members of Kristi House provide services to victims and families affected by child abuse. During 2017, Kristi House provided services to more than 1,000 child-victims and their families located in every commission district. Kristi House employs 22 professionals, including therapists, outreach specialists, research assistants and family advocates. Kristi House maintains five locations throughout Miami-Dade County.

The agencies listed below combine their efforts and resources to protect children and their families from further trauma and safeguard the wellbeing the community:

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- Florida Department of Children and Families
- Guardian ad Litem Program
- Jackson Health System Roxcy Bolton Rape Treatment Center
- Kristi House, Inc.
- Miami-Dade Police Department
- The City of Miami Police Department
- Office of the State Attorney of the Eleventh Judicial Circuit of Florida
- University of Miami Child Protection Team

While each agency listed above seeks to carry out its own mission, each also agrees to adopt a multidisciplinary approach to the common goal of child protection as follows:

1. Pre- and post- forensic interview debriefings occur with law enforcement, Department of Children and Families, State Attorney's Office, and Kristi House staff. This group makes immediate decisions regarding child protection issues, investigation, and charging decisions.
2. MDT members participate in effective information sharing consistent with legal, ethical and professional standards of practice and ensures the timely exchange of case information within the MDT.
3. All MDT members have representation at the multidisciplinary case staffing meetings, which are held on Friday mornings at 10:00 a.m. in the Kristi House board room.
4. All MDT members participate in training opportunities for all agencies involved in the child abuse system, as well as, the community at large.
5. MDT members help reduce trauma and promote healing for child abuse victims and their families by facilitating a coordinated multi-agency response, which is child focused and conducted in a child friendly environment.
6. All reasonable efforts are made by each agency to coordinate the investigation/assessment process to minimize the number of interviewers with the child reducing the potential trauma to the children.
7. All agencies commit that information pertaining to children and their families will be held in the strictest confidence. All parties agree to keep confidential any information received as part of the multidisciplinary case review pursuant to Florida Statutes Chapter 39 and Section 119.07.

According to the Fiscal Impact Statement, this Agreement has no fiscal impact to the County.

ADDITIONAL INFORMATION

Kristi House, Inc. is a private, non-profit organization in Miami dedicated to healing and eradicating child sexual abuse. Kristi House operates the Orlowitz-Lee Children's Advocacy Center responsible for sexual abuse cases in all of Miami-Dade-County. The Center is comprised of seven partner agencies involved in meeting the legal, medical and emotional needs of child victims of sexual abuse and sex trafficking, and holding the perpetrators responsible.

Kristi was a 9-year old girl. She loved to play with her dolls, ride her bike, and help her teacher erase the board after school. Kristi was also 8-months pregnant – impregnated by her stepfather – giving birth to a child at the age of 10. Kristi House provides a place for children to get the help they need and was named in honor of that 9-year old girl.

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

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**Item No. 8L
File No. 182375**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING THE NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT WITH STEARNS, CONRAD AND SCHMIDT, CONSULTING ENGINEERS, INC. DBA SCS ENGINEERS, IN AN AMOUNT NOT TO EXCEED \$1,100,000.00, TO PROVIDE ENVIRONMENTAL CLEANUP, COMPLIANCE AND RELATED SERVICES FOR PROJECT NO. E15-RER-03 FOR THE MIAMI-DADE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND OTHER COUNTY DEPARTMENTS; AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SURTAX FUNDS FOR ELIGIBLE MIAMI-DADE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS PROJECTS ONLY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the non-exclusive Professional Services Agreement with Stearns, Conrad and Schmidt, Consulting Engineers, Inc., d/b/a SCS Engineers, in an amount not to exceed \$1,100,000.00, to provide environmental clean-up, compliance and related services for Project No. E15-RER-03 for the Miami-Dade Department of Transportation and Public Works and other County departments; whether the Board should authorize the use of Charter County Transit Surtax funds for eligible Miami-Dade Department of Transportation and Public Works projects only. The term of the contract will be for three years plus two, one-year renewal options.

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

Miami-Dade County Code Section 29-124(f), provides that “[n]o surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award.”

<http://miamidade.fl.elaws.us/code/coordptiich29artxvi/sec29-124>

Florida Administrative Code Chapters 62-780, provide the contaminated site clean-up criteria.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-780>

Ordinance No. 02-116, adopted July 9, 2002, imposes a one half of one percent Charter County Transit System Surtax authorized by Section 212.055(1), Florida Statutes on all transactions occurring in Miami-Dade County otherwise subject to the State tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes; providing exceptions' providing limitations and procedures for administration and collection; providing for use of Surtax proceeds; granting Citizens; Independent Transportation Trust certain powers over the use and expenditure of Surtax proceeds.

<http://intra/gia/matter.asp?matter=022196&file=false&yearFolder=Y2002>

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

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

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

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR

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

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

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

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

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

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

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Regulatory and Economic Resources

The proposed resolution was considered at the January 15, 2019 Government Operations Committee meeting.

Commissioner Martinez expressed his opposition to the proposed resolution because it was using People's Transportation Plan (PTP) funding.

Mr. Lee Hefty, Director, Division of Environmental Resources Management, Regulatory and Economic Resources Department, clarified that this contract was designed to be used by the Department of Transportation and Public Works (TPW) for work that was eligible for PTP funding.

Commissioner Sosa said that she would support the proposed resolution if it specifically stated that PTP funds would not be used for a specific project unless the use of the funds was approved by the Board.

Deputy Mayor Edward Marquez noted often environmental clean-ups were necessary for PTP projects; therefore, in those situations, the use of PTP funds was allowed.

Commissioner Sosa pointed out that when the public voted for the PTP, environmental programs were not included. She cautioned that the County should proceed carefully when deciding which projects were eligible for the use of PTP funds.

Mr. Hefty clarified that if the TPW Department needed to implement a project and had to carry out an environmental assessment, it would use this contract to carry out that assessment.

Commissioner Sosa noted, according to the amendment which she proffered, the Board would have to approve the use of PTP funds before the assessment could be carried out.

Chairman Moss recalled that PTP funds were only intended to be used for projects that were approved by the voters; and any project requiring the use of PTP funds would have to be approved by the Board.

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Mr. Hefty explained that the purpose of the proposed resolution was to streamline the process; and if staff had to seek the Board's authorization before being able to carry out the environmental assessment, the work would be delayed.

Commissioner Sosa suggested that in order to expedite the process, these types of items could be waived out of committee to be considered directly by the Board.

Commissioner Monestime pointed out that the Board had entrusted the Administration with the responsibility to spend millions of dollars, and a number of the transportation projects required an environmental assessment to be carried out before they could be implemented.

Commissioner Sosa said the main reason she put forth the amendment was because she realized the importance of carrying out the environmental assessments.

In response to Chairman Moss' question regarding whether the items could be waived out of committee to be considered directly by the Board, Assistant County Attorney Bruce Libhaber noted he believed that the Board could direct an item to bypass committee. He said he would research whether this amendment would require a two-thirds vote of the Board members.

Pursuant to Commissioner Martinez' request for clarification regarding the proposed amendment, Assistant County Attorney Libhaber stated that the proposed amendment would remove the Charter County Transit Surtax funding as the funding source. Therefore, any work orders arising from the Professional Services Agreement (PSAs) which anticipated using Surtax funds would need to be considered by the Citizens' Independent Transportation Trust (CITT) and the Board of County Commission prior to using the Surtax funds, with said work orders bypassing committee review.

Mr. Hefty explained that the reason he was at the podium was because his department was responsible for administering these types of contracts.

Commissioner Martinez stressed that while Mr. Hefty was responsible for managing the contract, the Board was responsible for making the decision as to whether to allow the use of PTP funds.

The proposed resolution was forwarded to the Board with a favorable recommendation, with committee amendments.

ANALYSIS

The proposed resolution seeks the Board's approval of the non-exclusive Professional Services Agreement with Stearns, Conrad and Schmidt, Consulting Engineers, Inc., d/b/a SCS Engineers, in an amount not to exceed \$1,100,000.00, to provide environmental clean-up, compliance and related services for Project No. E15-RER-03 for the Miami-Dade Department of Transportation and Public Works and other County departments. The term of the contract will be for three years plus two, one-year renewal options. The proposed resolution also requests the Board to authorize the use of Charter County Transit Surtax funds for eligible Miami-Dade Department of Transportation and Public Works projects only.

This contract is a work order driven PSA for environmental professional services for clean-up and compliance related tasks. The tasks to be performed are not pre-determined, but will be authorized based on specific requests for services from various County departments. These PSAs usually have a term of 3 years, plus two 1 year renewal options. Therefore, they are advertised approximately every 5 years.

The proposed scope of work includes:

- Performing environmental assessment or rehabilitation and related tasks, including drilling, surveying and mapping, and laboratory analytical services at Miami-Dade County-owned and operated sites;

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- Performing services related to the modification, repair, removal, replacement, installation or abandonment of any underground or above-ground storage systems, and related tasks, necessary for the investigation, prevention or clean-up of contamination;
- Performing services as design professionals and duties related to construction management for environmentally related construction tasks; and
- Performing other related environmental work, not identified above, necessary for investigation or prevention of potential or known contamination.

The E09-DERM-01/02 PSAs, which the E15-RER-01/02/03 contracts are replacing, were awarded to Cherokee Enterprises Inc. and URS Corporation Southern (now known as AECOM). The E09 PSA expired in June 2015; however, AECOM is still actively working on a project for the DSWM that was authorized prior to contract expiration.

A Notice to Professional Consultants was issued on September 8, 2016, and at the First Tier meeting held on May 2, 2017, the Competitive Selection Committee ranked Stearns, Conrad and Schmidt, consulting Engineers, Inc., d/b/a SCS Engineers, as the highest ranking firm out of five proposals submitted. According to the Firm History Report, as provided by the Internal Services Department, the contractor has received 3 contracts with a total value of \$345,577.04, including a Change Order in the amount of \$122,277.04.

The five firms that submitted proposals are Amec Foster Wheeler Environment & Infrastructure, Inc.; Stearns, Conrad and Schmidt Consulting d/b/a SCS Engineers; Cherokee Enterprises, Inc.; AECOM Technical Services, Inc.; and T.Y. Lin International.

Tabulation Sheet for ISD Project No. E15-RER-03

Name of Firm	Total Qualitative Score	Final Rank
Amec Foster Wheeler Environment & Infrastructure, Inc.	431	3
Stearns, Conrad and Schmidt Consulting	437	1
Cherokee Enterprises, Inc.	436	2
AECOM Technical Services, Inc.	409	5
T.Y. Lin International	419	4

Stearns, Conrad and Schmidt Consulting d/b/a SCS Engineers committed to utilize the following certified SBE/AE firms: Longitude Surveyors, LLC to provide Technical Certification 15.01(Surveying and Mapping – Land Surveying) and 15.03 (Surveying and Mapping – Underground Utility Location) at 11 percent.

OCA's Division of Policy and Research performed a search of the technical certifications on the Business Management Work System on January 30, 2019.

The SBE A&E firms found in the 15.01 Technical Certification are listed below:

- Avino & Associates, Inc.
- Barnes, Ferland and Associates, Inc.
- Biscayne Engineering Company, Inc.
- E.R. Bronell & Associates, Inc.
- Hadonne Corp.
- HSQ Group, Inc.
- J. Bonfill & Associates, Inc.
- Juan C. Melendez

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- Leiter, Perez and Associates, Inc.
- Longitude Surveyors, LLC
- Manuel G. Vera & Associates, Inc.
- Miller, Legg & Associates, Inc.
- Pinnacle Consulting Enterprises, Inc.
- Robayna and Associates, Inc.
- Snubbs Consulting, Inc.

The SBE A&E firms found in the 15.03 Technical Certification are listed below:

- Barnes, Ferland & Associates, Inc.
- Hadonne Corp.
- J. Bonfill & Associates, Inc.
- Leiter, Perez and Associates, Inc.
- Longitude Surveyors, LLC
- Manuel G. Vera & Associates, Inc.
- Miller, Legg & Associates, Inc.
- Robayna and Associates, Inc.

ADDITIONAL INFORMATION

The People's Transportation Plan (PTP), the half-penny transportation surtax overwhelmingly approved by Miami-Dade County voters in November 2002, included \$476 million for public works projects. The PTP funds to be provided to the Transportation and Public Works Department were for major highway and road improvements totaling \$309 million, and for neighborhood improvements totaling \$167.

<http://www.miamidade.gov/publicworks/peoples-transportation.asp>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Stearns, Conrad and Schmidt, Consulting Engineers, Inc., has an active status as a Foreign Profit Corporation and first filed and registered on 12/21/1987. The principal address is registered as 3900 Kilroy Airport Way, Suite 100, Long Beach, CA 90806. Its registered agent is CT Corporation System, 1200 South Pine Island Road, Plantation, FL 33324.

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

DEPARTMENT INPUT

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

- Are these solicitations advertised on a yearly basis?
These PSAs usually have a term of 3 years, plus two 1 year renewal options. Therefore, they are advertised approximately every 5 years.
- Which firm is currently performing this work?
The E09-DERM-01/02 PSAs, which the E15-RER-01/02/03 contracts are replacing, were awarded to Cherokee Enterprises, Inc. and URS Corporation Southern (now known as AECOM). The E09 PSAs expired in June 2015, however, AECOM is still actively working on a project for the DSWM that was authorized prior to contract expiration.

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**Item No. 8L
File No. 182376**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING THE NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT WITH NOVA CONSULTING, INC., IN AN AMOUNT NOT TO EXCEED \$1,100,000.00, TO PROVIDE ENVIRONMENTAL CLEANUP, COMPLIANCE AND RELATED SERVICES FOR PROJECT NO. E15-RER-02 FOR THE MIAMI-DADE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND OTHER COUNTY DEPARTMENTS; AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SURTAX FUNDS FOR ELIGIBLE MIAMI-DADE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS PROJECTS ONLY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the non-exclusive Professional Services Agreement with Nova Consulting, Inc., in an amount not to exceed \$1,100,000.00, to provide environmental clean-up, compliance and related services for Project No. E15-RER-02 for the Miami-Dade Department of Transportation and Public Works and other County departments; whether the Board should authorize the use of Charter County Transit Surtax funds for eligible Miami-Dade Department of Transportation and Public Works projects only. The term of the contract will be for three years plus two, one-year renewal options.

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

Miami-Dade County Code, Section 29-124(f), provides that “[n]o surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award.”

<http://miamidade.fl.elaws.us/code/coordptiich29artxvi sec29-124>

Florida Administrative Code, Chapters 62-780, provide the contaminated site clean-up criteria.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-780>

Ordinance No. 02-116, adopted on July 9, 2002, imposes a one half of one percent Charter County Transit System Surtax authorized by Section 212.055(1), Florida Statutes on all transactions occurring in Miami-Dade County otherwise subject to the State tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes; providing exceptions’ providing limitations and procedures for administration and collection; providing for use of Surtax proceeds; granting Citizens; Independent Transportation Trust certain powers over the use and expenditure of Surtax proceeds.

<http://intra/gia/matter.asp?matter=022196&file=false&yearFolder=Y2002>

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

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

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

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR

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

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

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

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

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

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

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Regulatory and Economic Resources

The proposed resolution was considered at the January 15, 2019 Government Operations Committee meeting.

Commissioner Martinez expressed his opposition to the proposed resolution because it was using People Transportation Plan (PTP) funding.

Mr. Lee Hefty, Director, Division of Environmental Resources Management, Regulatory and Economic Resources Department, clarified that this contract was designed to be used by the Department of Transportation and Public Works (TPW) for work that was eligible for PTP funding.

Commissioner Sosa said that she would support the proposed resolution if it specifically states that PTP funds will not be used for a specific project unless the use of the funds is approved by the Board.

Deputy Mayor Edward Marquez noted often environmental clean-ups were necessary for PTP projects; therefore, in those situations, the use of PTP funds was allowed.

Commissioner Sosa pointed out that when the public voted for the PTP, environmental programs were not included. She cautioned that the County should proceed carefully when deciding which projects were eligible for the use of PTP funds.

