



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

**Board of County Commissioners Meeting**

May 7, 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  
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**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 3B4  
File No. 191059**

**Researcher: PGE   Reviewer: TD**

RESOLUTION RATIFYING APPROVAL OF THREE CHANGE ORDERS FOR NON-COMPENSABLE TIME EXTENSIONS TO POOLE & KENT COMPANY OF FLORIDA PROVIDING FOR 33 CALENDAR DAYS FOR CONTRACT NO. S-871 FOR NORTH DISTRICT WASTEWATER TREATMENT PLANT PRETREATMENT/ SLUDGE TRANSFER REHABILITATION; 240 CALENDAR DAYS FOR CONTRACT NO. S-880 FOR 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; AND 280 CALENDAR DAYS FOR CONTRACT NO. S-890 FOR CENTRAL DISTRICT WASTEWATER TREATMENT PLANT CHLORINATION FACILITIES – CONSENT DECREE 2.17, PURSUANT TO MIAMI-DADE WATER AND SEWER DEPARTMENT’S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE, SECTION 2-8.2.12 OF THE COUNTY CODE

**ISSUE/REQUESTED ACTION**

Whether the Board should ratify the County Mayor’s approval pursuant to the Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance of non-compensable time extensions to Pool & Kent Company of Florida for three distinct consent decree projects.

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Water and Sewer**

This item has no procedural history.

**ANALYSIS**

The purpose of this item is to acquire Board ratification of non-compensable time extensions to Pool & Kent Company of Florida (P&K) for three Water and Sewer Department (WASD) consent decree projects. The time extensions were authorized via change orders approved under the WASD Consent Decree and Capital Improvement Programs Acceleration Ordinance. Resolution No. R-1001-15 requires County 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 is considered for Board approval. Resolution No. R-525-17 exempted change orders or amendments for non-compensatory time extensions from this requirements. As such, Resolution No. R-1001-15 is inapplicable to the P&K change orders.

The first item being ratified is for *Contract No. S-871, North District Wastewater Treatment Plant Pretreatment Sludge Transfer Rehabilitation*. The project is located in District 4, which is represented by Commissioner Heyman. The change order is for 33 days. The project’s Notice to Proceed date was November 2, 2015, and the completion date was November 29, 2017. The scope of work consists of the replacement of nine influent screens, the installation of new screening conveyance and compaction system, the expansion of an elevated Motor Control Center Room, the replacement of the primary sludge degritting system, the upgrading of the existing ventilation system, and minor structural and mechanical improvements at the North District Wastewater Treatment Plant. The change order is needed because during the installation of screens 1 and 3 in the AGS Building, P&K discovered that the existing screen influent channels for the subject screens had a slight curvature not depicted in the as-built or contract drawings. The defect prevented P&K from installing the screens per the contract’s schedule. The current contract value is \$17,895,350.

The second item being ratified is for *Contract No. S-880, 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*. The project is located in District 7, which is represented by Commissioner Suarez. The change order is for 240 days. The project’s Notice to Proceed date was August 30, 2016, and the completion date was June 11, 2018. The scope of work consists of upgrading the existing headworks to improve the primary

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treatment process at CDWWTP Plant 1 and Plant 2, including screening, primary sludge degritting, transfer of waste activated sludge and odor control. The change order is needed because during the procurement of the project, plant operations advised the PMCM that the current design using stop gates would not allow flow control consistent with the way the plant is currently operated. In order for the Plant staff to have the ability to control the flow to Plant 1 upstream of the grit chambers, it was decided that the stop gates isolating each grit chamber should be replaced with rectangular butterfly valves to provide operations with the upstream control desired. The valves required by Plant staff are no longer available for purchase. The contractor went to the manufacturer to retrieve the original drawings and have the valves fabricated by a local machine shop. The time needed to fabricate the valves and properly complete the work is 240 days. The current contract value is \$15,083,160.

The third item being ratified is for *Contract No. S-890, CDWWTP Chlorination Facilities Consent Decree 2.17*. The project is located in District 7, which is represented by Commissioner Suarez. The change order is for 280 days. The project's Notice to Proceed date was April 18, 2016, and the anticipated completion date was September 25, 2018. The scope of work consists of furnishing all materials, labor and equipment necessary for the construction of the Central District Wastewater Treatment Plant's Chlorination Facilities that will provide on-site storage of liquid sodium hypochlorite and the metering pumps to serve the necessary discharge points throughout the Central District Wastewater Treatment Plant. The change order is needed because of two delays: (1) installation of a panelboard to power the instrumentation transmitters; and (2) providing power for two 1-ton monorail hoists. The current contract value is \$14,437,468.

Based on information found in the Capital Improvements Information System on May 3, 2019, P&K has an evaluation count of 53 with an average evaluation score of 3.5 out of a possible maximum score of 4.0. Over the last five years, P&K has been awarded 13 construction contracts with WASD, all of them were awarded via a competitive procurement based on the lowest bid. Two of the 13 were awarded based on the sole submitted bid; of the 13 awarded contracts, PCL Construction, Inc. competed for seven and PC Construction, Inc. competed for four; the value of the awarded contracts range from a low of \$2,906,360 to a high of \$36,003,300, having a cumulative value of \$189,150,740; of the 13 contracts, four have been completed, one is pending closeout and eight are in the construction phase; and none of the eight contracts that are "in construction" have an expired contract term as time extensions have been granted where needed;

#### **APPLICABLE LEGISLATION/POLICY**

**Chapter 489 of the Florida Statutes** sets forth regulations for the construction industry, including qualifications for practice, registration and disciplinary proceedings.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0489/0489.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0489/0489.html)

**Chapter 10 of the County Code** sets forth the County's regulations for construction contractors.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH10CO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH10CO)

**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=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)

**Section 2-8.1(h) of the County Code** provides for contingency allowances and requires that an item 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.

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\\_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 2-8.2.12 of the County Code** sets forth the Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance. Under the ordinance, the County Mayor or County Mayor's designee shall, subject to the funding limitations set forth in the Multi-Year Capital Plan approved by the Board of County Commissioners, be authorized to accelerate the processing, procurement, and award of any contract and agreement of the County for Consent Decree Work and other required Capital Improvements contracts to maintain the operational effectiveness and capacity of the water and sewer systems, including any contracts related to the purchase of goods and services, construction and professional services. The authority to award or reject is granted where (1) the base value of a recommended award does not exceed the base estimate by more than 10 percent; and (2) the contractor or consulting firm receiving the award has a rating of 2.5 or higher in the Capital Improvement Information System database and has no outstanding debts, no goal deficits and has submitted required insurance, bonds, affidavits and documentation provided for by the time of award. Additionally, under the Acceleration Ordinance, the County Mayor or the County Mayor's designee is authorized to amend contracts and negotiate and settle claims.

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8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

**Section 10-34 of the County Code** requires a listing of subcontractors for those contracts involving an expenditure of \$100,000 or more in which a bidder may use a subcontractor. Such contracts require the entity contracting with the County to list all first tier subcontractors who will perform any part of the contract and all suppliers who will supply materials for the contract work.

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR CH10CO ARTIIBIPUPR S10-34LISURE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE)

**Ordinance No. 14-79**, adopted September 3, 2014, requires that in all agenda items relating to planning, design and construction of County infrastructure a statement be included that the impact of sea level rise has been considered.

<http://intra/gia/matter.asp?matter=141211&file=true&yearFolder=Y2014>

**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>

**Implementing Order No. 3-24** sets forth the County's responsible wages and benefits policy for County construction contracts.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-24.pdf>

**Implementing Order No. 3-57** sets forth the County's policy for adoption of a standard construction contract.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-57.pdf>

**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>

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**Item No. 5A  
File No. 190887**

**Researcher: LE Reviewer: TD**

RESOLUTION DECLARING SURPLUS ONE COUNTY-OWNED PROPERTY (FOLIO NO. 30-5032-000-0370) LOCATED IN HOMESTEAD, FLORIDA; REVISING THE INVENTORY LIST OF AFFORDABLE HOUSING SITES, AFTER A PUBLIC HEARING, TO INCLUDE SUCH PROPERTY AND AN ADDITIONAL TWO COUNTY OWNED PROPERTIES (FOLIO NOS. 10-7813-050-0380 AND 30-5032-000-0380) ALSO LOCATED IN HOMESTEAD, FLORIDA IN ACCORDANCE WITH SECTION 125.379(1), FLORIDA STATUTES; AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF A TOTAL OF FIVE COUNTY-OWNED PROPERTIES TO BUILDING BETTER COMMUNITIES OF SOUTH FLORIDA, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, 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 AND/OR THE APPLICABLE LAWS AND REGULATIONS GOVERNING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; 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, TO PROVIDE COPIES OF THE COUNTY DEEDS AND THE RESTRICTIVE COVENANTS REQUIRED THEREIN TO THE PROPERTY APPRAISER'S OFFICE, AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

**ISSUE/REQUESTED ACTION**

Whether the Board authorize conveyance of five County-owned properties to Building Better Communities of South Florida for the purpose of developing the 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.

**PROCEDURAL HISTORY**

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

**Department/Requester: None**

During the HSSSED meeting on April 15, 2019, the proposed resolution was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to request Board authorization to convey five County-owned properties to Building Better Communities of South Florida at a price of \$10.00 for the purpose of developing them into affordable housing for sale to very low, low, or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program; declare one property as surplus; revise the affordable housing sites inventory list; and authorize execution of a County Deed.

The proposed item has a positive impact of \$10.00 towards the County for the conveyance of five properties to Building Better Communities of South Florida. The County will save approximately \$1,843 annually in property monitoring and maintenance and the new homes will generate real estate taxes to the County of approximately \$3,795.92 annually or approximately \$75,900 over the 20 year period of restricted covenant. The maximum sales price for infill homes cannot exceed \$205,000.00. Properties available to low-income families are subject to an affordable housing restrictive covenant for twenty (20) years.

This item declares Folio No. 30-5032-000-0370 as surplus. Additionally, it recommends the Board to revise the Affordable Housing Inventory List to include properties Folio No. 10-7813-050-0380 and 30-5032-000-0380 as they are considered appropriate for affordable housing use. If Building Better Communities fails to comply with the deed restrictions, then the

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Properties will be subject to reverter. The properties revert to County control if not developed within two years of the signing of the deed and effective date of the conveyance of the Properties, unless time is extended at the discretion of the Board.

Building Better Communities seeks to provide attainable housing options to those who would not normally qualify for home purchase. On January 19, 2019, Building Better Communities submitted an application to District 9 County Commissioner requesting that the County convey five County-owned vacant properties located in the district. Building Better Communities proposed utilizing the construct the affordable housing described.

The Miami-Dade County Infill Housing Initiative Program was created to provide more housing opportunities for low-income and working families. 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.

Building Better Communities is recommended because their record of team members being involved in affordable housing production for over 30 years.



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The image below showcases the property located at 98 SW 5 St (Folio Number #10-7813-050-0380). The current market value for this property is \$36,000.00.

**SEARCH:**

**PROPERTY INFORMATION**

Folio: 10-7813-050-0380	
Sub-Division: TATUMS ADDN NO 1	
Property Address 98 SW 5 ST	
Owner MIAMI-DADE COUNTY GSA R/E MGMT	
Mailing Address 111 NW 1 ST STE 2400 MIAMI, FL 33128-1929	
PA Primary Zone 9400 PLANNED AREA DEVELOPMENT	
Primary Land Use 9080 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	7,200 Sq.Ft
Year Built	0

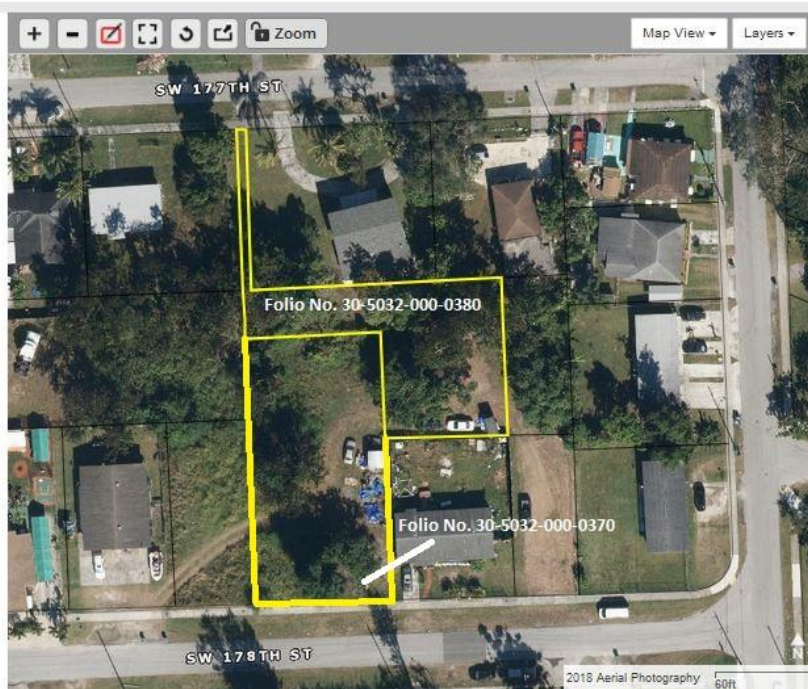


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The image below showcases the property located adjacent west of 10231 SW 178 St (Folio Number #30-5032-000-0370) and showcases the property located adjacent north and west of 10231 SW 178 St (Folio Number #30-5032-000-0380). The current market value for the properties are \$91,200.00 and \$5,300.00 respectively.


SEARCH: 30-5032-000-0380

PROPERTY INFORMATION ⓘ	
Folio:	30-5032-000-0380
Sub-Division:	
Property Address:	
Owner	MIAMI-DADE COUNTY GSA R/E MGMT
Mailing Address	111 NW 1 ST STE 2480 MIAMI, FL 33128-1929
PA Primary Zone	3050 UC EDGE - RESIDENTIAL (R) 2 MAX HT
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	5,227 Sq.Ft
Year Built	0



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The image below showcases the property located at 221 NW 8 Ave (Folio Number #10-7813-024-1022). The current market value for this property is \$28,408.00.

SEARCH:  

### PROPERTY INFORMATION

**Folio:** 10-7813-024-1022

**Sub-Division:**  
BLVD ADDN

**Property Address**  
221 NW 8 AVE


**Owner**  
MIAMI DADE COUNTY  
HCD

**Mailing Address**  
701 NW 1 CT 14TH FL  
MIAMI, FL 33136

**PA Primary Zone**  
0100 SINGLE FAMILY - GENERAL

**Primary Land Use**  
8047 VACANT GOVERNMENTAL : DADE COUNTY

<b>Beds / Baths / Half</b>	0 / 0 / 0
<b>Floors</b>	0
<b>Living Units</b>	0
<b>Actual Area</b>	0
<b>Living Area</b>	0
<b>Adjusted Area</b>	0
<b>Lot Size</b>	7,102 Sq.Ft
<b>Year Built</b>	0



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The image below showcases the property located adjacent east of 814 SW 5 St (Folio Number #10-7813-028-0280). The current market value for this property is \$31,850.00.

SEARCH: 10-7813-028-0280

**PROPERTY INFORMATION**

Folio: 10-7813-028-0280

Sub-Division:  
BETTY LU HOMESITES

Property Address

Owner  
MIAMI DADE COUNTY  
ISO RE MGMT

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

PA Primary Zone  
1900 RESIDENTIAL - PLANNED UNI

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	7,740 Sq.Ft
Year Built	0

### **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>

### **APPLICABLE LEGISLATION/POLICY**

**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](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)

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**Administrative Order 8-4** provides that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. 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-376-11**, adopted May 3, 2011, 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-333-15**, adopted April 21, 2015, entitled “Resolution establishing County policy to require disclosure of market value of market rental in legislative items authorizing the conveyance or lease of County-owned property to promote disclosure and fiscal responsibility”.

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

**Resolution No. R-974-09**, adopted July 21, 2009, directs that any resolution authorizing 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 to the authorizing resolution.

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



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**Item No. 7A  
File No. 190604**

**Researcher: LE Reviewer: TD**

ORDINANCE RELATING TO MEMBERSHIP ON COUNTY BOARDS; AMENDING SECTION 2-11.38 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING A PERSON WHO IS NOT A RESIDENT OF THE COUNTY BUT WHO OWNS A BUSINESS OR IS EMPLOYED FULL-TIME BY A BUSINESS LOCATED IN THE COUNTY TO SERVE ON A COUNTY BOARD; REQUIRING BOARD MEMBERS TO MEET CERTAIN CRITERIA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Miami-Dade County Code Section 2-11.38 to revise the residency requirement and certain criteria to serve on a County board.

**PROCEDURAL HISTORY**

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

**Department/Requester: None**

This item was adopted on first reading during the BCC on March 19, 2019 and was scheduled for a public hearing during the HCCO meeting on April 17, 2019.

During the HCCO meeting on April 17, 2019, public hearing was opened and the following discussion occurred:

- Mr. Jack DiCarlo, administrative officer for Miami-Dade Police Department, spoke in support of the proposed ordinance in that it would assist the commissioners by providing a pool of individuals who were interested in County business, including residents who were involved in County business, government, and citizen problems.
  
- Commissioner Heyman commented about issues concerning sufficient quorum, in which a larger pool of interested individuals being appointed would help.

The proposed ordinance was forwarded to the BCC with a favorable recommendation following a public hearing.

**ANALYSIS**

The purpose of this item is to amend Section 2-150 of the County Code to revise the residency requirement to authorize a person who is not a resident of the County, to serve on a County Board if they own a business or is employed full-time by a business located in the County.

This item has no fiscal impact.

The proposed changes will expand leadership and service opportunities for those who fit the criteria to serve on County boards and allow for a broader and more diverse selection.

In contrast, according to Section 1-233(b)(1) of the Broward County Code, a person that is appointed to a board must be a resident of Broward County during the term of their appointment. Additionally, a County employee may not be appointed by the Commission to a board, but they may serve as a voting member as long as they are appointed.

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The table below shows the original Section 2-11.38 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 2-11.38 of the County Code	Proposed changes to Section 2-11.38 of the County Code
<p><b>Sec. 2-11.38. – Membership on boards.</b></p> <p>All members of County boards shall be permanent residents and electors of Miami-Dade County unless the Board of County Commissioners, by a two-thirds vote of its membership, waives this requirement, and should have reputations for integrity and community service. In addition, all board members should have demonstrated an interest in the field, activity or sphere covered by the board. Each board shall include at least one (1) person whose livelihood does not depend on the area regulated, administered or dealt with by the board.</p> <p>Unless the Board of County Commissioners by two-thirds ( 2/3 ) vote of its membership waives the residency requirement, any member of County boards who ceases to be a resident of Miami-Dade County during the term of his or her office shall immediately advise the Clerk of the Board of County Commissioners. Upon being advised by the Clerk of such circumstances, the Board of County Commissioners shall declare the position to be vacant and shall promptly fill the same pursuant to the provisions of section 2-11.38.1.</p> <p>The primary consideration in appointing board members shall be to provide the board with the needed technical, professional, financial, business or administrative expertise. The membership of each board should be representative of the community at large and should reflect the gender, racial, ethnic and cultural make-up of the community.</p> <p>No person shall be eligible to serve on a County board if, at the time of appointment to the County board, the person has filed a lawsuit against the County that is pending at the time of appointment and that challenges a policy set by the Board of County Commissioners, unless the Board of County</p>	<p><b>Sec. 2-11.38. – Membership on boards.</b></p> <p>All members of County boards shall be &gt;&gt;<u>persons who: (1) are</u>&lt;&lt; permanent residents and electors of Miami-Dade County &gt;&gt;; <u>(2) own business located in the County on a full-time basis,</u>&lt;&lt; unless the Board of County Commissioners, by a two-thirds vote of its membership, waives <del>[[this requirement,]]</del> &gt;&gt;<u>these requirements,</u>&lt;&lt; <del>[[and should have reputations for integrity and community service.]]</del> In addition, all board members should have &gt;&gt;<u>reputations for integrity and community service and have</u>&lt;&lt; demonstrated an interest in the field, activity or sphere covered by the board. Each board shall include at least one <del>[[(-1)]]</del> person whose livelihood does not depend on the area regulated, administered or dealt with by the board.</p> <p>Unless the Board of County Commissioners by two-thirds <del>[[(-2/3)]]</del> vote of its membership waives the <del>[[residency requirement]]</del> &gt;&gt;<u>requirements set forth above,</u>&lt;&lt; any member of County boards who ceases to &gt;&gt;<u>(1)</u>&lt;&lt; be a resident of Miami-Dade County &gt;&gt;, <u>(2) own a business in Miami-Dade County, or (3) be employed by a business in Miami-Dade County on a full time basis</u>&lt;&lt; during the term of his or her office shall immediately advise the Clerk of the Board of County Commissioners. Upon being advised by the Clerk of such circumstances, the Board of County Commissioners shall declare the position to be vacant and shall promptly fill the same pursuant to the provisions of section 2-11.38.1.</p> <p>The primary consideration in appointing board members shall be to provide the board with the needed technical, professional, financial, business or administrative expertise. The membership of each board should be representative of the community at</p>

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Commissioners by two-thirds ( 2/3 ) vote of its membership waives this requirement. No person sitting on a County board may file a lawsuit against the County that challenges a policy set by the Board of County Commissioners without relinquishing his or her seat on the County board unless the Board of County Commissioners by two-thirds ( 2/3 ) vote of its membership waives this requirement.

