



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

**Board of County Commissioners Meeting**

March 19, 2019  
9:30 A.M.  
Commission Chambers

Yinka Majekodunmi, CPA  
Commission Auditor  
Office of the Commission Auditor (OCA)  
111 N.W. First Street, Suite 1030  
Miami, FL 33128  
(305) 375-2524

THIS PAGE INTENTIONALLY LEFT BLANK

**BCC Meeting: March 19, 2019  
Research Notes**

**Item No. 8F1  
File No. 190412**

**Researcher: TD Reviewer: YM**

RESOLUTION AUTHORIZING WAIVER OF BID PROCEDURES BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT PURSUANT TO SECTION 5.03(D) OF THE COUNTY CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE AND APPROVING AWARD OF CONTRACT NO. SS10001 TO AXON ENTERPRISE, INC. FOR THE PURCHASE OF ELECTRONIC CONTROL WEAPONS FOR THE MIAMI-DADE POLICE DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$6,598,619.00 FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the waiver of competitive bidding by two-thirds vote of the members present pursuant to section 5.03(D) of the Home Rule Charter and section 2-8.1 of the County Code and approve a sole source contract to Axon Enterprises Inc., for Electronic Control Weapons for the Miami-Dade Police Department.

**APPLICABLE LEGISLATION/POLICY**

**TASER INTERNATIONAL, INC., Plaintiff, v. PHAZZER ELECTRONICS, INC. Defendant.** Case Number Case No: 6:16-cv-366-Orl-40KRS. Axon Enterprises Inc. (Formerly Taser International, Inc.,) successfully brought suit against PhaZZer Electronics, Inc., for trademark and copyright infringement of Axon's electronic control weapon (ECW). PhaZZer Electronics is enjoined from nationwide sale and distribution of its ECW.

**Home Rule Charter section 5.03(D)** states that contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. The Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.

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

**Code of Miami-Dade County 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](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 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-477-18**, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons why 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: March 19, 2019

### Research Notes

**Resolution No. R-1011-15**, adopted 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 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-506-14**, adopted June 3, 2014, authorizes the awards of a legacy contract for advanced air tasers in the amount of \$5,000,000 for a five-year term.

<http://www.miamidade.gov/govaction/matter.asp?matter=141345&file=false&fileAnalysis=false&yearFolder=Y2014>

**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 (ISD); 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**

**Requester/Department: Internal Services Department**

During the PSR meeting on March 12, 2019, the following discussion occurred. Commissioner Heyman expressed concerns about the issue of monopoly and elimination of all competition at the federal level with reference to the lawsuit against Phazzer for copyright. While it is a good product, Axon is the only manufacturer/service provider that exists. The second issue discussed was if the purchase included corrections department members who may have taser training and if the purchase includes municipal police departments.

The Director of Law Enforcement explained that 2,000 units are being purchased at \$6.5 million for the department. This would include training and MPO has trainers. With the contract, an estimated \$1.8 million in savings will be provided as well as leveraging buying power, training for instructors, and master training for all partners.

Commissioner Sosa stated that the reason why she moved the item was because competition was not possible at this time. PhaZZer electronics are no longer able to sell their products to law enforcement agencies and the Miami-Dade Police Department is prepared to provide training and deploy the units to all officers. Moreover, the purchase will allow the County to be efficient and benefit from improved technology.

The item was waived to the BCC on March 19, 2019 and was forwarded to the BCC with a favorable recommendation.

### **ANALYSIS**

This item seeks Board approval to waive competitive bidding by two-thirds vote of the members present pursuant to section 5.03(D) of the Home Rule Charter and section 2-8.1 of the County Code and approve a sole source contract to Axon Enterprises Inc. (Axon) for Electronic Control Weapons (ECW) for the Miami-Dade Police Department.

**BCC Meeting: March 19, 2019**  
**Research Notes**

Tasers are an integral part of Miami-Dade Police training and execution of non-lethal force. Tasers and the effective police training with them is credited with significantly reduced injuries to civilians and officers.

The Administration seeks Axon accepted as sole source provider as the sole manufacturer and distributor of this product. In 2010 Axon brought suit against PhaZZer electronics, a Florida corporation, for willful infringement on Axon patented and trademark rights associated with PhaZZer's conducted electrical weapon. PhaZZer, a prior supplier of ECWs, was ultimately enjoined from selling their Phazzer Enforcer CEW and probe cartridges product nationwide.

The award follows the court's judgment and permanent injunction issued in July 2017 prohibiting PhaZZer from making, using, offering for sale, selling, donating, distributing, importing, or exporting the Enforcer CEW and associated cartridges. The court's ruling makes clear that all Enforcer CEWs are covered by the ban, whether or not they have dataports in question.

PhaZZer's pending appeal in the Federal Circuit focuses primarily on the scope of the trademark injunction relating to CEW cartridges. PhaZZer lost its bid in both the district court and the Federal Circuit to suspend the injunction during the appeal, despite its claims of insolvency. The injunction remains in full force and effect.

Axon additionally obtained CEW patent infringement injunctions against Stinger Systems in 2010 and Karbon Arms in 2014.

The Mayoral Memo states the fiscal impact is \$6,598,619 over the five year term of the contract. This contract establishes the Electronic Control Weapons Taser 7 Program allowing officer to use the devices throughout their useful life, acquire unlimited replacement cartridges and receive trade-in credit for older Tasers. The Taser Program also includes standardized certification and recertification throughout the force as well as and state mandated courses. Training and fielding of the ECW T7 will take place during the 2019 calendar year training cycle.

**Prior Contract (Taser International is predecessor to Axom Enterprise)**

L8769-0/18 (Advanced Air Tasers) for \$5,474,000.00 5year term	
1.Taser International Inc.,	06/13/2014 through 06/30/2019
2. Axon Enterprise, Inc.	06/13/2014 through 06/30/2019

The Office of the Commission Auditor conducted a Commodity Code check of the following codes: 68050 (**Guns, Nonlethal, Including Stun, Taser Weapons**) finding **0** firms and **0** certifications found.

**BCC Meeting: March 19, 2019  
Research Notes**

**Item No. 8F2  
File No. 190627**

**Researcher: IL Reviewer: TD**

RESOLUTION WAIVING FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B)(1) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT AND AWARDING CONTRACT NO. BW9992-2/22 TO THE RESEARCH FOUNDATION OF THE CITY UNIVERSITY OF NEW YORK IN A TOTAL AMOUNT NOT TO EXCEED \$554,931.20 FOR AN INITIAL TWO-YEAR TERM PLUS TWO, ONE YEAR OPTION TO RENEW TERMS, TO PURCHASE GROUP VIOLENCE INTERVENTION PROGRAM FOR THE JUVENILE SERVICES DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should approve waiving competitive bidding by a two-thirds vote of the members present and approve a bid waiver contract to The Research Foundation of the City University of New York on behalf of the National Network for Safe Communities at John Jay College ("NNSC" or "National Network") for a two-year term plus two, one-year option to renew terms in an amount of up to \$554,931.20 to purchase group violence intervention program services for the Juvenile Services Department.

**APPLICABLE LEGISLATION/POLICY**

**Section 5.03(D) of the County's Home Rule Charter** provides 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.

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

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

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Resolution No. R-716-12**, adopted 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 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 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>

**BCC Meeting: March 19, 2019**  
**Research Notes**

**Resolution No. R-750-18**, adopted July 10, 2018, directed the County Mayor to collaborate with the Circle of Brotherhood, Community Youth Against Violence, Southern Christian Leadership Conference, and Urban Partnership of Miami-Dade County Coalition to develop a program to reduce youth gun violence.