Mr. Hefty clarified that if the TPW Department needed to implement a project and had to carry out an environmental assessment, it would use this contract to carry out that assessment.

Commissioner Sosa noted, according to the amendment which she proffered, the Board would have to approve the use of PTP funds before the assessment could be carried out.

Chairman Moss recalled that PTP funds were only intended to be used for projects that were approved by the voters; and any project requiring the use of PTP funds would have to be approved by the Board.

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Mr. Hefty explained that the purpose of the proposed resolution was to streamline the process; and if staff had to seek the Board's authorization before being able to carry out the environmental assessment, the work would be delayed.

Commissioner Sosa suggested that in order to expedite the process, these types of items could be waived out of committee to be considered directly by the Board.

Commissioner Monestime pointed out that the Board had entrusted the Administration with the responsibility to spend millions of dollars, and a number of the transportation projects required an environmental assessment to be carried out before they could be implemented.

Commissioner Sosa said the main reason she put forth the amendment was because she realized the importance of carrying out the environmental assessments.

In response to Chairman Moss' question regarding whether the items could be waived out of committee to be considered directly by the Board, Assistant County Attorney Bruce Libhaber noted he believed that the Board could direct an item to bypass committee. He said he would research whether this amendment would require a two-thirds vote of the Board members.

Pursuant to Commissioner Martinez' request for clarification regarding the proposed amendment, Assistant County Attorney Libhaber stated that the proposed amendment would remove the Charter County Transit Surtax funding as the funding source. Therefore, any work orders arising from the Professional Services Agreement (PSAs) which anticipate using Surtax funds will need to be considered by the Citizens' Independent Transportation Trust (CITT) and the Board of County Commissions prior to using the Surtax funds, with said work orders bypassing committee review.

Mr. Hefty explained that the reason he was at the podium was because his department was responsible for administering these types of contracts.

Commissioner Martinez stressed that while Mr. Hefty was responsible for managing the contract, the Board was responsible for making the decision as to whether to allow the use of PTP funds.

The proposed resolution was forwarded to the Board with a favorable recommendation, with committee amendments.

ANALYSIS

The proposed resolution seeks the Board's approval of the non-exclusive Professional Services Agreement with Nova Consulting, Inc., in an amount not to exceed \$1,100,000.00, to provide environmental clean-up, compliance and related services for Project No. E15-RER-02 for the Miami-Dade Department of Transportation and Public Works and other County departments. The term of the contract will be for three years plus two, one-year renewal options. The proposed resolution also requests the Board to authorize the use of Charter County Transit Surtax funds for eligible Miami-Dade Department of Transportation and Public Works projects only.

This contract is a work order driven PSA for environmental professional services for clean-up and compliance related tasks. The tasks to be performed are not pre-determined, but will be authorized based on specific requests for services from various County departments. These PSAs usually have a term of 3 years, plus two 1 year renewal options. Therefore, they are advertised approximately every 5 years.

The proposed scope of work includes the following:

- Performing environmental assessment or rehabilitation and related tasks, including drilling, surveying and mapping, and laboratory analytical services at Miami-Dade County-owned and operated sites;

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- Performing services related to the modification, repair, removal, replacement, installation or abandonment of any underground or above-ground storage systems, and related tasks, necessary for the investigation, prevention or clean-up of contamination;
- Performing services as design professionals and duties related to construction management for environmentally related construction tasks; and
- Performing other related environmental work, not identified above, necessary for investigation or prevention of potential or known contamination.

The E09-DERM-01/02 PSAs, which the E15-RER-01/02/03 contracts are replacing, were awarded to Cherokee Enterprises Inc. and URS Corporation Southern (now known as AECOM). The E09 PSA expired in June 2015; however, AECOM is still actively working on a project for the DSWM that was authorized prior to contract expiration.

A Notice to Professional Consultants was issued on August 26, 2016, and at the First Tier meeting held on May 2, 2017, the Competitive Selection Committee ranked Nova Consulting, Inc. as the highest ranking firm out of two proposals submitted, and determined that the firm met the minimum qualifications required. According to the Firm History Report, as provided by the Internal Services Department, the contractor has received 5 contracts with a total value of \$30,468,438, including 1 Change Order in the amount of \$8,000,000.

The two firms that submitted proposals are EBS Engineering, Inc. and Nova Consulting, Inc.

Tabulation Sheet for ISD Project No. E15-RER-02

Name of Firm	Total Qualitative Score	Final Rank
EBS Engineering, Inc.	419	2
Nova Consulting, Inc.	429	1

Nova Consulting, Inc. committed to perform Technical Certification 10.05 (Environmental Engineering – Contamination Assessment and Monitoring), 10.06 (Environmental Engineering – Remedial Action Plan Design), 10.07 (Environmental Engineering – Remedial Action Plan Implementation/Operation/Maintenance), 16.00 (General Civil Engineering) and 17.00 (Engineering Construction Management).

OCA's Division of Policy and Research performed a search of the technical certifications on the Business Management Work System on January 30, 2019.

The SBE A&E firms found in the 10.05 Technical Certification are listed below:

- A.D.A. Engineering, Inc.
- American Testing Materials Engineering, LLC
- Barnes, Ferland & Associates, Inc.
- B.N.D. Engineers, Inc.
- E. Sciences, Inc.
- EBS Engineering, Inc.
- Environmental Regulatory Compliance, Inc.
- G.M. Selby, Inc.
- Geosol, Inc.
- GIT Consulting, LLC
- Milian, Swain & Associates, Inc.

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- Nadic Engineering Services, Inc.
- Nova Consulting, Inc.
- Nutting Engineers of Florida, Inc.
- R.J. Behar & Company, Inc.

The SBE A&E firms found in the 10.06 Technical Certification are listed below:

- American Testing Materials Engineering, LLC
- Barnes, Ferland & Associates, Inc.
- B.N.D. Engineers, Inc.
- E. Sciences, Inc.
- EBS Engineering, Inc.
- Nadic Engineering Services, Inc.
- Nova Consulting, Inc.

The SBE A&E firms found in the 10.07 Technical Certification are listed below:

- American Testing Materials Engineering, LLC
- Barnes, Ferland & Associates, Inc.
- B.N.D. Engineers, Inc.
- EBS Engineering, Inc.
- Nova Consulting, Inc.
- Robayna & Associates, Inc.

ADDITIONAL INFORMATION

The People's Transportation Plan (PTP), the half-penny transportation surtax overwhelmingly approved by Miami-Dade County voters in November 2002, included \$476 million for public works projects. The PTP funds to be provided to the Transportation and Public Works Department were for major highway and road improvements totaling \$309 million, and for neighborhood improvements totaling \$167.

<http://www.miamidade.gov/publicworks/peoples-transportation.asp>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Nova Consulting, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 5/5/1995. The principal address is registered as 10486 NW 31st Terrace, Doral FL 33172. Its registered agent is Johanna Gamboa Moas, 14359 Miramar Parkway, Suite 304, Miramar, FL 33027.

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

DEPARTMENT INPUT

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

- Are these solicitations advertised on a yearly basis?
These PSAs usually have a term of 3 years, plus two 1 year renewal options. Therefore, they are advertised approximately every 5 years.
- Which firm is currently performing this work?

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The E09-DERM-01/02 PSAs, which the E15-RER-01/02/03 contracts are replacing, were awarded to Cherokee Enterprises, Inc. and URS Corporation Southern (now known as AECOM). The E09 PSAs expired in June 2015, however, AECOM is still actively working on a project for the DSWM that was authorized prior to contract expiration.

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**Item No. 8L1
File No. 182377**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING THE NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT WITH STEARNS, CONRAD AND SCHMIDT, CONSULTING ENGINEERS, INC. DBA SCS ENGINEERS, IN AN AMOUNT NOT TO EXCEED \$550,000.00, TO PROVIDE ENVIRONMENTAL CLEANUP, COMPLIANCE AND RELATED SERVICES FOR MIAMI-DADE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND OTHER COUNTY DEPARTMENTS, PROJECT NO. E15-RER-01; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve the non-exclusive Professional Services Agreement with Stearns, Conrad and Schmidt, Consulting Engineers, Inc., d/b/a SCS Engineers, in an amount not to exceed \$550,000.00, to provide environmental clean-up, compliance and related services for Project No. E15-RER-01 for the Miami-Dade Department of Transportation and Public Works and other County departments. The term of the contract will be for three years plus two, one-year renewal options.

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

Florida Administrative Code, Chapters 62-780, provide the contaminated site clean-up criteria.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-780>

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

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

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

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

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

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

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

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

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

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

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PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Regulatory and Economic Resources

The proposed resolution was considered at the January 15, 2019 Government Operations Committee meeting. It was forwarded to the Board with a favorable recommendation.

ANALYSIS

The proposed resolution seeks the Board's approval of the non-exclusive Professional Services Agreement with Stearns, Conrad and Schmidt, Consulting Engineers, Inc., d/b/a SCS Engineers, in an amount not to exceed \$550,000.00, to provide environmental clean-up, compliance and related services for Project No. E15-RER-01 for the Miami-Dade Department of Transportation and Public Works and other County departments. The term of the contract will be for three years plus two, one-year renewal options.

This contract is a work order driven PSA for environmental professional services for clean-up and compliance related tasks. The tasks to be performed are not pre-determined, but will be authorized based on specific requests for services from various County departments. These PSAs usually have a term of 3 years, plus two 1 year renewal options. Therefore, they are advertised approximately every 5 years.

The proposed scope of work includes the following:

- Performing environmental assessment or rehabilitation and related tasks, including drilling, surveying and mapping, and laboratory analytical services at Miami-Dade County-owned and operated sites;
- Performing services related to the modification, repair, removal, replacement, installation or abandonment of any underground or above-ground storage systems, and related tasks, necessary for the investigation, prevention or clean-up of contamination;
- Performing services as design professionals and duties related to construction management for environmentally related construction tasks; and
- Performing other related environmental work, not identified above, necessary for investigation or prevention of potential or known contamination.

The E09-DERM-01/02 PSAs, which the E15-RER-01/02/03 contracts are replacing, were awarded to Cherokee Enterprises Inc. and URS Corporation Southern (now known as AECOM). The E09 PSA expired in June 2015; however, AECOM is still actively working on a project for the DSWM that was authorized prior to contract expiration.

A Notice to Professional Consultants was issued on September 7, 2016, and at the First Tier meeting held on May 2, 2017, the Competitive Selection Committee ranked Stearns, Conrad and Schmidt, Consulting Engineers, Inc., d/b/a SCS Engineers as the highest ranking firm out of five proposals submitted. According to the Firm History Report, as provided by the Internal Services Department, the contractor has received 3 contracts with a total value of \$345,577.04, including a Change Order in the amount of \$122,277.04.

The five firms that submitted proposals are Amec Foster Wheeler Environment & Infrastructure, Inc.; Stearns, Conrad and Schmidt Consulting d/b/a SCS Engineers; Cherokee Enterprises, Inc.; AECOM Technical Services, Inc.; and T.Y. Lin International.

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Tabulation Sheet for ISD Project No. E15-RER-01

Name of Firm	Total Qualitative Score	Final Rank
Amec Foster Wheeler Environment & Infrastructure, Inc.	431	3
Stearns, Conrad and Schmidt Consulting	438	1
Cherokee Enterprises, Inc.	435	2
AECOM Technical Services, Inc.	412	5
T.Y. Lin International	422	4

All proposers – with the exception of Cherokee Enterprises, Inc. – completed a Prime and Subcontractor Information form for itself and each member of their team and were successful in ensuring that they and all of their subcontractors were registered in the Department of Transportation and Public Work's Labor Compliance software. Cherokee will be given the opportunity to cure this issue prior to award. A numerical DBE goal was not established for this project

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Stearns, Conrad and Schmidt, Consulting Engineers, Inc., has an active status as a Foreign Profit Corporation and first filed and registered on 12/21/1987. The principal address is registered as 3900 Kilroy Airport Way, Suite 100, Long Beach, CA 90806. Its registered agent is CT Corporation System, 1200 South Pine Island Road, Plantation, FL 33324.

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

DEPARTMENT INPUT

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

- Are these solicitations advertised on a yearly basis?
These PSAs usually have a term of 3 years, plus two 1 year renewal options. Therefore, they are advertised approximately every 5 years.
- Which firm is currently performing this work?
The E09-DERM-01/02 PSAs, which the E15-RER-01/02/03 contracts are replacing, were awarded to Cherokee Enterprises, Inc. and URS Corporation Southern (now known as AECOM). The E09 PSAs expired in June 2015, however, AECOM is still actively working on a project for the DSWM that was authorized prior to contract expiration.

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**Item No. 8L2
File No. 182995**

Researcher: LE Reviewer: TD

RESOLUTION APPROVING GRANT AGREEMENT NO. 17DA1 WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION WHICH PROVIDES UP TO \$149,400.00 TO MIAMI-DADE COUNTY FOR THE BAKER'S HAULOVER INLET FEASIBILITY STUDY WITH A COUNTY MATCH OF UP TO \$49,800.00; RATIFYING THE EXECUTION OF SAID GRANT AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board approve and ratify Grant Agreement No. 17DA1 with the Florida Department of Environmental Protection which provides up to \$149,400.00 to Miami-Dade County for the Baker's Haulover Inlet feasibility study with a County match of up to \$49,800.00.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-90-14, adopted on February 4, 2014, ratifies executing an interlocal agreement with the Florida Inland Navigation District for monitoring activities associated with maintenance dredging in the vicinity of Baker's Haulover Inlet and the Intracoastal Waterway.

<http://intra/gia/matter.asp?matter=140142&file=true&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Regulatory and Economic Resources

During the GOC meeting on January 15, 2019, the item was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The proposed resolution approves and ratifies Grant Agreement No. 17DA1 with the Florida Department of Environmental Protection which provides up to \$149,400.00 to Miami-Dade County for the Baker's Haulover Inlet feasibility study.

The total project cost is \$199,000.00 with \$149,400.00 paid by the Florida Department of Environmental Protection (FDEP) (75 percent) and \$49,800.00 (25 percent) by the County. The County will be reimbursed up to \$149,400 for the State's share of the Study. The County's match will be paid from the Beach – Erosion Mitigation and Renourishment Capital Project in the FY 2018-19 Adopted Budget and Multi-Year Capital Plan. The County will also submit invoices to FDEP for reimbursement of up to \$149,400 for the State's share of the cost of the study.

On March 2014, the U.S. Army Corps of Engineers conducted maintenance dredging of the Intracoastal Waterway in the vicinity of the Baker's Haulover Inlet. The dredged sand was used to renourish a 1,000 foot segment of beach in the Town of Bal Harbour with placement starting approximately 1,000 feet south of the Haulover Inlet. Additionally, environmental monitoring assessments were made that included seagrass, benthic surveys, sea turtle monitoring, and beach compaction monitoring.

Through the County's procurement process, Moffatt & Nichol have been selected as a consultant in coordination with FDEP to develop the scope of the study and prepare a proposal. The scope of the project is to conduct a feasibility study to assess the sediment budget at the Baker's Haulover Inlet for an update to the Inlet Management Plan. Specifically, the study evaluates the disruption of the longshore sand migration patterns and how to prevent the flow of sand to downstream beaches. Surveys of the water depths will allow measurement of sand accumulation rates and volumes on inshore and offshore shoals. Meetings will be held subsequent to the study with the County, FDEP, and stakeholders to discuss the results of the study and inlet management

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alternatives to mitigate the sand flow disruption across the inlet. The alternatives will be modeled and recommended in the updated Inlet Management Plan. However, the FDEP has stated that no modifications to the inlet will be considered until the Inlet Management Plan is updated and it was last updated in 1997. The consultants, Moffatt & Nichol, have been issued a work order in February 2018 to conduct the study and it is expected to be completed in March 2019.

The terms of the Standard Grant Agreement with the FDEP begin July 1, 2017 and are set to expire October 1, 2020.