No member of any County board shall become a candidate for elective political office during his or her term. Should any member of a County board qualify as a candidate for elective political office, such qualification shall be deemed a tender of resignation from such board. No person shall serve on more than two (2) County boards simultaneously, unless the Commission has by unanimous vote approved the appointment after being advised of all other County board(s) upon which the person sits, provided, however, a person serving on any one of the following boards shall not serve on any other County board simultaneously except as provided by ordinance: Community Council; Community Zoning Appeals Board; Planning Advisory Board; Citizens' Independent Transportation Trust; Housing Finance Authority; Independent Review Panel; Industrial Development Authority; Health Facilities Authority; Educational Facilities Authority; Commission on Ethics and Public Trust; Environmental Quality Control Board; The Children's Trust; and the Public Health Trust. Notwithstanding the foregoing, a person is prohibited from serving on a County board where such service would violate federal or state law, the Miami-Dade County Home Rule Charter or county ordinance.

Any Commissioner who has nominated a citizen to a County board as that term is defined in Section 2-11.36 of the Code of Miami-Dade County may at any time, with or without cause, request the Board of County Commissioners to remove said board member from his or her position on a County board and recommend a different person to fill the position.

large and should reflect the gender, racial, ethnic and cultural make-up of the community.

No person shall be eligible to serve on a County board if, at the time of appointment to the County board, the person has filed a lawsuit against the County that is pending at the time of appointment and that challenges a policy set by the Board of County Commissioners, unless the Board of County Commissioners by two-thirds [~~(2/3)~~] vote of its membership waives this requirement. No person sitting on a County board may file a lawsuit against the County that challenges a policy set by the Board of County Commissioners without relinquishing his or her seat on the County board unless the Board of County Commissioners by two-thirds [~~(2/3)~~] vote of its membership waives this requirement.

No member of any County board shall become a candidate for elective political office during his or her term. Should any member of a County board qualify as a candidate for elective political office, such qualification shall be deemed a tender of resignation from such board. No person shall serve on more than two [~~(2)~~] County boards simultaneously, unless the Commission has by unanimous vote approved the appointment after being advised of all other County board(s) upon which the person sits, provided, however, a person serving on any one of the following boards shall not serve on any other County board simultaneously except as provided by ordinance: Community Council; Community Zoning Appeals Board; Planning Advisory Board; Citizens' Independent Transportation Trust; Housing Finance Authority; Independent Review Panel; Industrial Development Authority; Health Facilities Authority; Educational Facilities Authority; Commission on Ethics and Public Trust; Environmental Quality Control Board; The Children's Trust; and the Public Health Trust. Notwithstanding the foregoing, a person is prohibited from serving on a County board where such service would violate federal or state law, the Miami-Dade County Home Rule Charter or county ordinance.



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Regarding those board members that are required to file financial disclosure with the County's Elections Department, the Executive Director of the Miami-Dade County Ethics Commission (the "Ethics Commission") shall notify such members if they have failed to file the required financial disclosure for the previous calendar year by February 1st of each year. The notice shall provide that each such member shall have thirty (30) days from the date of the notice to submit proof to the Ethics Commission that financial disclosure has been filed with the Elections Department within such thirty (30) day period. Such notice shall also provide that these board members will be removed from the membership roster of the board on the thirty-first (31st) day from the date of the notice. A copy of this notice shall be provided to the Mayor or designee, the Clerk of the Board (the "Clerk") and the County Attorney. Notwithstanding any provision of the Code or law to the contrary, such member shall not hold over in office until a successor is appointed to fill the vacancy caused by the removal of such board member pursuant to this section. The provisions of this paragraph pertaining to removal for failure to file financial disclosure shall not apply to (1) any County board whose members can only be removed by the Governor of the State of Florida and (2) Community Council members, whose removal shall be governed by Section 20-43.2. Additionally, removal from office is only one penalty for failure to file financial disclosure. Nothing herein prohibits any appropriate authority from taking other lawful action, including the imposition of fines or criminal sanctions, for failing to file financial disclosure.

Regarding those board members that are required to file financial disclosure with the State Commission on Ethics, the Clerk of the Board of County Commissioners (the "Clerk") shall determine the names of such persons and shall notify such members of County boards who have failed to file their required financial disclosure for the previous calendar year by February 1 of each year. The notice shall provide that each such board member has thirty (30) days from the date of the notice to submit proof to the Clerk that financial disclosure has been filed with the State Commission on Ethics within such

Any Commissioner who has nominated a citizen to a County board as that term is defined in Section 2-11.36 of the Code of Miami-Dade County may at any time, with or without cause, request the Board of County Commissioners to remove said board member from his or her position on a County board and recommend a different person to fill the position.

Regarding those board members that are required to file financial disclosure with the County's Elections Department, the Executive Director of the Miami-Dade County Ethics Commission (the "Ethics Commission") shall notify such members if they have failed to file the required financial disclosure for the previous calendar year by February 1st of each year. The notice shall provide that each such member shall have ~~[[thirty-]]~~30~~[[1]]~~ days from the date of the notice to submit proof to the Ethics Commission that financial disclosure has been filed with the Elections Department within such ~~[[thirty-]]~~30~~[[1]]~~ day period. Such notice shall also provide that these board members will be removed from the membership roster of the board on the ~~[[thirty-first]]~~ 31st day from the date of the notice. A copy of this notice shall be provided to the Mayor or designee, the Clerk of the Board (the "Clerk") and the County Attorney. Notwithstanding any provision of the Code or law to the contrary, such member shall not hold over in office until a successor is appointed to fill the vacancy caused by the removal of such board member pursuant to this section. The provisions of this paragraph pertaining to removal for failure to file financial disclosure shall not apply to (1) any County board whose members can only be removed by the Governor of the State of Florida and (2) Community Council members, whose removal shall be governed by Section 20-43.2. Additionally, removal from office is only one penalty for failure to file financial disclosure. Nothing herein prohibits any appropriate authority from taking other lawful action, including the imposition of fines or criminal sanctions, for failing to file financial disclosure.

Regarding those board members that are required to file financial disclosure with the State Commission

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thirty (30) days period. Such notice shall also provide that these board members will be removed from the membership roster of the board on the thirty-first (31st) day from the date of the notice. A copy of this notice shall be provided to the Mayor or designee, the Clerk of the Board and the County Attorney. Notwithstanding any provision of the Code or law to the contrary, such member shall not hold over in office until a successor is appointed to fill the vacancy caused by the removal of such board member pursuant to this section. The provisions of this paragraph pertaining to removal for failure to file financial disclosure shall not apply to (1) any County board whose members can only be removed by the Governor of the State of Florida and (2) Community Council members, whose removal shall be governed by Section 20-43.2. Additionally, removal from office is only one penalty for failure to file financial disclosure. Nothing herein prohibits any appropriate authority from taking other lawful action, including the imposition of fines or criminal sanctions, for failure to file financial disclosure.

on Ethics, the Clerk of the Board of County Commissioners (the "Clerk") shall determine the names of such persons and shall notify such members of County boards who have failed to file their required financial disclosure for the previous calendar year by February 1 of each year. The notice shall provide that each such board member has ~~[[thirty-(30)]]~~ days from the date of the notice to submit proof to the Clerk that financial disclosure has been filed with the State Commission on Ethics within such ~~[[thirty-(30)]]~~ days period. Such notice shall also provide that these board members will be removed from the membership roster of the board on the ~~[[thirty-first-(31st)]]~~ day from the date of the notice. A copy of this notice shall be provided to the Mayor or designee, the Clerk of the Board and the County Attorney. Notwithstanding any provision of the Code or law to the contrary, such member shall not hold over in office until a successor is appointed to fill the vacancy caused by the removal of such board member pursuant to this section. The provisions of this paragraph pertaining to removal for failure to file financial disclosure shall not apply to (1) any County board whose members can only be removed by the Governor of the State of Florida and (2) Community Council members, whose removal shall be governed by Section 20-43.2. Additionally, removal from office is only one penalty for failure to file financial disclosure. Nothing herein prohibits any appropriate authority from taking other lawful action, including the imposition of fines or criminal sanctions, for failure to file financial disclosure.

**APPLICABLE LEGISLATION/POLICY**

**Section 2-11.38 of the Miami-Dade County Code** currently provides that all members of County boards must be permanent residents and electors of the County unless waived by two-thirds vote of the Commission.

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

[dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIBSTCRREBOGE\\_S2-11.38MEBO](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO)

**Ordinance No. 80-136**, adopted December 16, 1980, codifies Section 2-11.36 through 2-11.40 of the Miami-Dade County Code to establish standards for the creation and review of County boards.

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**Section 1-233(b)(1) of the Broward County Code** states that a person that is appointed to a board must be a resident of Broward County during the term of appointment. Additionally, a County employee may not be appointed by the Commission to a board, but they may serve as a voting member as long as they are appointed.

[https://library.municode.com/fl/broward\\_county/codes/code\\_of\\_ordinances?nodeId=P](https://library.municode.com/fl/broward_county/codes/code_of_ordinances?nodeId=P)

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**Item No. 7B  
File No. 190480**

**Researcher: JFP   Reviewer: TD**

ORDINANCE RELATING TO LEASES AND CONVEYANCES OF COUNTY PROPERTY; AMENDING SECTION 2-8.6.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING EXCLUSIVE METHOD PURSUANT TO SECTION 125.045, FLORIDA STATUTES, FOR NON-COMPETITIVE LEASE OR CONVEYANCE OF COUNTY PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES; SETTING FORTH REQUIRED INFORMATION WHICH MUST BE PROVIDED BY PROPOSED DEVELOPERS; REQUIRING RECOMMENDATION OF COUNTY MAYOR OR MAYOR'S DESIGNEE AND QUARTERLY REPORTS TO THE BOARD; REQUIRING INCLUSION OF REVERTER OR LEASE TERMINATION PROVISION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Section 2-8.6.5 of the County Code to prescribe a uniform standard for non-competitive lease or conveyance of County property for economic development purposes.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Rebeca Sosa, District 6**

**Department/Requester: None**

This item was forwarded to the BCC with a favorable recommendation, following a public hearing in which no members of the public elected to participate, by the Housing, Social Services & Economic Development Committee at its April 15, 2019 meeting. Prior to passage, the following discussion transpired:

- Assistant County Attorney Monica Rizo further explained the item at the request of the Chair after concerns were raised by Commissioner Martinez. Currently, under the unsolicited proposal process for economic development projects outlined by state statute, submission of an unsolicited proposal does not always result in a competitive process. This ordinance provides additional, specific guidelines and requirements that have to be submitted. Ultimately it is still the decision of the Board if it wants to accept a proposal on a non-competitive basis or require a competition.
- Commissioners Higgins and Monestime asked for clarification of the item from the administration and the County Attorney's Office. The clarification provided was that this ordinance provides more substance to the process outlined by state statute, prescribing additional requirements. The ordinance requires of the administration a formal analysis process for unsolicited proposals of economic development projects.
- Commissioner Martinez asked the sponsor, Commissioner Sosa, a question regarding the intent of and catalyst for the item. Commissioner Sosa responded that the added reverter clause provides accountability of the developers submitting unsolicited proposals for economic development. In the event that the economic development project is not constructed, the land reverts to the County.

**ANALYSIS**

This purpose of this item is to amend Section 2-8.6.5 of the County Code to provide uniform standards and procedures to be used by the County in conveying or leasing property for the public purpose of economic development activities. Section 125.045, Florida Statutes permits such conveyance without competitive bidding in order to facilitate economic development in the form of the creation, retention, and expansion of businesses existing in the community as well as attraction of new businesses to the community.

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The proposed amendment adds the definition of "proposed developer"—an individual or legal entity desiring to lease or acquire by conveyance from the County any real property owned or leased by the County for economic development purposes—and provides uniform standards and procedures for the developer in the submission of written requests to the County for such economic development conveyances. It also requires all economic development conveyances or leases to include a reverter or lease termination provision in the event that the economic development project is not constructed. Moreover, on at least a quarterly basis, the Mayor is to submit a written report to the Board on all written requests from proposed developers for the lease or conveyance of County Property for economic development purposes that have not been presented to or approved by the Board. The Board may direct the Mayor to further evaluate and present a recommendation to the Board on any particular proposal from a proposed developer that the Board desires to evaluate upon a majority vote of the Board members present.

The Fiscal Impact Statement for this item states that a fiscal impact cannot be determined at this time. However, the implementation of this ordinance is expected to decrease the time of conveying County properties for economic development purposes. It further states that the required quarterly reports will be managed by existing County staff and will not require additional resources.

The table below shows the original Section 2-8.6.5 of the County Code and the proposed changes. Words underlined constitute the amendment proposed.

Section 2-8.6.5 of the County Code	Proposed changes to Section 2-8.6.5 of the County Code
<p><b>Section 2-8.6.5 - Purchase, sale, lease of real property.</b></p> <p>(1) <i>Definitions.</i> As used in this section:</p> <p>(a) The term "Principal" means an owner, officer, or director. By exception, the term Principal shall not include the shareholders of a publicly traded corporation.</p> <p>(b) The term "Tenant" means an individual, corporation, partnership, joint venture, or other legal entity, including both for-profit and not-for-profit entities.</p> <p style="text-align: center;">* * *</p>	<p><b>Section 2-8.6.5 - Purchase, sale, lease of real property.</b></p> <p>(1) <i>Definitions.</i> As used in this section:</p> <p>(a) The term "Principal" means an owner, officer, or director. By exception, the term Principal shall not include the shareholders of a publicly traded corporation.</p> <p>(b) <u>The term "proposed developer" means an individual or legal entity desiring to lease or acquire by conveyance from the County any real property owned or leased by the County for economic development purposes.</u></p> <p>(c) The term "Tenant" means an individual, corporation, partnership, joint venture, or other legal entity, including both for-profit and not-for-profit entities.</p> <p style="text-align: center;">* * *</p> <p><u>(5) Conveyances and Leases of County Property for Economic Development Purposes.</u></p> <p>(a) <u>The County is authorized, pursuant to section 125.045, Florida Statutes, to convey or lease real property for economic development activities in order to facilitate and encourage the growth and creation of business enterprises in the County. All non-competitive conveyances and leases of County-owned or County-leased property for economic</u></p>

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		<p><u>development purposes which are made pursuant to section 125.045, as it may be amended from time to time, shall comply with and be subject to the provisions of this subsection. Notwithstanding the foregoing, nothing contained in this subsection shall preclude the County from issuing a competitive solicitation for the conveyance or lease of County-owned or County-leased property for economic development purposes.</u></p> <p>(b) <u>A proposed developer shall submit a written request to the County Mayor or County Mayor's designee for the conveyance or lease of County property for economic development purposes setting forth a description of the proposed project including, but not limited to:</u></p> <ul style="list-style-type: none"> <li>(i) <u>identification of the property requested and intended use;</u></li> <li>(ii) <u>identification of any other real property surrounding the requested County property that will be used as part of the economic development project and a description of the method by which the proposed developer intends to secure any necessary property interests;</u></li> <li>(iii) <u>a statement of how the proposed improvement and use of the requested property will facilitate growth and creation of business enterprises in the County, retain or expand businesses existing in the community, or attract new businesses to the community, and shall specifically identify the targeted business it will attract, retain, or expand;</u></li> <li>(iv) <u>a description of any relevant economic conditions of the surrounding community and how the use and improvement of the requested property will positively impact the economic condition, vitality, and job opportunities thereof;</u></li> </ul>
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- (v) a description of how the project will contribute to short and long term job generation, including the projected number. Anticipated salaries. and type of new jobs it will assist in generating;
- (vi) a schedule for the creation of permanent jobs and the retention period for said jobs;
- (vii) the proposed purchase price or lease payments over time and the methodology for and circumstances that would allow changes to the lease payments over time; and
- (viii) any other additional material or information thereafter requested by the County.
- (c) The proposed developer shall submit a business or operational plan for the development of the requested property, including. but not limited to:
  - (i) a development timetable, phasing schedule, and a cash flow analysis;
  - (ii) a market and financial feasibility analysis or economic development study describing the economic viability of the project, including an estimate of net proceeds over the planned life of the project, and in no event less than fifteen years after the initial transfer of the property;
  - (iii) a cost estimate for infrastructure and other investments needed for development of the property;
  - (iv) an estimate of the minimum capital investment which will be made into the requested property for economic development purposes;
  - (v) a description of the proposed capital improvements and development of the property requested, including a conceptual design of the improvements to be built thereon; and
  - (vi) a description of the general plans for financing the economic development project, including the sources of funds, identity of any dedicated revenue source, or proposed debt or equity investment.



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- (d) Any conveyance or lease of County property presented to the Board for its approval shall include a recommendation by the County Mayor or County Mayor's designee confirming that:
  - (i) the proposed terms and conditions set forth in the recommended contract for sale or lease of County property would satisfy economic development purposes;
  - (ii) the project is feasible and that no obstacles exist to the proposed conveyance or lease or to the proposed development or use of the property;
  - (iii) the recommended contract is in the best interests of the County; and
  - (iv) the proposed project provides a benefit to the County beyond that which would be achieved by competitively bidding the lease or conveyance of the property.
- (e) On at least a quarterly basis, the County Mayor or County Mayor's designee shall submit a written report to the Board on all written requests from proposed developers for the lease or conveyance of County Property for economic development purposes that have not been presented to or approved by the Board. Upon a majority vote of the Board members present, the Board may direct the County Mayor or County Mayor's designee to further evaluate and present a recommendation to the Board on any particular proposal from a proposed developer that the Board desires to evaluate.
- (f) All economic development conveyances or leases under this subsection, at a minimum, shall include a reverter or lease termination provision in the event that the economic development project is not constructed.

**APPLICABLE LEGISLATION/POLICY**

**Section 125.045, Florida Statutes,** (County economic development powers) allows the County to convey or lease County property for the public purpose of economic development activities without the necessity of competitive bidding.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.045&URL=0100-0199/0125/Sections/0125.045.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.045&URL=0100-0199/0125/Sections/0125.045.html)

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**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)

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**Item No. 7C  
File No. 190383**

**Researcher: LE   Reviewer: TD**

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DEFINING SOLAR ENERGY SYSTEM; AMENDING SECTION 33-50; REVISING THE SETBACK REGULATIONS FOR RESIDENTIAL PROPERTIES TO ADDRESS SOLAR ENERGY SYSTEMS; CODIFYING SETBACKS APPLICABLE TO PROPERTIES ZONED RU-4L AND RU-4M; AMENDING SECTION 33-55; REVISING EXEMPTIONS FROM BUILDING HEIGHT REGULATIONS TO INCLUDE PROJECTIONS AND ARCHITECTURAL ELEMENTS THAT DO NOT ADD HABITABLE INTERIOR SPACE TO A BUILDING GENERALLY AND SOLAR ENERGY SYSTEMS SPECIFICALLY; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Miami-Dade County Code Section 33-1, 33-50, and 33-55 to reflect certain solar energy system definitions, setback regulations to address solar energy systems and exemptions.