<http://www.miamidade.gov/govaction/matter.asp?matter=181594&file=true&fileAnalysis=false&yearFolder=Y2018>

**Resolution No. R-477-18**, adopted 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>

**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: Audrey M. Edmonson, District 3**

**Department/Requester: Internal Services**

#### **ANALYSIS**

This item is requesting approval to award a bid waiver contract by a two-thirds vote of the Board members present to the Research Foundation of the City University of New York on behalf of the National Network for Safe Communities at John Jay College ("NNSC" or "National Network") for a two-year term plus two, one-year option to renew terms in an amount of up to \$554,931.20 to purchase group violence intervention program services for the Juvenile Services Department. The County is contracting for the development, implementation and operation of a Group Violence Intervention Program (GVI) to be located within designated Miami-Dade County communities. The GVI is designed to reduce gun and gang related violence. The contract includes GVI consulting services aimed at expanding the program as needed.

Prior to recommending this contract, the County convened an Exploratory Committee consisting of members from the Miami-Dade Police Department, City of Miami Police Department, Miami Gardens Police Department, Miami-Dade State Attorney's Office, Miami-Dade Public Defender's Office, Miami-Dade County Juvenile Services Department, the U.S. Attorney's Office, Florida Department of Corrections, Miami-Dade County Department of Corrections and the Miami-Dade Anti-Gang Strategy Liaison to review three programs to reduce gun and gang related violence:

1. The National Network for Safe Communities at John Jay College (National Network);
2. The Office of Neighborhood Safety; and
3. The Cure Violence Health Model.

The Exploratory Committee selected the National Network as the best program for the County. The National Network provides a unique, multi-pronged approach, which involves the community as a whole, and relies on direct communication with violent groups by a partnership of law enforcement, social service providers, and community figures. This approach has been implemented in over 30 major cities and has been endorsed by the U.S. Department of Justice and national advocacy groups.



**BCC Meeting: March 19, 2019**  
**Research Notes**

Key services to be delivered under the contract are:

- Assess the group violence dynamics in Miami-Dade County to craft an appropriate operational strategy for the implementation of a GVI;
- Perform a comprehensive problem analysis of violence in the targeted areas of the County and Miami Gardens, including a group network assessment, violent incident review and crime analysis;
- Work with County local leadership and the identified Project Manager to implement GVI;
- Submit a detailed implementation plan and timetable, including deadlines, deliverables and responsible staff for each task to be provided to the County for approval no later than 60 days after contract execution; and
- Provide on-site technical assistance.

Additionally, National Network has a 12-month Action Plan which is constituted as follows:

- Goal 1 - Strengthen the Community Coalitions' organizational structure
- Goal 2 – Increase the community coalitions leadership
- Goal 3 – Assist community coalitions working through a strategic planning process
- Goal 4 – Establish Strategically located peace hubs County-wide
- Goal 5 – Establish Youth Coalitions County-wide
- Goal 6 – Establish Stop the Violence Teams County-wide

The fiscal impact for the initial two-year term is \$354,931.20, i.e., \$225,000 for year one and \$129,931.20 for year two. Each option to renew term of one-year each is valued at \$100,000. Accordingly, should the County elect to exercise at its sole discretion, the two, one-year options-to-renew, the estimated cumulative value will be \$554,931.20. The funding source is the General Fund. The payment schedule is based on invoices that will be submitted to the County on a quarterly basis which will divide the annual fee into four payments.

Currently, the County has a two-year and four-month contract (D9883-0/18), expiring on March 31, 2019, with Ummah Futures International, LLC, a Miramar-based company for Gang Prevention Services. The contract is valued at \$236,925.00. It is worth noting that this contract is distinguishable in scope from the proposed contract, making the proposed contract the first of its kind for the County.

The commodity codes found on the SBD Project Worksheet for the contract are 91832 (Consulting Services) and 95295 (Youth Care Services). A March 15, 2019 search on the Business Management Workforce System for local certified small business enterprises under the codes yielded a total of 13 vendors.

**ADDITIONAL INFORMATION**

Article focused on the importance and effect of having a GVI program titled “The effects of “pulling levers” focused deterrence strategies on crime”

<https://www.campbellcollaboration.org/library/pulling-levers-focused-deterrence-strategies-effects-on-crime.html>

Article focused deterrence strategies and crime control by Anthony A. Braga, David Weisburd and Brandon Turchan Criminology & Public Policy Volume 17, Issue 1, focuses on the positive outcomes of GVI programs.

<https://onlinelibrary.wiley.com/doi/full/10.1111/1745-9133.12353>

Jacksonville Florida Sheriff's Office similarly contracted National Network under a sole source contract on May 27, 2018 through May 26, 2019 in an amount of \$81,820.00.

<http://www2.coj.net/rfp/documents/SoleSource/SS-0499-18.pdf>



**BCC Meeting: March 19, 2019**

**Research Notes**

**Item No. 8F3**

**File No. 190514**

**Researcher: PGE Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01056 FOR PURCHASE CHEMICAL AND BIOLOGICAL TESTING AND SAMPLING SERVICES FOR MULTIPLE DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$4,075,000.00 FOR A FIVE-YEAR TERM; 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 authorize the award of *Contract No. FB-01056, Chemical and Biological Testing and Sampling Services*, to Pace Analytical Services, LLC for a five-year term in an amount of up to \$4,075,000 for the Aviation, Regulatory and Economic Resources, Solid Waste Management and Water and Sewer departments.

**APPLICABLE LEGISLATION/POLICY**

**Chapter 24 of the County Code** relates to environmental protection, Biscayne Bay and environs designated aquatic park and conservation areas, the Biscayne Bay Environmental Enhancement Trust Fund and the Environmentally Endangered Lands Program.

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

[\\_dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR](https://library.municode.com/fl/miami/_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR)

**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-477-18**, adopted 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 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-716-12**, adopted 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>

**Resolution No. R-140-15**, adopted February 3, 2015, directs the County Mayor to conduct a full review prior to the re-procurement of replacement contracts for goods and services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County and include such information in recommendations to the Board.

## BCC Meeting: March 19, 2019

### Research Notes

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

**Resolution No. R-1011-15**, adopted 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 and include such information in memorandum to the Board pertaining to a vendor being recommended for contract award.

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

**Resolution No. R-740-13**, adopted September 17, 2013, approved award of a contract to Pace Analytical Services, Inc. for the purchase of scientific investigations as well as chemical and biological testing and sampling services for County departments for a five-year term for \$2,539,000.

<http://intra/gia/matter.asp?matter=131755&file=true&yearFolder=Y2013>

**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.

<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 Capital Improvements Committee at its March 12, 2019 meeting. At the meeting, the Administration requested that the item be waived to the March 19, 2019 Board meeting.

### **ANALYSIS**

This item is requesting that the Board approve the award of *Contract No. FB-01056* to Pace Analytical Services, LLC (Pace) for the purchase of chemical and biological testing and sampling services for County departments for a five-year term in the amount of \$4,075,000. The user departments are Aviation, Regulatory and Economic Resources (RER), Solid Waste Management and Water and Sewer. RER is the largest user, requesting \$2,367,000 for the contract term. Pace is a foreign limited liability company, with a principal address at 1800 Elm Street SE, Minneapolis, Minnesota, and a local address at 6175 NW 153 Street, Suite 101, Miami Lakes, Florida.

The solicitation was advertised on December 12, 2018. The purpose of the solicitation was to establish a contract for the purchase of chemical and biological testing, sampling services and scientific investigation for the County to comply with federal, state and local environmental regulations. The County tests drinking water, groundwater, surface water, saline water, soils, sediments, effluents, hazardous and solid waste and tissue. The solicitation included three groups: (A) Testing water and soil samples for metals, organics, hazardous waste and radionuclides; (B) Storm Water Sampling Program; and (C) Testing and sampling parameters to meet County Code requirements. To qualify for award, the bidder must provide laboratory certification from the Florida Department of Health, National Environmental Laboratory Accreditation Program. The certification shall be maintained during the contract term.

The method of award was to the lowest-priced responsive and responsible bidden by group in the aggregate. Four vendors responded to the solicitation plus one "No Bid". The recommended vendor, *Pace*, is the incumbent awardee.