ADDITIONAL INFORMATION

The Bakers Haulover Inlet Management Implementation Plan contains corrective measures to mitigate the impacts of the inlet. The three primary recommendations are continued maintenance dredging with beach disposal in areas of greatest need based on the comprehensive monitoring program, periodic nourishment of the downdrift shoreline from offshore borrow sites, implementation of a comprehensive beach and offshore monitoring program provided that the monitored areas are located within the influence of the inlet.

https://floridadep.gov/sites/default/files/bkr_hlvr.pdf

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**Item No. 8N1
File No. 182896**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF MIAMI FOR THE IMPLEMENTATION OF THE CITY'S CAPITAL IMPROVEMENT PROJECT, METROMOVER PARKWAY NO. 40-B30407, BY PROVIDING FOR THE RECONSTRUCTION OF A PORTION OF AN EXISTING PATHWAY ALONG THE COUNTY'S METROMOVER GUIDEWAY CORRIDOR BETWEEN NORTHEAST 2ND STREET AND NE 3RD STREET EAST OF NORTHEAST 2ND AVENUE, MIAMI, FLORIDA AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve an Interlocal Agreement between Miami-Dade County and the City of Miami for the implementation of the City's Capital Improvement Project, Metromover Parkway No. 40-B30407, by providing for the reconstruction of a portion of an existing pathway along the County's Metromover Guideway Corridor between NE 2nd Street and NE 3rd Street east of NE 2nd Avenue.

APPLICABLE LEGISLATION/POLICY

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

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

The proposed resolution was considered at the January 17, 2019 Transportation and Public Works Committee meeting.

Assistant County Bruce Libhaber read into the record a scrivener's error, as follows: "On handwritten page 1, under the Scope Section, the district should read County Commissioner Eileen Higgins, District 5". He noted the item had been reprinted to reflect that change.

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

ANALYSIS

The City of Miami wishes to provide pedestrian pathways throughout the municipal limits of the City within the County. The County operates a Metromover Guideway Corridor that contains an existing pedestrian pathway that could benefit from the City's improvement. The City and the County both wish to enhance this existing pedestrian pathway, and have determined that this project is of a mutual benefit to the residents of the City of Miami and the County.

The City of Miami chose this Metromover site project because of the deteriorated condition of the existing path. The City obtained the funding for this project from a special grant, as part of its Downtown Miami Greenway Initiative. The City applied for and was awarded grant funds from In Our Backyards, Inc., in the amount of \$24,000.00.

This project will create a friendly curvilinear path approximately 10 feet wide instead of the straight path through the corridor. The City will be responsible for the design, construction, management, and administration of the project. The City of Miami has secured engineering design and consulting services from qualified firms, pursuant to Section 287.005 of the Florida Statutes, to

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develop the construction plans, technical specifications, special provisions, pay items, and cost estimates for the project in accordance with City, County and Florida Department of Transportation standards.

The City of Miami Board of Commissioners approved this Agreement at their board meeting on April 16, 2018.

The proposed resolution seeks the Board's approval of an Interlocal Agreement between Miami-Dade County and the City of Miami for the implementation of the City's Capital Improvement Project, Metromover Parkway No. 40-B30407, by providing for the reconstruction of a portion of an existing pathway along the County's Metromover Guideway Corridor between NE 2nd Street and NE 3rd Street east of NE 2nd Avenue.

According to the Fiscal Impact Statement, this Agreement will result in a fiscal impact of \$2,000 a year to the County for operation and maintenance. The cost for the improvements will be covered by the City of Miami.

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Transportation and Public Works Department, and received the following answers:

- How many people are expected to use this pathway? **Currently hundreds of people walk on this unimproved site weekly; the planned path will provide a safe path for people to walk. With thousands of people living in the immediate area it will only increase pathway users.**
- What amenities will be provided along the pathway? **Currently it is only planned to provide a pathway.**
- Will traffic be disrupted during the construction of the pathway? **Currently it is only planned to provide a pathway.**

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**Item No. 8N2
File No. 182826**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING A STATE-FUNDED GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY, THE TOWN OF MIAMI LAKES, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE TOWN OF MIAMI LAKES WITH FUNDING IN THE AMOUNT OF \$1,140,500.00 IN COUNTY INCENTIVE GRANT PROGRAM FUNDS FOR THE NW 59 AVENUE ROADWAY EXTENSION AND REDEVELOPMENT; 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 State-funded Grant Agreement between Miami-Dade County, the Town of Miami Lakes, and the Florida Department of Transportation to provide the Town of Miami Lakes with funding in the amount of \$1,140,500.00 in County Incentive Grant Program Funds for the NW 59th Avenue Roadway extension and re-development.

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Section 339.2817 created the County Incentive Grant Program for the purpose of providing grants to counties, to improve a transportation facility which is located on the State Highway System or which relieves traffic congestion on the State Highway System.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0339/Sections/0339.2817.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

The proposed resolution was considered at the January 17, 2019 Transportation and Public Works Committee meeting. It was forwarded to the BCC with a favorable recommendation.

ANALYSIS

The proposed resolution seeks the Board's approval of a State-funded Grant Agreement between Miami-Dade County, the Town of Miami Lakes, and the Florida Department of Transportation to provide the Town of Miami Lakes with funding in the amount of \$1,140,500.00 in County Incentive Grant Program (CIGP) Funds for the NW 59th Avenue Roadway extension and re-development.

The CIGP provides grants to counties to improve transportation facilities located on the State Highway System or which relieves traffic congestion on the State Highway System. To be eligible for consideration, projects must be consistent, to the maximum extent feasible, with local metropolitan planning organization plans and local government comprehensive plans. A municipality may apply to the County in which the municipality is located for consideration for funding of any project or project phase of a transportation located on the State Highway System, or which is demonstrated to relieve congestion on the State Highway System.

The NW 59th Avenue Roadway Extension and Re-development Project will construct a new roadway connection (bridge) in the northeast sectional quadrant of the Town of Miami Lakes, which will extend NW 59th Avenue south to connect to NW 151st Street to provide new access to the industrial and commercial district located on and surrounding NW 59th Avenue, and provide traffic congestion relief on SR 823/NW 57th Avenue (Red Road).

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The project includes the purchase of a parcel from the Miami-Dade Aviation Department, purchase of the roadway connection point on NW 151st Street, the design and construction of a bridge and new roadway, and the incorporation of Complete Streets elements on the NW 59th Avenue Extension (bridge), including 11 ft. travel lanes, 6 ft. bike lanes, and 8 ft. sidewalks, which will be separated from the roadway by a 5 ft. swale. The project also includes conceptual design for whole street concept and Construction Drawings for Complete Streets components and permitting on the NW 151st Street/NW 153rd Street Corridor. This project will encourage the use of local mobility options and provide new and improved public access that will facilitate traffic congestion relief on the State Highway System.

As stated above, under the guidelines of the CIGP, this Agreement is required to be approved by the County. By executing this Agreement, the County assigns all of its interests and obligations under this Agreement to the Town of Miami Lakes. On May 1, 2018, the Town Council approved this Agreement by adopting Resolution No. 18-1534.

According to the Fiscal Impact Statement, the total cost of the project is \$2,281,000.00. The Florida Department of Transportation has programmed County Incentive Grant Program funding for this project in the amount of \$1,140,500.00. The Town of Miami Lakes will provide the additional \$1,140,500.00 as a local match. No County funds are required for this project.

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8N3
File No. 182895**

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$2,284,315.62 BETWEEN GANNETT FLEMING, INC. AND MIAMI-DADE COUNTY FOR DESIGN SERVICES FOR THE PROJECT ENTITLED ROADWAY IMPROVEMENTS TO NW 25 STREET FROM NW 117 AVENUE TO NW 87 AVENUE (PROJECT NO. E15-PWWM-11), LOCATED WITHIN COMMISSION DISTRICT 12

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreement (PSA), *Project No. E15-PWWM-11*, between the County and Gannett Fleming, Inc. for design services for roadway improvements to NW 25 Street from NW 117 Avenue to NW 87 Avenue in the amount of \$2,284,315.62 for a term of three years, including 365 days for post-design services during construction.

APPLICABLE LEGISLATION/POLICY

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

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

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

[https://library.municode.com/fl/miami -](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

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

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

[https://library.municode.com/fl/miami -](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

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

Section 2-8.1 of the County Code requires that the award recommendation memorandum presented to the Board identify each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each and the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

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

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

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

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

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

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

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

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

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

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

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

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

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

Ordinance No. 14-79, adopted on September 3, 2014, requires that all agenda items related to planning, design and construction of County infrastructure include a statement that the impact of sea level rise has been considered.

<http://intra/gia/matter.asp?matter=141211&file=true&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

This item was forwarded to the Board with a favorable recommendation by the Transportation and Public Works Committee at its January 17, 2019 meeting.

ANALYSIS

This item is requesting Board approval to award a PSA to Gannett Fleming, Inc. for roadway improvements to NW 25 Street from NW 117 Avenue to NW 87 Avenue in an amount of \$2,284,315.62 for a term of three years, including 365 days for post-design services during construction. The life expectancy of the completed project is approximately 25 years.

The Notice to Professional Consultants (NTPC) for this PSA was issued on May 24, 2016. Eight proposals were received in response to the NTPC. A First-Tier meeting was held on August 23, 2016, wherein the Competitive Selection Committee reviewed the proposals. Upon conclusion of the scoring phase, Gannett Fleming, Inc. was the top-ranked firm. During October and November of calendar year 2016, a total of three negotiation meetings were held with Gannett Fleming. The mayoral memorandum indicates that the project was placed on hold to evaluate the feasibility of implementing reversible lanes along the corridor. The study concluded that the concept was not feasible.

The project is located in District 12, which is represented by Commissioner Jose "Pepe" Diaz. The contract's scope of work is for the awardee to provide professional engineering design services and complete construction plans. The services shall be delivered in three phases – Master Plan, Design and Construction. The Master Plan phase requires the awardee to prepare a Master Plan containing recommendations for roadway "typical sections" and alignment, drainage system, point of intersection to adjacent roadway and public involvement. The Design phase requires the awardee to prepare preliminary engineering data, including

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drawings, and complete construction plans to be used for the receipt of bids; such plans shall include the development of design criteria for the reconstruction of the existing road from a four-lane road to a six-lane road with raised median, sidewalk on the south side, and bicycle/pedestrian path on the north side of the roadway with appropriate structural supporting system. Under the construction phase, the awardee provides periodic general engineering consultation and advice as well as post-design services.

The total compensation for all costs associated with accomplishing the work under the agreement is \$2,051,650.56 and is broken down as follows: (1) Master Plan Phase fees of \$38,475; (2) Design Phase fees of \$1,809,463.75; and (3) Construction Phase fees of \$203,711.81. There is a contingency account totaling \$207,665.06 and other costs totaling \$25,000 (i.e., fees for printing and reproduction and the Public Involvement Plan). Accordingly, the total project cost under the PSA is \$2,284,315.62. Note that the project includes a 30 percent goal under the SBE/AE program. The work distribution among the recommended subconsultants to achieve that goal is unclear in the mayoral memorandum.

Gannett Fleming, Inc. is an active foreign for-profit corporation, per sunbiz.org, the official State of Florida, Division of Corporations website. Based on information found on the website of the Florida Department of Business and Professional Regulation, the firm's qualifiers are all active, licensed professional engineers. Lastly, per information found in the Capital Improvements Information System on January 31, 2019, Gannett Fleming, Inc. has nine evaluations on record with an average evaluation score of 3.7 out of a possible 4.0.

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**Item No. 8N4
File No. 182905**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$519,970.45 TO KIMLEY-HORN AND ASSOCIATES, INC. FOR DESIGN SERVICES FOR THE PROJECT ENTITLED ROADWAY IMPROVEMENTS TO SW 157 AVENUE FROM SW 42 STREET TO SW 26 STREET (PROJECT NO. E18-DTPW-06), LOCATED WITHIN COMMISSION DISTRICT 11

ISSUE/REQUESTED ACTION

Whether the Board should award a Professional Services Agreement between the County and Kimley-Horn and Associates, Inc., for the project entitled "Roadway Improvements to SW 157 Avenue from SW 42 street to SW 26 Street Avenue in the amount of \$519,970.45 for a term of three years for the Department of Transportation and Public Works (DTPW).

APPLICABLE LEGISLATION/POLICY

Chapter 287 of the Florida Statutes, Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties, will govern how each agency shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in s. 287.017 for CATEGORY FIVE or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, except in cases of valid public emergencies certified by the agency head. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html

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

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

Section 2-10.4 of the County Code provides, the rules and regulations associated with the procurement of professional, architectural, engineering, landscape architectural or land surveying and mapping services. Requires a public announcement, submission of qualifications, certification committee, competitive selection committee, and competitive negotiations.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Ordinance 14-79 (Sea Level Rise), adopted on September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require that in all agenda items related to planning, design and construction of County infrastructure a statement be included that the impact of sea level rise has been considered; providing severability, inclusion in the code, and an effective date.

<http://www.miamidade.gov/govaction/matter.asp?matter=141211&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-1001-15, adopted on November 3, 2015, requires contracts with small business measures to meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment be considered for Board approval.

<http://intra/gia/matter.asp?matter=151746&file=true&yearFolder=Y2015>

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Resolution No. R-525-17, adopted on May 2, 2017, amended Resolution No. R-1001-15 to except non-compensatory time extensions from the requirement that contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion of the contract work performed to date before a change order or contract amendment be considered for Board or mayoral approval.

<http://intra/gia/matter.asp?matter=170595&file=true&yearFolder=Y2017>

Resolution No. R-796-16, adopted on September 7, 2016, approved a contract in the amount of \$4,932,632.41 to H & R Paving, Inc. for the project entitled “Roadway Improvements along SW 152 Street from SW 157 Avenue to SW 147 Avenue.”

<http://intra/gia/matter.asp?matter=161521&file=true&yearFolder=Y2016>

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

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

Administrative Order No. 3-39 sets forth the County’s standard process for construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

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

Implementing Order (I.O.) 3-32, (Small Business Enterprise Architecture And Engineering Program): It is the policy of Miami-Dade County that not less than 10% of the County’s total annual expenditures of all project specific contracts for professional architectural, landscape architectural, engineering, and surveying and mapping services, shall be expended with CBE-A/E’s certified under the CBE-A/E ordinance.

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

The item was brought before the Transportation and Public Works Committee on January 17, 2019 and waived to the February 05 2019 BCC with a favorable recommendation.

ANALYSIS

This item is requesting Board award a Professional Services Agreement between the County and Kimley-Horn and Associates, Inc., for the project entitled “Roadway Improvements to SW 157 Avenue from SW 42 street to SW 26 Street Avenue in the amount of \$519,970.45 for a term of three years for the Department of Transportation and Public Works (DTPW). The project is located in Commission District 11, represented by Commissioners Joe A. Martinez.

The fiscal impact of this project is \$519,970.45 to be funded through the Road Impact Fee District 4. Any other applicable fund source can subsidize this contract with the exception of funds from the Peoples Transportation Plan. Once the project is constructed the estimated annual operation maintenance costs are approximately \$16,700 and \$19,700.

The work consists of design and post-design services in the preparation of construction documents to include:

- A. Master planning
- B. Traffic study
- C. Public involvement

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The intent is to widen the road from the current 2 -lane distribution to 4-lane roadway and include new raised landscape medians, bike lanes, sidewalks, curb and gutters, storm drainage system, pavement markings and signage, intersection and signalization improvements, and roadway lighting.

The Notice to Professional Consultants (NTPC) was advertised on March 29, 2018. Nine proposals were received in response to the solicitation from the following firms R.J. Behar & Company, Inc., HBC Engineering Company, T.Y. Lin International, SRS Engineering, Inc., Wantman Group, Inc., Louis Berger, U.S., Inc., A&P Consulting Transportation Engineers, Corp., New Millenium Design Consultants, Inc., and Kimley-Horn and Associates, Inc.

The First Tier meeting was held on June 12, 2018 below are the rankings by the competitive selection committee (CSC) of the 9 firms.