**PROCEDURAL HISTORY**

**Prime Sponsor: Daniella Levine Cava, District 8**

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

This item was adopted on first reading during the BCC on March 5, 2019 and tentatively scheduled for a public hearing during the ICI meeting on April 15, 2019.

During the ICI meeting on April 15, 2019, members of the public elected to speak.

- Ms. Jody Fenber spoke in support of the proposed ordinance noting that she is a solar homeowner and that South Florida would be the first to have gold status, second to Orlando.
- Ms. Sharon Van Smith, a volunteer with Solar United Neighbors, thanked Commissioners Cava and Higgins for their support of the item. Additionally she announced the Miami-Dade County Employee Solar Co-option was open until the end of the month.
- Ms. Dianne Van Smith asked the committee members to support the item for the benefit of the community.

The item was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to amend Section 33-1 of the Miami-Dade County Code to define solar energy system; amend Section 33-50 to revise the setback regulations for residential properties regarding solar energy systems; and amend Section 33-55 to revise exemptions from building height regulations to include projections and architectural elements.

This item has no fiscal impact.

The code amendments will allow solar energy systems to be used in residential properties and codifies the interpretations regarding the exemptions from building height regulations. A solar energy system is defined as: An accessory structure or structures for an energy system that consists of one or more solar collection devices, solar-energy-related equipment, and other associated infrastructure, with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy.

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Additionally, the ordinance allows a general category of exemptions from building height regulations such as projections and architectural elements and exempts solar energy systems from building height calculation because it does not add to the building's habitable interior space. This feature would be similar to chimneys and parapet walls that are also exempt. The changes will reflect codifying the setback and building spacing requirements for properties zoned in RU-4L and RU-4M, which were previously assessed with RU-4 and RU-4A standards.

The table below shows the original Section 33-1 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 33-1 of the County Code	Proposed changes to Section 33-1 of the County Code
<p><b>Sec. 33-1. – Definitions</b></p> <p>For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:</p> <p style="text-align: center;">* * *</p> <p>(97) <i>Site</i>. Area of premises to be covered by a structure.</p> <p style="text-align: center;">* * *</p>	<p><b>Sec. 33-1. – Definitions</b></p> <p>For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:</p> <p style="text-align: center;">* * *</p> <p>(97) <i>Site</i>. Area of premises to be covered by a structure.</p> <p>&gt;&gt;(97.05) <u><i>Solar Energy System</i>. An accessory structure or structures for an energy system that consists of one or more solar collection devices, solar-energy-related equipment, and other associated infrastructure, with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy.</u>&lt;&lt;</p> <p style="text-align: center;">* * *</p>

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The table below shows the original Section 33-50 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 33-50 of the County Code						Proposed changes to Section 33-50 of the County Code					
<b>Sec. 33-50. Table of setback lines in residential and estate districts.</b>						<b>Sec. 33-50. Table of setback lines in residential and estate districts.</b>					
The minimum setback distances and spacing requirements in residential and estate districts shall be as follows:						The minimum setback distances and spacing requirements in residential and estate districts shall be as follows:					
* * *						* * *					
<i>District/ Families</i>	<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Between Buildings (Ft.)</i>	<i>Interior Side (Ft.)</i>	<i>Side Street (Ft.)</i>	<i>District/ Families</i>	<i>Front (Ft.)</i>	<i>Rear (Ft.)</i>	<i>Between Buildings (Ft.)</i>	<i>Interior Side (Ft.)</i>	<i>Side Street (Ft.)</i>
Acc. Bldg., 1 to 4 units	75	5	10	7 ½	30	Acc. Bldg., 1 to 4 units	75	5	10	7 ½	30
RU-4 & RU-4A: One			same as RU-1 res.	-same as RU- 1 res. -		RU-4 [[&]] >>,<< RU-4A >>,<< RU- 4L, & RU- 4M<<: One			same as RU-1 res.	-same as RU- 1 res. -	
NOTE 1. Refer to <b>Section 33-20(b)(1)</b> for additional utility shed setback regulations. Sheds in townhouse developments shall be regulated by <b>Section 33-202.3(2)(q)</b> .						* * *					
						>>(b) A solar energy system may be mounted on a roof structure or on the ground. The front setback for a roof- or ground- mounted solar energy system shall be the same as that of the principal building, and a ground-mounted solar energy system shall otherwise comply with the setbacks for an accessory building.					
						(c)<< <del>[[NOTE 1.]]</del> Refer to <b>Section 33-20(b)(1)</b> for additional utility shed setback regulations. Sheds in townhouse developments shall be regulated by <b>Section 33-202.3(2)(q)</b> .					

**BCC Meeting: May 7, 2019**  
**Research Notes**

The table below shows the original Section 33-55 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 33-55 of the County Code	Proposed changes to Section 33-55 of the County Code
<p><b>Sec. 33-55. – Certain structures exempt.</b></p> <p>(a) The provisions of this article regarding building height shall not apply to: airplane beacons, belfries, chimneys, church spires/steeple, conveyors, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment shall not be considered a part of a building for height calculations, fire towers, flag poles, monuments, parapet wall extending not more than five (5) feet above the limited height of the building on which it rests, radio and television towers, roof structures used only for ornamental purposes providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, tanks, bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production, water towers, and structures used in connection with screening of Antennas.</p>	<p><b>Sec. 33-55. – Certain structures exempt.</b></p> <p>(a) The provisions of this article regarding building height shall not apply to <del>[[;]]</del> &gt;&gt;<u>projections and architectural elements that do not add habitable interior space</u> to a building, such as, but not limited to:&lt;&lt; airplane beacons&gt;&gt;&lt;&lt; <del>[[;]]</del> belfries&gt;&gt;&lt;&lt; <del>[[;]]</del> chimneys&gt;&gt;&lt;&lt; <del>[[;]]</del> church spires/steeple&gt;&gt;&lt;&lt; <del>[[;]]</del> conveyors&gt;&gt;&lt;&lt; <del>[[;]]</del> cooling towers&gt;&gt;&lt;&lt; <del>[[;]]</del> cupolas&gt;&gt;&lt;&lt; <del>[[;]]</del> domes&gt;&gt;&lt;&lt; <del>[[;]]</del> elevator bulkheads and shafts &gt;&gt;&lt;&lt; <del>[[and]]</del> enclosures for mechanical equipment <del>[[shall not be considered a part of a building for height calculations,]]</del> &gt;&gt;&lt;&lt; fire towers&gt;&gt;&lt;&lt; <del>[[;]]</del> flag poles&gt;&gt;&lt;&lt; <del>[[;]]</del> monuments&gt;&gt;&lt;&lt; <del>[[;]]</del> parapet wall &gt;&gt;(&lt;&lt;extending not more than <del>[[five-()]]</del>5[()]) feet above the limited height of the building on which it rests<del>[[;]]</del> &gt;&gt;&lt;&lt; radio and television towers&gt;&gt;&lt;&lt; <del>[[;]]</del> roof structures used only for ornamental purposes providing they do not exceed <del>[[ten-(10)]]</del> &gt;&gt;10&lt;&lt; percent of the roof area on which they stand&gt;&gt;&lt;&lt; <del>[[;]]</del> smokestacks &gt;&gt;&lt;&lt; <u>solar energy systems</u>&lt;&lt; <del>[[;]]</del> stage towers or scenery lofts&gt;&gt;&lt;&lt; <del>[[;]]</del> tanks&gt;&gt;&lt;&lt; <del>[[;]]</del> bins and silos used for purpose of storing grain or feed products such as silage in connection with agricultural production&gt;&gt;&lt;&lt; <del>[[;]]</del> water towers&gt;&gt;&lt;&lt; <del>[[;]]</del> and structures used in connection with screening of <del>[[A]]</del>&gt;&gt;a&lt;&lt;ntennas.</p> <p style="text-align: center;">* * *</p>

**BCC Meeting: May 7, 2019  
Research Notes**

**APPLICABLE LEGISLATION/POLICY**

**Miami-Dade County Code Section 33-55** delineates that certain structures are exempt from the provisions of the article relating to building height.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTIIIHEBU](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTIIIHEBU)

**Miami-Dade County Code Section 33-1** provides general definitions for the chapter.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTIINGE\\_S33-1DE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-1DE)

**Miami-Dade County Code Section 33-50** lists a table of setback lines in residential and estate districts.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTIIBUCOSEARSI\\_S33-51SEBUINDI](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTIIBUCOSEARSI_S33-51SEBUINDI)

**Broward County Code Section 39-109** states that rooftop photovoltaic solar systems height must not exceed the roof line. For flat roofs with or without a parapet, the height must not be greater than 5 feet above the roof. The solar systems are permitted to conforming and nonconforming buildings in all zoning categories and there is nothing to prohibit the installation of them.

[https://library.municode.com/fl/broward\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH39ZO\\_ARTIXGEPR\\_S39-109ROPHSOSY](https://library.municode.com/fl/broward_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH39ZO_ARTIXGEPR_S39-109ROPHSOSY)



**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8A1  
File No. 190833**

**Researcher: LE Reviewer: TD**

RESOLUTION RETROACTIVELY APPROVING 20-YEAR MEMORANDUM OF AGREEMENT NO. 69435Z-18-L-00079 BETWEEN MIAMI-DADE COUNTY AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE AND OPERATION OF THE AIR TRAFFIC CONTROL TOWER AT MIAMI INTERNATIONAL AIRPORT, PURSUANT TO FLORIDA STATUTE SECTION 125.35(1)(B)(1); AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING TERMINATION; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE THE MEMORANDUM OF AGREEMENT TO THE COUNTY PROPERTY APPRAISER IN ACCORDANCE WITH RESOLUTION NO. R-791-14

**ISSUE/REQUESTED ACTION**

Whether the Board should retroactively approve a 20-year Memorandum of Agreement between Miami-Dade County and the U.S. Department of Transportation (USDOT) for the maintenance and operation of the Air Traffic Control Tower (ATCT) at Miami International Airport (MIA).

**PROCEDURAL HISTORY**

**Prime Sponsor: Rebeca Sosa, District 6**

**Department/Requester: Aviation Department**

The item was forwarded to the BCC with a favorable recommendation during the TAPS committee meeting on April 15, 2019,

**ANALYSIS**

The purpose of this item is to request the Board to retroactively approve a 20-year memorandum of agreement between Miami-Dade County and U.S. Department of Transportation (USDOT) for maintaining and operating the Air Traffic Control Tower (ATCT) at Miami International Airport (MIA).

The proposed item will allow the Federal Aviation Administration (FAA) to lease the land for the air traffic control facility. The FAA is responsible for paying all costs related to the utility consumption.

The memorandum of agreement between Miami-Dade County and USDOT will allow continued leasing of 155,081 square feet of land for operating the Air Traffic Control Tower (ATCT) at MIA. Of the 155,081 square feet of land that is being leased, 77,976 square feet is designated for vehicular parking, 58,567 square feet for landscaping and irrigation inside a fenced area, and 18,538 square feet for the ATCT building. The Memorandum of Agreement will not generate any revenue for the County.

Miami-Dade Aviation Department (MDAD) entered into a Lease Agreement No. DTFA06-98-L-17702 with FAA on August 24, 1998 for a 20-year term to lease land at MIA for FAA's ATCT. The lease agreement expired on September 30, 2018, but the FAA and the County agreed to honor the terms and conditions of the lease until the memorandum of agreement, No. 69435Z-18-L-00079, is approved by the Board.

The Memorandum of Agreement's term would be retroactive to October 1, 2018 and continue through September 30, 2038. MDAD will maintain any necessary water and sanitary sewer, steam, and high temperature lines to the ATCT, and the meters to the lines at no cost to the FAA.

In accordance with Resolution No. R-791-14, a copy of the agreement must be provided to the County Property Appraiser to monitor compliance and filing of the certificate.

**BCC Meeting: May 7, 2019  
Research Notes**

**APPLICABLE LEGISLATION/POLICY**

**Florida Statute Section 125.35(1)(b)(1)** states that the board of county commissioners may negotiate the lease of an airport or seaport facility.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0125/Sections/0125.35.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.35.html)

**Resolution No. R-791-14**, adopted September 3, 2014, directs the Mayor or their designee to provide the 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>

**Resolution No. 130-06**, adopted January 24, 2006, exempts governmental entities from the requirement that an agreement be fully executed prior to being brought before the Board.

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

**FAA Order 5190.6b** sets forth policies and procedures for the FAAs Airport Compliance Program.

[https://www.faa.gov/airports/resources/publications/orders/compliance\\_5190\\_6/](https://www.faa.gov/airports/resources/publications/orders/compliance_5190_6/)

**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8A2  
File No. 190731**

**Researcher: IL Reviewer: TD**

RESOLUTION APPROVING AWARD OF THE PROFESSIONAL SERVICES AGREEMENT TO BERMELLO, AJAMIL & PARTNERS, INC. FOR DESIGN CRITERIA PROFESSIONAL SERVICES FOR THE MIAMI INTERNATIONAL AIRPORT EMPLOYEE PARKING GARAGE, PROJECT NO. A17-MDAD-01; IN AN AMOUNT NOT TO EXCEED \$2,922,287.50 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 award of a Professional Services Agreement (PSA) to Bermello, Ajamil & Partners, Inc., in an amount not to exceed \$2,922,287.50 for a term of five years with two one-year options to extend for design criteria professional services for the airport employee parking garage.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Transportation and Public Works Department (DTPW)**

This item was forwarded with a favorable recommendation from the Transportation and the Ports Committee on April 15, 2019

**ANALYSIS**

The purpose of this item is for the Board to award a PSA for design criteria professional services. The firm's scope of work will consist of preparation of bidding documents incorporating schematic design, performance specifications and design criteria for the Project and enforcement of the design criteria.

The fiscal impact of this project is an amount not exceeding \$2,922,287.50 to be funded through Airport Revenue Bonds.

The request to advertise (RTA) was posted on April 6, 2018. Five proposals were received from the following firms: R.E. Chisholm Architects, Inc.; Bermello, Ajamil & Partners, Inc.; Perez & Perez Architects Planners, Inc.; Mobio Architecture, Inc.; and Acai Associates, Inc. on May 18, 2018.

The First Tier meeting was held on July 17, 2018. Below are the rankings provided by the competitive selection committee (CSC).

<b>Firm</b>	<b>Qualitative Points</b>	<b>Final Rank</b>
Bermello, Ajamil & Partners.	264	1
Perez & Perez Architects Planners Inc.	253	2
Mobio Architecture, Inc	237	3
R.E. Chisholm Architects, Inc. (Ranked higher due to local preference)	211	4
Acai Associates, Inc	217	5

The CSC by majority vote elected to forego Second tier proceedings.

The small business measure applicable to the contract is an SBE A/E goal of 28 % (\$816,200) and SBE G/S goal .50 % (\$14,575).

**BCC Meeting: May 7, 2019**  
**Research Notes**

SBE/A&E firms authorized under the agreement are: Fraga Engineers, LLC. (SBE A/E 11% -\$320,650) BND Engineers, Inc. (SBE A/E 13% -\$378,950), Sol-Arch, Inc. (SBE A/E 2% -\$58,300), Radise International (SBE A/E 1.5% -\$43,725), and Hadonne Corp., (SBE G/S .50% - \$14,575).

OCA conducted a review of the technical certifications associated with the project on the Business Management Workforce System: (See the table below)

<b>Prime/Other</b>	<b>Code</b>	<b>Description</b>	<b>Amount of SBE firms identified</b>
Prime	14.00	Water and Sanitary Sewer Systems – Water and Sanitary Sewage Treatment Plants	None
Prime	18.00	Architectural Construction Management	None
Other	3.01	Site Development and Parking Lot Design	50 SBE A/E firms were identified
Other	3.09	Highway Systems – Signing, Pavement Marking, and Channelization	46 SBE A/E firms were identified
Other	11.00	General Structural Engineering	None
Other	12.00	General Mechanical Engineering	None
Other	13.00	General Electrical Engineering	None
Other	16.00		None
Other	17.00	Engineering Construction Management	None
Other	22.00	Water and Sanitary Sewer Systems –Major Water an Sanitary Sewage Collection and Transmission	None

Bermello, Ajamil & Partners, Inc., was cross-referenced on Sunbiz.org, the official website of the Division of Corporations for the State of Florida. Bermello, Ajamil & Partners, Inc., has a principal address of 2601 South Bayshore Drive, Suite 1000, Miami, FL 33133. The Tax Collector's website was cross-referenced and an account was identified for this firm. Bermello, Ajamil & Partners, Inc., possesses several Architect Business licenses with the Department of Business and Professional Regulation and has an active status until February 28, 2021.

Pursuant to Resolution No. R-1181-18, DTPW must (1) consider the safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect finding of contractor responsibility in award memorandum to the Board. Information relating to the required safety record check for Bermello, Ajamil & Partners, Inc. is absent from the agenda item.

**BCC Meeting: May 7, 2019**  
**Research Notes**

Pursuant to Resolution No. R-421-16, a PERFORMANCE RECORD verification conducted by OCA in the Capital Improvements Information System (CIIS) on April 10, 2019: There are 21 performance evaluations in the Capital Improvements Information Systems Database for Bermello, Ajamil & Partners, Inc., yielding an average evaluation rating of 3.7 out of 4.0. The Firm History report on this firm shows that for the period from February 1, 2016, through February 28, 2019, this firm has received five contracts totaling an amount of \$13,265,647.13.

**DEPARTMENTAL INPUT:**

The following questions were asked to the department on May 3, 2019. No response was received by May 3, 2019.

- Are there any professionals employed by DTPW that can do this type of work?
- Would it be more cost effective to hire full time employees to do this work for the County rather than outsource?

**APPLICABLE LEGISLATION/POLICY**

**Section 287.055 of the Florida Statutes** establishes 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](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=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-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(h) of the County Code** sets forth that any contract for the construction of public improvements and any professional service agreement involving the expenditure of more than \$500,000, an item shall be added to the advertisement recommendation memorandum presented by the County Manager to the Board of County Commissioners identifying (1) each proposed 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 proposed dedicated allowance, contingency allowance and additional services allowance in relation to the estimated contract price.

[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 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=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-187-12**, adopted 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>

**BCC Meeting: May 7, 2019**  
**Research Notes**

**Resolution No. R-1181-18**, adopted November 8, 2018, directs the County Mayor to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board.

<http://intra/gia/matter.asp?matter=182536&file=true&yearFolder=Y2018>

**Resolution No. 17-1471**, adopted by the Town Council of the Town of Miami Lakes, Florida, authorized the Town Manager to enter negotiations with Bermello, Ajamil & Partners, Inc. for the Award of Contract 2017-31 for general architectural & related services.

[https://www.miamilakes-fl.gov/index.php?option=com\\_docman&view=download&alias=4319-resolution-17-1471&category\\_slug=2017-3&Itemid=272](https://www.miamilakes-fl.gov/index.php?option=com_docman&view=download&alias=4319-resolution-17-1471&category_slug=2017-3&Itemid=272)

**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** establishes the policy 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>

**ADDITIONAL INFORMATION:**

Bermello, Ajamil & Partners, Inc., has had several government contracts in the past. An example of one is Resolution No 17-1471 of the Town Council of the Town of Miami Lakes, Florida, for general architectural & related services.

[https://www.miamilakes-fl.gov/index.php?option=com\\_docman&view=download&alias=4319-resolution-17-1471&category\\_slug=2017-3&Itemid=272](https://www.miamilakes-fl.gov/index.php?option=com_docman&view=download&alias=4319-resolution-17-1471&category_slug=2017-3&Itemid=272)

**BCC Meeting: May 7, 2019**  
**Research Notes**

**Item No. 8C1**  
**File No. 190674**

**Researcher: LE Reviewer: TD**

RESOLUTION AUTHORIZING THE FUNDING OF 36 GRANTS FOR A TOTAL OF \$875,000.00 FROM THE DEPARTMENT OF CULTURAL AFFAIRS FISCAL YEAR 2018-2019 SUMMER ARTS & SCIENCE CAMPS FOR KIDS GRANTS PROGRAM 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 approve funding 36 grants for a total of \$875,000.00 from the Department of Cultural Affairs Fiscal Year 2018-2019 Summer Arts and Science Camps (SAS-C) for Kids Grants program.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Department of Cultural Affairs**

The item was forwarded to the BCC with a favorable recommendation during the PRCA committee meeting on April 17, 2019.