The current contract (7964-0/18) is valued at \$3,168,400 for a term of five years and six months, expiring on April 30, 2019. The expiration date reflects a six-month administrative extension from original expiration date of October 31, 2018. The replacement contract is valued at \$4,075,000 for a five-year term. The annual allocation under the replacement contract (\$815,000) is higher

**BCC Meeting: March 19, 2019**  
**Research Notes**

than the annual allocation under the current contract (\$576,072.72). The mayoral memorandum indicates that the allocation under the replacement contract is higher than the current contract due to the addition of various tests needed to meet environmental regulations. Note that the City of Miami Beach accesses the County's current contract for these services.

The initial contract prices resulting from the solicitation shall remain fixed for a period of no less than 12 months from the contract's effective date. Following the initial 12-month period, the fixed prices may be adjusted upward or downward on an annual basis based on the changes to the Employee Cost Index Total Compensation for private industry workers in professional, scientific and technical services.

There are five commodity codes on the SBD Project Worksheet for this solicitation – (1) 11505, Biochemical Reagents and Tests; (2) 49526, Biology Specimens and Cultures; (3) 96148, Laboratory and Field Testing Services; (4) 96222, Chemical Laboratory Services; and (5) 99226, Biological and Microbiological Testing Services. A March 15, 2019 search on the Business Management Workforce System for local certified small business enterprises under those codes was performed, yielding the following:

- EBS Engineering, Inc. (96148)
- GCES Engineering Services, LLC (96148)
- Geosol, Inc. (96148)
- Spotlight Geophysical Services, LLC (96148)

**ADDITIONAL INFORMATION**

Pace Analytical Services, Inc., a sampling and analytical testing company, provides analytical testing and emergency disaster response services. It offers environmental services, including environmental field and analytical support, specialty environmental, non-environmental, testing, remediation and forensics, and emergency response services; chemistry services, such as method development/method validation method transfer/method verification stability testing and storage raw material testing, quality control release testing, drug release/dissolution, extractable/leachable testing, residual solvents testing, and elemental impurities testing; and microbiology laboratory services, including sterile product support, non-sterile product support, and facility environmental monitoring services. The company also provides scientific workflow solutions, such as scientific staffing, regulatory, equipment sale/auction, and instrument support services that support laboratory, staffing, and consulting needs. It serves customers in pharmaceuticals and medical device industries. Pace Analytical Services, Inc. was founded in 1978 and is based in Minneapolis, Minnesota. The company operates a network of laboratories and service centers in the United States. Pace Analytical Services, Inc. operates as a subsidiary of LAB Holdings Inc.

<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapid=1025314>

**BCC Meeting: March 19, 2019**

**Research Notes**

**Item No. 8F4**

**File No. 190236**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00901 TO CONTROL TECHNOLOGIES, INC. FOR GROUPS A AND B AND AUTHORIZING ESTABLISHMENT OF A PREQUALIFICATION POOL FOR GROUP C FOR THE PURCHASE OF TRAFFIC CONTROL EQUIPMENT AND STREET LIGHTING PRODUCTS FOR MULTIPLE DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$19,112,000.00 FOR A FIVE-YEAR TERM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38; 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 FOR GROUP C 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 award of *Contract No. FB-0091*, consolidating three existing prequalification pools, in a total amount of up to \$19,112,000 for a five-year term for the purchase of traffic control equipment and street lighting products for multiple departments. The awards for the three different contract groups are as follows:

- *Group A: Traffic Control Equipment and Related Items – Non-Federal Funds*: Control Technologies, Inc.
- *Group B: Control Equipment, Supplies, and Street Lighting Products*: Control Technologies, Inc.
- *Group C: Miscellaneous Traffic Control Equipment, Supplies, and Street Lighting Products – Prequalification Pool*; vendors prequalified for the pool are as follows:
  - Control Technologies, Inc. – non-local vendor
  - Inversiones Papelmania 2000, Inc. dba Papelmania USA (SBE) – local vendor
  - South Dade Electrical Supply, Inc. – local vendor

**APPLICABLE LEGISLATION/POLICY**

**Section 316.0745, Florida Statutes** (Uniform Signals and Devices) requires bidders who intend to sell or install a transportation device to follow the Florida Department of Transportation's Approved Product's List's approval process.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=316.0745&URL=0300-0399/0316/Sections/0316.0745.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=316.0745&URL=0300-0399/0316/Sections/0316.0745.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](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 September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

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

**BCC Meeting: March 19, 2019**  
**Research Notes**

**Resolution No. R-187-12**, adopted 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-140-15**, adopted 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-477-18**, adopted May 1, 2018, directs the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

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

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

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

### **PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item was forwarded to the BCC with a favorable recommendation by the Transportation and Finance Committee at its March 13, 2019 meeting.

### **ANALYSIS**

The proposed resolution is for Board approval of a contract award to Control Technologies, Inc. for Groups A & B, and establishment of a prequalification pool for Group C, for which Control Technologies, Inc. is one of three prequalified vendors, for a total amount of up to \$19,112,000 for a five-year term. The contract will allow for the provision of traffic equipment and street lighting products, to be installed by County staff, to the Department of Transportation and Public Works in order to maintain street lighting and traffic signals in working order. The following departments will utilize this contract to fabricate signs or procure blank signs for County facilities on an as-needed basis, at the specified amounts:

- Aviation - \$50,000
- Parks, Recreation, and Open Spaces - \$200,000
- PortMiami - \$225,000
- Solid Waste Management - \$150,000

Transportation and Public Works will have the greatest usage of the contract at \$18,487,000 (97% of the total contract amount) as the department depleted their materials during hurricane season and additional materials are required to address the department's traffic equipment and street lighting product needs.

This contract consolidates three existing prequalification pools:

- *1191-5/18-5, Traffic Controller Assemblies & Related Equipment*, valued at \$24,722,000 for ten years and six months, expiring April 30, 2019.

**BCC Meeting: March 19, 2019**  
**Research Notes**

- *1826-0/18, Poles Signal/Street Light, Etc.*, valued at \$4,635,000 for five years and six month, expiring on March 31, 2019; and
- *8473-4/12-4, Traffic Control Sign Fabrication*, valued at \$14,335,000 for eleven years, expiring on April 30, 2019.

The findings of ISD's market research suggest that contract consolidation will produce the benefits of price reduction, reduction in acquisition cycle times, quality improvements, and administrative cost savings.

Of the 11 awarded vendors in the three existing pools, just two are prequalified vendors for the new Group C pool: Control Technologies, Inc. and South Dade Electrical Supply, Inc. Control Technologies, Inc. was the sole vendor to respond to Groups A, B, and C before the solicitation closing date, with two additional vendors responding after the closing date. All three vendors are being recommended for the Group C pool.

One of the vendors prequalifying for the pool is an SBE, and two of the three vendors have a local address, which amounts to lower than the 75% local vendor threshold prescribed by Resolution No. R-477-18. The Mayoral Memorandum cites the limited number of vendors that comply with Section 316.0745 Florida Statutes, requiring bidders who intend to sell or install a transportation device to follow the Florida Department of Transportation's Approved Product's List's approval process, as the reason for minimal local vendors prequalifying for the pool.

OCA performed a commodity code search in the County's Business Management Workforce System (BMWS) on March 15, 2019 for the four applicable commodity codes - 55058-Signal Torches, Kerosene; 55079-Traffic Control Devices, Non-Electric (Including Rumble Strips, Etc.); 55081-Traffic Controls And Equipment, Electric Parts; 55082-Traffic Counters, Monitors, And Accessories – yielding zero results. It is therefore unclear under which commodity code the prequalified vendor identified as an SBE, Inversiones Papelmania 2000, Inc. dba Papelmania USA, qualified for the pool.

It should be noted that the commodity codes of the three existing prequalification pools, as noted in the County's Bid Tracking System, differ from the commodity codes listed in the new pool's Project Worksheet.