Firm	Score	Final Rank
Kimley-Horn and Associates, Inc.	268	1
A&P Consulting Transportation Engineers, Corp	258	2
Wantman Group, Inc	263	3
Louis Berger, U.S., Inc	259	
New Millenium Design Consultants, Inc.	255	5
T.Y. Lin International	255	6
SRS Engineering, Inc	258	7
R.J. Behar & Company, Inc	252	8
HBC Engineering Company	243	9

The small business measure applicable to the contract is a SBE/ A&E of 20 percent.

SBE/A&E firms authorized under the agreement are: CALTRAN Engineering Group, Inc., Ribbeck Engineering, Inc.,and Geosol, Inc.

The Division of Policy and Legislation of OCA conducted a review of the technical certifications associated with the project on the Business Management Workforce System (BMWS) on January 15, 2019 and found the following: (See the table below)

Prime/Other	Code	Description	Amount of SBE A/E firms identified in BMWS
Prime	3.02	Highway Systems – Major Highway Design	35 SBE A/E Firms were identified
Prime	10.01	Environment Engineering – Stormwater Drainage Desgin Engineering Services	51 SBE A/E Firms were identified
Other	3.04	Highway Systems-Traffic Engineering Studies	15 SBE A/E Firms were identified
Other	3.05	Highway Systems – Traffic Counts	9 SBE A/E Firms were identified

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Other	3.09	Highway Systems – Signing, Pavement Marking, and Channelization	46 SBE A/E Firms were identified
Other	9.02	Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	11 SBE A/E Firms were identified
Other	3.11	Highway Systems - Signalization	23 SBE A/E/ Firms were identified
Other	3.10	Highway Systems - Lighting	20 SBE A/E Firms were identified

Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on January 11 2019. There are 29 performance evaluations in the Capital Improvements Information Systems Database for Kimley-Horn and Associates, Inc., yielding an average evaluation rating of 3.6 out of 4.0.

ADDITIONAL INFORMATION

Kimley Horn-Associates, Inc., was recently awarded a contract with Broward County for design related services to a six lane roadway construction project ((RFP# R2113749P1). The multiplier rates negotiated by Miami-Dade County were lower (2.85 for office personnel, 2.20 field personnel) than the ones negotiated by Broward County (2.99).

http://cragenda.broward.org/docs/2017/CCCM/20171107_550/25136_Exhibit%202%20-%20Agreement.pdf

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**Item No. 8N5
File No. 182906**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION & PUBLIC WORKS TO SECURE INDEPENDENT, CERTIFIED REAL PROPERTY APPRAISERS TO PERFORM REAL PROPERTY APPRAISALS ON AN AS-NEEDED BASIS, IN ACCORDANCE WITH ESTABLISHED COUNTY APPRAISER SELECTION PROCEDURES, IN AN AMOUNT NOT TO EXCEED A BLANKET AMOUNT OF \$150,000.00

ISSUE/REQUESTED ACTION

Whether the Board should authorize the Department of Transportation & Public Works (DTPW) to secure independent, certified real property appraisers to perform real property appraisals on as-needed basis, in accordance with established County Appraiser selection procedures, in an amount not to exceed a blanket amount of \$150,000.00.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 2-8.3 (Manager's recommendation), allows the County Mayor to review the responses to solicitations and recommend to the Board of County Commissioners award or other appropriate action.

[https://library.municode.com/fl/miami -
dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

Resolution No. R-245-07, adopted on March 6, 2017, authorizing the Miami-Dade Public Works Department to secure independent, certified property appraisers to perform property appraisals on an as-needed basis, in accordance with established County appraiser selection procedures, in an amount not to exceed a blanket amount of \$100,000.00

<http://www.miamidade.gov/govaction/matter.asp?matter=070380&file=true&fileAnalysis=false&yearFolder=Y2007>

Resolution No. R-671-14, adopted on July 15, 2014, authorizing Miami-Dade County Water and Sewer Department to secure independent, certified property appraisers holding member appraisal institute or accredited senior appraiser, American Society of appraisers designation, to perform property appraisals on an as-needed basis in accordance with established County appraiser selection procedures, in an amount not to exceed a blanket amount of \$100,000.00 .

<http://www.miamidade.gov/govaction/matter.asp?matter=141391&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-797-00, adopted on July 25, 2000, authorizing the selection and employment of appraisers to perform appraisals on an as needed basis by general services administration for various County departments, in an amount not to exceed \$50,000 per year

<http://www.miamidade.gov/govaction/matter.asp?matter=001747&file=false&fileAnalysis=false&yearFolder=Y2000>

Resolution No. R-972-07, adopted on September 4, 2007, authorizing Miami-Dade Transit (MDT) to secure independent, certified (MAI, ASA) real property appraisers to perform real property appraisals on an as-needed basis, in accordance with established county appraiser selection procedures, in an amount not to exceed a blanket amount of \$100,000

<http://www.miamidade.gov/govaction/matter.asp?matter=072077&file=true&fileAnalysis=false&yearFolder=Y2007>

Resolution No. R-318-07, adopted on March 8, 2007, authorizing Miami-Dade Transit (MDT) to secure independent, certified (MAI, ASA) real property appraisers to perform real property appraisals on an as-needed basis, in accordance with established county appraiser selection procedures, in an amount not to exceed a blanket amount of \$85,000

<http://www.miamidade.gov/govaction/matter.asp?matter=070279&file=true&fileAnalysis=false&yearFolder=Y2007>

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Resolution No. R-564-04, adopted on May 11, 2004, authorizing Miami-Dade Transit to secure independent, certified (MAI, ASA) property appraisers to perform property appraisals on an as-needed basis, in accordance with established County appraiser selection procedures, in an amount not to exceed a blanket amount of \$75,000.00

<http://www.miamidade.gov/govaction/matter.asp?matter=040911&file=true&fileAnalysis=false&yearFolder=Y2004>

Resolution No. R-960-03, adopted on June 27, 2003, authorizing the office of Public Transportation Management to secure independent, certified (MAI, ASA) property appraisers, to perform property appraisals on an as-needed basis, in accordance with established County appraiser selection procedures, in an amount not to exceed a blanket amount of \$75,000.00

<http://www.miamidade.gov/govaction/matter.asp?matter=031953&file=true&fileAnalysis=false&yearFolder=Y2003>

Resolution No. R-598-01, adopted on May 24, 2001, authorizing the selection and employment of appraisers to perform appraisals on an as needed basis by Miami-Dade Transit, in an amount not to exceed \$75,000

<http://www.miamidade.gov/govaction/matter.asp?matter=010704&file=false&fileAnalysis=false&yearFolder=Y2001>

Resolution No. R-1373-99, adopted on December 16, 1999, authorizing the county manager to hire independent property appraisers in accordance with established competitive county hiring practices to perform appraisals and review appraisals for transit joint development projects, other revenue generating transit projects, and acquisition of properties for transit purposes

<http://www.miamidade.gov/govaction/matter.asp?matter=993192&file=false&fileAnalysis=false&yearFolder=Y1999>

Resolution No. R-509-99, adopted on May 11, 1999, authorizing the County Manager to hire independent property appraisers in accordance with established county hiring practices to perform appraisals and review appraisals for transit joint development projects and other revenue generating transit projects

<http://www.miamidade.gov/govaction/matter.asp?matter=990950&file=false&fileAnalysis=false&yearFolder=Y1999>

Resolution No. R-342-98, adopted on February 11, 1998, authorizing the County Manager to hire independent property appraisers in accordance with established County hiring practices to perform appraisals and review appraisals for transit joint development projects and revenue generating transit property leases

<http://www.miamidade.gov/govaction/matter.asp?matter=980430&file=false&fileAnalysis=false&yearFolder=Y1998>

Resolution No. R-313-11, adopted on May 3, 2011, authorizing Miami-Dade Transit (MDT) to secure independent, certified (MAI, ASA) real property appraisers to perform real property appraisals on an as-needed basis, in accordance with established county appraiser selection procedures, in an amount not to exceed a blanket amount of \$100,000 and authorizing the use of charter county transportation system surtax funds

<http://www.miamidade.gov/govaction/matter.asp?matter=110722&file=true&fileAnalysis=false&yearFolder=Y2011>

Resolution No. R-217-16, adopted on March 8, 2016, authorizing Miami-Dade Transit to secure independent, certified real property appraisers to perform real property appraisals on an as-needed basis, in accordance with established County appraiser selection procedures, in an amount not to exceed a blanket amount of \$150,000.00, funded by Miami-Dade Transit operating funds

<http://www.miamidade.gov/govaction/matter.asp?matter=160048&file=true&fileAnalysis=false&yearFolder=Y2016>

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: N/A

Department/Requester: Transportation and Public Works

The item was brought before the Transportation and Public Works Committee on January 17, 2019 and waived to the February 05 2019 BCC with a favorable recommendation.

ANALYSIS

This item requests authorization for DTPW to secure independent, certified real property appraisers holding a professional designation of Member Appraisal Institute (MAI) or Accredited Senior Appraiser, American Society of Appraisers, (ASA) to perform real property appraisals on an as-needed basis in accordance with established Miami-Dade County (County) appraiser-selection procedures in a blanket amount not to exceed \$150,000.00.

The fiscal impact for this request is \$150,000.00. The impact of this service is Countywide. Funding for appraisals related to joint development, leases, acquisition, and sale of properties is budgeted annually in the MDT Operating Budget.

County procedures are followed by soliciting project-specific proposals from County-approved independent real property appraisers whose proposals are approved by the Appraiser Selection Committee chaired by the County Attorney's Office.

The selected property appraisers must meet the following criteria:

- Submit a competitive bid price and reasonable time frame for completion;
- Hold a current professional designation (MAI, ASA);
- Meet current State of Florida requirements for state-certified appraisers;
- Hold a current State of Florida Certified General Appraiser License (RZ designation);
- Have related project experience;
- Demonstrate skill in producing reports in compliance with Uniform Standards of Professional Appraisal Practice (USPAP); and
- Demonstrate competent prior performance.

Additionally, appraisers must comply with applicable federal regulations on appraisals involving federally assisted projects.

Since 1998, the BCC has approved blanket appraisal authorizations for DTPW facilitating DTPW to secure appraisals, appraisal updates, and appraisal reviews in an expedited manner.

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**Item No. 8N6
File No. 183021**

Researcher: PGE Reviewer: TD

RESOLUTION REJECTING ALL PROPOSALS RECEIVED IN RESPONSE TO PROJECT NO. E18-DTPW-03 (CONTRACT NO. 20170308) FOR CONSTRUCTION ENGINEERING INSPECTION SERVICES FOR VARIOUS SIDEWALK REPAIRS AND DEBRIS REMOVAL FROM STORM DRAINAGE STRUCTURES RELATED TO HURRICANE IRMA

ISSUE/REQUESTED ACTION

Whether the Board should approve the rejection of all proposals received in response to Project No. E18-DTPW-03 (Contract No. 20170308) for construction engineering inspection services for various sidewalk repairs and debris removal from storm drainage structures related to Hurricane Irma for the Department of Transportation and Public Works (DTPW).

APPLICABLE LEGISLATION/POLICY

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

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

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

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

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

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR

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

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.3MARE

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

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

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

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

BCC Meeting: February 5, 2019
Research Notes

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

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

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works Department

The item was forwarded to the Board with a favorable recommendation by the Infrastructure and Utilities Committee at its January 15, 2019 meeting.

ANALYSIS

This item is requesting that the Board reject all proposals received for *Project No. E18-DTPW-03 (Contract No. 20170308)* for construction engineering inspection services for various sidewalk repairs and debris removal from storm drainage structures for the DTPW. The damage to these structures was due to Hurricane Irma, which hit southwest Florida on September 10, 2017, battering the state's lower half and leaving a trail of tornadoes and storm-surge flooding as its core slowly moved inland. The value of the rejection is absent from the mayoral memorandum.

On May 11, 2018, the solicitation for construction engineering inspection services for various sidewalk repairs and debris removal from storm drainage structures (Hurricane Irma) was advertised. The scope of services consisted of construction administration and management (e.g., project inspection, technical plan reviews, preparing monthly progress reports and assuring contractor compliance with FEMA requirements) and field observation, (e.g., documenting daily construction activities).

A total of 18 proposals was received by the submittal deadline, May 30, 2018. On June 25, 2018, the Competitive Selection Committee evaluated the 18 proposers and recommended advancing 10 for negotiations. Such negotiations commenced on June 25, 2018 and concluded on June 28, 2018.

Around September 10, 2018, the County was advised by FEMA of a decrease in the percentage of reimbursement it would receive. Consequently, DTPW decided to cancel all related debris removal and sidewalk repair contracts. The proposers were notified of this decision on October 30, 2018.

There is neither information in the mayoral memorandum explaining the delay in this item travelling to the Board, considering FEMA notified the County in September 2018 of the decreased funding, nor information explaining what DTPW intends to do to perform the services that were solicited under this contract.

Note that a search for similar solicitations found a MCC 7360 contract – 20170309 – for debris removal from storm drainage structures (Hurricane Irma).

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8N7
File No. 183020**

Researcher: IL Reviewer: TD

RESOLUTION APPROVING AWARD OF EMERGENCY MISCELLANEOUS CONSTRUCTION CONTRACT 7040 PLAN - RPQ NUMBER: 380773 FOR THE ACOUSTICAL BARRIER REPLACEMENT - PHASE 1 (REMOVAL) PROJECT TO MAYTIN ENGINEERING CORP. IN THE AMOUNT OF \$2,819,465.62 AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

ISSUE/REQUESTED ACTION

Whether the Board should approve award of Emergency Miscellaneous Construction Contract (MCC) 7040 Plan RPQ No. 380773, *for the Acoustical Barrier Replacement – Phase 1 (Removal) Project*, to Maytin Engineering Corp, in the amount of \$2,819,465.62 for a total contract period of 238 calendar days and authorizing the use of Charter County Transportation Surtax Funds for the Department of Transportation and Public Works (DTPW).

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 2-8.2.7 (Miscellaneous Construction Contracts Program) enhances the contracting opportunities of Small Business Enterprises for construction services and facilitates and expedites the award of construction contracts to small businesses. MCC participants are allowed to participate in the contracting plans (i.e., 7040 Plan and 7360 Plan) in accordance with the contracting procedures and specifications to be developed, maintained and amended by the Small Business Development Division of the Internal Services Department.

The 7040 Plan is a rotational set-aside, and the 7360 Plan is an open competitive plan. The 7360 Plan is used whenever the funding source prohibits the use of SBE-Con set-asides or when SBD determines that there is insufficient availability for a SBE-Con set aside within the 7040 Plan to accomplish the proposed work.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR)

Miami-Dade County Code Section 29-124 establishes the role of the Citizens' Independent Transportation Trust (CITT) and the proper use of surtax proceeds. Under this Code Section, no surtax proceeds may be used to pay the costs of a contract 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 two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[https://library.municode.com/fl/miami -
dade county/codes/code of ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212_0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212_0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

Miami-Dade County Code Section 2-8.1 (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.

BCC Meeting: February 5, 2019
Research Notes

The Mayor is delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes) costing \$1,000,000 or less, or in the case of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises specifically authorized by Board resolution \$5,000,000 or less, without the need for action by the County Commission.

For contract awards, information shall be added to the recommendation for award memorandum presented by the County Mayor to the Board of County Commissioners identifying (1) each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each, and (2) the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

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

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

National Fire Protection Association (NFPA 13 Standard for the Installation of Sprinkler Systems) sets forth the industry benchmark for design and installation of automatic fire sprinkler systems and component options to prevent fire deaths and property loss.

<https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=13>

Resolution No. R-187-12, adopted 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-54-10, adopted on January 21, 2010, rescinds Administrative Order No. 3-24, Responsible Wages and Benefits for County Construction Contracts, and approves Implementing Order No. 3-24 to clarify terms requiring the use of the higher wage rates between Davis-Bacon and the County's prevailing wage rate structure unless prohibited by state or federal law or disallowed by a governmental funding source.

<http://intra/gia/matter.asp?matter=093210&file=true&yearFolder=Y2009>

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: Transportation and Public Works

The item was brought before the Transportation and Public Works Committee on January 17, 2019 and waived to the February 05 2019 BCC with a favorable recommendation.