**ANALYSIS**

The purpose of this item is to authorize funding for 36 grants in the total of \$875,000.00 from the Department of Cultural Affairs Fiscal Year 2018-2019 Summer Arts and Science camps (SAS-C) for kids grants program for various entities and requests waiver of Resolution No. R-130-06 requiring contracts with non-governmental entities be signed by the other parties before being submitted to the Board of County Commissioners.

This funding for the SAS-C grants program are from monies granted to the Department of Cultural Affairs from the Children's Trust and approved in the departmental FY 2018-19 budget.

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 FY 2018-2019 Summer Arts and Science Camps for Kids Grants Program:

<b><u>Organization</u></b>	<b><u>District Location(s) for Project Activity</u></b>	<b><u>FY 2018-2019 Recommendation</u></b>	<b><u>Sunbiz Registration Status</u></b>
Adrienne Arsht Center Trust, Inc dba Adrienne Arsht Center for the Performing Arts of Miami-Dade County	3	\$36,770	Active
Area Performance Gallery, Inc. dba Area Stage Company	7	\$27,022	Active
Arts Ballet Theatre of Florida, Inc.	4	\$27,022	Active
ArtSouth, A Not-For-Profit Corporation	7, 8	\$36,761	Active
Breakthrough Miami, Inc.	5	\$7,711	Active



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**Research Notes**

Dibia DREAM, Inc.	2, 3	\$15,000	Active
Diva Arts & Entertainment, Inc.	1, 3	\$22,500	Active
enFAMILIA, Inc.	9	\$27,022	Active
Fantasy Theatre Factory, Inc.	3	\$36,761	Active
Florida Film Institute, Inc.	6	\$10,080	Active
Friends of the Bass Museum, Inc	5	\$27,022	Active
Greater Miami Youth Symphony of Dade County, Florida, Inc.	8	\$22,500	Active
Guitars Over Guns Organization, Inc.	2, 8	\$14,750	Active
Mahogany Youth Corporation	2, 9, 7, 13	\$36,761	Active
Marjory Stoneman Douglas Biscayne Nature Center, Inc.	7	\$36,761	Active
Miami Center for Architecture & Design, Inc.	7	\$4,800	Active
Miami City Ballet, Inc.	5, 7	\$36,761	Active
Miami Dance Project, Inc.	7, 10, 11	\$36,761	Active
Miami Music Festival, Inc.	2	\$18,000	Active
Miami Music Project, Inc.	5, 6, 7	\$36,761	Active
Miami Theater Center, Inc.	3	\$22,500	Active
Miami-Dade Parks, Recreation and Open Spaces	10, 11	\$27,022	N/A
Museum of Contemporary Art, Inc.	1	\$36,761	Active
Opa-locka Community Development Corporation, Inc.	1	\$22,500	Active
PATH: Preserving, Archiving & Teaching Hiphop, Inc.	3	\$18,000	Active
Seminole Cultural Arts Theatre, Inc. dba Friends of the Historic Seminole Theatre	9	\$15,322	Active
South Florida Center for Percussive Arts, Inc.	9	\$7,500	Active

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South Florida Youth Symphony, Inc.	2	\$18,989	Active
South Temple Empowerment Project, Inc.	1, 3	\$9,100	Active
The Children's Voice Chorus, Inc.	8	\$6,928	Active
The Dave and Mary Alper Jewish Community Center, Inc.	7	\$27,022	Active
The Miami Children's Museum, Inc.	5	\$36,761	Active
The Opera Atelier, Inc.	4, 5, 7	\$27,022	Active
The Thomas Armour Youth Ballet, Inc.	1, 3, 7	\$36,761	Active
Theodore Roosevelt Gibson Memorial Fund, Incorporated	7	\$11,542	Active
Urgent, Inc.	3	\$27,000	Active
<b>Total Recommendation Amount: \$875,000.00</b>			

The organizations/projects receiving funding are located in Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 13. The SAS-C grants program allocates funding to nonprofit organizations that provide underserved children opportunities to attend cultural arts or science summer camp programs at little to no cost.

The SAS-C Panel selected projects that represented a range of activities and evaluated each applicant on the following: 1. Impact, 2. Artistic/scientific merit, 3. Management capability, 4. Reach/priority considerations. Priority attention was given to those whose projects addressed limitations geographically, economically, or disability; unduplicated children underwritten by SAS-C funding will attend the camp program for four weeks or more; and projects that offered expanded programs to reach a broader underserved children.

The agenda item also requests waiver of Resolution No. R-130-06, requiring 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 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.

**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>

**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8C2  
File No. 190739**

**Researcher: JFP   Reviewer: TD**

RESOLUTION AUTHORIZING THE FUNDING OF 23 GRANTS FOR A TOTAL OF \$140,000.00 FROM THE DEPARTMENT OF CULTURAL AFFAIRS FISCAL YEAR 2018-2019 COMMUNITY GRANTS PROGRAM – THIRD 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 23 grants, totaling \$140,000, from the Third Quarter funds of the Department of Cultural Affairs Fiscal Year 2018-2019 Community Grants Program, and allow waiver of R-130-06 allowing the proposed resolution may be placed on the commission agenda.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Department of Cultural Affairs**

This item was forwarded to the BCC with a favorable recommendation by the Parks, Recreation and Cultural Affairs Committee at its April 17, 2019 meeting.

**ANALYSIS**

The purpose of this item is to authorize a total of \$140,000 in grant funding from the Department of Cultural Affairs’ FY 2018-19 Community Grants Program – Third Quarter to the following grantees:

<b>Grantee</b>	<b>District Location(s) of Project Activity</b>	<b>Recommended Award</b>
Ancient Spanish Monastery Foundation, Inc.	4	\$4,682
Artefactus Cultural Project, Inc.	6, 9	\$4,215
CACEC, Inc.	7	\$4,682
Centro Cultural Bollviano Masis Corp.	10	\$7,023
Compositum Musicae Novae, Inc.	6	\$7,023
Cuatrogatos Foundation, Inc. a/f/a Art for Us, Inc.	5	\$7,023
Fundarte, Inc. a/f/a Siren Arts	3, 4, 7	\$7,023
I Want to Be a Dancer Foundation, Inc.	5, 6	\$7,023
Indie Pasion Arts & Festivals, Inc.	5	\$937
Living Arts Trust, Inc. d/b/a O Cinema a/f/a Arlin	5	\$7,023
Magic Slippers Fine Arts Academy, Inc.	5	\$2,342
Miami Beach Gay Pride, Inc.	5	\$14,047
Miami Chamber Music Society, Inc.	3, 7	\$7,023
Miami River Fund, Inc.	5	\$7,023
Mud Foundation, Inc. a/f/a Digitech & Arts Edu, Inc.	3	\$3,279
Mundo Art, Inc.	3	\$5,619
NAMI Miami-Dade County, Inc.	7	\$7,023
National Art Exhibitions of the Mentally Ill, Inc.	5	\$3,747
NWD Projects, Inc.	5,8	\$7,023

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The Episcopal Church of the Holy Family, Inc. d/b/a Holy Family Episcopal Church	1	\$5,619
The Miami Foundation, Inc. a/f/a IKT Miami, Inc.	3, 5	\$7,023
The Miami Oratorio Society, Inc.	1	\$7,023
The Yiddishkayt Initiative, Inc.	5	\$6,555
<b>TOTAL</b>		<b>\$140,000</b>

The Cultural Affairs Council approved the grantees at their March 20, 2019 meeting, based on the February 21, 2019 recommendations of the Community Grants Panel. Each applicant organization was evaluated based on the following criteria:

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

A total of \$640,000 was allocated for FY 2018-19 Community Grants in the Fiscal Year 2018-19 County budget ordinance. With the proposed third quarter \$140,000 disbursement, \$150,000 will remain for the fourth quarter.

The requested waiver of Resolution No. R-130-06, requiring that contracts with non-governmental entities be signed by the other parties before being placed on the commission agenda, will expedite the execution of the grant agreements, saving one to two months' time in an already lengthy grant process.

#### **ADDITIONAL INFORMATION**

##### **The Community Grants Program**

The Community Grants (CG) Program is responsive on a quarterly basis to not-for-profit organizations developing small and large-scale community-based cultural (dance, theater, music, visual arts) programs, as well as projects and events, such as fairs, parades, neighborhood festivals and publications that have a strong artistic component.

The CG panel considers projects with strong community involvement and/or outreach component. The CG Program is particularly sensitive to the needs of indigenous cultural neighborhood activities and projects encouraging the preservation of heritage, traditions and culture, as well as social service organizations and cultural groups developing collaborative intervention projects using the arts.

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

#### **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 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. The proposed resolution seeks waiver of this provision.

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

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Research Notes**

**Item No. 8F3  
File No. 190817**

**Researcher: PGE   Reviewer: TD**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01063 IN A TOTAL AMOUNT UP TO \$24,275,000.00 FOR THE PURCHASE OF FIRE RESCUE EQUIPMENT AND ACCESSORIES 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 RTQ-01063* for the purchase of fire rescue equipment and accessories for multiple County departments in an amount of up to \$24,275,000 for a five years term.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The item was considered at the April 17, 2019 meeting of the Health Care and County Operations Committee wherein it was forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to establish *Prequalification Pool RTQ-01063* for the Aviation, Corrections and Rehabilitation and Fire Rescue departments to purchase fire rescue equipment and accessories to support their operations. The total allocation for the five-year period is \$24,275,000. The Fire Rescue Department will be the largest user of the pool, accounting for \$23,625,000 of the total allocation.

Some of the items to be purchased through this pool are: chemical booster hoses, fire hoses and parts, nozzles, ladders, fire-fighting foam, self-contained breathing apparatus, radios and alerting equipment, hydraulic tools, saws, extrication and rescue equipment, and chemical storage and transport equipment. All items to be purchased under the pool shall be in accord with applicable government and industry standards, including but not limited to, those issued by the Occupational Safety and Health Administration and the National Fire Protection Association. Note that to qualify for the pool, the vendor shall be an authorized dealer or distributor for the solicited brands (e.g., Dupont, Hale, Hatch, Angus, Amerex, Buckeye and Evac Systems). Although the solicitation identifies specific brands to be purchased, additional brands may be added during the term of the pool. Lastly, the solicitation includes a SBE set-aside for up to \$100,000 where there are three or more certified firms available.

The solicitation was advertised on December 11, 2018, and 21 vendors responded. Of the respondents, 16 are being recommended for inclusion in the pool. Of the 16 prequalified vendors, six have a local address and three are certified small business enterprises. Ten of the prequalified vendors are incumbents under the current pool (*No. 2121-2/13*); the incumbents are listed below:

- Fisher Scientific Company
- Municipal Equipment Company
- REV RTC, Inc.
- Rosenbauer Minnesota, LLC
- Safeware, Inc.

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- South Florida Emergency Vehicles, LLC
- Team Equipment, Inc.
- Ten-8 Fire Equipment, Inc.
- The Tools Man, Inc.
- W.W. Grainger, Inc.

The current pool is valued at \$29,156,247 for a term of 12 years and 5 months, expiring on July 28, 2019. The original expiration date of the current pool was February 28, 2019; the current July 28, 2019 expiration date reflects a five-month administrative extension. Per Resolution No. R-718-17, the Administration must commence the planning for re-procurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchase of goods and services. As explained in the Mayor's memorandum, the replacement pool value of \$24,275,000 for a five-year term is significantly higher on an annualized basis than the current pool to account for major events such as the Super Bowl and Extrication Team Competition.

Per the Market Research for this solicitation, the current pool has 32 prequalified vendors, representing approximately 237 distinct manufacturers. The Market Research concludes that a replacement pool is the recommended re-procurement method as it provides maximum competition for each purchase, resulting in the most favorable pricing available.

A May 2, 2019 Business Management Workforce System search for the solicitation's commodity code – 34072, Rescue Equipment, Supplies and Accessories Including Confined Space Hard Line Communications Systems, Rescue Nets, Power Extractors, Rope and Life Harnesses – yielded the following certified local small business enterprises:

- Aaron Industrial Safety, Inc.
- Dan Enterprises Team, LLC
- Pancar Industrial Supply Corp.

It is important to mention that Dan Enterprises Team, LLC is a recommended prequalified vendor.

#### **ADDITIONAL INFORMATION**

On February 4, 2015, Gregory Harvin, a firefighter at the St. Petersburg Fire and Rescue Department, filed a complaint and demand for jury trial in the Sixth Judicial Circuit of Florida against Mine Safety Appliances Company and Ten-8 Fire Equipment. The complaint is based on strict liability for defective product and negligence on the part of the defendants, Mine Safety Appliances Company and Ten-8 Fire Equipment. Mr. Harvin was seriously injured in the course of his employment while wearing a Cairns-brand fire helmet. Mine Safety Appliances, the designer and manufacturer of the helmet, sold the helmet to Ten-8 Fire Equipment, a fire and emergency equipment distributor. Ten-8 subsequently sold the helmet to the St. Petersburg Fire and Rescue Department. Ten-8 is an incumbent pool vendor and is also prequalified under the recommended replacement pool. Ultimately, the Court via a Notice of Lack of Prosecution dismissed the case. (See *Gregory Harvin v. Mine Safety Appliances Company and Ten-8 Fire Equipment*, No. 15-000761-CI).

#### **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=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)

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**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.

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

**Resolution No. R-718-17**, adopted July 6, 2017, directs the Administration to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services.

<http://intra/gia/matter.asp?matter=171632&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.

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



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**Item No. 8F5  
File No. 190802**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01090 FOR GROUP 1 FOR PURCHASE OF AERIAL SPRAYING SERVICES FOR THE DEPARTMENT OF SOLID WASTE MANAGEMENT FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$1,660,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT 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-01090*, Aerial Spraying Services, to Vector Disease Control International in an amount of \$1,660,000 for a five-year term for the Solid Waste Management Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The item was considered at the April 15, 2019 meeting of the Infrastructure and Capital Improvements Committee wherein it was forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of this item is for the Solid Waste Management Department (SWM) to establish a replacement long-term contract for aerial spraying services to combat the spread of diseases caused by mosquitos. The recommended awardee is Vector Disease Control International, a nonlocal firm. The method of award was to the lowest-priced responsive, responsible bidder on a group-by-group basis in the aggregate. The groups are: (1) Aerial Spraying for Adult and Larval Mosquitos Fixed Wing; (2) Aerial Spraying for Adult and Larval Mosquitos Rotary Wing; (3) Aerial Spraying for Adult and Larval Mosquitos Fixed Wing Federally Funded; and (4) Aerial Spraying for Adult and Larval Mosquitos Rotary Wing Federally Funded. The solicitation reserved the County's right to add additional groups to the contract.

To qualify for all groups, the vendor must: (1) provide two reference letters from government agencies demonstrating its experience delivering aerial spraying services for mosquito control within the last five years; (2) have at least one employee licensed as a commercial pesticide applicator in the State of Florida; (3) have at least one employee licensed as a public health applicator by the State of Florida; (4) have at least one employee licensed as an aerial applicator in the State of Florida; and (5) provide contact information of the designated representative for aerial spray missions.

All work to be performed, i.e., aerial adulticiding and larvicing applications for the control of mosquitos throughout the County, shall be via fixed wing and/or rotary aircraft. Miami Executive Airport will be the primary launchpad for aerial spray operations. Additionally, the awardee shall be available between 7:30AM and 5:00PM seven days per week and shall contact SWM's Mosquito Control Division within 30 minutes of the County's first attempt at notification of an aerial spray mission. An aircraft must be operational and available for aerial spraying within six hours of notification.

The solicitation was advertised on December 24, 2018. Two vendors responded to the solicitation, of which one was a "No Bid." Per the item's Market Research, there are 310 individuals licensed to provide aerial spraying services in Florida, of them only one has a mailing address in Miami, Florida. The Internal Services Department received feedback from one of the current vendors, Clarke Mosquito Control Products, who submitted the "No Bid." Clarke explained that it decided not to submit a bid because of

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the replacement solicitation's availability requirements (i.e., seven days per week and available for spraying within six hours of notification), application altitude requirements and fines and penalties.

The replacement contract is valued at \$1,660,000 for the five-year term. The current contract (No. 7031-0/18) is valued at \$3,085,000 for a term of five years and four months. The recommended awardee, Vector Disease Control International, is an incumbent vendor. The allocation under the replacement contract is lower than the current contract's due to the estimated quantities and projected usage for the replacement term.

The current contract does not include spraying for larval mosquitos as it only targets the control of adult mosquitos. Larval is defined as relating to or denoting the active immature form of an insect. Including spraying for immature mosquitos is considered a more effective approach to mosquito control according to the Centers for Disease Control and Prevention.

The Commodity Code for this solicitation on the Small Business Development Project Worksheet is 98872 (Pest Control, Other than Buildings, Including Spraying Trees and Shrubs). A May 1, 2019 search on the Business Management Workforce System for local certified small business vendors under that code yielded the following:

- Ballpark Maintenance, Inc.
- El Toro Exterminator of Florida, Inc.
- Sharp Shot, Inc.
- Tower Pest Control, Inc.

#### **ADDITIONAL INFORMATION**

The recommended awardee, Vector Disease Control International, was sued in federal court by various farmers in Iberia Parish, Louisiana for negligence in conducting mosquito abatement services during an aerial application of Permanone, a toxic pesticide, resulting in the death of aquatic organisms (i.e., crawfish). The farmers argued that the crawfish kill negatively impacted investment and labor expenses as well as sales and revenue. (See *Carline Fisheries, Inc., et al. v. Vector Disease Control International, LLC*, 2018 WL 5261225).

#### **APPLICABLE LEGISLATION/POLICY**

**Florida Statutes Chapter 388** sets forth the State of Florida's policies regarding mosquito control.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0300-0399/0388/0388.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0388/0388.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/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>

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**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.

<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 in memoranda to the Board pertaining to vendors being recommended for contract award.

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

**Implementing Order 3-38** sets forth the County's policies 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>

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Research Notes**

**Item No. 8F6  
File No. 190800**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00648 FOR PURCHASE OF METER BOXES, VAULTS, VALVE COVERS AND ASSEMBLIES FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$3,266,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT 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-00648*, Meter Boxes, Vaults, Valve Covers and Assemblies, to Corcel Corporation in the amount of \$3,266,000 for a five-year term for the Water and Sewer Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The item was considered at the April 15, 2019 meeting of the Infrastructure and Capital Improvements Committee wherein it was forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to establish a long-term replacement contract for the Water and Sewer Department (WASD) to purchase meter boxes, vaults, valve covers and assemblies to meet operational needs. The recommended awardee for the five-year term is Corcel Corporation. The method of award was to the lowest-priced responsive, responsible bidder by group in the aggregate who satisfied the solicitation's qualifications. The groups are: (1) Covers for Meter Boxes; (2) Cast Iron Valve Boxes and Covers; (3) Cast Iron Manholes Frames and Covers; (4) Steel Cover Plates and Assemblies; and (5) Precast Concrete Meter Boxes and Vaults. To qualify for all groups, the bidder must be the Original Equipment Manufacturer (OEM), agent, distributor or reseller of the OEM.

The solicitation was advertised on October 18, 2018. Five vendors responded to the solicitation, of which one was a "No Bid." Per a search on May 1, 2019 of Sunbiz.org, the official State of Florida website for the Department of State Division of Corporations, Corcel Corporation is an active, Florida for-profit corporation with a principal address of 2461 NW 23 Street, Miami, Florida. The vendor is considered a locally-headquartered business.

The contract value for the five-year term is \$3,266,000 and is based on estimated quantities provided by WASD multiplied by the recommended awardee's unit price for the contract term. This replacement contract consolidates two contracts for provision of the solicited products – (1) *Cast Iron Meter and Valve Boxes and Covers, Contract No. 8793-1/18*, valued at \$3,959,000 for a term of 10 years and six months, expiring on June 30, 2019; and (2) *Precast Concrete Meter Boxes, Contract No. IQ8640-4/18*, valued at \$1,000,000 for a term of five years and three months, and expired on September 30, 2018. The allocation under the replacement contract is higher than the current contracts on an annualized basis due to the addition of multiple items under the replacement.