**BCC Meeting: March 19, 2019****Research Notes****Item No. 8K1****File No. 190152****Researcher: IL Reviewer: TD**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, PURSUANT TO RESOLUTION NO. R-232-14, TO EXECUTE RENEWALS AND THIRD CONTRACT EXTENSIONS WITH FAMILY CHRISTIAN ASSOCIATION OF AMERICA, INC. AND BEEFREE, LLC, TO COMPLETE TWO COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED PROJECTS, IN ORDER TO EXTEND THE EXPIRATION DATE OF SUCH CONTRACTS UNTIL SEPTEMBER 30, 2019, WITH AN OPTION, AT THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE SOLE DISCRETION, TO GRANT ONE ADDITIONAL ONE-YEAR EXTENSION OF EACH CONTRACT UNTIL SEPTEMBER 30, 2020; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE OTHER AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES SET FORTH HEREIN AND TO EXERCISE THE PROVISIONS SET FORTH IN SUCH CONTRACTS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize a renewal and third contract extension with Family Christian Association of America, Inc. (Family Christian) and Beefree, LLC., (BeeFree) to complete two community development block grant (CDBG) funded projects, in order to extend the expiration date of such contracts until September 30, 2019 an additional one year option to extension of each until September 30, 2020 for the Public Housing and Community Development (PHCD) department.

**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-232-14**, adopted March 4, 2014, restricting contract extensions for persons or entities funded with the community development block grant, home investment partnerships, documentary surtax (affordable housing), state housing initiatives partnership program (SHIP), or emergency solutions grant funds.

<http://www.miamidade.gov/govaction/matter.asp?matter=140181&file=true&fileAnalysis=false&yearFolder=Y2014>

**Resolution No. R-165-13**, adopted March 5, 2013, approving the FY-2013 action plan funding recommendations and updates to the FY-2013-2017 consolidated plan and authorizing The filing with the U.S. Department of Housing and Urban Development (U.S. HUD) Miami-Dade County's FY 2013 action plan with projected uses of funds for FY 2013 Community Development Block Grant (CDBG), Home Investment Partnerships (Home), The Emergency Solutions Grant (ESG) Programs And Community Development Block Grant (CDBG) Program Income and Home Investment Partnerships Program Income Funds.

<http://www.miamidade.gov/govaction/matter.asp?matter=130612&file=false&fileAnalysis=false&yearFolder=Y2013>

**Resolution No. R-356-13**, adopted May 7, 2013, authorized the County Mayor to amend the FY 1998 through FY 2013 action plans to recapture and reallocate \$6,181,625.04 of Community Development Block Grant funds; allocate \$260,362.00 of FY 2013 CDBG funds to Commission Districts 11 and 12.

<http://www.miamidade.gov/govaction/matter.asp?matter=130570&file=true&fileAnalysis=false&yearFolder=Y2013>

**Resolution No. R-685-14**, adopted July 17, 2014, approved the FY 2014 action plan funding recommendations and updates to the FY 2013-2017 consolidated plan; authorizing the filing with the U.S. Department of Housing and Urban Development (U.S. HUD) Miami-Dade County's FY 2014 action plan with projected uses of funds for FY 2014 Community Development Block Grant (CDBG), Home Investment Partnerships (Home), Emergency Solutions Grant (ESG), and State Housing Initiatives Partnership (SHIP) program funds.

<http://www.miamidade.gov/govaction/matter.asp?matter=141629&file=true&fileAnalysis=false&yearFolder=Y2014>

**Resolution No. R-728-16**, adopted July 19, 2016, approved the FY 206 Action Plan, which includes substantial amendments and annual update to the FY 2013-2017 consolidated plan and the FY 2016 funding recommendations, for \$10,223,767.00 of



## BCC Meeting: March 19, 2019

### Research Notes

Community Development Block Grant (CDBG) funds, including CDBG program income, \$4,355,958.00 of Home Investment Partnerships (HOME) funds, including Home Program Income, and \$985,426.00 of Emergency Solutions Grant (ESG) funds.

<http://www.miamidade.gov/govaction/matter.asp?matter=161637&file=true&fileAnalysis=false&yearFolder=Y2016>

**Resolution No. R-762-17**, adopted July 18, 2017, approved the Fiscal Year (FY) 2017 action plan, which includes an annual update to the FY 2013-2017 consolidated plan, approving the FY 2017 funding recommendations for \$11,553,854.00 of Community Development Block Grant (CDBG) funds, \$1,400,086.00 of Home Investment Partnerships (HOME) funds, and \$1,005,743.00 of Emergency Solutions Grant (ESG) funds; authorizing substantial amendments to the FY 2008-2012 and FY 2013-2017 consolidated plans and the FY 2009-2016 action plans for the recapture and reallocation of CDBG funds in the amount of \$719,656.69 and home funds in the amount of \$745,092.36

<http://www.miamidade.gov/govaction/matter.asp?matter=171796&file=true&fileAnalysis=false&yearFolder=Y2017>

**Resolution No. R-489-97**, adopted May 6, 1997, authorization of forty grants from the FY 1996-1997 Tourist development room tax plan for a total amount of \$354,484.00 of which Family Christian Association of America received \$8,000.00.

**Resolution No. 762-96**, adopted July 2, 1996, approval of twenty-five grants for a total of \$112,280 of which Family Christian Association of America received \$5,740.00

<http://www.miamidade.gov/govaction/matter.asp?matter=961534&file=false&fileAnalysis=false&yearFolder=Y1996>

**Ordinance No. 14-65**, adopted 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: Housing, Social Services & Economic Development Committee**

**Department/Requester: Public Housing and Community Development**

This item was brought before the March 11, 2019 HSSEC committee. The item was forwarded with a favorable recommendation and waived to the March 19, 2019 BCC.

### **ANALYSIS**

This item proposes that the Board authorize a renewal and third contract extension with Family Christian Association of America, Inc. and Beefree, LLC., to complete two Community Development Block Grant (CDBG) funded projects, in order to extend the expiration date of such contracts until September 30, 2019 an additional one year option to extension of each until September 30, 2020 for the Public Housing and Community Development (PHCD) department.

The extension is for CDBG funding contracts, one for Family Christian and the other for BeeFree. The Family Christian project was originally funded in FY-2013 and has received multiple extensions evidenced by Resolution No.s R-165-13, R-356-13, R-685-14, R-728-16 and R-762-17 totaling \$1,265,735.86. The scope of the Family Christian contract is centered on the renovation of a day care center located at the Family Christian's Youth Family Development Center. Setbacks were associated with a greater amount of asbestos and mold being found required more remediation than originally anticipated.

The extension requested is for 12 months, however, it is important to note that the Mayor's memo states that Family Christian is only 2 percent complete after 96 months of performance. The memo states that project completion and close out of the project (the remaining 98%) will be acquired as a result of this extension. Please note that the Mayor's memo states that all permits are now in place and a new executive director and project manager have been hired to undertake the completion of this contract.

The BeeFree contract was originally funded in FY-2015 for a total of \$175,000 and the scope of work was the installation of charging stations for electric cars throughout various locations in Miami-Dade County. This contract expired on September 30,

## **BCC Meeting: March 19, 2019**

### **Research Notes**

2018 and is seeking to have a 12 month extension as well. The Mayor's memo states that BeeFree's setbacks were centered on the entities focus on building its new office facility, a project outside the scope of BeeFree's contract with Miami-Dade County. In an effort to streamline their permitting process, BeeFree delayed the completion of the CDBG-funded project using the rationale that one set of permits and plans would save time and be more cost effective. BeeFree states that final plans and permit were ready in December 2018 and the project status at this time is complete.

#### **ADDITIONAL INFORMATION**

The State Housing Initiatives Partnerships (SHIP) Program provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multi-family housing. The program was designed to serve very low, low and moderate income families.

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

Under Sections 201.02 and 201.031 of the Florida Statutes, certain counties are authorized to levy a surtax on documents that transfer interest in Florida real property. Transfers of interest in single-family residences are exempt from this documentary surtax. In 1984, Miami-Dade County exercised this authority, and established a Housing Assistance Loan Trust Fund, and implemented the Documentary Surtax Program to benefit very low, low and moderate income families.