ANALYSIS

This item is requesting to approve the award of Emergency Miscellaneous Construction Contract (MCC) 7040 Plan RPQ No. 380773, *for the Acoustical Barrier Replacement – Phase 1 (Removal) Project*, to Maytin Engineering Corp, in the amount of \$2,819,465.62 for a total contract period of 238 calendar days and authorizing the use of Charter County Transportation Surtax Funds for the Department of Transportation and Public Works (DTPW).

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The declaration of an emergency was caused by a failure of a Metrorail acoustical barrier. A type “B” acoustical barrier attachment failed causing the barrier to lean into the Metrorail track where it was struck by a rail car, causing the acoustical barrier to fall and land on a parked vehicle. An evaluation of the incident concluded that all Type “B” acoustical barriers were to be removed as quickly as possible. A declaration of emergency was issued for the immediate removal of all Metrorail Type “B” (concrete) acoustical barriers system-wide.

The fiscal impact for the project is \$2,819,465.62 (i.e., a base estimate of \$2,463,150 and contingency allowance of \$246,315.06) for a total contract period of 238 days. The contingency amount of \$246,315.06 is only to be used for renovations (unforeseen changes) and the dedicated allowance amount of \$110,000.00 as determined by DTPW. Three bids were received in response to the Request for Price Quotation (RPQ). The lowest responsive and responsible bidder was Maytin Engineering Corp., coming in 26.69 percent below the engineer’s estimate according to the mayoral memo.

Per the RPQ, the work is to be conducted in accordance with the contract’s summary of work, terms and conditions, permits and inspections, and will comply with all applicable Federal, State and Local laws, codes and regulations.

The awardee is a local corporation with a principal address of 13900 NW 112 Avenue, Hialeah Gardens, Florida 33018 according to Sunbiz.org the Division of Corporations official State of Florida website and the Miami-Dade County Tax Collectors office. Maytin Engineering Corp, holds a Certified General Contractor license according to the Department of Business & Professional Regulation’s website. The project is located in District 5 and District 7, represented by Commissioner Eileen Higgins and Commissioner Xavier L. Suarez.

The Division of Policy and Legislation for OCA Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted in the Capital Improvements Information System (CIIS) on January 29 2019. There are 0 performance evaluations in the Capital Improvements Information Systems Database for Maytin Engineering Corp.

DEPARTMENTAL INPUT:

The following questions were asked to the department on January 30 2019, the departments responses are in bold.

When was the emergency declared and were there any injuries or fatalities associated with the failure of a Metrorail acoustical barrier? **The emergency declaration was declared (signed by DTPW Director) on 7/26/18. There were no injuries or fatalities associated with the failure of a Metrorail acoustical barrier.**

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8N8
File No. 190041**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 1 TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN PARSONS TRANSPORTATION GROUP INC. AND MIAMI-DADE COUNTY FOR ENGINEERING SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS' CAPITAL IMPROVEMENT PLAN; CONTRACT NUMBER CIP142-1-TPW16-PE1 (1); INCREASING CONTRACT AMOUNT BY \$9,130,000.00; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES; AND AUTHORIZING CONTINUATION OF SPENDING AUTHORITIES FOR WORK ORDERS RELATED TO THE STRATEGIC MIAMI AREA RAPID TRANSIT (SMART) PLAN BEYOND MARCH 7, 2019 FOR ONE ADDITIONAL YEAR; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize supplemental agreement No. 1 for a Professional Services Agreement between Parsons Transportation Group Inc. and Miami-Dade County for Engineering Services for Contract No. CIP142-1-TPW16-PE1, increasing contract amount by \$9,130,000.00 and extending the continuation of spending authorities for work orders related to the Strategic Miami Area Rapid Transit (SMART) plan beyond March 7, 2019 for one additional year for the Department of Transportation and Public Works (DTPW).

APPLICABLE LEGISLATION/POLICY

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

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

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

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

Section 29-124 of the County Code (Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust) Requires CITT review of contracts funded by the People's Transportation Plan or for contracts with a Transit allocation that exceeds \$1 million.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR

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

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

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

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

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Research Notes

Resolution No. R-257-17, adopted on March 7, 2017, approving professional services agreement with Parsons Transportation Group Inc., to provide professional engineering services for DTPW's Capital Improvement Plan, in an amount not to exceed \$11,000,000 with a limit of spending authority for work orders related to the SMART Plan.

<http://www.miamidade.gov/govaction/matter.asp?matter=170491&file=true&fileAnalysis=false&yearFolder=Y2017>

Resolution No. R-226-18, adopted on March 6, 2018, approving continuation of spending authorities beyond March 7, 2018 for an additional year for work orders related to the Strategic Miami Area Rapid Transit plan (SMART) through three existing professional services contracts for Department of Transportation and Public Works - Contract No. cip142-1-tr15-pe1 with WSP USA, Inc., formally known as Parsons Brinckerhoff, Inc., contract no. cip142-1-tpw16-pe1(1) with Parsons Transportation Group, Inc., and contract no. cip142-1-tpw16-pe1(2) with AECOM Technical Services, Inc. – to complete all national environmental policy act studies for the smart plan.

<http://www.miamidade.gov/govaction/matter.asp?matter=180242&file=true&fileAnalysis=false&yearFolder=Y2018>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Department of Transit and Public Works

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Transportation and Public Works Committee at its January 17, 2019 meeting. Prior to passage the following discussion took place:

Commissioner Sally Heyman: requested that the administration please listen to the Miami-Beach municipal government as to how to coordinate the efforts considering the beach corridor.

Commissioner Esteban Bovo: Is this only for the Smart Corridor, or is there money being spent in other areas?

Director Alice Bravo: This is 90% for the Smart Corridor.

Commissioner Esteban Bovo: Lets provide the all the information as to where the money is being spent on this project.

ANALYSIS

This item is requesting Board authorization for supplemental agreement No. 1 for a Professional Services Agreement between Parsons Transportation Group Inc. and Miami-Dade County for Engineering Services for Contract No. CIP142-1-TPW16-PE1, increasing contract amount by \$9,130,000.00 and extending the continuation of spending authorities for work orders related to the Strategic Miami area Rapid Transit (SMART) plan beyond March 7, 2019 for one additional year for the Department of Transportation and Public Works (DTPW).

The Fiscal Impact of this project is \$9,130,000.00 with a term of one more year through March 7, 2020. The projected Districts are various.

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

Funding Source: FTA Section 5307 Formula Grant. Florida Department of Transportation (FDOT) and People Transportation Plan (PTP) Bond Program.

Funding Sources: FTA Section 5307 Formula Grant. Florida Department of Transportation (FDOT) and People Transportation Plan (PTP) Bond Program and PTP Capital Reserve fund.

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Research Notes

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

Time Line

Effective Date	Term	Value	Amount encumbered	Balance
03/07/2017	1,825 Calendar days (Contingency) 182 calendar days	\$11,000,000.00	\$10,232,417.61 (as of October 31, 2018)	\$767,582.39 (as of October 31, 2018)
02/05/2019 Supplemental Agreement No.1	365 Calendar days	\$ 9,130,000.00		
Total	Calendar Days 2090	\$ 20,130,000.00		

Under the contract, Parsons Transportation Group, Inc., intends to perform, but are not limited to, planning, engineering, survey, architectural, landscaping, technical, management and administrative services as needed to assist in executing projects in the DTPW Capital Improvement Plan and in implementing the Strategic Miami Area Rapid Transit (SMART) Plan that also includes Bus Express Rapid Transit Network and emerging technologies such as autonomous vehicle implementation.

The Beach Corridor is an 11.5 mile long corridor connecting the Miami Design District through Downtown Miami along the MacArthur causeway to the Miami Beach Convention Center. This corridor Project Development & Environmental (PD&E) study is funded by multiple agencies including the County, FDOT, City of Miami, and the City of Miami Beach. The County must seek a third party concurrence from FDOT prior to approving any PD&E work orders because FDOT is funding 50% of the study (up to five million dollars). Due to this procedure the PD&E team received a notice to proceed (NTP) on May 26, 2017, almost a month after the NTP's for the East-West and the South Corridors. The City of Miami-Beach requested to extend the study limit to the Miami Beach Convention Center and based on the comments received from the public kick-off meetings and one-on-one meetings with the elected officials, the PD&E team also decided to broaden the study area to include additional alignment alternatives. Additional funding is needed to provide the PD&E services for the "Beach Corridor" project and other programmed capital projects not related to the SMART Plan, through March 2022.

Therefore, Supplemental Agreement No. 1 requests approval to add additional funds to reach the Beach Corridor Project milestones. The administration considered advertising a new contract but concluded that it would involve a procurement process that would affect the County's ability to achieve the milestones and possibly delay FTA funding approval. Moreover, an additional cost would be associated with the new consultant taking over the work.

OCA performed a search of the technical certifications on the Business Management Workforce System on January 30, 2019, the SBE A&E firms found are listed in the table below:

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

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2.05 (Other)	General Quality Engineering	One local SBE-A&E certified firm was found on the Business Management Workforce System under the aforementioned Technical Certification
3.01 (Other)	Highway Systems – Site Development and Parking Lot Design.	50 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.02 (Other)	Highway Systems – Highway Design	35 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.04 (Other)	Highway Systems – Traffic Engineering Studies	15 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.05 (Other)	Highway Systems – Traffic Counts	Nine local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.07 (Other)	Highway Systems – Traffic Signal Timing	12 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.08 (Other)	Highway Systems – Intelligent Transportation Systems Analysis, Design, and Implementation	Four local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.09 (Other)	Highway Systems – Signing, Pavement Marking, and Channelization	46 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.10 (Other)	Highway Systems – Lighting	21 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
3.11 (Other)	Highway Systems – Signalization	23 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
6.01 (Other)	Water and Sanitary Sewer Systems – Water Distribution and Sanitary Sewage Collection and Transmission Systems	63 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
9.01 (Other)	Drilling Subsurface Investigations and Seismographic Services	10 local SBE-A&E certified firms were found on the Business Management Workforce

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		System under the aforementioned Technical Certification
9.02 (Other)	Soils, Foundations and Materials Testing – Geotechnical and Materials Engineering Services	11 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
9.03 (Other)	Concrete and Asphalt Testing Services	4 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.01 (Other)	Environmental Engineering – Stormwater Drainage Design Engineering Services	51 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.05 (Other)	Contamination Assessment and Monitoring	15 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.06 (Other)	Remedial Action Plan Design	Seven local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
10.07 (Other)	Remedial Action Plan Implementation Operation/Maintenance	Six local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
11.00 (Other)	General Structural Engineering	None
12.00 (Other)	General Mechanical Engineering	None
13.00 (Other)	General Electrical Engineering	None
14.00 (Other)	Architecture	None
15.01 (Other)	Surveying and Mapping – Land Surveying	15 local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
15.03 (Other)	Underground Utility Location	Eight local SBE-A&E certified firms were found on the Business Management Workforce System under the aforementioned Technical Certification
17.00 (Other)	Engineering Construction Management	None
20.00 (Other)	Landscape Architecture	None
21.00 (Other)	Land Use Planning	None

Pursuant to Resolution No. R-421-16 a PERFORMANCE RECORD verification was conducted by OCA on January 30, 2019 in the Capital Improvements Information System (CIIS): There are 5 performance evaluations for Parsons Transportation Group, Inc., in the Capital Improvements Information Systems Database reflecting an average rating of 3.8 points out of 4.0.

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Research Notes

ADDITIONAL INFORMATION:

Parsons Transportation Group, Inc. took part in the I-80 Smart Corridor project in California in 2011, designed to improve motorist safety, decrease travel time, and reduce accidents and congestion in the Bay Area through an integrated network of vehicle detection, CCTV, electronic signs, smart ramp meters, and traffic signal timing.

<https://www.parsons.com/about/timeline/>

DEPARTMENTAL INPUT:

The following questions were asked to DTPW on January 31 2019, the departments responses are in bold.

- Could DTPW provide a report or an itemized list of what was acquired or achieved with original \$11,000,000.00 by Parsons Transportation Group, Inc.? (How much of the PD&E study has been completed already). **Contracts will include a comments column in the Exhibit 1 that are being updated**

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8N9
File No. 190039**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 1 TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN AECOM TECHNICAL SERVICES, INC. AND MIAMI-DADE COUNTY FOR ENGINEERING SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS' CAPITAL IMPROVEMENT PLAN; CONTRACT NUMBER CIP142-1-TPW16-PE1 (2); INCREASING CONTRACT AMOUNT BY \$7,590,000.00; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES; AND AUTHORIZING CONTINUATION OF SPENDING AUTHORITIES FOR WORK ORDERS RELATED TO THE STRATEGIC MIAMI AREA RAPID TRANSIT (SMART) PLAN BEYOND MARCH 7, 2019 FOR ONE ADDITIONAL YEAR; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize the use of Charter County Transportation Surtax Funds for Supplemental Agreement No. 1 to a Professional Services Agreement between AECOM Technical Services, Inc. and Miami-Dade County, increasing the contract amount by \$7,590,000 for Engineering Services for the Department of Transportation and Public Works' Capital Improvement Plan, and authorize continuation of spending authorities for work orders related to the Strategic Miami Area Rapid Transit (SMART) Plan beyond March 7, 2019 for one additional year.

APPLICABLE LEGISLATION/POLICY

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

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

Resolution No. R-258-17, adopted on March 7, 2017, approves a professional service agreement with AECOM Technical Services, Inc. to provide professional engineering services for DTPW's Capital Improvement Plan in an amount not to exceed \$11,000,000, with a limit of spending authority for work orders related to the SMART Plan to one year from the effective date of the Resolution, unless the Board approves additional time, and authorizes the use of Charter County Transportation Surtax Funds for such purposes.

<http://intra/gia/matter.asp?matter=170489&file=true&yearFolder=Y2017>

Resolution No. R-226-18, adopted on March 6, 2018, approves continuation of spending authorities beyond March 7, 2018 for an additional year for work orders related to the SMART Plan in order to complete all National Environmental Policy Act (NEPA) studies for the SMART Plan.

<http://intra/gia/matter.asp?matter=180242&file=true&yearFolder=Y2018>

**BCC Meeting: February 5, 2019
Research Notes**

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item was forwarded to the BCC with a favorable recommendation by the Transportation and Public Works Committee at its January 17, 2019 meeting.

ANALYSIS

This item is requesting Board approval of its first Supplemental Agreement to a Professional Services Agreement between AECOM Technical Services, Inc. and Miami-Dade County, increasing the contract amount from its original amount of \$11,000,000 by \$7,590,000 for Engineering Services for the Department of Transportation and Public Works' Capital Improvement Plan, and authorizing the use of Charter County Transportation Surtax Funds for this purpose. In addition to increasing the funding capacity, this item also requests a second continuation of spending authorities for an additional year beyond March 7, 2019 for work orders related to the SMART Plan.

The focus of the additional funding is the South Corridor—a 20-mile long dedicated transit corridor connecting Florida City to the Dadeland South Metrorail Station—allowing for additional engineering services for the project through the end of construction scheduled for completion in the Summer of 2022, as well as professional services needed to complete other programmed capital work not related to the SMART Plan. Services will include, but are not limited to:

- completion of Project Development
- development of a design-build criteria package, and
- preparation of all the necessary engineering documents required by the Federal Transit Administration (FTA).

Listed below are the projects to be funded with the additional authorized monies, all derived from the FY 2018-19 Adopted Budget and Multi-Year Capital Plan.

Capital Budget Project #	Description	Estimate
2000000326	Federal Funded Projects	\$505,000
2000000104	Metrorail – Stations and Systems Improvements	\$400,000
672670	SMART Plan Phase I	\$700,000
2000000973	South Dade Transitway Corridor	\$5,985,000
Capital Budget Projects Total:		\$7,590,000

The funding sources for the requested additional funds are: Federal Transit Administration 5307 Formula Grant, Florida Department of Transportation Funds, People's Transportation Plan (PTP) Bond Program, and the PTP Capital Reserve Fund. The \$7,590,000 total includes a base amount of \$6,900,000 and contingency amount of \$690,000.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System database on January 31, 2019, finding that AECOM Technical Services, Inc. has 76 evaluations with an average evaluation rating of 3.7 out of a possible 4.0.