It is unclear from the mayoral memorandum what WASD has done to meet its needs for precast concrete meter boxes since the expiration of *Contract No. IQ8640-4/18*. It is important to mention that the recommended awardee, Corcel Corporation, is the incumbent under the contracts that are being consolidated via this replacement.

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Per the Small Business Development Project Worksheet, the commodity codes assigned to this solicitation are: (1) 21045, Meter Boxes and Concrete Pull Boxes; (2) 89030, Manholes and Manhole Covers, Frames, Grates, Rings, Yokes; and (3) 89045 Meter Fittings, Water, Including Parts and Accessories, and Conversion Kits. A search on May 1, 2019 on the Business Management Workforce System under those codes yielded the following local certified small business firms:

- A&B Pipe and Supply, Inc.
- Bax International Corp.
- Corcel Corp.
- Eddie Lopez Technologies, LLC
- Ready Components, Inc.
- The Tool Place Corp.

**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-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.

<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 in memoranda to the Board pertaining to vendors being recommended for contract award.

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

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**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.

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

**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8F7  
File No. 190880**

**Researcher: JFP    Reviewer: TD**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$4,100,000.00 FOR A TOTAL MODIFIED CONTRACT AWARD OF \$15,090,000.00 FOR CONTRACT NO. 060B2490021 FOR THE PURCHASE OF COMMERCIAL OFF THE SHELF SOFTWARE FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO COUNTY CODE SECTION 2-8.1 AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize additional expenditure authority of up to \$4,100,000 for the purchase of commercial off-the-shelf software for the Information Technology Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations Committee at its April 17, 2019 meeting.

**ANALYSIS**

The purpose of this item is to authorize \$4,100,000 in additional expenditure authority to *Contract No. 060B2490021, Commercial Off-the-Shelf Software*—the third Board-approved modification since accessing the established State of Maryland contract in May 2016. The contract, originally for \$990,000, was established under the Mayor's delegated authority. The contract is currently valued at \$10,990,000 after the following modifications:

Mode of Modification	Date	Amount
BCC	12/06/2016	\$4,600,000
Delegated Authority	11/21/2017	\$250,000
Delegated Authority	12/14/2017	\$250,000
BCC	3/6/2018	\$4,400,000
Delegated Authority	3/15/2019	\$500,000
<b>TOTAL</b>		<b>\$10,000,000</b>

Additional expenditure authority is needed to fund the purchase of commercial off-the-shelf software, installation, training, maintenance and support services, as well as the purchase of new software licenses required by various County departments for Fiscal Year 2018-2019. It is the intent of the department to present additional modifications of this contract to the Board on an annual basis as software needs for future years are identified. The contract expires September 30, 2027.

According to the contract's Blanket Purchase Order, of the \$10,990,000.00 allocated, \$10,241,255.44 has been released leaving a balance of \$748,744.56. With the requested additional expenditure of \$4,100,000, the contract value will increase to \$15,090,000.

The contract provides access to a current pool of six prequalified vendors for the purchase of a diverse array of software products used by County staff to support critical County function, including providing protection of the County's networks and infrastructure against cyber-attacks. While all the vendors are non-local, all are active and registered to do business in the State of Florida per



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Sunbiz.org, the official State of Florida Division of Corporations website. Since this is a competitively accessed State of Maryland contract, the County does not have control of vendor participation.

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the Code of Miami-Dade County** (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-1137-16**, adopted December 6, 2016, approved additional expenditure authority in the amount of \$4,600,000 to *Contract No. 060B2490021, Commercial Off-the-Shelf Software*.

<http://intra/gia/matter.asp?matter=162308&file=true&yearFolder=Y2016>

**Resolution No. 212-18**, adopted March 6, 2018, approved additional expenditure authority in the amount of \$4,400,000 to *Contract No. 060B2490021, Commercial Off-the-Shelf Software*.

<http://intra/gia/matter.asp?matter=180197&file=true&yearFolder=Y2018>

**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-391-17**, adopted April 4, 2017, directs the Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts, to include in any recommendation to the Board for the expansion of term or services under existing contracts a written justification of why a competitive process is not feasible, to include to the maximum extent possible in any proposed expansion of term or services any requirements of Ordinance or Resolutions adopted by the Board subsequent to the initial contract and to report to the Board in the recommendation which requirements were adopted and rejected.

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

**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>

**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8F8  
File No. 190865**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. RFP-MDAD-07-17 TO DESIGNA ACCESS CORPORATION FOR THE PURCHASE OF PARKING ACCESS AND REVENUE CONTROL SYSTEM FOR THE MIAMI-DADE AVIATION DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$9,910,601.00 OVER THE INITIAL THREE-YEAR TERM AND FIVE-YEAR OPTION TO RENEW 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 award of *Contract No. RFP MDAD-07-17*, Parking Access and Revenue Control System, to DESIGNA Access Corporation in a cumulative amount of \$9,910,601 for an initial three-year term plus a five-year option to renew for the Aviation Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The item's legislative history shows that it was placed on the Economic Development and Tourism Committee agenda on January 17, 2019 wherein it was deferred. The item was next placed on the Tourism and Ports Committee agenda on February 13, 2019 wherein it was withdrawn. Subsequently, the item was considered at the April 15, 2019 Tourism and Ports Committee agenda wherein it was forwarded to the Board with a favorable recommendation. During that meeting, the Aviation Director shared that the item was previously withdrawn to afford the Internal Services Department, Aviation Department and other County departments an opportunity to evaluate the procurement process in order to validate the current recommendation.

**ANALYSIS**

The purpose of this item is for the Aviation Department to purchase a turnkey Parking Access and Revenue Control System (PARCS) for the parking facilities at Miami International Airport (MIA) in order to replace the existing legacy parking system which has exceeded its useful life. The recommended awardee is DESIGNA Access Corporation, an active foreign for-profit corporation with a principal address of 777 Oakmont Lane, Suite 2000, Westmont, Illinois.

Under the contract, DESIGNA Access is responsible for the design, manufacture, fabrication, furnishing, assembly, installation, testing, cut-over and inspection of an integrated PARCS at MIA's existing parking facilities and structures as well as provide for future expansion of parking services. The PARCS solution shall provide monitored ingress/egress control of all of the public parking facilities owned and operated by the Aviation Department. This includes Dolphin and Flamingo Garages, Park 1, Park 6, Park 8, the High Vehicle Lot, Valet Parking, Taxi Lot and the Employee Parking facilities. The PARCS shall be a state-of-the-art, fully online, real-time, open architecture system using single-slot technology at entry lanes, cashiered and automated exit lanes.

The contract has a cumulative value of \$9,910,601 for an initial term of three years plus one, five-year option to renew. Payment will be made based on the achievement of milestones per project phase. The phases are as follows:

1. Notice to Proceed
2. System Design Acceptance

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3. Factory Acceptance Test
4. Hardware/Server Installation; (4A – SunPass Interface to FTE and LDAP)
5. Lane Test Acceptance
6. Parking Reservation System
7. Back Office Reporting Acceptance
8. Final Acceptance/Closeout

The contract's initial term is valued at \$8,030,141, which consist of: (1) \$7,281,923 for payment milestones; (2) \$728,192.30 for the contingency allowance account; and (3) \$20,025.29 for the IG allowance account. The option to renew is valued at \$1,880,460, which represents \$376,092 for each year of the five year option term.

The solicitation was advertised on October 19, 2017, and five proposals were received in response to it. None of the respondents are local firms. Of the proposals received, the price proposed by Skidata, Inc. was the lowest, and the price proposed by the recommended awardee, DESIGNA Access was the highest. The item's supplement (File No. 190867) explains that although the price for the system proposed by Skidata is lower than DESIGNA's proposed price, there are features and pricing components that are not included in Skidata's base proposal. Additionally, the proposal submitted by TIBA Parking Systems was deemed nonresponsive by the County Attorney's Office (CAO) on March 23, 2018 because the bid bond submitted by TIBA is in the name of another corporate entity (i.e., T.I.B.A. LLC). The CAO reasoned that TIBA is nonresponsive for failing to include a bid bond that secured its proposal.

Prior to this solicitation's advertisement, this contract was previously solicited and a recommendation to reject all of the proposals received for PARCS was adopted by the Board on October 3, 2017 pursuant to Resolution No. R-831-17. That solicitation was advertised on April 15, 2016, and on June 3, 2016, three proposals were received in response to it. The rejection was based on two of the three proposals being deemed nonresponsive by the CAO. Moreover, the sole responsive proposal was evaluated in a way deemed inconsistent with the principles governing competitive procurement (i.e., the Selection Committee's review of certain confidential technical material).

This award includes a SBE/Con goal of three percent and a Community Workforce goal of 10 percent. DESIGNA Access has proposed a 33 percent SBE/Con participation goal. Under the proposal, AUM Constructions, Inc. will satisfy 28 percent of the work, and PSA Constructors, Inc. will satisfy five percent of the work.

The Commodity Code for this solicitation is 55038 (Parking Meters and Area Control Equipment). A search for local certified small business vendors under this code was conducted in the Business Management Workforce System on April 30, 2019 and yielded no vendors.

#### **APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Section 2-1701 of the County Code** sets forth the Community Workforce Program.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTCXIICOWOPR\\_S2-1701COWOPR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

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**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.

<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 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-831-17**, adopted October 3, 2017, approved the rejection of all proposals received in connection with the Request for Proposals for a Parking Access and Revenue Control System for Miami International Airport.

<http://intra/gia/matter.asp?matter=172053&file=true&yearFolder=Y2017>

**Resolution No. R-1181-18**, adopted November 8, 2018, directs the Administration to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm the safety records of recommended contractors and first-tier subcontractors and report any instance where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board.

<http://intra/gia/matter.asp?matter=182536&file=true&yearFolder=Y2018>

**Implementing Order 3-24** sets forth the County's policies and procedures relating to responsible wages and benefits for County construction contracts.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-24.pdf>

**Implementing Order 3-37** sets forth the County's policies and procedures relating to the Community Workforce Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-37.pdf>

**Implementing Order 3-34** sets forth the County's policies and procedures relating to the formation and performance of selection committees.

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

**Implementing Order 3-38** sets forth the County's policies 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>

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**Implementing Order 3-22** sets forth the County's policies and procedures for the Small Business Enterprise Construction Services Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO03-22.pdf>

**Implementing Order 2-13** sets forth guidelines and procedures regarding legal opinions with respect to County competitive processes.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf>

**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8F9  
File No. 190801**

**Researcher: IL   Reviewer: TD**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE THE REMAINING TWO, ONE-YEAR OPTION TO RENEW PERIODS FOR LEGACY CONTRACT NO. L603, SOCIAL SERVICES INFORMATION SYSTEM MAINTENANCE AND SUPPORT SERVICES, FOR THE INFORMATION TECHNOLOGY DEPARTMENT FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$399,000.00; 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 the remaining two one-year option to renew periods for a legacy contract providing social services information system maintenance and support services in an amount not to exceed \$399,000 for the Information Technology Department (ITD).

**PROCEDURAL HISTORY**

**Prime Sponsor:**

**Department/Requester: Internal Services Department**

This item was forwarded with a favorable recommendation from the Health Care and County Operations Committee on April 17, 2019.

**ANALYSIS**

The purpose of this item is for the Board to approve the two, one-year options to renew for Legacy Contract No. L603. This contract is intended to provide social services information system maintenance and support services to ITD. The awardee of the legacy contract is Bowman Systems LLC.

The time line below is intended to show the life of this type of service under two different contracts with Miami-Dade County.

**Time Line**

<b>Contract Type</b>	<b>Effective Date</b>	<b>Expiration</b>	<b>Value</b>
RFP-603	09/15/2008 (Original) 1 year with 5 one year option-to-renew	09/14/2009	\$ 500,000.00
RFP-603-1	09/15/2009 (OTR)	09/14/2010	\$ 146,237.00
RFP-603-2	09/15/2010 (OTR)	09/14/2011	\$ 268,074.00
RFP-603-3	09/15/2011 (OTR)	11/14/2012	\$ 85,000.00
RFP-603-4	11/15/2012 (OTR)	11/14/2013	\$ 132,000.00
RFP-603-5	11/15/2013 (OTR)	03/14/2015	\$ 194,982.67
L-603	06/23/2016 Original 5 year with two one-year options to renew	06/22/2019	\$ 228,705.00
L-603-1	06/23/2019	06/22/2020	\$ 170,000.00
		<b>Total</b>	<b>\$ 1,724,998.00</b>

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**Research Notes**

The table below illustrates the Blanket Purchase order amounts in the Bid Tracking System.

Department	Allocation Amount	Released Amount	Balance
ITD	\$228,705.00	\$226,080.00	\$2,625.00

Bowman Systems LLC, provided the Community Action and Human Services Department with a customized System, there are no other vendors that can provide the required maintenance and technical support, nor any future upgrades to the system. Continuing to utilize this open competitive contract rather than entering into a non-competitive agreement with the vendor results in healthier negotiations and reduced pricing.

Under the contract, Bowman Systems LLC will perform the following :

- Provision of known error corrections by delivery of available patches via electronic communication and for download via the internet;
- Provision of available minor updates (bundling of several error corrections in one version for download via the internet);
- Provision of available medium upgrades (version with additional/enhanced functions) for download via the internet;
- Provision of available major upgrades (version with substantially enhanced volume of functions), and new product releases;
- Information via electronic communication (email) when new minor/medium/major updates are available; and
- Licensors hosted hardware maintenance and repairs.

The Office of the Commission Auditor (OCA) conducted a review on April 30, 2019 of Bowman Systems LLC, and found that it has an inactive status on Sunbiz, (the official website of the Division of Corporations of the State of Florida) with a principal address of 750 Warrenville Rd Suite 301, Lisle, IL 60532 and no account with the Tax Collector's office.

The market research and the agenda item indicates that it would be cost prohibitive for the County to compete this project despite the availability of competition. The contract's Commodity Code is 20554 (Microcomputers, Handheld, Laptop, and Notebook, Environmentally Certified Products). Three local SBE-G&S certified firms were found on the Business Management Workforce System under the aforementioned code. (See below)

Vendor	Location	Certification
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

### **DEPARTMENTAL INPUT**

OCA posed the following questions to the Internal Services Department on April 16, 2019.

- What would the cost be to develop a new social services system? **Information Technology Department's market research has indicated that commercially available systems range in cost from \$90,000 annually up to \$419,500 annually for other systems. This would not include data migration costs out of the current system. Information Technology Department's market research does not indicate that internal development of a system replacement was considered as an option for this project.**
- Can a system be developed that is "open source" to be compatible with multiple vendor platforms? **An open source platform for this system has not been identified, however, there are a number of commercially available systems on the market. Five responses were received to the State's Request for Proposal.**



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**ADDITIONAL INFORMATION.**

Bowman Systems LLC has a contract for Data Entry Services with the Department of Veterans Affairs under contract D-303, [https://www.va.gov/oal/docs/library/VA\\_ServiceContractActInventory-fy2011.xlsx](https://www.va.gov/oal/docs/library/VA_ServiceContractActInventory-fy2011.xlsx)

**APPLICABLE LEGISLATION/POLICY**

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

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

**Section 2-8.1(b)(2) of the County Code** provides for legacy purchases upon a majority vote of the Board members present. A legacy purchase is defined as a purchase of goods and services where competition is unavailable, impractical or constrained as a result of the need to continue to operate an existing County system which may not be replaced without substantial expenditure. In any legacy purchase award recommendation, the County Mayor shall include a statement as to the need for such purchase and the provisions taken to reduce or eliminate the future need for legacy purchases for the particular good or service.

[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)

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

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<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>

**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8F10  
File No. 191127**

**Researcher: PGE   Reviewer: TD**

RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. D7289-0/24 AS 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 FOR THE PURCHASE OF ORACLE MASTER PURCHASING AGREEMENT AND AMENDMENT 1 IN AN AMOUNT NOT TO EXCEED \$44,000,000.00 FOR THE INFORMATION TECHNOLOGY DEPARTMENT; 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 [SEE ITEM UNDER FILE NO. 190838]

**ISSUE/REQUESTED ACTION**

Whether the Board should waive formal bid procedures by a two-thirds vote of the Board members present and award a designated purchase of *Contract No. D7289-0/24, Oracle Master Purchasing Agreement and Amendment 1*, to Oracle America, Inc. in an amount of up to \$44,000,000 for a five-year term for the Information Technology Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The item was considered at the April 17, 2019 meeting of the Health Care and County Operations Committee wherein it was forwarded to the Board as amended. The item was amended to include information explaining that the maintenance and support for existing products remains effective through September 30, 2019. However, the County is unable to make any additional purchases until the new contract and associated amendment are approved by the Board.

**ANALYSIS**

The purpose of this designated purchase is for the County to establish a long-term master purchasing agreement with Oracle for provision of a suite of Oracle products and services, including, but not limited to, software licenses, hardware, cloud, training and consulting services and maintenance and technical support, to support the County's vast information technology infrastructure. The master agreement governs the County's use of the products and service offerings ordered from Oracle. This award to Oracle America, Inc. is for a five-year term with an allocation of \$44,000,000. The mayoral memorandum does not set forth slated departmental purchases, making it unclear what the requested allocation will specifically support.

According to the Information Technology Department, the County has invested more than 20 years and in excess of \$82,000,000 since it made Oracle the standard distributed database. Oracle is now the copyright holder for the County's Customer Care & Billing platform used by WASD as well as the ERP PeopleSoft platform used by HR. Oracle products support mission-critical systems countywide, such as 311, EAMS, and EDMS/Documentum.

Per the Market Research conducted for this procurement, the use of Oracle products and services is vital to County operations. While competition is available amongst Oracle resellers, entering into a non-competitive contract with Oracle allows the County to have control over the terms and conditions which will govern the purchase and use of these products and services. Due to the critical nature of the products and services and the high level of risk exposure that the application based on Oracle products present to the County, it is critical that the County establish terms and conditions that adequately address and mitigate liability exposure. Therefore, it is recommended that the County enter into a non-competitive agreement with Oracle in order to achieve the best value for Miami-Dade County, including pricing and protection from risk.

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The County has purchased Oracle products and services on two separate contracts. The County has historically purchased Oracle hardware, licenses, and consulting services from Oracle America, Inc. under *Contract No. BW7289-4/08*, which expired on March 31, 2019, and was valued at \$99,640,000 for a term of 16 years. This contract does not allow the purchase of Oracle cloud licenses and associated services. The County accesses Maricopa County *Contract No. 13120-RFP*, which expired April 30, 2019 and was valued at \$495,467.84, for cloud-based products and services. The awarded vendor under that contract is DLT Solutions, LLC.

Pursuant to Resolution No. R-279-18, adopted March 20, 2018, a designated purchase to Oracle America, Inc. was authorized under *Contract No. BW7289-4/08, Oracle Licenses, Maintenance, Training and Technical Services*, to increase expenditure authority by \$3,265,000 and extend the contract term by one year to enable the County to complete negotiations of a long-term Master Agreement with Oracle. The extension was needed as negotiations between the County and Oracle for a replacement contract resulted in impasse relating to inclusion of certain County requirements, i.e., Implementing Order No. 3-9 regarding Accounts Receivable, compliance with local, state and federal laws and the First Source Hiring Referral Program. Per the mayoral memorandum, the proposed designated purchase reflects a successful resolution of that impasse as the Master Agreement now includes those County requirements.

The Commodity Code for this solicitation is 20562, Motherboards, Environmentally Certified Products. A May 2, 2019 search on the Business Management Workforce System under this code yielded the following local certified small business enterprises:

- Network & Communication Services, Inc.
- Visual Data Solutions, Inc.

Whether those local certified firms are capable of performing the required services or partnering with Oracle to deliver certain services is beyond the scope of this research note.

#### **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\\_miamidade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_miamidade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Section 2-8.1(b)(3) of the County Code** sets forth procedures for purchases when competitive procedures are not practicable. This provision defines a designated purchase as a purchase when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (1) sole source purchases; (2) services where no competition exists such as public utility services; (3) where purchases or rates are fixed by law or ordinance; (4) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act; (5) purchase of goods and services necessary to address an emergency or where additional formal competition would not be practicable; and (6) 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.