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

The Home Investment Partnerships (HIP) program is designed to expand the supply of decent and affordable housing, particularly rental housing, for low and very low income individuals; strengthen the abilities of State and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing; provide both financial and technical assistance to participating jurisdictions, including the development of model programs of affordable housing for very low, and low income families; and expand and strengthen partnerships among all levels of government and private sector in the production and operation of affordable housing.

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

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

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

The following questions were presented to the Department on Wednesday March 13, 2019. Response was not received by March 15, 2019 publication. (Note this item was waived from committee to board reducing response time.):

- How does Family Christian intend on finalizing the remaining 98% of the contract during the extension period?
- Is there a project schedule showing the deliverables and when substantial and final completion will be attained?
- How many charging stations did BeeFree install and where did they install them?
- The Mayor's memo states that the status of BeeFree's contract is complete? What was completed?
- Lastly, why do we need to extend the contract for BeeFree to do the closeout and project completion? Are these administrative functions that can be done absent a contract extension?

#### **ADDITIONAL INFORMATION:**

The Family Christian Association of America, Inc. is a charity registered with the Check a Charity site of the Florida Department of Agriculture and Consumer Services

<https://csapp.800helpfla.com/CSPublicApp/CheckACharity/CheckACharity.aspx>

<http://www.fcaafamily.org/fcaa/founder.html>

**BCC Meeting: March 19, 2019**

**Research Notes**

**Item No. 8L1**

**File No. 190143**

**Researcher: LE Reviewer: TD**

RESOLUTION AUTHORIZING THE DISBURSEMENT OF UP TO \$98,000.00 FROM THE BISCAYNE BAY ENVIRONMENTAL ENHANCEMENT TRUST FUND FOR BAYNANZA 2019; APPROVING AGREEMENT WITH THE FLORIDA INLAND NAVIGATION DISTRICT TO PROVIDE FUNDING TO MIAMI-DADE COUNTY FOR BAYNANZA 2019; AND AUTHORIZING MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the disbursement of up to \$98,000 from the Biscayne Bay Environmental Enhancement Trust Fund for Baynanza 2019; and approve an agreement with the Florida Inland Navigation District (FIND) to provide funding to the County for Baynanza 2019.

**APPLICABLE LEGISLATION/POLICY**

**Chapter 24-40(4) of the Miami-Dade County Code**, creates the Biscayne Bay Environmental Enhancement Trust Fund in which the monies shall be disbursed only for environmental enhancements of Biscayne Bay and its foreshore.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH24E\\_NPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR\\_ARTIINGE\\_DIV4TRFE\\_S24-40BIBAENENTRFU](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH24E_NPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV4TRFE_S24-40BIBAENENTRFU)

**Florida Inland Navigation District Waterway Cleanup Program Rules (66B-2.016 Waterways Cleanup Events)** explains the process of proposals (applications) to be accepted for financial assistance for the organized removal of refuse within the District's waterways.

<https://www.flrules.org/gateway/RuleNo.asp?title=WATERWAYS%20ASSISTANCE%20PROGRAM&ID=66B-2.016>

**Section 258.397 of the Florida Statutes** designates and establishes Biscayne Bay in Miami-Dade and Monroe Counties as an aquatic preserve.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=258.397&URL=0200-0299/0258/Sections/0258.397.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=258.397&URL=0200-0299/0258/Sections/0258.397.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: Infrastructure and Capital Improvements Committee**

**Department/Requester: Regulatory and Economic Resources**

During the ICI meeting on March 12, 2019, Commissioner Jordan requested that the item be waived to the March 19, 2019 BCC. The resolution was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The resolution seeks Board authorization for the disbursement of up to \$98,000 from the Biscayne Bay Environmental Enhancement Trust Fund for Baynanza 2019 and execution of an agreement with the Florida Inland Navigation District (FIND) to provide up to \$10,000 toward Baynanza 2019 expenses.

The funding source is the Biscayne Bay Environmental Enhancement Trust Fund, which as of November 21, 2018, has a balance of \$5,675,103. The \$98,000 requested from the Trust will go towards related County and outside services for educational, public awareness, and environmental enhancement activities. Costs for the Biscayne Bay Cleanup Day event will include event staffing, safety and sanitation equipment, supplies and services, trash collection and disposal, commemorative t-shirts for volunteers, and equipment rental and marketing. The agreement with FIND will provide up to \$10,000 towards Baynanza t-shirts. Additionally,

**BCC Meeting: March 19, 2019****Research Notes**

the Department of Regulatory and Economic Resources (RER) Division of Environmental Resources Management will seek additional funds and in-kind services through sponsorships from local organizations. The cost of the event is expected to exceed the funding amounts requested and the additional costs for planning and implementation will be paid from the Division of Environmental Resources Management's operating budget.

Baynanza is an annual event as part of the County's commitment to enhance public awareness of Biscayne Bay as a recreational, aesthetic, economic, historic, scientific, and environmental resource. The event will occur on April 13, 2019 and will include shoreline cleanup at 21 sites along Biscayne Bay. Baynanza 2019 events will benefit the waterways and coastal areas of Commission District 3, 4, 5, 7, 8, and 9. The event typically attracts approximately 6,000 volunteers. Volunteers each receive a commemorative t-shirt. Furthermore, this event will mark the 37<sup>th</sup> anniversary of the Biscayne Bay Cleanup Day.

The chart below shows the budget expense for Baynanza 2019:

<b>Baynanza Biscayne Bay Cleanup Day 2019 Budget</b>		
<b>Description</b>	<b>Cost</b>	<b>Contributions</b>
Sanitation Equipment & Supplies (toilets, dumpsters, recycle trash, biohazard disposal)	\$10,000	
Commemorative t-shirts (7,200 shirts)	\$26,000	From FIND: \$10,000
Staff Day of the Event	\$24,000	
Staff Event Planning	\$15,000	
Event Supplies (water, ice, garbage bags, etc.) for the volunteers	\$2,500	
Cargo Equipment Rental/Services/Parks Showmobile	\$6,000	
Site Signage and Banners	\$500	
Commemorative Calendar of Events	\$6,500	
Miscellaneous Supplies	\$1,000	
Registration Form (2,000 copies)	\$500	
Cleanup Sites Organizer's Kit (Safety kits, etc.)	\$2,000	
Postage	\$2,000	
Transportation (Vehicles/Vans)	\$2,000	
<b>Total</b>	<b>\$98,000</b>	<b>\$10,000</b>

**ADDITIONAL INFORMATION**

Baynanza is a celebration of Biscayne Bay and its significance as one of our most important ecological systems in South Florida. While Baynanza includes more than 25 great events throughout March and April, the event that has become nearly synonymous with this celebration is the Biscayne Bay Cleanup Day.

<http://www.miamidade.gov/environment/baynanza.asp>

The Florida Inland Navigation District (FIND) is a special State taxing district for the continued management and maintenance of the Atlantic Intracoastal Waterway (ICW). FIND was created by the Florida Legislature in 1927 to be State local sponsor for the Atlantic Intracoastal Waterway. This act authorized the purchase of the existing East Coast Canal, constructed by private interests, which ran from Jacksonville to Miami. Today, the Navigation District consists of the twelve counties along the east coast of Florida from Nassau through Miami-Dade.

<http://www.aicw.org/index.php>

**BCC Meeting: March 19, 2019**

**Research Notes**

**Item No. 8L2**

**File No. 190426**

**Researcher: PGE Reviewer: TD**

RESOLUTION APPROVING AMENDMENT V TO THE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE NATURE CONSERVANCY FOR CONTINUED PROVISION OF LAND ACQUISITION AND OTHER PROFESSIONAL SERVICES FOR THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM FOR A FOUR-YEAR PERIOD NOT TO EXCEED \$453,120.00, CONSISTING OF UP TO \$448,120.00 IN CONTRACT FEES AND UP TO \$5,000.00 IN OPTION FEE REIMBURSEMENTS; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve Amendment V to the existing agreement between Miami-Dade County and the Nature Conservancy for continued provision of land acquisition and other professional services for the County's Environmentally Endangered Lands Program for a four-year period in an amount of up to \$453,120.