AECOM Technical Services, Inc. has been in business 46 years and has received four contracts from Miami-Dade County with a total value of \$101,102,372 and total change orders approved by the Board valued at \$1,100,000 (during the five years immediately preceding the award of this contract).

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ADDITIONAL INFORMATION

People's Transportation Plan

The PTP is made up of transit and roadway projects developed for voter approval by the County specifically to be funded with surtax proceeds. In Nov. 5 2002, a question regarding the approval or rejection of County transportation expansion was presented on a general election ballot. The results showed that registered County voters were in favor of and approved the Transportation Trust to oversee the proceeds of the voter-approved ½ Cent Charter County Sales Surtax to implement the PTP.

Under the PTP's \$17 billion dollar business plan, Miami-Dade County commits to adding more buses and routes, improving service, expanding rapid transit and creating thousands of transportation and construction-related jobs over the next 25 years.
<https://www.miamidade.gov/citt/peoples-transportation-plan.asp>

AECOM Technical Services, Inc.

AECOM provides a broad range of technical services to the U.S. Department of Defense, as well as federal civilian agencies — from concept development and testing through installation, implementation, assessment, logistics and supply chain management, operations and maintenance, and decommissioning and closure.
<https://www.aecom.com/services/technical-services/>

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 8N10
File No. 190040**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 1 TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN WSP USA INC. AND MIAMI-DADE COUNTY FOR ENGINEERING SERVICES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS' CAPITAL IMPROVEMENT PLAN; CONTRACT NUMBER CIP142-TR15-PE1; INCREASING CONTRACT AMOUNT BY \$10,780,000.00; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES; AND AUTHORIZING CONTINUATION OF SPENDING AUTHORITIES FOR WORK ORDERS RELATED TO THE STRATEGIC MIAMI AREA RAPID TRANSIT (SMART) PLAN BEYOND MARCH 7, 2019 FOR ONE ADDITIONAL YEAR; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize the use of Charter County Transportation Surtax Funds for Supplemental Agreement No. 1 to a Professional Services Agreement between WSP USA, Inc. and Miami-Dade County, increasing the contract amount by \$10,780,000 for Engineering Services for the Department of Transportation and Public Works' Capital Improvement Plan, and authorize continuation of spending authorities for work orders related to the Strategic Miami Area Rapid Transit (SMART) Plan beyond March 7, 2019 for one additional year.

APPLICABLE LEGISLATION/POLICY

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

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

Resolution No. R-256-17, adopted on March 7, 2017, approves a professional service agreement with WSP USA Inc. (formerly Parsons Brinckerhoff) to provide professional engineering services for DTPW's Capital Improvement Plan in an amount not to exceed \$11,000,000, with a limit of spending authority for work orders related to the SMART Plan to one year from the effective date of the Resolution, unless the Board approves additional time, and authorizes the use of Charter County Transportation Surtax Funds for such purposes.

<http://intra/gia/matter.asp?matter=170692&file=false&yearFolder=Y2017>

Resolution No. R-226-18, adopted on March 6, 2018, approves continuation of spending authorities beyond March 7, 2018 for an additional year for work orders related to the SMART Plan in order to complete all National Environmental Policy Act (NEPA) studies for the SMART Plan.

<http://intra/gia/matter.asp?matter=180242&file=true&yearFolder=Y2018>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item was forwarded to the BCC with a favorable recommendation by the Transportation and Public Works Committee at its January 17, 2019 meeting with several Scrivener's Errors in Exhibit 2 on page 10 of the Mayoral Memorandum corrected. Prior to passage, the following discussion transpired:

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Commissioner Sosa: Why was this contract not resolicited?

DTPW Director, Alice Bravo: For continuity purposes, an agreement for supplemental funding is being requested on this contract as resoliciting would bring about significant cost and delay to the County.

Commissioner Sosa: Is the use of PTP funds being approved in this contract?

DTPW Director, Alice Bravo: The Board would not be approving PTP funds with approval of this item. If the Board approves a project with PTP funds, work orders will be issued and PTP funds can be used.

Deputy Mayor, Alina Hudak: The Administration has spent an inordinate amount of time reviewing options regarding this item. Continuity was determined to be integral to the process. The decision was made to move forward with the additional allocation request.

Commissioner Higgins: Would approval of this item accelerate the work being done?

DTPW Director, Alice Bravo: Yes. Additional funding capacity allows work orders to be issued and FTA requirements to be met.

Commissioner Higgins: How was the amount in the request calculated?

DTPW Director, Alice Bravo: This contract was advertised initially for a five-year term. A forecast was completed to determine the amount needed in supplemental funding.

Deputy Mayor, Alina Hudak: This is not an extension of the contract but rather an item for supplemental funding on a contract that was initially approved for a five-year term with an option to renew.

Commissioner Bovo: This contract was originally advertised as an upper limit contract of \$22 million, correct?

DTPW Director, Alice Bravo: Yes. General consulting engineering contracts are approved with upper limits. Projects are then approved by the BCC and work orders can be issued.

Commissioner Bovo: It is critical that the BCC understand the dollar amounts that these requests present.

DTPW Director, Alice Bravo: 85% of funding assignments have been designated for the SMART Plan corridor.

ANALYSIS

This item is requesting Board approval of its first Supplemental Agreement to a Professional Services Agreement between WSP USA, Inc. and Miami-Dade County, increasing the contract amount from its original amount of \$11,000,000 by \$10,780,000 for Engineering Services for the Department of Transportation and Public Works' Capital Improvement Plan, and authorizing the use of Charter County Transportation Surtax Funds for this purpose. The item also requests a second continuation of spending authorities for an additional year beyond March 7, 2019 for work orders related to the SMART Plan.

The focus of the additional funding is the East-West Corridor project and other programmed capital projects not related to the SMART Plan, through March 2022. Services will include, but are not limited to:

- completion of the Federal Transit Administration (FTA) Project Development phase, and
- submittal of a New Starts Package in 2020, 2021, and 2022 as required.

Listed below are the projects to be funded with the additional authorized monies, all derived from the FY 2018-19 Adopted Budget and Multi-Year Capital Plan.

Capital Budget Project #	Description	Estimate
2000000973	South Dade Transitway Corridor	\$2,850,000
2000000328	Federal Funded Projects	\$300,000
671610	Park and Ride – Transit Projects	\$1,200,000
672670	SMART Plan Phase I	\$6,430,000
Capital Budget Projects Total:		\$10,780,000

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Work Order Description	Subtotal
FTA East West NEPA Project Development and New Starts Application	\$6,000,000
Strategic Financial Planning and Other Advisory Services	\$600,000
Website Development and Maintenance	\$300,000
Document Control Support (Beach Corridor)	\$150,000
Document Control Support (East-West and South Corridors)	\$300,000
Owner's Representation for South Corridor during Construction	\$1,200,000
Transitway and 152 Street Park and Ride Improvements Project Development and Design-Build Criteria Package	\$600,000
Transitway and 112 Avenue Park and Ride Improvements Project Development and Design-Build Criteria Package	\$600,000
Transitway Other Park and Ride Improvements Project Development and Design-Build Criteria Package at Station Location Sites	\$1,500,000
Total Project Need to Complete	\$11,250,000
Original Contract Balance Remaining	\$1,497,530
Difference (Minimum Amount Needed)	\$9,752,470
Base Supplemental Agreement Amount (Rounded Amount)	\$9,800,000
10% Contingency Amount	\$980,000
Grand Total Supplemental Agreement Amount	\$10,780,000

The funding sources for the requested additional funds are: Federal Transit Administration 5307 Formula Grant, Florida Department of Transportation funds, People's Transportation Plan (PTP) Bond Program, and the PTP Capital Reserve Fund. The \$10,780,000 total includes a base amount of \$9,800,000 and contingency amount of \$980,000.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System database on January 31, 2019, finding that WSP USA, Inc. has 64 evaluations with an average evaluation rating of 3.7 out of a possible 4.0.

WSP USA, Inc. has been in business 130 years and has received five contracts from Miami-Dade County with a total value of \$8,879,036 (during the five years immediately preceding the award of this contract).

ADDITIONAL INFORMATION

People's Transportation Plan

The PTP is made up of transit and roadway projects developed for voter approval by the County specifically to be funded with surtax proceeds. In Nov. 5 2002, a question regarding the approval or rejection of County transportation expansion was presented on a general election ballot. The results showed that registered County voters were in favor of and approved the Transportation Trust to oversee the proceeds of the voter-approved ½ Cent Charter County Sales Surtax to implement the PTP.

Under the PTP's \$17 billion dollar business plan, Miami-Dade County commits to adding more buses and routes, improving service, expanding rapid transit and creating thousands of transportation and construction-related jobs over the next 25 years.

<https://www.miamidade.gov/citt/peoples-transportation-plan.asp>

WSP USA, Inc.

<https://www.wsp.com/en-US>

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Research Notes

Item No. 801
File No.190012

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING BY TWO-THIRDS VOTE OF THE MEMBERS PRESENT A CONTRACT IN THE AMOUNT OF \$5,150,000.00 FOR SALE AND PURCHASE BETWEEN VECELLIO & GROGAN, INC. AS SELLER AND MIAMI-DADE COUNTY AS BUYER OF APPROXIMATELY 87.96 ACRES OF SURFACE AREA LOCATED APPROXIMATELY 1,040 FEET WEST OF THE FLORIDA TURNPIKE AND SOUTH OF NW 74 STREET IN UNINCORPORATED MIAMI-DADE COUNTY TO BE UTILIZED AS A STORAGE LAGOON IN CONNECTION WITH THE DISPOSAL OF CALCIUM CARBONATE RESIDUALS FROM THE JOHN E. PRESTON AND HIALEAH WATER TREATMENT PLANTS; AUTHORIZING THE EXPENDITURE OF UP TO \$35,000.00 FOR CLOSING COSTS; WAIVING SECTION 2-10.4.2 OF THE COUNTY CODE WHICH REQUIRES TWO MEMBER OF THE APPRAISAL INSTITUTE APPRAISALS FOR PURCHASES OVER \$5,000,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT, EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, TO TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE SAID PURCHASE AND TO ACCEPT CONVEYANCE OF PROPERTY BY WARRANTY DEED

ISSUE/REQUESTED ACTION

Whether the Board should approve by a two-thirds vote of the members present (1) a contract for sale and purchase between the County, as buyer, and Vecellio & Grogan, Inc., as seller, in the amount of \$5,150,000 plus \$35,000 for closing costs for approximately 87.96 acres of surface area adjacent to the Northwest Wellfield; and (2) a waiver of the County Code requirement relating to obtaining appraisals by two real estate appraisers holding an MAI designation where the property to be conveyed has an estimated fair market value exceeding \$5,000,000.

APPLICABLE LEGISLATION/POLICY

Section 2-8.6.5 of the County Code governs the purchase, sale and lease of real property.

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

Section 2-10.4.2 of the County Code provides that whenever the County purchases, sells or is involved in a lease of real estate, whether as lessor or lessee, and the fee simple value of the property being bought or sold or the annual value of the property being leased is in excess of five million dollars, the County shall prior to consummating the purchase, sale or lease have the property appraised by two real estate appraisers holding the M.A.I. designation. Upon the written recommendation of the County Mayor, the Board may waive the provisions of this section if it finds it to be in the best interest of the County to do so.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.2APREPUSALE

Section 33-303 of the County Code sets forth the exclusive procedure for zoning in the unincorporated areas or where the County retains zoning jurisdiction in incorporated areas, providing an exception for approval of governmental facilities.

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

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

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

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PROCEDURAL HISTORY

Prime Sponsor: Jose “Pepe” Diaz, District 12

Department/Requester: Water and Sewer

The item was amended at the December 11, 2018 Infrastructure and Utilities Committee meeting. The amendment revises the mayoral memorandum to reflect an updated appraisal amount that was received in December 2018. The item was forwarded to the January 23, 2019 Board meeting with a favorable recommendation. It was deferred at the Board meeting.

ANALYSIS

This item is requesting Board approval by a two-thirds vote of the members present to authorize: (1) a contract for sale and purchase between the County, as buyer, and Vecellio & Grogan, Inc., as seller, for \$5,150,000 plus \$35,000 in closing costs for 87.96 acres of lake property adjacent to the Northwest Wellfield; and (2) waiver of the County Code requirement that provides whenever the County purchases real estate and the fee simple value of the property being bought is in excess of five million dollars, the County shall prior to consummating the purchase, have the property appraised by two real estate appraisers holding the M.A.I. designation.

The subject property is an 87.96 acre rock mining lake located along the southeast corner of NW 74th Street and hypothetical NW 122nd Avenue in unincorporated Miami-Dade County. Currently, calcium carbonate residuals are pumped through a 16-inch sludge pipeline to the Northwest Wellfield area and are disposed of at an existing 15-foot deep sludge lagoon just north of the rock mining lake. Due to the proximity of the lake to the existing 16-inch sludge pipeline, WASD recommends the lake for purchase. The existing sludge lagoon will reach maximum capacity in two years, and the subject lake is estimated to provide the County with 100 years of disposal capacity.

Two appraisals were conducted for the subject lake. Stuart J. Lieberman, who has the MAI designation, appraised the premises on September 17, 2018 and concluded that it is worth \$5,000,000. The second appraisal was conducted on September 18, 2018 by Jeffrey Kern, who does not hold the MAI designation, and valued the property at \$3,096,000. The mayoral memorandum indicates that both individuals have quarry appraisal experience and attributes the difference between the appraisals to the method used to count the mineable reserves of limestone and sand as of the date of value. Jeffrey Kern has since revised his appraisal to account for the seller’s commitment to mitigate 12.4 acres of the subject property by moving the requirements to another site. As such, Kern’s revised appraisal is \$5,181,000.

The Folio Nos. associated with the subject property are 30-3913-000-0030 and 30-3913-000-0040. Per data found on the Property Appraiser’s website, Folio No. 30-3913-000-0030 has a market value of \$72,310, and Folio No. 30-3913-000-0040 has a market value of \$948,095. Both Folio Nos. show an existing land use of Inland Water Bodies.

There is a companion item on today’s agenda – Item 5E (File No. 183033) is a resolution approving as a governmental facility the plan for the Water and Sewer Department sludge lagoon.

ADDITIONAL INFORMATION

A federal lawsuit was filed against the seller, Vecellio & Grogan, Inc., alleging violations of the Civil Rights Act relating to unlawful race-based discriminatory treatment of the Plaintiff, Jaquinn Parrish. (See *Parrish v. Vecellio & Grogan, Inc.*, No. 15-22371-CIV-Altonaga/O’Sullivan).

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Research Notes**

**Item No. 802
File No. 190106**

Researcher: IL Reviewer: TD

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE AWARD OF A CONSTRUCTION CONTRACT FOR CD 1.02 OXYGEN PRODUCTION UPGRADES AT THE SOUTH DISTRICT WASTEWATER TREATMENT PLANT, CONTRACT NO. S-882R TO POOLE & KENT COMPANY OF FLORIDA IN THE AMOUNT OF \$9,084,330.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should ratify the award of a construction contract for Consent Decree Project No. 1.02 Oxygen Production Upgrades at the South District Wastewater Treatment Plant (SDWWTP), Contract No. S-882R to Poole & Kent Company of Florida in the amount of \$9,084,330.00 for a total contract term of 1,199 days for the Miami-Dade Water and Sewer Department (WASD).