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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. Such adoption shall be deemed for all purposes to constitute a determination by the Board of County Commissioners that formal sealed bids are not practicable for this purchase and that it is in the best interest of the County to waive competitive bidding.

[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-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.

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

**Resolution No. R-718-17**, adopted July 6, 2017, directs the Administration to commence planning for re-procurement no later than 18 months prior to the expiration of contracts and prequalification pools for purchases of goods and services.

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

**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 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-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-279-18**, adopted March 20, 2018, authorized a designated purchase to Oracle America, Inc. under *Contract No. BW7289-4/08, Oracle Licenses, Maintenance, Training and Technical Services*, to increase expenditure authority by \$3,265,000 and extend the contract term by one year to enable the County to complete negotiations of a long-term Master Agreement with Oracle.

<http://intra/gia/matter.asp?matter=181064&file=false&yearFolder=Y2018>

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**Resolution No. R-841-06**, adopted July 6, 2006, states that whenever prior Commission approval is required for award of a successor contract or extension of an existing contract in order to assure no hiatus in the provision of goods or services to the County, the County Mayor shall present the request for such approval to the Board no later than 30 days before the existing contract expires or needs to be extended.

<http://intra/gia/matter.asp?matter=061720&file=true&yearFolder=Y2006>

**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>

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Research Notes**

**Item No. 8F11  
File No. 190819**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00964 FOR PURCHASE OF TWO PRIME MOVERS FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS FOR A ONE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$2,700,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA 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 approve award of *Contract No. FB-00964, Prime Mover*, to Harsco Metro Rail, LLC in the amount of \$2,700,000 of surtax funds for a one-year term for the Transportation and Public Works Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The item was considered at the April 16, 2019 meeting of the Transportation and Finance Committee wherein it was forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to establish a contract for the purchase of two replacement prime movers to support the operations of the Transportation and Public Works Department (DTPW) as the current movers are outdated. Prime movers are used as work trains to tow revenue trains, transport employees to and from work areas, perform replacement and/or repair of rail as well as provide power for hydraulic and pneumatic tools and facilitate other wayside related maintenance tasks. The movers to be purchased shall contain an enclosed cab for eight personnel plus one operator.

The prime movers are to be new and the most recent model available. The movers are to be delivered to an authorized DTPW representative at the William Lehman Center within 485 calendar days after the order date. There is a one-year warranty following the date of acceptance.

The solicitation was advertised on September 13, 2018. The method of award was to the responsible, responsive bidder whose offer represented the lowest unit price. Four bids were received on November 30, 2018. The lowest bidder, Internet Marketplace Online, LLC, submitted an offer of \$590,800. However, per a responsibility review, that bid was deemed noncompliant with the solicitation's specifications for the prime mover. Accordingly, the recommended awardee is Harsco Metro Rail who tendered the second lowest bid of \$2,700,000.

The funding source for this procurement is Charter County Transportation Surtax funds. This is a firm, fixed-price one-time purchase contract. The cost is inclusive of purchasing, installing, and testing the equipment. Training is also included in the cost. The contract term is one-year. The last prime mover purchase was under *Contract No. FB-00377* for a one-year term (from November 16, 2016 to November 30, 2017) in the amount of \$1,473,000 from Harsco Corporation. The price per unit under the replacement contract is lower than the previous contract due to economies of scale in manufacturing two prime movers.



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**Research Notes**

As seen in the mayoral memorandum, Harsco Metro Rail, LLC neither has a local address nor employees residing in Miami-Dade County. The company operates as a subsidiary of Harsco Corporation (see: <http://www.harscorail.com/about-us.html> ).

The Small Business Development Project Worksheet for this procurement shows a commodity code of 55830 (Locomotive, Diesel). A May1, 2019 search on the Business Management Workforce System under that commodity code yielded no firms.

**APPLICABLE LEGISLATION/POLICY**

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

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

**Section 29-124 of the County Code** 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](http://miamidade.fl.elaws.us/code/coord_ptiii_ch29_artxvi_sec29-124)

**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.

<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 in memoranda to the Board pertaining to vendors being recommended for contract award.

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



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**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>

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Research Notes**

**Item No. 8F12  
File No. 191053**

**Researcher: PGE   Reviewer: TD**

RESOLUTION RATIFYING ACTIONS OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO CAPITAL IMPROVEMENT CONTRACTS WHICH ARE FUNDED WITH FUTURE AVIATION FINANCING, TOTALING \$8,822,000.00, PURSUANT TO THE ECONOMIC STIMULUS ORDINANCE, SECTION 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA

**ISSUE/REQUESTED ACTION**

Whether the Board should ratify the County Mayor's approval pursuant to the Economic Stimulus Ordinance of four professional services agreements related to the Aviation Department's terminal optimization program in a cumulative amount of \$8,822,000 for a term of 1,825 days.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The item has no procedural history.

**ANALYSIS**

The purpose of this item is to ratify the County Mayor's approval pursuant to the Economic Stimulus Plan (ESP) Program of four separate professional services agreements for the terminal optimization project at Miami International Airport. The awardees are: (1) Bermello, Ajamil & Partners, Inc.; (2) M.C. Harry and Associates, Inc.; (3) Mobio Architecture, Inc.; and (4) Perez & Perez Architects Planners, Inc. The awardees shall deliver professional architectural and engineering design services. Each agreement is valued at \$2,205,500, cumulatively totaling \$8,822,000 for a term of 1,825 days. The item neither includes copies of the professional services agreements nor the specific work allotted to each awardee.

Per the item's Exhibit A, the professional services agreements include a DBE measure of 28 percent and a total of 34 jobs will be generated. There is no information on how the awardees intend to satisfy the measure. The services to be delivered are summarized as follows: architectural/engineering design services for renovations and improvements to terminal-wide outer buildings and new facilities including, interior, roofing and glazing work, miscellaneous code compliance and aesthetics related improvements.

An ESP-approved project benefits from an expedited acquisition process as the Mayor is able to approve the award. The Board may add projects to the ESP list as necessary. On April 4, 2017, pursuant to Resolution No. R-348-17, the Board approved the addition of this project to the County's list of ESP projects. The baseline ESP project budget is \$8,822,000 with Future Aviation Financing and Revenue Bonds as the funding source. The project was originally funded in the Fiscal Year 2016-17 Proposed Budget and Multi-Year Capital Plan. The project description reads: renovations and improvements to terminal-wide and outer buildings, including interior, roofing and glazing work, renovations and miscellaneous code and aesthetics related improvements.

Pursuant to Resolution No. R-421-16, adopted May 17, 2016, the County Mayor is required 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. That information is absent from this ESP ratification item.

On May 3, 2019, OCA reviewed the Capital Improvements Information System's All Contractors List for the performance history of the recommended awardees and found the following:

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- Bermello, Ajamil & Partners, Inc. – the firm has 21 evaluations with an average evaluation of 3.7 out of a possible 4.0;
- M.C. Harry and Associates, Inc. – the firm has 4 evaluations with an average evaluation of 4.0 out of a possible 4.0;
- Mobio Architecture, Inc. – there are no evaluations on record for the firm; and
- Perez & Perez Architects Planners, Inc. – the firm has 2 evaluations with an average evaluation of 3.2 out of a possible 4.0.

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

**Section 2-8.2.7 of the County Code** sets forth the Economic Stimulus Ordinance which applies to the processing, design, and construction of the capital improvement projects specifically identified by resolution of the Board of County Commissioners or capital projects funded in whole or in part through the American Recovery and Reinvestment Act (ARRA). The Board of County Commissioners may, from time to time and by subsequent resolution, add or delete projects from the list of Capital Stimulus Projects. All Capital Stimulus Projects must have been approved as part of the Annual Proposed Resource Allocation and Multi-Year Capital Plan. This section shall also be applicable to contracts for the purchase of goods or services funded in whole or in part through ARRA. All actions taken by the Mayor or his/her designee under this section shall not require review by any Committee, but shall be submitted to the next available Board of County Commissioners meeting for ratification.

[https://library.municode.com/fl/miami](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR) -

[dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.7ECSTOR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR)

**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.

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[https://library.municode.com/fl/miami\\_mayor\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami_mayor_county/codes/code_of_ordinances?nodeId=PTIICOOR_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>

**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>

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

**Resolution No. R-421-16**, adopted 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>

**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-348-17**, adopted April 4, 2017, approved the addition of certain capital projects to the list of economic stimulus projects pursuant to the County's economic stimulus plan.

<http://intra/gia/matter.asp?matter=162928&file=true&yearFolder=Y2016>

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Research Notes**

**Item No. 8G2  
File No. 190735**

**Researcher: JFP   Reviewer: TD**

RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2018-19 FOR THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AGENCY AND THE NORTH MIAMI BEACH COMMUNITY REDEVELOPMENT AREA TOTALING \$3,707,740.00

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the \$3,707,740 budget for the North Miami Beach Community Redevelopment Agency (CRA) and the North Miami Beach Community Redevelopment Area for Fiscal Year 2018-19.

**PROCEDURAL HISTORY**

**Prime Sponsor: Housing, Social Services & Economic Development Committee**

**Department/Requester: Office of Management and Budget**

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services & Economic Development Committee at its April 15, 2019 meeting.

**ANALYSIS**

The purpose of this item is to approve the North Miami Beach CRA FY 2018-2019 budget in the amount of \$3,707,740. The Area lies within District 2 and 4, which are represented by Commissioner Monestime and Commissioner Heyman, respectively. The North Miami Beach Community Redevelopment Agency, created by the Board in 2005, and the North Miami Beach Community Redevelopment Area both sunset in 2028.

The CRA's main revenue source is tax increment financing (TIF), which earmarks a specific portion of property tax dollars collected by the City of North Miami Beach and Miami-Dade County for the CRA. The below table highlights the County's investment via TIF into the North Miami Beach Community Redevelopment Agency's trust fund.

**Payment into the North Miami Beach Community Redevelopment Agency's Trust Fund by Source**

<b>Fiscal Year</b>	<b>County's TIF Payment</b>	<b>City's TIF Payment</b>
FY 2018-2019	\$710,641	\$932,099

The remainder of the budget includes carryover of \$2,050,000 and interest earnings of \$15,000.

The CRA's goals are to:

- 1) Eliminate and prevent blight,
- 2) Improve the public infrastructure, and
- 3) Prevent and reduce incidents of crime.

To this end, the CRA's FY 2018-2019 budget includes the following operating expenses:

- \$1,510,000 for grant programs
  - \$1,000,000 for Targeted Industry Incentive Projects, intended to create new employment opportunities through the attraction of targeted industries;
  - \$150,000 for the Commercial Improvement Grants program, which will pay for 50% of the total cost of an approved project up to a maximum cost of \$25,000;

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- \$300,000 for a Wastewater Connection Fee assistance Program, which will reimburse up to 50% of the impact and connection fees; and
- \$60,000 for Art in Public Places pilot program, which will utilize local artists to create local themes.
- \$1,519,729 for Capital Infrastructure Improvements including:
  - \$769,729 for land acquisition opportunities to include workforce/affordable housing;
  - \$200,000 for the West Dixie Highway Implementation Strategy;
  - \$200,000 for swale compacting and irrigation;
  - \$200,000 for Corona Del Mar sewer
  - \$150,000 for wayfinding signage, place making, and branding, and
- \$204,900 for the debt service payment on a 2007 loan that matures in 2027.
- \$163,548 for other operating expenditures, including salary and fringes associated with Agency operations, legal services, marketing, printing and publishing.
- \$40,000 for consulting services to assist with review of TIF Recapture Incentive applications, targeted industry market analysis, branding and economic development services.

It is important to note that the budget does not include a contingency reserve.

The table below provides a comparison of the CRA's current budget and that of the previous year, noting a 65% increase in total operating expenses.

**North Miami Beach Community Redevelopment Agency**  
**Budget Summary**

	<b>FY 2017-2018</b>	<b>FY 2018-2019</b>
<b>Total Administrative Expenses</b>	\$230,051	\$269,563
<b>Total Operating Expenses</b>	\$1,735,357	\$2,668,448
<b>Capital Improvements</b>	\$767,422	\$769,729
<b>Total CRA Budget</b>	\$2,732,830	\$3,707,740

The Agency's FY 2018-2019 budget was approved by the Agency on August 23, 2018 and by the City of North Miami Beach on September 27, 2018, and is now subject to the Board's approval, pursuant to the 2005 Interlocal Agreement between Miami-Dade County, the City of North Miami Beach, and the North Miami Beach CRA.



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The below map indicates the North Miami Beach Community Redevelopment Area's geographic boundaries.



**ADDITIONAL INFORMATION**

North Miami Beach CRA website:

<https://www.citynmb.com/304/Community-Redevelopment-Agency-CRA>

**APPLICABLE LEGISLATION/POLICY**

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

**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](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)



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**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](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)

**Section 163.410 of Florida Statutes** states that the exercise of powers in counties with home rule charters does not affect any Community Redevelopment Agency created by a municipality prior to the adoption of a county home rule charter.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0163/0163.html](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 June 30, 2015, allows for designee to be appointed to a CRA.

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

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**Item No. 8G3  
File No. 190536**

**Researcher: TD   Reviewer: YM**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AMENDMENT TO CONTRACT NO. BU3BSR28 WITH BEHAVIORAL SCIENCE RESEARCH CORPORATION TO EXTEND SUCH CONTRACT FOR AN ADDITIONAL 12 MONTHS WITH AN EFFECTIVE DATE OF MARCH 1, 2019, FOR THE PURPOSE OF PROVIDING STAFF SUPPORT SERVICES FOR THE MIAMI-DADE HIV/AIDS PARTNERSHIP, AND QUALITY MANAGEMENT SERVICES FOR THE RYAN WHITE PART A AND MINORITY AIDS INITIATIVE PROGRAMS, INCLUDING A TRAINING PROGRAM FOR DIRECT SERVICE PERSONNEL, TO EXPEND AN AMOUNT UP TO \$1,400,000.00 IN FEDERAL GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION IN ORDER TO FUND THE CONTRACT WITH BEHAVIORAL SCIENCE RESEARCH, AND TO EXERCISE AMENDMENTS, MODIFICATIONS, CANCELLATION, AND TERMINATION CLAUSES CONTAINED IN SUCH CONTRACT; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-130-06

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the extension of the contract with Behavioral Science Research Corporation for support services for the Miami-Dade HIV/AIDS Partnership and quality management for the Ryan White Part A Minority Aids Initiative (MAI) Programs.

**PROCEDURAL HISTORY**

**Prime Sponsor:**

**Department/Requester: Office of Management and Budget**

This item was forwarded to the Board with a favorable recommendation by the Health Care and County Operations Committee at its April 17, 2019 meeting.

**ANALYSIS**

The proposed item requests Board approval of a designated purchase extending the County's contract with Behavioral Science Research Corporation for an additional 12 months in an amount up to \$1,400,000 for the delivery of staff support services for the Ryan White Part A and MAI Programs, including a training program for direct service personnel. The item also requests a waiver of Resolution No. R-130-06 requiring the underlying contract to be executed by the non-County party and attached to the agenda item prior to placement on the Board's agenda.

The current contract with Behavioral Science Research Corporation was effective on March 1, 2012 with the current contract expiring on February 28, 2019. Accordingly, this item is also requesting retroactive approval of the extension, commencing on March 1, 2019. The mayoral memo neither relays information regarding Behavioral Science Research Corporation's performance under the contract nor the total amount expended.

The mayoral memo indicates that due to changes in federal grant guidelines and restrictions related to administrative costs, ongoing discussions with multiple representatives from the U.S. Department of Health and Human Services regarding various interpretations of the proper classification of administrative support costs, and staff turnover in the Office of Management and Budget (OMB), the Ryan White Program staff has been unable to develop and complete the Request for Proposal (RFP) process before the current contract expired in accordance with Resolution No. R-718-17. The extension affords OMB time to finalize the RFP process, including advertisement and contract award.

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**ADDITIONAL INFORMATION**

Miami-Dade County's Ryan White Program distributes federal grant funds to HIV/Aids service organizations, community-based clinics, hospitals and public institutions. Approximately 10,000 people in Miami-Dade County are living with HIV or AIDS are served. Program services include outpatient medical care, prescription drugs, oral health care, mental health counseling, legal assistance and outreach services.

[https://www8.miamidade.gov/global/service.gage?Mduid\\_service=ser1482944607068715&Mduid\\_location=org1462994438372631&Type\\_collection=&Mduid\\_organization=org1462994438372631](https://www8.miamidade.gov/global/service.gage?Mduid_service=ser1482944607068715&Mduid_location=org1462994438372631&Type_collection=&Mduid_organization=org1462994438372631)

The Miami-Dade HIV/AIDS Partnership is organized to eliminate disparities and improve health outcomes for all people living with or at risk for HIV/AIDS. The Partnership obtains input on community needs, sets priorities and allocates funds for Ryan White Part A/MAI, plans for services and housing and makes recommendations for Ryan White Part B, General Revenue and Housing Opportunities for people with AIDS. In addition, it serves as an advisory board to the County Mayor and County Commission.

<http://aidsnet.org/#>

**APPLICABLE LEGISLATION/POLICY**

**Ryan White HIV/AIDS Treatment Extension Act of 2009** The Ryan White HIV/AIDS Program legislation was first enacted in 1990 as the Ryan White Comprehensive AIDS Resources Emergency Act; it has been amended and reauthorized four times in 1996, 2000, 2006 and 2009; the extension Act of 2009 delineates the statutory requirements of the program; highlights of the extension Act include: (1) MAI funds under Parts A and B are distributed according to a formula based on the distribution of populations disproportionately impacted by HIV/AIDS and coincide with grant cycles under each Part; (2) Part A authorizes grant awards to eligible metropolitan areas and transitional grant areas; and (3) Part A and B grant recipients must develop comprehensive plans that include a strategy for identifying individuals with HIV who do not know their status and helping them seek medical services.

<http://legcounsel.house.gov/Comps/PHSA-merged.pdf>

**Article LXXX of the County Code** sets forth the County's HIV/AIDS Partnership; the purpose of the partnership is to enable the County and other governmental entities to apply for, receive, plan for, assess, and allocate financial assistance under Title XXVI of the Public Health Service Act as amended by the Ryan White HIV/AIDS Treatment Modernization Act of 2006, Healthy Communities 2010 Objectives, AIDS Housing Opportunity Act, and Housing and Community Development Act of 1992, State of Florida General Revenue Care and Treatment Allocations, and other HIV/AIDS related funding as it becomes available; and to advise the Board of County Commissioners, the Mayor, and other governmental entities on HIV/AIDS related issues.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTLXXXMIDECOHIAIPA](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTLXXXMIDECOHIAIPA)

**Resolution No. R-31-12**, adopted January 24, 2012, approved a contract to Behavioral Science Research Corporation for staff support services for the Miami-Dade HIV/AIDS Partnership in the amount of \$510,300 under the HIV/AIDS Treatment Extension Act of 2009, Part A Funds and for quality management services in the amount of \$494,00 in Part A Funds and \$104,750 in MAI Part A Funds for a term on one year subject to automatic renewal on an annual basis for five years from the end of the initial term.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2011/112433.pdf>

**Resolution No. R-400-18**, adopted May 1, 2018, approves the extension of Contract No. BU3BSR27 with Behavioral Science Research Corporation to provide staff support services for the Miami-Dade HIV/AIDS Partnership, and quality management services for the Ryan White Part A and Minority Aids Initiative Programs, including a training program for direct service personnel for an additional time of 12 months.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2018/180832.pdf>

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

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/120287.pdf>

**Resolution No. R-130-06**, adopted January 24, 2006, requires that proposed agendas items seeking an approval of a contract or conveyance shall not be placed on any committee or commission agenda unless the underlining contract or conveyance is completely negotiated, in final form, and executed by all non-County parties.