**APPLICABLE LEGISLATION/POLICY**

**Division 3 of Chapter 24 of the County Code** sets forth the Environmentally Endangered Lands Program. The Miami-Dade County Environmentally Endangered Lands Program is established to acquire, preserve, enhance, restore, conserve, and maintain threatened natural forest and wetland communities located in Miami-Dade County, for the benefit of present and future generations. Section 24-50.5(1) relates to the Environmentally Endangered Lands Acquisition Trust Fund; the fund is to be used for acquiring environmentally-endangered lands in the County.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch24\\_arti\\_div3](http://miamidade.fl.elaws.us/code/coor_ptiii_ch24_arti_div3)

**Resolution No. R-189-01**, adopted March 8, 2001, authorized the execution of an agreement for professional services with the Nature Conservancy Charitable Trust.

<http://intra/gia/matter.asp?matter=010228&file=false&yearFolder=Y2001>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Regulatory and Economic Resources**

The item was forwarded to the Board with a favorable recommendation by the Infrastructure and Capital Improvements Committee at its March 12, 2019 meeting. At the meeting, the Administration requested that the item be waived to the next Board meeting.

**ANALYSIS**

This item is requesting that the Board approve the execution of Amendment V to the existing Professional Services Agreement (PSA) between the County and the Nature Conservancy Charitable Trust (Nature Conservancy) for continued delivery of land acquisition and other services for the County's Environmentally Endangered Lands (EEL) Program for a four-year period in an amount of up to \$453,120. The current agreement expires on April 19, 2019. This amendment extends the agreement through April 19, 2023.

Funding for the extension term is from the EEL Acquisition Trust Fund. The funding breakdown for the four year period is as follows: (1) for the period of April 20, 2019 to April 19, 2020, the County shall pay \$107,113; (2) for the period of April 20, 2020 to April 19, 2021, the County shall pay \$110,326; (3) for the period of April 20, 2021 to April 19, 2022, the County shall pay \$113,636; and (4) for the period of April 20, 2022 to April 19, 2023, the County shall pay \$117,045. Additionally, there is up to \$5,000 in option fee reimbursements to the Nature Conservancy.

**BCC Meeting: March 19, 2019**  
**Research Notes**

All fees shall be paid on a cost reimbursable basis in accord with the PSA's fee schedule. Under the fee schedule, the hourly rate range for the Land Program Manager is \$54.22 at the low end to \$92.11 at the high end. The hourly rate range for the Field Representative is \$31.51 at the low end to \$50.45 at the high end.

On March 8, 2001, pursuant to Resolution No. R-189-01, the Board authorized the execution of a PSA with the Nature Conservancy to assist the County in the acquisition of lands under the EEL Program and other conservation land acquisitions for a three-year term plus three additional one-year periods. In 2007, 2009, 2011 and 2015, the Board approved amendments to the agreement for time extensions and annual expenditure amounts.

It is important to note that the Nature Conservancy has been working under contract with the County since 1994. The Nature Conservancy has expertise in government land acquisition. Under the PSA, the level of services provided by the Nature Conservancy is determined by the County. Through the recommended amendment, the Conservancy shall maintain one Field Representative in the EEL Program offices who is experienced in negotiating conservation land purchases within the South Dade Wetlands Acquisition Project.

Negotiated purchase contracts will be prepared and reviewed by the Conservancy's staff, and the Conservancy will provide legal and administrative support to Conservancy staff at no cost to the County. Up to three times each year, the Conservancy shall consult with County land managers regarding sites that have been acquired. Under the PSA, the Conservancy also provides assistance with County grants, intergovernmental relations, and public information. It is important to note that the Conservancy performed a total of 63 negotiated land acquisitions on behalf of the County per the EEL Program during the current extension period. Attached to this research note is a spreadsheet showing the folio numbers for those acquisitions as well as the date of the acquisition.

**ADDITIONAL INFORMATION**

The Nature Conservancy is a charitable environmental organization, headquartered in Arlington, Virginia, focused on conserving the lands and waters on which all life depends. The Conservancy pursues non-confrontational, pragmatic solutions to conservation's challenges, working with partners including indigenous communities, businesses, governments, multilateral institutions and other nonprofits.

<https://www.nature.org/en-us/>

Environmentally Endangered Lands Program focuses on the protection and conservation of endangered lands. The program identifies environmentally endangered lands for acquisition and preservation.

<https://www.miamidade.gov/environment/endangered-lands.asp>



FOLIO	DATE
1. 3089130000300	11-Jun-18
2. 3089130000300	25-Jun-15
3. 3089140000450	09-Jul-15
4. 3089140000024	07-Mar-16
5. 3089060010330	09-May-18
6. 3089090000900	14-Jun-17
7. 3089030001100	14-Jun-17
8. 3079250015400	06-Oct-17
9. 3089230000455	04-Sep-15
10. 3089070010031	10-Aug-15
11. 3089140000100	07-Jul-15
12. 3089130000082	26-May-16
13. 3089240001480	16-Oct-15
14. 3089230000900	26-Jun-15
15. 3089230000920	26-Jun-15
16. 3089030000730	26-Jul-17
17. 3089030000740	15-Aug-17
18. 3089240000080	10-Sep-15
19. 3089030000650	26-Jul-17
20. 3089090000870	19-Oct-17
21. 3089240000041	08-Dec-15
22. 3089090000050	11-May-17
23. 3089060010012	07-Aug-17
24. 3089140000063	11-Aug-15
25. 3089090000050	18-Jun-18
26. 3089090000040	21-Sep-17
27. 3089130000011	05-Aug-15
28. 3089150000310	23-Jan-17
29. 3089150000310	04-Sep-15
30. 3089150000110	07-Oct-15
31. 3089010001120	02-May-16
32. 3089100000660	31-May-17
33. 3089140000740	30-Oct-15
34. 3089240000010	04-Mar-16
35. 3089230000890	11-Aug-15
36. 3089230001170	10-Nov-15
37. 3089230001180	10-Nov-15
38. 3089240000270	10-Nov-15
39. 3089030000560	14-Jun-17
40. 3089130000160	04-Jan-18
41. 3089230000300	13-Nov-15
42. 3079350010050	07-Nov-17
43. 3089070010080	14-Feb-18
44. 3079350010041	18-Jan-19
45. 3089140000060	24-Jul-15
46. 3089140000091	30-Jun-15



47. 3089130001210	12-Jan-16
48. 3089090000010	09-Sep-16
49. 3089160000010	09-Sep-16
50. 3089160000040	09-Sep-16
51. 3089030000030	22-Jun-15
52. 3089100000560	20-Jul-18
53. 3089140000061	25-Jun-15
54. 3089090000120	07-Aug-17
55. 3089030000620	15-May-17
56. 3089030001110	15-May-17
57. 3089090000900	17-Nov-17
58. 3089090001050	15-May-17
59. 3079260010200	02-Jun-17
60. 3089060010330	18-Dec-15
61. 3089140000750	27-Jul-15
62. 3089240001470	18-Dec-15
63. 3089240001470	25-Feb-19
<b>63</b>	

**BCC Meeting: March 19, 2019**

**Research Notes**

**Item No. 11A10**

**File No. 190615**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING A LOAN TO PRESERVATION OF AFFORDABLE HOUSING OR RELATED ENTITY IN AN AMOUNT NOT TO EXCEED \$1,348,783.53 OF DOCUMENTARY STAMP SURTAX PROGRAM FUNDS, ALL BASED UPON PREPAYMENT BY PRESERVATION OF AFFORDABLE HOUSING CUTLER MEADOWS GLENN, LLC OF A PREVIOUS LOAN IN THE SAME AMOUNT, FOR DEVELOPMENT OF A MULTI-FAMILY AFFORDABLE HOUSING RENTAL PROJECT LOCATED APPROXIMATELY ONE MILE FROM THE CUTLER MEADOWS PROJECT LOCATED AT 11850 SW 216TH STREET; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE CONDITIONAL LOAN COMMITMENTS AND OTHER AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a loan to nonprofit organization, Preservation of Affordable Housing, or related entity, in an amount up to \$1,348,783.53 of Documentary Stamp Surtax Program funds. The loan is contingent upon payment of a previous loan in the same amount by related entity, Preservation of Affordable Housing Cutler Meadows Glen, LLC, before the loan's due date, pursuant to Section 17-02 of the County Code.