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Chapter 287.055 governs the acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html

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

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

Section 2-8.2.12(4)(d) and (e) of the County Code (WASD Consent Decree) provides for the acceleration of Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Program projects, establishes policies and procedures for the approval of contracts related to those projects, specifically the right to amend contracts and extend the time for completion of any contract for construction, materials or professional services, including waivers of liquidated damages and other compensable and/or non-compensable time extensions as well as to negotiate and settle claims, and issue settlement agreement(s) or change orders for additional work under contracts and amendments where: the change order or claim does not exceed ten percent (10%) of the base contract amount; and the contingency allowance shall be utilized to ensure minimal disruption in work flow and shall be documented on the appropriate contingency authorization draw. Change orders shall be submitted to replenish the contingency account in a timely manner; and the limitations provided in (4)(e)(i) above shall not apply to any change order or amendment related to emergency actions impacting remediation, public safety, health requirements or recovery from natural disaster.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR

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Section 2-8.5 of the County Code Provides definitions, establishes a preference for local businesses and locally headquartered businesses, establishes exceptions, and allows for reciprocity agreements.

Section 2-10.4 of the County Code provides, the rules and regulations associated with the procurement of professional, architectural, engineering, landscape architectural or land surveying and mapping services. Requires a public announcement, submission of qualifications, certification committee, competitive selection committee, and competitive negotiations.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Section 2-10.4(7) of the County Code provides, Each contract for professional services shall contain a prohibition against contingent fees, as required by Chapter 287, Florida Statutes. For the breach or violation of this provision the County Commission may terminate the agreement without liability or, at its discretion, deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Ordinance 14-79 (Sea Level Rise), adopted on September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require that in all agenda items related to planning, design and construction of County infrastructure a statement be included that the impact of sea level rise has been considered; providing severability, inclusion in the code, and an effective date.

<http://www.miamidade.gov/govaction/matter.asp?matter=141211&file=true&fileAnalysis=false&yearFolder=Y2014>

Ordinance No. 14-77, adopted on September 3, 2014, created Section 2-8.2.12 of the Code of Miami-Dade County, and delegated to the County Mayor the authority to advertise, award, amend and negotiate contracts for goods and services, construction and professional services for the Miami-Dade Water and Sewer Department, to extend contract duration, to execute change orders and to settle claims without need for prior Board approval.

<http://intra/gia/matter.asp?matter=141981&file=false&yearFolder=Y2014>

Administrative Order 3-39 establishes the standard procedures for user departments to implement, classify, track, monitor and report capital construction projects unless specifically exempted by State or federal law.

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

Implementation Order (I.O.) 8-8 (Sustainable Buildings Program), adopted on December 4, 2007, authorizing approval of Implementing Order 8-8: establishing guidelines to further the County's sustainable buildings program initiative; and authorizing the County Mayor or his designee to exercise any and all other rights conferred therein.

<http://www.miamidade.gov/govaction/matter.asp?matter=080263&file=true&fileAnalysis=false&yearFolder=Y2008>

Implementation Order (I.O.) 3-41, (SBE Program), establishes procedures related to the Miami-Dade County Small Business Enterprise Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-41.pdf>

Implementing Order (I.O.) 3-32, (Small Business Enterprise Architecture And Engineering Program): It is the policy of Miami-Dade County that not less than 10% of the County's total annual expenditures of all project specific contracts for professional architectural, landscape architectural, engineering, and surveying and mapping services, shall be expended with CBE-A/E's certified under the CBE-A/E ordinance.

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

Implementing Order (I.O.) 3-22, (Small Business Enterprise Construction Services Program): Except where Federal or State laws or regulations mandate to the contrary, this Implementing Order governs construction services (including design build,

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alteration, installation, painting, maintaining or repairing a public improvement), funded in whole or in part by County funds for all Miami-Dade County departments and agencies.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO03-22.pdf>

Implementing Order (I.O.) 3-32 (Small Business Enterprise Architecture and Engineering Program) Except where federal or state laws or regulations mandate to the contrary, this Implementing Order applies to all project specific awards, and multiple project contracts as mandated in the CBE-A/E ordinance.

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-281-14, adopted on March 18, 2014, approving Mayor's recommendations relating to proposed Consent Decree with federal and state environmental enforcement agencies and authorizing the Mayor and County Attorney to modify proposed Consent Decree and advise the Court accordingly.

<http://www.miamidade.gov/govaction/matter.asp?matter=140568&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-421-16, adopted on May 17, 2016, direction the Mayor or Mayor's designee to attach to all items recommending Design and/or Construction Contract Awards of \$1,000,000/00 or greater a list of all County Contracts awarded in the previous three years to the recommended contractor and a summary of County Evaluations of the recommended contractors work.

<http://intra/gia/matter.asp?matter=160124&file=true&yearFolder=Y2016>

Consent Decree entered into between the United States of America, the State of Florida Department of Environmental Protection and the State of Florida v. Miami-Dade County, Florida, Case No. 1:12-cv-24400-FAM

<https://www.epa.gov/sites/production/files/2013-08/documents/miami-dade-cd.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Water and Sewer

The proposed resolution has no procedural history.

ANALYSIS

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor to award contracts for funded projects and related goods and services, to reject bids and proposals received in connection with any competitive procurement, and to accelerate the approval of WASD's (1) Consent Decree projects and (2) projects identified in WASD Multi-Year Capital Plan's Capital Improvements Program without the need for prior Board approval, but subject to ratification by the Board.

The Miami-Dade Water and Sewer Department Consent Decree Work consists of all projects needed to comply with the Consent Decree approved on April 9, 2014 by the United States District Court for the Southern District of Florida. The Miami-Dade Water and Sewer Department Capital Improvement Program consists of only those projects approved by the Board as part of the Multi-Year Capital Plan.

The proposed resolution seeks Board ratification of the award of a construction contract for Consent Decree Project No. 1.02 Oxygen Production Upgrades at the South District Wastewater Treatment Plant, Contract No. S-882R to Poole & Kent Company of Florida in the amount of \$9,084,330.00 for a total contract term of 1,199 days for the Miami-Dade Water and Sewer Department (WASD).

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Research Notes

The Fiscal Impact to the County for the implementation of this contract will be \$9,084,330.00, and is located in Commission District 8, represented by Daniella Levine Cava. The funding sources for this project are: Future WASD Revenue Bonds, WASD Revenue Bonds Sold, and Wastewater Renewal Fund, referenced under Project No.964120 Wastewater Treatment Plants-Consent Decree Projects in the adopted 2018/2019 Budget book.

This project is one in a series of projects processed under Section 2-8.2.12 of the Code, governing the Miami-Dade County Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance. Scope of services includes, but is not limited to, furnishing all materials, labor, and equipment necessary to construct Oxygen Production upgrades, overhauling and upgrading the existing 100-ton centrifugal compressor to 125-tons; installation of a 125-ton owner furnished centrifugal compressor, including oxygen piping modifications; construction of a new electrical building, decommissioning in-place several equipment and subsystems, including associated substations; air conditioning; electrical work, instrumentation, site civil and stormwater work, including relocation of existing utilities; and all other miscellaneous and appurtenant items and work for a complete and satisfactory upgrade at the South District Wastewater Treatment Plant located at 8950 S.W. 232nd Street in section 21, Township 56, Range 40, Miami-Dade, Florida 33190.

On May 21, 2013, the Board of County Commissioners authorize the execution of a Consent Decree between Miami-Dade County, the United States of America, the State of Florida and the Florida Department of Environmental Protection, for improvements to the County's wastewater collection and treatment system. WASD determined that SDWWTP currently has three cryogenic oxygen generation plants and storage facilities to produce high purity oxygen for the oxygenation bioreactors. The Consent Decree, the United States Environmental Protecting Agency, the Department of Justice and the Florida Department of Environmental Protection require that upgrades be made to the Oxygen Production Facilities. As a result the installation of a new 125-ton centrifugal compressor (Compressor No.4) and the upgrade/overhaul of the existing Compressor No.3 from 100-ton to 125-tons. The Compliance date for Consent Decree project 1.02 is February 25, 2022 (WASD Transparency Report see attached). These will allow the plant to meet current and future capacity requirements and provide for redundancy.

On June 21, 2018, in response to WASD's competitive solicitation for Project No. S-882R, the department received four bids. Poole & Kent Company of Florida, was the lowest bid received. The project's Engineer of Record, Jacobs Engineering Group Inc., advised that Poole & Kent Company of Florida, met the minimum experience qualifications and should be awarded the contract. Additionally, the Small Business Development Division of the Internal Services Department found Poole & Kent Company of Florida, to be in compliance with contract measures. Since Poole & Kent Company of Florida, provided the lowest bid, WASD recommends that it be awarded the project. Poole & Kent Company of Florida's bid came in 7.58% below the engineer of record's base estimate of \$8,267,365. See a summary of the bid proposals below.

Bid submittals (May 21, 2018)

Firm	Base Bid
Poole & Kent Company of Florida	\$ 7,641,000.00
PCL Construction	\$ 8,020,000.00
Kiewit Infrastructure South	\$ 8,630,000.00
Lunacon Construction Group	\$ 9,077,974.00

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Poole & Kent Company of Florida, maintains an active status as a Florida Profit Corporation and first filed and registered on July 1, 2004. The principal address is registered as 1781 N.W. North River Drive, Miami, FL 33125.

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Poole & Kent Company of Florida's list of sub-consultants as well as the firms that will satisfy the SBE measures:

Sub	Address	SBE Construction Measure 17.46%	SBE Goods and Services 4.80%
Amherst Maintenance, Inc.	5473 South Abbot Road, Orchard Park, NY 14127	N/A	N/A
Concrete Products of Palm Beaches	Unable to locate on Sunbiz	N/A	N/A
Corcel Corp.	2461 N.W. 23 Street, Miami, FL 33142	N/A	4.80%
Dade Electric Service, Inc.	8191 N.W. 91 Terrace, Bay 9, Medley, FL 33166	17.46%	N/A
Ferguson Waterworks	Unable to locate on Sunbiz	N/A	N/A
Lehman Pipe & Plumbing Supply	3575 N.W. 36 Street Miami, FL 33142	N/A	N/A
Seton Identification Prod.	Unable to locate on Sunbiz	N/A	N/A
Silvia Group Construction, Inc.	Unable to locate on Sunbiz	N/A	N/A
Sunshine State Air Conditioning, Inc.	4960 N.W. 165 Street B-11 Miami, FL 33014	N/A	N/A
The BG Group, LLC	15560 Lyons Road, Delray Beach, FL 33446	N/A	N/A
Weber Glass Inc.	812 S. Line Road Lecanto, FL 34461	N/A	N/A

The Division of Policy and Legislation of OCA conducted a review of the following commodity codes: 03100 (Air Conditioning, Heating, and Ventilating Equipment, Parts and Accessories), 28500 (Electrical Equipment and Supplies), 90600 (Architectural Services), 23332 (Commercial and Institutional Building Construction) 236210 (Industrial Building Construction), 237990 (Other Heavy and Civil Engineering Construction), 238210 (Electrical Contractors and Other wiring installation contractors), 238220 (Plumbing, Heating, and Air Conditioning Contractors), 238320 (Painting and Wall Covering Contractors) and 238910 (Site Preparation Contractors) in the Business Management Workforce System on January 29, 2019. Approximately, 1110 SBE Firms were identified under the aforementioned commodity codes.

Pursuant to Resolution No. R-421-16 a review of the Capital Improvement Information System was conducted on January 29, 2019, finding that Poole & Kent Company of Florida had an average rating of 3.6 out 4.0. Poole & Kent Company has been awarded \$179,566,410.00 from Miami-Dade County from September 1, 2013 through September 13 2018 according to the firm history report.

ADDITIONAL INFORMATION

Poole & Kent Company of Florida performed upgrades to oxygen generation system the City of Hollywood, Florida desired to replace the existing 1,250 horsepower (HP) main air compressors with three 900 HP units providing energy savings and improved reliability.

<https://www.pkflorida.com/project-profiles/publicgovernment-wastewater-treatment-plants/srwwtp-oxygen-system-upgrade>

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DEPARTMENTAL INPUT:

The following question was made to WASD on January 30, 2019.

- Please provide a list of all the contracts Pool and Kent has been awarded by WASD in the past 10 years? **Please see attached list.**

FIRM NAME: POOLE & KENT COMPANY OF FLORIDA
1781 NW North River Dr
Miami, FL 33125-0000

Project	Awarded	Description
S-829 (A)	12/15/2009	SOUTH DISTRICT WASTEWATER TREATMENT PLANT SEPTAGE RECEIVING AND SOLIDS PROCESS BUILDING (SIC 15)
DB09-WASD-05	09/20/2011	DESIGN-BUILD OF COGENERATION FACILITY IMPROVEMENTS AT SOUTH DISTRICT WASTEWATER TREATMENT PLANT
S-863 (P0082)	04/02/2013	SOUTH DISTRICT WASTEWATER TREATMENT PLANT SCREENING SYSTEMS IMPROVEMENTS FOR PLANTS 1 & 2 (S-863)
P0141 (7360)	05/28/2014	CENTRAL DISTRICT WASTEWATER TREATMENT PLANT DIGESTER P-2/D-3 COVER REPLACEMENT
S-871	10/22/2015	NORTH DISTRICT WASTEWATER TREATMENT PLANT PRETREATMENT/SLUDGE TRANSFER REHABILITATION
S-890	04/18/2016	CDWWTP CHLORINATION FACILITIES CONSENT DECREE PROJECT
S-880	08/24/2016	CD 2.03 AND 2.04 PLANT 1 AND PLANT 2 HEADWORKS UPGRADES, 2.18(1) ODOR CONTROL SYSTEMS AND 2.25(2) VENTILATION IMPROVEMENTS
S-877	09/01/2016	NORTH DISTRICT WASTEWATER TREATMENT PLANT NEW PUMPS FOR EXISTING DEEP INJECTION WELL PUMPING STATION
S-889	02/07/2017	CD 2.15(1) PLANT 2 CLUSTER 1 DIGESTER UPGRADES
S-903	02/07/2017	CD 5.12 UPGRADE OF SEWAGE PUMP STATION NO. 0187
S-870	03/16/2017	CDWWTP INDUSTRIAL INJECTION WELL SURFACE FACILITIES
S-891	06/27/2017	CD 2.19(2) CO-GEN FACILITY AND 2.01(6) ELECTRICAL IMPROVEMENTS
S-905R	09/19/2017	CD 5.5 UPGRADE OF PUMP STATION 0415
P0210 (7360)	04/06/2018	CD 2.21 PUMP STA. 1 & CD 2.54(4) VENTILATION IMPROVEMENTS
S-882R	10/12/2018	CD 1.02 OXYGEN PRODUCTION UPGRADES

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Research Notes**

**Item No. 9A1
File No. 182941**

Researcher: LE Reviewer: TD

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY CONTRACT AT NO COST TO THE COUNTY FOR THE ACQUISITION OF CLOUDFLARE ATHENIAN PROJECT SERVICES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize, by a two-thirds vote of Board members present, waiving formal bid procedures pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code and ratifying an emergency contract award on behalf of the Information Technology Department for the acquisition of Cloudflare Athenian Project Services.

APPLICABLE LEGISLATION/POLICY

Section 5.03(D) of the Home Rule Charter, delineates 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 Board may by resolution adopt by two-thirds vote waive competitive bidding if they find it to be in the best interests of the County.

<https://www.miamidade.gov/charter/library/charter.pdf>

Section 2-8.1(b)(3) of the Miami-Dade County Code states the procedures for purchases when competitive procedures are not practicable. This includes purchase of goods and services necessary to address an emergency or where additional formal competition would not be practicable or time sensitive.

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

Implementing Order 3-38 governs the County's processes for the purchase of goods and services including professional services.

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

Resolution No. R-477-18, adopted on May 1, 2018, directed the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

Resolution No. R-454-13, adopted on June 4, 2013, directed the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and bring retroactive contract modifications to the Board within 120 days of modification.

<http://www.miamidade.gov/govaction/matter.asp?matter=131016&file=true&fileAnalysis=false&yearFolder=Y2013>

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Resolution No. R-1011-15, adopted 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>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Information Technology Department

During the IUC meeting on January 15, 2019, the item was forwarded to the BCC with a favorable recommendation.

ANALYSIS

This item is requesting Board authorization to waive formal bid procedures pursuant to Section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the County Code and to ratify an emergency contract award on behalf of the Information Technology Department for the acquisition of Cloudflare Athenian Project Services.