[http://www.miamidade.gov/govaction/matter\\_report.asp?matter=060239&file=false&fileAnalysis=false&yearFolder=Y2006](http://www.miamidade.gov/govaction/matter_report.asp?matter=060239&file=false&fileAnalysis=false&yearFolder=Y2006)

**Resolution No. R-718-17**, adopted 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>

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Research Notes**

**Item No. 8G4  
File No. 190537**

**Researcher: TD   Reviewer: YM**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO THE CONTRACTS WITH 14 SUBRECIPIENTS CURRENT GRANT FISCAL YEAR 2018 CONTRACTS APPROVED BY RESOLUTION NOS. R-1072-12 AND R-1177-17, IN ORDER TO EXTEND SUCH CONTRACTS FOR AN ADDITIONAL 12 MONTHS WITH AN EFFECTIVE DATE OF MARCH 1, 2019 FOR HEALTH AND SUPPORT SERVICES FOR PERSONS LIVING WITH HIV/AIDS, TO EXPEND AN ADDITIONAL AMOUNT NOT TO EXCEED A COMBINED TOTAL OF \$24,838,500.00 IN FEDERAL GRANT FUNDING FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION, TO EXERCISE AMENDMENTS, MODIFICATIONS, CANCELLATION, AND TERMINATION CLAUSES CONTAINED IN SUCH CONTRACTS; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-130-06

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the execution of amendments with 14 sub recipients for Fiscal Year 2018 for health and support services for persons living with HIV/AIDS.

**PROCEDURAL HISTORY**

**Prime Sponsor:**

**Department/Requester: Office of Management and Budget**

This item was forwarded to the Board with a favorable recommendation by the Health Care and County Operations April 17, 2019 meeting.

**ANALYSIS**

The purpose of this item is in four parts: (1) Authorize the Mayor to execute amendments to the contracts with 14 sub recipients having current Grant Fiscal Year 2018 contracts approved by Resolutions R-1072-12 and R-1177-17 to extend them for an additional 12 months extending March 1, 2020 , (2) Authorizes the Mayor to expend an amount not to exceed a combined total of \$24,838,500.00 which is a portion of the federal grant from the Department of Health and Human, Health Resources and Services Administration's FY 2019-2020 grant.

There is no fiscal impact to the County as this is a Federal Grant requiring no matching funds.

The impact of this resolution is countywide. The Ryan White Program serves approximately 10,000 low-income people living with HIV or AIDS in Miami-Dade County. The local Ryan White Program provides eligible clients with a range of HIV-related health and support services. Those services include:

- Outpatient/Ambulatory Health Services
- Medical Case Management (including Treatment Adherence Services)
- Health Insurance Assistance
- AIDS Pharmaceutical Assistance (prescription drugs)
- Oral Health Care
- Mental Health Services
- Medical Transportation
- Substance Abuse Services (Residential)
- Substance Abuse Outpatient Care

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- Food Bank Services
- Outreach Services
- Other Professional Services (Legal Assistance and Permanency Planning).

On December 18, 2012, the Board adopted Resolution No. R-1072-12, awarding contracts to 15 sub recipients, to provide on-going core medical and support services without gaps in care for approximately 10,000 low-income people who are living with HIV or AIDS in Miami-Dade County. One sub recipient organization, Helen B. Bentley, Inc., was awarded a contract under Resolution No. R-1072-12, but is no longer in business. On December 17, 2017, the Board adopted Resolution No. R-1177-17, in part authorizing the County Mayor to execute continuation contracts with those service providers previously awarded contracts pursuant to Request for Proposal No. 0313 “Health and Support Services for Persons Living with HIV/AIDS” and Resolution No. R-1072-12.

The contracts awarded under Resolution Nos. R-1072-12 and R-1177-17, include five, one-year options to renew. The final option to renew expired on February 28, 2019. Due to several factors listed in the Mayoral Memo, the local Ryan White Program office was unable develop and complete the Request For Proposal (RFP) process before the current options to renew expires.

**DEPARTMENT INPUT**

None Requested

**APPLICABLE LEGISLATION/POLICY**

**Ryan White HIV/AIDS Treatment Extension Act of 2009** Ryan White HIV/AIDS Treatment Extension Act of 2009: the Ryan White HIV/AIDS Program legislation was first enacted in 1990 as the Ryan White Comprehensive AIDS Resources Emergency Act; it has been amended and reauthorized four times in 1996, 2000, 2006 and 2009; the extension Act of 2009 delineates the statutory requirements of the program; highlights of the extension Act include: (1) MAI funds under Parts A and B are distributed according to a formula based on the distribution of populations disproportionately impacted by HIV/AIDS and coincide with grant cycles under each Part; (2) Part A authorizes grant awards to eligible metropolitan areas and transitional grant areas; and (3) Part A and B grant recipients must develop comprehensive plans that include a strategy for identifying individuals with HIV who do not know their status and helping them seek medical services.

<http://legcounsel.house.gov/Comps/PHSA-merged.pdf>

**Article LXXX of the County Code** sets forth the County’s HIV/AIDS Partnership; the purpose of the partnership is to enable the County and other governmental entities to apply for, receive, plan for, assess, and allocate financial assistance under Title XXVI of the Public Health Service Act as amended by the Ryan White HIV/AIDS Treatment Modernization Act of 2006, Healthy Communities 2010 Objectives, AIDS Housing Opportunity Act, and Housing and Community Development Act of 1992, State of Florida General Revenue Care and Treatment Allocations, and other HIV/AIDS related funding as it becomes available; and to advise the Board of County Commissioners, the Mayor, and other governmental entities on HIV/AIDS related issues.

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTLXXXMIDECOHIAIPA](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTLXXXMIDECOHIAIPA)

**Resolution No. R-1072-12** adopted December 18, 2012, approved the Mayor’s recommendation for award of contracts in the total amount of \$19,000,000 for healthy support services for persons living with HIV/AIDS under Part A and Minority Aids initiative of the Ryan white Treatment Extension Act.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/122352.pdf>

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**Resolution No. R-1177-17** adopted December 5, 2017, ratifies the Mayor's action in applying for approximately \$27,963,028.00 in fiscal Year 2018-19 HIV Emergency Relief Project (Ryan White Part A and Minority Aids Initiative) grant funding for comprehensive health and support services for low income persons living with HIV/AIDS.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2017/172345.pdf>

**Resolution No. R-130-06**, adopted January 24, 2006, requires that proposed agenda items seeking approval of a contract or conveyance 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-187-12**, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

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



**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8I1  
File No. 190712**

**Researcher: LE   Reviewer: TD**

RESOLUTION APPROVING THE INTERAGENCY AGREEMENT FOR ACCESS TO FCIC/NCIC VIA MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE APPROVED AGREEMENT WITH THE CITY OF AVENTURA; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE FUTURE AGREEMENTS, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, WITH OTHER GOVERNMENTAL BODIES AND THEIR RESPECTIVE AGENCIES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS, AND TO EXERCISE THE RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve an interagency agreement between Miami-Dade County and the City of Aventura to access Florida Crime Information Center/ National Crime Information Center (FCIC/NCIC) through the Miami-Dade Police Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: Joe A. Martinez, District 11**

**Department/Requester: Miami-Dade Police Department**

Due to the lack of quorum during the PSR committee meeting on April 16, 2019, the item was forwarded to the BCC by the Chairperson.

**ANALYSIS**

The purpose of this item is to approve an interagency agreement between Miami-Dade County and the City of Aventura for access to the Florida Crime Information Center/ National Crime Information Center (FCIC/NCIC) via the County and through the Miami-Dade Police Department.

This item has no fiscal impact according to the Mayoral memorandum and departmental input.

The National Crime Information Center (NCIC) is an electronic crime database that can be used by every criminal agency nationwide and operates through shared management between the FBI, federal, state, local, and tribal criminal justice users. The Florida Crime Information Center (FCIC) is a service that is provided by the Florida Department of Law Enforcement to allow citizens of Florida and internet accessible users to help law enforcement agencies in Florida locate missing or stolen property, missing persons, and people related to ongoing criminal investigations statewide.

The Miami-Dade Police Department (MDPD) has authorized access to these systems and is the primary agent in managing and monitoring them. A signed and written agreement is required since MDPD is providing access to other authorized criminal justice agencies. Participating agencies must comply with the same policies and responsibilities as MDPD. Expanding access to NCIC and FCIC will allow for greater mobility and safeguarding of communities in the County. The agreement between the City of Aventura and Miami-Dade County will be valid for five years upon the signing date with one five-year renewal period.

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**DEPARTMENTAL INPUT**

OCA sent the following questions to the Miami-Dade Police Department on April 15, 2019 and received the following answers:

- The Mayor's memorandum indicates that this agreement has no fiscal impact to the County; verify that there is no cost to the County for accessing the FCIC/NCIC/CJNet; also clarify whether there will be a cost to the City of Aventura under the agreement,

**There are no fees or costs for information sharing among law enforcement agencies i.e., FDLE and MDPD and MDPD and municipalities.**

- List the municipalities that are currently utilizing such an interagency agreement for access to FCIC/NCIC via MDPD, **Currently, there is no agreement in place. It is anticipated that the agencies listed in the attached spreadsheet will require this interagency agreement. All agencies listed currently have access through the Miami-Dade County A-Form Management system or have configured terminals with access.**

- Verify if this item also delegates to the Mayor the authority to approve future interagency agreements without Board approval or ratification.

**Yes.**

**APPLICABLE LEGISLATION/POLICY**

N/A

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Research Notes**

**Item No. 8I2  
File No. 190823**

**Researcher: TD   Reviewer: YM**

RESOLUTION RETROACTIVELY APPROVING THE MUTUAL AID AGREEMENT WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT AND PARTICIPATING LAW ENFORCEMENT AGENCIES AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT, FOR A TERM EFFECTIVE FROM THE DATE ALL PARTIES SIGN THROUGH JANUARY 31, 2024; RETROACTIVELY AUTHORIZING THE ACTION OF THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE IN EXECUTING THE MUTUAL AID AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE AMENDMENTS, RENEWALS, TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a Mutual Aid Agreement with the Florida Department of Law Enforcement (FDLE) and Miami-Dade Police Department (MDPD) for the purpose of locating and apprehending fugitives and sex offenders who violate the sex offender registration requirements.

**PROCEDURAL HISTORY**

**Prime Sponsor:** Joe A. Martinez, Prime Sponsor

**Department/Requester:** Miami-Dade Police

This item was forwarded to the BCC by the Chairperson due to lack of a quorum by Public Safety and Rehabilitation Committee originally scheduled for April 16, 2019.

**ANALYSIS**

The purpose of this item is to request the Board's retroactive approval of a Mutual Aid Agreement (Agreement) entered into by Miami-Dade Police on March 14, 2019 with the Florida Department of Law Enforcement and other participating law enforcement agencies locating and apprehending fugitives and sex offenders violating sex offender registration requirements. This agreement is effective upon signing and expires January 31, 2024. This Mutual Aid Agreement may be amended as necessary.

There is no fiscal impact associated with this item.

The Agreement provides for the voluntary law enforcement cooperation across jurisdictional lines, establishment of joint operations to combat the law enforcement issue of locating and apprehending fugitives and sex offenders violating mandated sex offender registration requirements and authorizing any and all law enforcement action in investigating, apprehending and arrest while involved in task force operations.

The example provided by the Mayoral memo was one of an unregistered sex offender recently released from state prison. The FDLE and MDPD were able to cooperate and arrest this individual. The lead agency for this Agreement is FDLE.

**DEPARTMENT INPUT**

None Requested

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**ADDITIONAL INFORMATION**

Miami-Dade County, under Chapter 23 of the Florida Statutes, has entered into 39 Mutual Aid Agreements since 1996. Several are listed below:

**Resolution R-259-19** adopted March 5, 2019 establishes a Mutual Aid Agreement between Palm Beach County and other jurisdiction to combat auto theft.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190151min.pdf>

**Resolution R-129-19** adopted February 5, 2019 establishes a Mutual Air Agreement with Monroe County for the rehabilitation of aviation facilities following an emergency.

<http://www.miamidade.gov/govaction/matter.asp?matter=182721&file=true&fileAnalysis=false&yearFolder=Y2018>

**Resolution R-444-18** adopted May 1, 2018 establishing a Money Laundering Task Force between Miami-Dade County and Broward County.

<http://www.miamidade.gov/govaction/matter.asp?matter=180828&file=true&fileAnalysis=true&yearFolder=Y2018>

**Resolution R-984-17** adopted November 7, 2017 establishes a Mutual Aid Agreement with Key Largo for emergency medical support during catastrophic event.

<http://www.miamidade.gov/govaction/matter.asp?matter=172028&file=true&fileAnalysis=false&yearFolder=Y2017>

**APPLICABLE LEGISLATION/POLICY**

**Chapter 23 Florida Statutes** entitled “Florida Mutual Aid Act”, allows the creation of a state law enforcement mutual aid plan providing for the command and coordination of law enforcement planning, operations, and mutual aid to provide for a system for the receipt and dissemination of information, data, and directives pertaining to activities among law enforcement agencies and to preplan distribution and allocation of state resources in support of the overall law enforcement mission.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0000-0099/0023/0023.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0023/0023.html)

**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8J1  
File No. 190421**

**Researcher: LE   Reviewer: TD**

RESOLUTION APPROVING CONTRACT WITH JVA ENGINEERING CONTRACTOR, INC., FOR SEABORD MARINE CARGO TERMINAL REDEVELOPMENT PHASE II (5 OF 5), CONTRACT NO. 2016-058.02, IN AN AMOUNT NOT TO EXCEED \$5,578,699.26; 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 RIGHTS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a contract between the County and JVA Engineering Contractor Inc., (JVA), for seaboard marine cargo terminal redevelopment at Port Miami, in the amount of \$5,578,699.26.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Port Miami**

During the TAPS meeting on March 13, 2019, the following discussion occurred:

- Commissioner Jordan requested Director Juan Kuryla of Port of Miami, to provide a status report on an open wage issue related to an award contract to JVA. She also noted that JVA was awarded the contract with a community workforce goal of 19.7 percent, but at the time it was reported, there were no new hires. A violation was found with four new employees, two that met the requirements, which left a deficit of two local hires. JVA was in the process of correcting one of the issues and had until April 4, 2019 to resolve the second issue.

This item was forwarded to the April 9, 2019 BCC with a favorable recommendation. The administration requested deferral of the item to the May 7, 2019 BCC.

**ANALYSIS**

The purpose of this item is to request the BCC approve a contract between the County and JVA Engineering Contractor Inc., (JVA), for seaboard marine cargo terminal redevelopment phase II (5 of 5) at Port Miami, in the amount of \$5,578,699.26.

The fiscal impact of this project is \$5,578,699.26 funded through budget code 644520 – Container Yard – Improvements (Seaboard) Book page 139 (Adopted Budget and Multi-Year Capital Plan for FY 18-19 funds) and budget code 644520 – Container Yard – Improvements (Seaboard) Book page 139 (Adopted Budget and Multi-Year Capital Plan for FY 18-19, FY 19-20 funds).

The work includes:

- Improvements to approximately seven acres
- Mobilization/demobilization
- Demolition and removal of existing materials
- Furnish and installation of heavy duty asphalt pavement
- New catch basins and related drainage system
- Utility adjustments
- Any supportive ancillary tasks to complete all phases of the project successfully

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The project was advertised on June 21, 2018 and five proposals were received on July 26, 2018. The lowest bid received was by JVA in an amount of \$4,963,902. The bid was also compliant with Small Business Enterprise (SBE) measures, 12.56 percent SBE construction, and 0.63 percent SBE Goods.

The original base estimate of \$5,669,463.82 included within the Request to Advertise. The base bid amount JVA submitted is 12.92 percent below the base estimate.

JVA maintains an active status on Sunbiz.org, the official website of the Division of Corporations for the State of Florida, with a principal address of 6600 NW 32 Avenue, Miami, FL 33147. Additionally, JVA has an active account with the Miami-Dade County Tax Collector's office.

Regarding the SBD Violations report, JVA was listed for a violation dated August 3, 2018. SBD then confirmed payment to the City of Miami for a \$3,000 against the amount listed on the violations report.

Pursuant to Resolution No. R-421-16, on May 2, 2019 a Performance Record verification was conducted by OCA in the Capital Improvements Information System (CIIS). There are 53 performance evaluations with an average score of 3.6 out of 4 points in the Capital Improvements Information Systems Database for JVA.

#### **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](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](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](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>

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**Resolution No. R-1001-15**, adopted 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>

**Resolution No. R-525-17**, adopted 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-421-16**, adopted 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, be expended with CBE-A/E's certified under the CBE-A/E ordinance.

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

**Section 10-34 of the County Code** provides that for construction contracts in which a bidder may use a subcontractor which involve the expenditure of \$100,000 or more, such contracts shall require the entity contracting with the County to list all first tier subcontractors who will perform any part of the contract and all suppliers who will supply materials for the contract work.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH10CO\\_ARTIIBIPUPR\\_S10-34LISURE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE)

**Section 2-11.16 of the County Code** governs payment to laborers under construction contracts.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.16COCOCO](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO)



**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8J3  
File No. 190970**

**Researcher: IL   Reviewer: TD**

RESOLUTION WAIVING COMPETITIVE BIDDING BY A TWO-THIRDS (2/3) VOTE OF THE BOARD MEMBERS PRESENT IN ACCORDANCE WITH SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY TO AUTHORIZE THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AND EXECUTE A PURCHASE AGREEMENT FOR THE PURCHASE OR LEASING OF FOUR (4) DIESEL-POWERED RUBBER-TIRED GANTRY CRANES AND ASSOCIATED EQUIPMENT, SPARE PARTS, AND TRANSPORTATION AND DELIVERY SERVICES TO PORTMIAMI, ALL FOR AN AMOUNT NOT TO EXCEED \$3,000,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONTAINED IN THE PURCHASE OR LEASE AGREEMENT AND TO TAKE ALL ACTIONS NECESSARY TO GIVE EFFECT TO SAME; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPOINT STAFF TO MONITOR COMPLIANCE WITH THE PURCHASE OR LEASE AGREEMENT; APPROVING WAIVER OF RESOLUTION NO. R-130-06; AND APPROVING AMENDMENTS TO THE COUNTY'S MAINTENANCE AND MANAGEMENT AGREEMENT WITH PORT OF MIAMI CRANE MANAGEMENT, INC. (PMCM) TO AUTHORIZE PMCM TO PURCHASE OR LEASE RUBBER-TIRED GANTRIES OR PASSENGER BOARDING BRIDGES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a bid waiver contract to Port Miami Crane Management, Inc. (PMCM) for 1) Delivery of four diesel-powered rubber tired gantry cranes (RTG) and associated equipment to Port-Miami in an amount of \$3,000,000 and 2) Allow PMCM to acquire via purchase or lease used RTGs or used or new passenger boarding bridges (PBBs).

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Port of Miami**

Forwarded to the BCC with a favorable recommendation by Tourism and the Ports Committee meeting held on April 15, 2019.

**ANALYSIS**

The purpose of this item is to expedite the acquisition of 4 diesel powered RTGs through PMCM to accommodate the amended terminal operating agreement between the County and Terminal Link (Miami) LLC., (TLM). The second amendment permitted the County to recapture 20 acres of real property that was once being used by TLM to serve as cruise terminals.

As a result of the real property transferal, TLM will now have a reduced space to stack their cargo containers. RTGs remedy this challenge by allowing the cargo containers to be stacked six containers wide by 5 containers high as oppose to the current way they are aligned (two containers wide by four containers high).

According to the Mayoral memo there is a limitation on resources (takes a long time to build a new one and not many ports have this type of equipment) that provide these RTGs. Port of Miami was able to identify a limited number of sources that could provide the second hand equipment. Those sources are as follows: Buenos Aires, Argentina; Cartagena, Colombia; Valencia, Spain; Cristobal, Panama; Los Angeles, California; Port Said, Egypt; and Port Goole, United Kingdom; for a total of 7 potential ports utilizing the type of RTGs that are being sought out as a second hand purchase or lease agreement. At the time the Mayoral memo was written, two RTG's could potentially be acquired from APM Terminals Los Angeles, California. The lease was pending final.

The fiscal impact is \$3,000,000. The funding source is Seaport funds and the Sea Port is located in Commission District 5 represented by Commissioner Eileen Higgins.

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Additionally, the Mayoral memo seeks an amendment to the management agreement with the PMCM. Currently the agreement is limited to managing the maintenance of the County's seaport gantry cranes and cargo handling equipment. Ordinance No. 01-42 allowed PMCM broad procurement authority. The proposed amendment authorizes PMCM to acquire through purchase or lease RTGs or PBBs for use at Port Miami.