**APPLICABLE LEGISLATION/POLICY**

**Section 17-02 of the Code of Miami-Dade County** governs refinancing of affordable housing loans made to developers.

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

[dade county/codes/code of ordinances?nodeId=PTIIICOR\\_CH17HO\\_ARTIINGE\\_S17-02REAFHOLOMADE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH17HO_ARTIINGE_S17-02REAFHOLOMADE)

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

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

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Dennis C. Moss, District 9**

**Department/Requester: None**

This item was forwarded to the BCC by the BCC Chairperson with a favorable recommendation by the Housing, Social Services & Economic Development Committee at its March 11, 2019 following a request to waive the Board's Rules of Procedure, and allow the proposed resolution to be forwarded to the March 19, 2019 BCC meeting for consideration.

**ANALYSIS**

The proposed resolution is for Board approval of a loan to foreign nonprofit organization, Preservation of Affordable Housing, or related entity, in an amount up to \$1,348,783.53 of Documentary Stamp Surtax Program funds. The loan is contingent upon payment of a previous loan in the same amount by related entity, Preservation of Affordable Housing Cutler Meadows Glen, LLC, before the loan's due date, pursuant to Section 17-02 of the County Code which states:

*Any developer or other entity that has received a loan from Miami-Dade County for the provision of affordable housing and repays such loan in full before the date on which the loan is due in full, may upon approval of the Board of County Commissioners, have*

**BCC Meeting: March 19, 2019**  
**Research Notes**

*the repaid funds loaned to it, or a related entity, for additional eligible affordable housing projects. Developers must be in compliance with all County contracts and regulations.*

POAH made a request to allow early payment of the current Surtax loan, which has a maturity date of December 31, 2026, on February 6, 2019. The payoff amount for the current loan is \$1,348,783.53, an amount equal to that which would be received by POAH in a new loan, as prescribed by Section 17-02 of the County Code.

The new project for which the loan's funds would be utilized is located at 11850 SW 216<sup>th</sup> Street (image below) in District 9, approximately one mile from the existing project under contract. The intent is to utilize the new loan to construct a development of approximately 120 affordable housing rental units.



### ADDITIONAL INFORMATION

### ***Preservation of Affordable Housing (POAH)***

Preservation of Affordable Housing (POAH), a nonprofit developer active and registered to do business in Florida with its principal address in Boston, Massachusetts, is owner and operator of more than 10,000 affordable homes in eleven states and the District of Columbia. POAH specializes in the preservation of existing affordable housing that is at risk of being lost due to market pressures or physical deterioration. POAH has expertise in new construction and neighborhood-scale mixed-income development and mixed-use redevelopments.

<https://www.poah.org/>

<http://search.sunbiz.org/>

### *Cutler Meadows Glen Apartments*

Address: 11100 SW 196th Street, Miami, FL

Year Built: 1981

Acquisition Date: 2008

**Last Renovation:** 2009

Number of Units: 225

Tenancy: Senior/Family

**BCC Meeting: March 19, 2019**  
**Research Notes**

**Project Partners:**

- Prudential Mortgage Capital Company (PMCC)
- Local Initiatives Support Corporation (LISC)
- Florida Housing Finance Corporation (FHFC)
- Miami-Dade County, Office of Economic and Community Development (OECD)
- US Department of Housing and Community Development (HUD)



<http://www.cutlermeadowsglen-apts.com/>

<https://www.poah.org/property/florida/cutler-meadows-glen-apartments>

**BCC Meeting: March 19, 2019**  
**Research Notes**

**Item No. TBD**  
**File No. 190464**

**Researcher: PGE   Reviewer: TD**

RESOLUTION AMENDING RESOLUTION NO. R-64-14 TO AUTHORIZE THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AN AMENDMENT TO MIAMI-DADE COUNTY'S APPLICATION FOR THE DISPOSITION OF 11 COUNTY-OWNED PROPERTIES, WHICH ARE LOCATED WITHIN THE OPA-LOCKA BISCAYNE PLAZA PUBLIC HOUSING DEVELOPMENT (FL005074) AND IN THE MAGNOLIA NORTH AREA OF THE CITY OF OPA-LOCKA; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO ANNUAL CONTRIBUTIONS CONTRACTS, IF REQUIRED; TO EXECUTE ANY AGREEMENTS, RELEASES FROM DECLARATION(S) OF TRUST, AND ANY OTHER DOCUMENTS ON BEHALF OF THE COUNTY THAT MAY BE REQUIRED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND TO EXERCISE AMENDMENTS, MODIFICATIONS, CANCELLATION, AND TERMINATION CLAUSES CONTAINED THEREIN; DECLARING SURPLUS A TOTAL OF 18 COUNTY-OWNED PROPERTIES, AND REVISING THE INVENTORY LIST OF REAL PROPERTIES, AFTER A PUBLIC HEARING, TO INCLUDE SUCH PROPERTIES IN ACCORDANCE WITH SECTION 125.379(1), FLORIDA STATUTES; AUTHORIZING CONVEYANCE, IN ACCORDANCE WITH SECTION 125.379(2) FLORIDA STATUTES, OF NINE COUNTY-OWNED PROPERTIES TO CAZO CONSTRUCTION CORPORATION, A FLORIDA FOR PROFIT CORPORATION, AND NINE COUNTY-OWNED PROPERTIES TO PALMETTO HOMES OF MIAMI, INC., A FLORIDA FOR PROFIT CORPORATION, AT A PRICE OF \$10.00 FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD OR RENTED TO VERY LOW-, LOW- OR MODERATE-INCOME HOUSEHOLDS IN ACCORDANCE WITH THE MIAMI-DADE INFILL HOUSING INITIATIVE AND/OR DOCUMENTARY STAMP SURTAX PROGRAMS; AUTHORIZING THE CHAIRWOMAN OR VICE-CHAIRWOMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE COUNTY DEEDS; 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 DEEDS AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve: (1) amending Resolution No. R-64-14 to authorize the County Mayor to submit to the United States Department of Housing and Urban Development (HUD) a revision to the previously accepted disposition application for 11 County-owned vacant properties which were formerly the location of the Opa-Locka public housing development; (2) declaring seven vacant County-owned properties plus the 11 former Opa-Locka public housing development properties surplus and revising the County's inventory list of land designated for affordable housing to include these properties; and (3) authorizing the conveyance of nine of the properties to Cazo Construction Corporation and nine of the properties to Palmetto Homes of Miami, Inc. for the purpose of developing the properties with affordable single family homes and/or multi-family units to be sold or rented in accord with the Infill Housing Initiative Program and the Documentary Stamp Surtax Program.

**APPLICABLE LEGISLATION/POLICY**

**Section 125.379 of the Florida Statutes** governs the disposition of county property for affordable housing and requires each county to 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; properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)



**BCC Meeting: March 19, 2019**  
**Research Notes**

**Section 125.411 of the Florida Statutes** provides the form to be used for deeds of conveyance of land.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display\\_Statute&Search\\_String=125.411&URL=0100-0199/0125/Sections/0125.411.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html)

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

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVIIIHOIN\\_S17-121TIPU](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIHOIN_S17-121TIPU)

**Section 2-8.6.5 of the Miami-Dade 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](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

**Implementing Order No. 3-44** establishes the process for the implementation and management of the Infill Housing Initiative Program for Miami-Dade County.