There is no fiscal impact as Cloudflare Athenian Project Services is provided by Cloudflare as a No-Cost Service that is provided to the County and other governmental entities to protect electoral websites from online attacks and enhance cyber security.

Cloudflare Athenian Project Services is a free service to the County provided by Cloudflare through the United States Department of Homeland Security advisement to State and Local election officials. The Athenian Project was released December 2017 and focuses on protecting election systems for state and local government websites. Specifically, the Athenian Project aims to improve content delivery, provide additional protection against Distributed Denial of Service (DDoS) attacks where multiple internet connected devices flood the government/elections websites with internet traffic, blocking sites from being accessed by legitimate users and in extreme cases can even cause the web servers and security network infrastructure to crash. The service monitors normal traffic patterns and discards traffic identified as malicious. No threats have been identified during the November 2018 General Election and the Information Technology Department (ITD) and the Elections Department are continuously researching opportunities to improve the County's cyber security. Other users include Alabama, North Carolina, Rhode Island, and Hawaii.

The emergency was declared on October 17, 2018 to implement free services for additional protection of the County's online services during the November 2018 General Election. The agreement between Cloudflare and the County was signed on October 5, 2018. Because the County does not have a separate environment for Elections, CloudFlare has agreed to additionally provide services through the Athenian Project for all County websites that are housed in the same environment as the Elections infrastructure. Through Section 2-8.1(b)(3) of the County Code, competition is not practicable because the service is being offered as a free product while providing significant benefit and cyber security to the County.

The agreement does not have an expiration date.

ADDITIONAL INFORMATION

Cloudflare is one of the world's largest networks. The Athenian Project was created to ensure that state and local governments have the highest level of protection and reliability for free so that constituents have access to election information and voter registration. On September 2017, the U.S. Department of Homeland Security informed 21 states that their voter registration files or public election websites had been targeted for cyber-attack. Since many governments lack the necessary budget to obtain the protection they need, the Athenian Project was created to provide enterprise-level protection for free.

<https://www.cloudflare.com/athenian/>

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 11A10
File No. 183004**

Researcher: LE Reviewer: TD

RESOLUTION APPROVING THE AMENDMENT TO THE BYLAWS OF THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY TO ALLOW THE BOARD OF COUNTY COMMISSIONERS TO WAIVE THE HEIGHTENED CONFLICT OF INTEREST STANDARD APPLICABLE TO TRUSTEE APPOINTMENTS OF THE PUBLIC HEALTH TRUST BY A TWO-THIRDS VOTE OF THE FULL BOARD

ISSUE/REQUESTED ACTION

Whether the Board should approve, by a two-thirds vote of the full board, amendment to the bylaws of the Public Health Trust of Miami-Dade County to allow the Board of County Commissioners to waive the heightened conflict of interest standard applicable to trustee appointments of the Public Health Trust.

APPLICABLE LEGISLATION/POLICY

Section 25A-3 of the Miami-Dade County Code relates to the Public Health Trust and its governing body.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH25APUHETR_S25A-3GOBO

Article 3, Section 3 of the Bylaws of the Board of Trustees of the Public Health Trust of Miami-Dade County delineates the heightened conflict of interest standard.

<http://www.jacksonhealth.org/library/trust/public-health-trust-bylaws-2013.pdf>

Resolution No. R-1020-11, adopted on November 15, 2011, creates a conflict of interest policy that includes a heightened standard to eliminate the perception and any actual conflict of interest for the Public Health Trust Board Members.

<http://intra/gia/matter.asp?matter=112279&file=true&yearFolder=Y2011>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6

Department/Requester: None

During the PSHC meeting on January 16, 2019, Commissioner Heyman commented that there was an amendment to add onto the item. The amendment regards working with the Public Health Trust and the Ethics Department, but because of the rules under Jackson Hospital and the Trust, a board meeting needs to occur in order to approve the amended language supported by Sponsor Commissioner Sosa. The amendment was presented but could not be offered without Trust approval that comes at the end of the week. The amendment item will be seen on February 20, 2019.

Commissioner Cava mentioned that the item is not lowering the conflict of interest threshold, but allows the Board to waive the rules by a supermajority vote if necessary. Additionally, the ethics department will look into the item for clarity.

ANALYSIS

The proposed ordinance amends the bylaws of the Public Health Trust of Miami-Dade County to allow the Board of County Commissioners to waive the heightened conflict of interest standard applicable to trustee appointments of the Public Health Trust, through a two-thirds vote of the full board.

This item does not have a fiscal impact.

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The Public Health Trust (PHT) Board of Trustees argues that they have encountered challenges in identifying qualified volunteers under the existing bylaws and recommends amending their bylaws to waive the Trust Board heightened conflict of interest standard while the County's conflict-of-interest standard is applied after a review and two-thirds vote of the full Board of County Commissioners. PHT proposes The Trust Board has also noted that other highly responsible Miami-Dade County board appointments have existed with a different set of standards.

Broward County and Monroe County do not have a Public Health Trust.

The heightened conflict of interest standard was created to eliminate the perception of as well as any actual conflict of interest for the Public Health Trust Board members. Board members shall not have conflicts of interest for one year before or after serving in the outcome of their decisions as the governing body's sole interest should be in the future of Jackson Health System.

There are seven Trustee appointments and currently five of the Trustees are appointed by the Board of County Commissioners who serve staggered terms of two or three years each. The proposed ordinance will allow these five Trustees to serve staggered terms of three years each. The two other Trustees, the Mayor's designees and Chairperson of the Miami-Dade Legislative Delegation, will serve two year terms and be permitted to serve no more than three consecutive and complete two year terms. The Financial Recovery Board members who serve as Trustees as appointed by the Board will be able to serve through May 31, 2020.

Furthermore, the appointments made to fill a Trustee vacancy created during a term in progress shall not count toward the tenure limits described. The PHT's Nominating Council currently submits a list of nominees for potential appointments to the Board of Trustees and the proposed ordinance would allow this requirement to be discretionary for the Nominating Council.

The table below shows the original Article 3, Section 3 of the Bylaws of the Board of Trustees of the Public Health Trust of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Article 3, Section 3 of the Public Health Trust Bylaws	Proposed changes to Article 3, Section 3 of the Public Health Trust Bylaws
<p style="text-align: center;">* * *</p> <p style="text-align: center;">ARTICLE III</p> <p style="text-align: center;"><u>THE JACKSON BOARD</u></p> <p style="text-align: center;">* * *</p> <p>Section 3. <u>Heightened Conflict of Interest Standard.</u></p> <p>Pursuant to Resolution No. R-1020-11 adopted by the Commission on November 15, 2011, the Commission mandated that any future appointees to the governing body of the Public Health Trust, except for appointees specifically designated by Section 25A-3(a), shall be subject to the following Ethics Requirement:</p> <p>The governing board shall reflect and embrace a rigorous conflict of interest policy which includes a</p>	<p style="text-align: center;">* * *</p> <p style="text-align: center;">ARTICLE III</p> <p style="text-align: center;"><u>THE JACKSON BOARD</u></p> <p style="text-align: center;">* * *</p> <p>Section 3. <u>Heightened Conflict of Interest Standard.</u></p> <p>Pursuant to Resolution No. R-1020-11 adopted by the Commission on November 15, 2011, the Commission mandated that any future appointees to the governing body of the Public Health Trust, except for appointees specifically designated by Section 25A-3(a), shall be subject to the following Ethics Requirement:</p> <p>The governing board shall reflect and embrace a rigorous conflict of interest policy which includes a heightened standard, eliminating both the perception of as well as any actual conflict of</p>

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heightened standard, eliminating both the perception of as well as any actual conflict of interest for board members. Board members shall have no conflicts of interest for one year before or after serving, personally or as stakeholders, in the outcome of their decisions. The governing body's sole interest should be in the future of Jackson Health System.

The immediate family of a member of the board of Jackson Health System, and organizations in which the immediate family is employed, has control of, or has a material interest in, shall not be engaged to do business with or provide services to Jackson Health System. The immediate family of a member of the board shall not be employed in a management capacity as a director or above at Jackson Health System. Additionally, the immediate family of the member of the board shall not be employed as senior management, have control of, or have a material interest in an organization that competes with Jackson Health System. Immediate family member is defined to mean: the spouse, parents, step-parents, brothers and sisters, step-brothers and step-sisters, children and stepchildren, of a governing board member.

The Jackson Board hereby empowers the Miami-Dade County Commission on Ethics and Public Trust to issue opinions concerning this Ethics Requirement and any questions arising therefrom.

interest for board members. Board members shall have no conflicts of interest for one year before or after serving, personally or as stakeholders, in the outcome of their decisions. The governing body's sole interest should be in the future of Jackson Health System.

The immediate family of a member of the board of Jackson Health System, and organizations in which the immediate family is employed, has control of, or has a material interest in, shall not be engaged to do business with or provide services to Jackson Health System. The immediate family of a member of the board shall not be employed in a management capacity as a director or above at Jackson Health System. Additionally, the immediate family of the member of the board shall not be employed as senior management, have control of, or have a material interest in an organization that competes with Jackson Health System. Immediate family member is defined to mean: the spouse, parents, step-parents, brothers and sisters, step-brothers and step-sisters, children and stepchildren, of a governing board member. >>The provisions of this subsection may be waived by a resolution requiring a two-thirds vote of the full Board of County Commissioners.<<

The Jackson Board hereby empowers the Miami-Dade County Commission on Ethics and Public Trust to issue opinions concerning this Ethics Requirement and any questions arising therefrom.

DEPARTMENTAL INPUT

On January 15, 2019, the Office of the Commission Auditor posed the following questions to the Public Health Trust Department and received the following answers italicized:

- According to the memorandum to the Public Health Trust Board of Trustees, the Trust Board has encountered challenges identifying qualified volunteers. What important decisions have been impacted because of this shortcoming?

In the past, the Public Health Trust has had to forgo the consideration of viable candidates because of conflicts that were subject only to the heightened conflict of interest standard. In one example, a candidate served on an advisory board for a health insurance company and would not be able to apply for the PHT until having left that advisory board for two years. The standard as it is currently does not allow for the PHT to attract candidates who are otherwise involved with similar boards leaving the Trust at a disadvantage when trying to attract knowledgeable candidates to fill Board positions.

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- Currently, how many Board positions are unfilled and how long have they remained unfilled? What has been the impact to the board and its medical interests?

There are two current board vacancies which are coming before the Board of County Commissioners on January 23rd for consideration. The longest the vacancies have existed is one year. The nominating council met to decide on these vacancies in October of 2018. Vacancies on the Public Health Trust impacts voting on important matters concerning the hospital's operations and its capital program.

- How much money does the Public Health Trust Board of Trustees currently oversee?

The Public Health Trust's \$2 Billion Budget is prepared by administration, approved by the Public Health Trust Board, and ultimately approved by the Board of County Commissioners.

**BCC Meeting: February 5, 2019
Research Notes**

**Item No. 11A13
File No. 183002**

Researcher: MF Reviewer: TD

RESOLUTION APPROVING ALLOCATION, SUBJECT TO AVAILABILITY FROM RECAPTURE, OF UP TO \$1,500,000.00 FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT 320 – "ECONOMIC DEVELOPMENT IN TARGETED URBAN AREAS" TO PLATFORM 3750, LLC TO FUND CERTAIN ELIGIBLE INFRASTRUCTURE PROJECTS AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE TERMS OF RELATED GRANT AGREEMENT PURSUANT TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM'S ADMINISTRATIVE RULES AND PRESENT SUCH GRANT AGREEMENT OR, ALTERNATIVELY, A REPORT, FOR CONSIDERATION BY BOARD IN ACCORDANCE WITH ORDINANCE NO. 14-65

ISSUE/REQUESTED ACTION

Whether the Board should approve an allocation, subject to availability from recapture, of up to \$1,500,000.00 from Building Better Communities General Obligation Bond Program Project 320 – Economic Development in Targeted Urban Areas" to Platform 3750, LLC to fund certain eligible infrastructure projects.

Whether the Board should direct the County Mayor to negotiate the terms of a related grant agreement pursuant to the Building Better Communities General Obligation Bond Program's Administrative Rules and present such a grant agreement or, alternatively, a report, for consideration by the Board.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-914-04, adopted on July 20, 2004, provided for the holding of a General Obligation Bond Special Election in Miami-Dade County on November 2, 2004, with respect to the authorization of not exceeding \$352,182,000 General Obligation Bonds of the County to construct and improve bridges, public infrastructure, and neighborhood improvements.

<http://intra/gia/matter.asp?matter=042286&file=false&yearFolder=Y2004>

Ordinance No. 14-65, adopted by the Board on July 1, 2014, relates to zoning and other land development regulations.

<http://intra/gia/matter.asp?matter=140686&file=true&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Xavier L. Suarez, District 7

Department/Requester: N/A

The proposed resolution was considered at the Housing and Social Services Committee meeting on January 14, 2019.

Commissioner Martinez inquired whether the funds that would be recaptured emanated from District 7's budget.

Commissioner Suarez noted the funds were intended for Target Urban Areas; therefore, they were intended for more than one district.

Commissioner Levine Cava pointed out that there was a similar situation for some of the other project funds that had been allocated. She lamented that the funds were dedicated, but the projects were not being implemented. She requested to receive a report on the status of all those projects.

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

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ANALYSIS

Resolution No. R-914-04, adopted by the Board on July 20, 2004, provided for the holding of a General Obligation Bond Special Election in Miami-Dade County on November 2, 2004, with respect to the authorization of not exceeding \$352,182,000 General Obligation Bonds of the County to construct and improve bridges, public infrastructure, and neighborhood improvements.

One of the projects approved pursuant to Resolution No. R-914-04 is Project No. 320 – Economic Development in Targeted Urban Area (TUA). The goal of Project 320 is to encourage private sector development that will create jobs and cause economic development that will have long-term benefits for the community in the TUAs.

By the mid-1990s, Miami-Dade’s elected officials were aware of the sharp and increasing social and economic disparities between the County’s various neighborhoods. The County identified 15 neighborhoods and two commercial corridors as Target Urban Areas (TUAs) in 1997. The TUAs serve as economic development priority areas and the focus of public efforts largely directed by community input. The number of designated TUAs has increased over time, and there are now 23 designated areas.

The Board previously allocated all of the \$15,000,000.00 Project 320 funds to other infrastructure projects, subject to the negotiation of the County Mayor of a Grant or Interlocal Agreement to be presented to the Board for its approval. If the Mayor is unable to successfully negotiate a Grant or Interlocal Agreement or if the Board does not approve the award of the Project 320 funds to one or more of the proposed grant recipients to whom the Project 320 funds have been allocated, those funds will be recaptured and made available for re-allocation.

Platform 3750, LLC submitted an application for \$1,500,000.00 of Project 320 funding in order to fund public infrastructure costs associated with the development of a mixed-use residential, retail, community service and office development located adjacent to the Douglas Road Metrorail Station.

This project is a one-of-a-kind redevelopment, which will create jobs, provide a grocery store in what is currently a ‘grocery desert’ and provide mixed-income housing to the gateway to West Coconut Grove. Located in the Coconut Grove TUA and linked by a pedestrian bridge to the Douglas Metrorail, the project will bring badly needed affordable housing minutes from the County’s major employment and activity centers. The affordable housing units, which represent 40 percent of the total units, can serve households making up to \$45,000.

The proposed resolution seeks the Board’s approval of an allocation, subject to availability from recapture, of up to \$1,500,000.00 from Building Better Communities General Obligation Bond Program Project 320 – Economic Development in Targeted Urban Areas” to Platform 3750, LLC. The proposed resolution also requests the Board to direct the County Mayor to negotiate the terms of a related grant agreement pursuant to the Building Better Communities General Obligation Bond Program’s Administrative Rules and present such a grant agreement or, alternatively, a report, for consideration by the Board.

ADDITIONAL INFORMATION

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Platform 3750, LLC, has an active status as a Florida Limited Liability Company and first filed and registered on 8/24/2015. The principal address is registered as 2100 Hollywood Blvd., Hollywood, FL 33020. Its registered agent is Wolfe, Leon, 2100 Hollywood Blvd., Hollywood, FL 33020.

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