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

**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>

**Resolution No. R-376-11**, adopted May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include: (1) background information explaining how, when and why the County acquired the property; (2) an itemized accounting of the County's past and proposed future investment in the property, including acquisition, rehabilitation and maintenance costs; (3) the amount and an explanation of any mortgages, fines, liens or other costs paid by the County in acquiring the property; (4) the location of the property, including the commission district; (5) the assessed value of the property; (6) a summary of the terms, duties and responsibilities to be imposed upon the recipient of the property pursuant to any agreements; (7) a summary of remedies available to the County in the event that the proposed recipient does not fully comply with said agreements; and (8) a summary of future controls and transfer restrictions on the property or, in lieu of a summary, a copy of any restrictive covenant, restrictive deed or other controls to be placed upon the property by the County at the time of transfer or sale.

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

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

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

**Resolution R-630-13**, adopted July 16, 2013, requires a detailed project budget, sources and uses statement, certifications as to past defaults on agreements with non-County funding sources and a due diligence check prior to the County Mayor recommending a commitment of County funds to social services, economic development, community development and affordable housing agencies and providers.

## BCC Meeting: March 19, 2019

### Research Notes

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

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

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

**Resolution No. R-380-17**, adopted 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-81-09**, adopted January 22, 2009, authorized the County Mayor to submit an amendment to the County's application for the disposition and rehabilitation of 26 public housing units located in the Opa-Locka public housing development to the United States Department of Housing and Urban Development in order to permit the County to convey said units to Habitat for Humanity of Greater Miami, Inc.

<http://intra/gia/matter.asp?matter=090720&file=false&yearFolder=Y2009>

**Resolution No. R-64-14**, adopted January 22, 2014, amended Resolution No. R-81-09 relating to the County's application for the disposition and rehabilitation of the Opa-Locka Biscayne Plaza Public Housing Development, authorizing the County Mayor to: (1) submit an amendment to the application to the United States Department of Housing and Urban Development; (2) negotiate ground leases with developers competitively selected by the Housing Finance Authority for development of certain properties in the City of Opa-Locka for veterans or other special needs persons; and (3) utilize veterans affairs supportive housing vouchers or any other subsidy to assist qualified applicants.

<http://intra/gia/matter.asp?matter=140026&file=true&yearFolder=Y2014>

**Resolution No. R-892-18**, adopted September 5, 2018, approved: (1) proposed funding recommendations for up to \$2,500,000 for the Fiscal Year 2017 Opa-Locka Magnolia North Documentary Stamp Surtax Request for Applications; (2) surtax funds for continued use in the Magnolia North area as those funds are repaid; (3) waiving certain requirements of the RFA; and (4) the County Mayor's negotiation with Cazo Construction Corp. and Palmetto Homes of Miami, Inc. for the award of the surtax funds to one or both of the applicants.

<http://intra/gia/matter.asp?matter=181664&file=true&yearFolder=Y2018>

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

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

### **PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1**

**Requester/Department: Public Housing and Community Development (PHCD)**

The item was forwarded to the Board with a favorable recommendation by the Housing, Social Services and Economic Development Committee at its March 11, 2019 meeting. At the meeting, the Administration requested that the item be forwarded to the next Board meeting.



**BCC Meeting: March 19, 2019**  
**Research Notes**

**ANALYSIS**

This item is recommending the conveyance of a total of 18 County-owned parcels located in the Magnolia North area of the City of Opa-Locka in District 1, which is represented by Commissioner Barbara Jordan, for the purpose of developing such properties with affordable housing through the Infill Program and/or the Documentary Stamp Surtax Program. More specifically, PHCD is requesting that the Board approve the following:

1. Amend Resolution No. R-64-14 to authorize the County Mayor to submit to the United States Department of Housing and Urban Development (HUD) a revision to the previously accepted disposition application for 11 County-owned vacant properties which were formerly the location of the Opa-Locka public housing development;
2. Declare seven vacant County-owned properties plus the 11 former Opa-Locka public housing development properties surplus and revise the County's inventory list of land designated for affordable housing to include these properties; and
3. Authorize the conveyance of nine of the properties to Cazo Construction Corporation (Cazo) and nine of the properties to Palmetto Homes of Miami, Inc. (Palmetto Homes) for the purpose of developing the properties with affordable single family homes and/or multi-family units to be sold or rented in accord with the Infill Housing Initiative Program and the Documentary Stamp Surtax Program.

On January 22, 2014, pursuant to Resolution No. R-64-14, the Board approved amending Resolution No. R-81-09 relating to the County's application for the disposition and rehabilitation of the Opa-Locka Biscayne Plaza Public Housing Development, authorizing the County Mayor to: (1) submit an amendment to the application to HUD; (2) negotiate ground leases with developers competitively selected by the Housing Finance Authority (HFA) for development of certain properties in the City of Opa-Locka for veterans or other special needs persons; and (3) utilize veterans affairs supportive housing vouchers or any other subsidy to assist qualified applicants. Although HUD approved the County's amendment to the disposition application, HFA was not successful in its attempt to garner sufficient interest from developers and, thus, HFA was unable to move forward with the development of the properties.

To address the roadblock to the development of the properties, on September 5, 2018, pursuant to Resolution No. R-892-18, the Board approved funding recommendations for up to \$2,500,000 for the Fiscal Year 2017 Opa-Locka Magnolia North Documentary Stamp Surtax Request for Applications (RFA) and authorized the County Mayor's negotiation with Cazo Construction Corp. (Cazo) and Palmetto Homes of Miami, Inc. (Palmetto) for the award of the surtax funds to one or both of the applicants. It is important to note that four applicants (i.e., Cazo; Hala Fashions Properties LLC; Magnolia North Community Garden LLC; and Palmetto Homes) responded to the RFA. None of the applicants satisfied PHCD's threshold requirement of demonstrating a firm financing commitment. However, that requirement was waived, and the County Mayor received authorization to negotiate with the recommended applicants, Cazo and Palmetto Homes.

Following the adoption of Resolution No. R-892-18, PHCD successfully negotiated with Cazo and Palmetto Homes to develop the County properties. Accordingly, PHCD recommends that nine of the County properties be conveyed to Cazo, and that the remaining nine properties be conveyed to Palmetto Homes.

The County Deed memorializing the conveyances is subject to the following key restrictions:

- That the properties shall be developed with affordable multi-family rental housing or single family home in accordance with the Miami-Dade Infill Housing Initiative Program and/or the Documentary Surtax Program;
- That the properties shall be developed within two years of the recordation of the deed;
- That in the event single family homes are developed on the properties, such homes shall be sold to a qualified homebuyer, and under no circumstances shall the sales price of the home exceed \$205,000; and

**BCC Meeting: March 19, 2019**  
**Research Notes**

- That in the event the properties are developed with affordable multi-family rental housing such housing shall be rented to qualified households, and under no circumstances shall the rental price of such housing exceed the maximum monthly rent limits as determined for the County by the U.S. Department of Housing and Urban Development in its annual Income Limits and Rent Limits and as used by Florida Housing Finance Corporation for its multifamily rental programs.

Title to the subject properties reverts to the County where the developers fail to abide by the deed restrictions.

**ADDITIONAL INFORMATION**

A Default Final Judgment was entered against Palmetto Homes of Miami, Inc., ordering the company to pay to Miami-Dade Affordable Housing Foundation, Inc. the principal sum of \$307,224.15, prejudgment interest in the amount of \$33,154.25, court costs in the amount of \$500 and attorney's fees in the amount of \$2,250. The judgment stems from a Promissory Note that the president of Palmetto Homes of Miami, Inc. executed in favor of Miami-Dade Affordable Housing Foundation, Inc., agreeing to repay Miami-Dade Affordable Housing Foundation the principal sum of \$307,224.15 plus interest of three percent per annum on the unpaid balance until paid. No payments were made as required by the Promissory Note. (See *Miami-Dade Affordable Housing Foundation, Inc. v. Palmetto Homes of Miami, Inc.*, 2016-024319-CA-01; Eleventh Judicial Circuit of Florida.)

See a Miami New Times article dated June 25, 2013 regarding gross misuse of grant dollars by Palmetto Homes of Miami, Inc. relating to an affordable housing initiative.

<https://www.miaminewtimes.com/news/auditors-find-thousands-of-dollars-misused-by-youth-program-but-no-criminal-charges-filed-6527121>

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

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

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

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