OCA conducted a review on Sunbiz the office website of the State of Florida's division of corporation and observed that Port of Miami Crane Management, Inc., has a principal address of 2886 Port Boulevard, Miami, FL 33132.

Per the mayoral memorandum, a bid waiver contract to PMCM is in the County's best interest as (1) the firm understands the complexity of the County's requirements as it has worked with the County on various County projects (the commissioning of two Super-Post Panamax cranes); and (2) considering the schedule associated with the second amendment to the TLM agreement, which consisted of a deadline of on April 10, 2019, there was no window of time for a competitive solicitation for RTG services in order to meet critical timelines.

**DEPARTMENTAL INPUT:**

The following questions were asked to Port Miami on May 2, 2019, as of the day of this publication the answers to the questions have not been received.

1. Were the two RTGs ultimately leased from APM Los Angeles? How soon will we have the remaining 2 RTG's leased?

**The two RTGs in Los Angeles have not been leased. They are still available. In concert with the Terminal Operator we are attempting to avoid 2 separate transportation costs. This is of particular importance since Los Angeles would include higher cost Jones Act shipping (a requirement of using US flagged vessels on US to US ocean freight transactions) and a Panama Canal fee.**

2. What is the commodity code associated with this procurement? **560-39 Cranes, all kinds (except automotive and road)**
3. In the case of second hand RTGs what safety measures or protocols are observed for cranes in the International Ports? Will these RTGs have to be retrofitted to comply with U.S. and County standards? **RTGs have standard configurations due to container specifications world-wide. Regarding EPA and OSHA standards if equipment requiring a retrofit, at an acceptable total cost with the retrofit included was identified we would take that action. One of the first activities upon this type of equipment arriving is to have OSHA inspect it.**
4. Which is the only source for PBB's mentioned in the Mayoral Memo? Is there a commodity code associated with that good? **Previously there were two global manufactures of PBBs. Adelte and FMT. FMT announced bankruptcy February 2019. 968-18 Bridge Construction.**

**ADDITIONAL INFORMATION:**

Illustration of an RTG below.



**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>

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**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)

**Ordinance No. 01-42**, adopted March 8, 2001, provided that County procurement provisions, including minority business enterprise programs, local preference, bid protest, and community small business enterprise program shall not apply to such procurement.

<http://www.miamidade.gov/govaction/matter.asp?matter=011023&file=false&fileAnalysis=false&yearFolder=Y2001>

**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>

**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>

**Resolution No. R-1166-18**, adopted November 8, 2018, approved the second amendment to the Terminal Operating agreement between Terminal Link (Miami) LLC and the County with an estimated fiscal impact of \$64,000,000 in the cost of improvements to the Port, of which \$42,000,000 will be borne by the County and \$22,000,000 will be borne by the operator with a further fiscal impact in reduced Port revenues in exchange for approximately 20 acres of land to the County to be used in connection with a new cruise terminal project.

<http://www.miamidade.gov/govaction/matter.asp?matter=182622&file=true&fileAnalysis=true&yearFolder=Y2018>

**Resolution 130-06**, adopted January 24, 2006, amended Resolution 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://www.miamidade.gov/govaction/matter.asp?matter=060239&file=false&fileAnalysis=false&yearFolder=Y2006>

**Resolution No. R-638-12**, adopted July 17, 2012, approved and authorized the County Mayor to execute management agreement between the County and PMCM, to provide management services for the maintenance and repair services for the Seaport Departments container gantry cranes and other cargo handling equipment in an approximate annual amount of \$7.5 million and a total authorized amount of \$37.5 million if all renewal options are exercised.

<http://www.miamidade.gov/govaction/matter.asp?matter=121044&file=true&fileAnalysis=false&yearFolder=Y2012>

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**Resolution No. R-671-99**, adopted June 8, 1999, adopting the attached crane maintenance company business plan in principle; and authorizing the County Mayor to (i) proceed with the establishment of a not-for-profit private corporation to manage the maintenance and repair services for the Seaport department's cranes, and (ii) bring back to this Board for approval a final crane management agreement with the newly created not-for-profit corporation.

<http://www.miamidade.gov/govaction/matter.asp?matter=991433&file=false&fileAnalysis=false&yearFolder=Y1999>

**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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Research Notes**

**Item No. 8K1  
File No. 190871**

**Researcher: IL   Reviewer: TD**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A SETTLEMENT AGREEMENT WITH MBCDC: THE MADISON, LLC F/K/A M.B. APARTMENTS ASSOCIATES, LTD. AND TO ACCEPT A SPECIAL WARRANTY DEED CONVEYING TO THE COUNTY REAL PROPERTY NAMED MADISON APARTMENTS, LOCATED AT 259 WASHINGTON AVENUE, MIAMI BEACH, FLORIDA, AND TO EXECUTE OTHER AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a settlement agreement between the County and Miami Beach Community Development Corporation (MBCDC) for the rehabilitation and conveyance of the Madison Apartments to Miami-Dade County.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Eileen Higgins, District 5**

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

This item was forwarded with a favorable recommendation from the Housing, Social Services & Economic Dev. Committee on April 15, 2019.

**ANALYSIS**

The purpose of this item is to approve the settlement agreement rehabilitating and conveying, via Special Warranty Deed, the Madison Apartments to the County as a result of MBCDC's failure to make payments to a prior County loan of \$350,000.00. The property is located at 259 Washington Avenue, Miami Beach, Florida 33139.

The Madison Apartments is an affordable housing project consisting of 17 units. On January 18, 1994, the BCC approved an allocation of \$307,000 from the Hurricane Andrew Trust funds to MBCDC to rehabilitate the Madison apartments. On December 13, 1994 the BCC approved an allocation of \$350,000.00 and \$150,000.000 note of HOME 1995 funds pursuant to R-1899-94. Moreover, pursuant to R131-99, the BCC approved a supplemental allocation of \$375,000.00 of Surtax 2000 funds on December 9, 1999.

Both the \$307,000.00 note and the \$150,000.00 note, were declared satisfied as forgivable loans in accordance with the provisions in the note. The HOME loan (\$350,000) was not deemed satisfied and came into maturity in December 2015 (after 20 years from the closing date). MBCDC has made interest-only payments on the loan while it was in default and on August 2017 MBCDC requested a loan modification. PHCD rejected the request and served MBCDC a default letter on March 2018. PHCD sent a second letter on August 2018 enforcing the assignment of leases and rents. On September 2018 PHCD sent notice to the residents of the Madison Apartments with instructions to send their rent payments to PHCD. At a meeting held in October 2018 between the County and MBCDC, MBCDC agreed to convey the Madison Apartments to the County as the satisfaction of the unpaid principle balance on the HOME Loan.

The referenced property did not have an appraisal done, the department is relying on the estimated assessed value of \$644,000.00, on the Property Appraiser's website. Comparable property's in the area range from \$578,000 - \$6,900,000 dollars per the Property Appraiser's website. This property was built in 1922 and has a lot size of 6,500 sq-ft.

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**DEPARTMENTAL INPUT:**

- What is the value of the property? **Assessed value of the property per the Miami-Dade County property appraisers office in 2018 is \$644,000.00** link: <https://www8.miamidade.gov/Apps/PA/propertysearch/#/>
- Does PHCD have an accountability for what the \$307,000 and \$150,000 loan were used for? Were renovations made? **No, PHCD does not have accountability for what the loans were used for by the MBCDC. The \$307,000.00 note and the \$150,000.00 note have been satisfied as forgivable loans. MBCDC may have completed renovations to the property but PHCD does not have records to either support or disprove that renovations were made and/or completed. Given the financial state of the MBCDC, it is PHCD's assumption that the funds were used to pay down debts associated with the broader portfolio but that is only an assumption as we have not seen any detailed financial reporting from the organization to support or disprove this assumption. To verify the response provided earlier by PHCD; PHCD staff pulled and reviewed the loan servicing file for the property and while the HOME loan funds of \$307,000 and \$150,000 were approved for rehabilitation of the property in 1994-1995; the servicing file does not show any evidence to support that renovations were performed on the property. As such, and being fully aware of the dire financial position that the MBCDC is currently in, PHCD stands by the response initially provided.**
- Are there any complaints against Miami Beach Community Development Corporation (MBCDC) and has MBCDC file for bankruptcy? **There were fines imposed by the City of Miami Beach for physical deficiencies and code violations associated with the property when the property was held and managed by the MBCDC. When PHCD took over the property in October of 2018 after the loans were in default, PHCD began remediating the physical deficiencies and working with the City of Miami Beach to resolve any outstanding code enforcement issues for which the property had received citations. To date, all deficiencies and code enforcement issues have been resolved. MBCDC has not filed for bankruptcy and currently remains a going concern. PHCD still has active loans on other part of the portfolio and continues to closely monitor the repayment of the loans.**
- Requested violations history report for this property from the City of Miami Beach, at the date of publishing the City had not furnished said report. No health code violations were on file with the Health Department.



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**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-73-94**, adopted January 18, 1994, approved the Hurricane Andrew Trust Fund evaluation and selection committee and fund of \$13,976,000. (File is available upon demand)

**Resolution No. R-1899-94**, adopted December 13, 1994, approves the re-allocation of \$1,000,000 from the Community Development Block Grant Supplemental disaster relief and HOME Supplemental Disaster relief funds and the allocation of the 1994 HOME funds and partial allocation of the 1995 HOME funds. (File is available upon demand)

**Resolution No. R-1331-99**, adopted December 7, 1999, for FY 2000 funding recommendations for the state Housing Initiative Partnership and Surtax Programs; authorizing the filing with U.S. HUD of Miami-Dade County's FY 2000 action plan with projected uses of funds for the County's Community Development Block Grant, Home Investment Partnership and Emergency Shelter grant programs;

<http://intra/gia/matter.asp?matter=000095&file=false&yearFolder=Y2000>

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Research Notes**

**Item No. 8K2  
File No. 190820**

**Researcher: IL   Reviewer: TD**

RESOLUTION APPROVING THE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR'S RECOMMENDATIONS TO INCREASE THE MAXIMUM SALES PRICE FROM \$205,000.00 TO AN AMOUNT NOT TO EXCEED \$250,000.00 FOR SINGLE FAMILY HOMES DEVELOPED AND SOLD OR FINANCED THROUGH THE SECOND MORTGAGE PROGRAM ON COUNTY-OWNED PROPERTIES BY DEVELOPERS THROUGH THE MIAMI-DADE COUNTY INFILL HOUSING INITIATIVE PROGRAM AND SOLD BY SUCH DEVELOPERS TO QUALIFIED HOMEBUYERS, TO INCREASE THE MAXIMUM SALES PRICE FROM \$215,000.000 TO AN AMOUNT NOT TO EXCEED \$260,000.00 FOR SINGLE FAMILY HOMES DEVELOPED AND SOLD OR FINANCED THROUGH THE SECOND MORTGAGE PROGRAM ON PRIVATELY-OWNED PROPERTIES BY DEVELOPERS THROUGH THE MIAMI-DADE COUNTY INFILL HOUSING INITIATIVE PROGRAM AND SOLD TO QUALIFIED HOMEBUYERS, AND TO INCREASE THE MAXIMUM SALES PRICE FROM \$205,000.00 TO AN AMOUNT NOT TO EXCEED \$350,000.00, BASED ON A SLIDING SCALE, FOR HOMES PURCHASED BY QUALIFIED HOMEBUYERS THROUGH THE MIAMI-DADE COUNTY AFFORDABLE HOUSING DEVELOPMENT AND SECOND MORTGAGE PROGRAMS; AMENDING IMPLEMENTING ORDER NO. 3-44 RELATED TO THE MIAMI-DADE COUNTY INFILL HOUSING INITIATIVE PROGRAM AND THE AFFORDABLE HOUSING PROGRAM GUIDELINES TO REVISE THE MAXIMUM SALES PRICES CONTAINED THEREIN; AMENDING THE INFILL HOUSING INITIATIVE PROGRAM GUIDELINES TO ALLOW THE MIAMI-DADE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT TO REQUIRE INFILL HOUSING PROGRAM DEVELOPERS TO PROVIDE CERTIFIED COSTS OF THEIR TOTAL DEVELOPMENT COSTS AT COMPLETION OF CONSTRUCTION; AND AMENDING THE MIAMI-DADE COUNTY INFILL HOUSING INITIATIVE PROGRAM GUIDELINES TO ALLOW MIAMI-DADE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT TO NEGOTIATE PRIOR TO CONVEYANCE OR PRIVATE LOT APPROVAL, A LOWER MAXIMUM SALES PRICE FOR HOMES SMALLER THAN THE TYPICAL HOMES DEVELOPED AND SOLD THROUGH THE MIAMI-DADE COUNTY INFILL HOUSING INITIATIVE PROGRAM

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the increase on the maximum sales price for homes purchased by qualified homebuyers through the Infill Housing Program for the Miami-Dade Public Housing and Community Development department (PHCD).

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Requester/Department: Miami-Dade Public Housing and Community Development**

This item came before the Housing, Social Service and Economic Development Committee on March 11, 2019. The item passed with a favorable recommendation to the BCC. Prior to its passage Assistant County Attorney Terrence Smith advised that a written document reflecting the amended language to the item Program was distributed in today's (3/11) meeting with changes to Table 1 on handwritten page 5. The proposed recommended maximum sales cap for County-owned lots would be \$235,000, rather than \$250,000, and the privately-owned lots to be \$245,000, rather than \$310,000.

- Mr. Liu indicated there was a lack of resources to conduct a thorough analysis of the properties before assigned to the Infill Program and a fair warning of this issue was advised to parties involved prior to entering into the program. He noted developers expressed a number of concerns regarding the cost in order to meet standard requirements of development, as well as time to obtain zoning permits, trade practices, and basic materials. Mr. Liu noted a copy of the amended proposal was distributed at the committee meeting.

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- Commissioner Monestime expressed concern that although the cost of homes was an issue, the majority of families could not afford them. He pointed out that multiple family members purchased a single family home to live together in order for it to be affordable.
- Chairman Moss questioned whether this would add to gentrification once the sales price cap was raised and buyers could not afford the homes, attracting outside investors. He noted the circumstances may vary based on the neighborhood. Mr. Liu opined that the Infill Program had long-term vacant properties and some were considered blighted, unpaid tax revenue, undeveloped, and incurred County expenses to maintain the property. In most cases the community wanted the property developed. He pointed out the current and adjusted Infill Program was based on the appraisal and when it was lower than the maximum sale price the property sold at the appraised sale price that was based on the market price in that neighborhood.
- Mr. Liu further noted there was no guarantee the appraisal price would not attract outside buyers.
- Commissioner Martinez emphasized the need to decide as policy makers how to balance increasing grant funding in order to help people qualify to purchase a home because it would impact taxpayers. He agreed there might be increased home sale prices which might reduce the amount of taxpayer funding.
- Commissioner Higgins questioned who conducts Infill Program home appraisals. Mr. Liu noted that appraisals are conducted by a third party lender. The process is strictly regulated and violation of Federal regulations carried large penalties.

This item was brought at the April 9, 2019 BCC meeting and the item was deferred as request of the department. Prior to the deferral the following statements were made:

- Commissioner Edmonson: The cost to develop is going up and it is becoming quite difficult for the developers to sale the property's at lower price than the one paid for by the developer to develop the property.
- Commissioner Monestime requested the director of PHCD provide information on how the County could provide buyer subsidies to support the proposal to increase the price.
- Commissioner Jordan requested that the department please expedite the regulation for the Housing Affordable Trust Fund.

**ANALYSIS**

The purpose of this item is to seek five revisions: 1) approval of an increase on the maximum sales price from \$205,000.00 to maximum amount not to exceed \$235,000.00 for single family homes developed and sold or financed through the second mortgage program on County-owned properties by developers through the Miami-Dade County Infill Housing Initiative Program (MDCIHIP) and sold to qualified homebuyers, 2) Approve the increase on the maximum sales price from \$215,000.000 to an amount not to exceed \$245,000.00 for single family homes developed and sold or financed through the second mortgage program on privately-owned properties by developers through MDCIHIP and sold to qualified homebuyers, 3) approve the increase on the maximum sales price from \$205,000 to an amount not to exceed \$310,000, based on a sliding scale, for homes purchased by qualified homebuyers through the Miami-Dade County affordable housing development and second mortgage programs, 4) amend Implementing Order No. 3-44 related to MDCIHIP and the Affordable Housing Program Guidelines revising the maximum sales prices and amending the requirement to provide certified costs of their total development costs and 5) amend MDCIHIP guidelines allowing PHCD to negotiate prior to conveyance of private lot, a lower maximum sales price for homes smaller than the typical homes developed and sold through the MDCIHIP program.

There is no fiscal impact to the County's general fund as a result of increasing the maximum sales prices for the Infill Housing Program and Affordable Housing Program.

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The intent of the Infill Housing Program is to increase the availability of affordable homes for very low, low and moderate income persons, while maintaining a stock of affordable housing, redeveloping urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties. Currently, Implementing Order 3-44 establishes the maximum sales price for the Infill Housing Program at \$205,000 for county owned properties and \$215,000 for privately-owned properties without regard to the maximum sales price set pursuant to R-1324-08 for the second mortgage program.

The Mayoral Memo states that due to the significant changes to the housing market as well as the increase cost of construction, PHCD reviewed the infill housing program guidelines and met with the Affordable Housing Advisory Board (AHAB) and infill housing program developers to obtain their input and recommendations.

A market study was conducted regarding the maximum sale price for City of Miami's affordable housing and first-time homebuyer programs as well as a review of the property appraiser's records on sales information within the study area. The study participants unanimously concluded that the maximum sales of homes sold through Miami-Dade County Infill Housing Program price should be correspondingly increased. The comparison with the City of Miami revealed that the City of Miami also increased its maximum sales price for its affordable housing and first-time homebuyer programs to \$276,000 as of May 1, 2018.

The following table outlines the recommended sliding scale maximum sales price for the various income levels.

<b>Table 1 – Affordable Housing Programs</b>	
<b>Income Range</b>	<b>Maximum Sales Price</b>
50 percent AMI	Up to \$185,000
80 percent AMI	Up to \$250,000
100 percent AMI	Up to \$285,000
120 percent AMI	Up to \$325,000
140 percent AMI	Up to \$350,000

\*Area Median Income (AMI) is the midpoint of a region's income distribution where half of families in a region earn more than the median and half earn less than the median.

<b>Number of Properties Sold by Year - PHCD</b>					
<b>Fiscal Year</b>	<b>60k-90k</b>	<b>90k-110k</b>	<b>110k-150k</b>	<b>150k-205k</b>	<b>Total Number of Units Sold</b>
10/2018 - 2/2019	1	2	11	25	39
10/2017 - 9/2018	0	3	27	72	102
10/2016 - 9/2017	2	5	38	68	113
10/2015 - 9/2016	4	5	49	45	103
10/2014 - 9/2015	4	5	32	59	100
10/2013 - 9/2014	1	6	50	66	123

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10/2012 - 9/2013	0	26	52	63	141
<b>Total</b>	<b>12</b>	<b>52</b>	<b>259</b>	<b>398</b>	<b>721</b>

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The Table below illustrates costs of comparable properties:

<b>MIAMI-DADE COUNTY PROPERTY APPRAISAL COMPARABLE SALES</b>						
<small>(Data Obtained on 10/12/2018)</small>						
<b>ADDRESS</b>	<b>PROPERTY USE</b>	<b>YEAR BUILT</b>	<b>BEDS</b>	<b>BATHS</b>	<b>SALE MONTH</b>	<b>SALE AMOUNT</b>
515 NW 48 STREET	SINGLE FAMILY	2007	3	2	Mar-18	\$380,000
4990 NW 5 AVENUE	SINGLE FAMILY	1964	3	2	Feb-18	\$346,000
530 NW 49 STREET	SINGLE FAMILY	1970	3	2	Jul-18	\$238,000
5027 NW 6 AVENUE	SINGLE FAMILY	2017	3	2	Jul-18	\$250,000
4780 NW 3 AVENUE	SINGLE FAMILY	1966	3	2	Jul-18	\$266,250
4500 NW 3 AVENUE	SINGLE FAMILY	1939	3	2	Jun-18	\$360,000
15215 NW 24 AVENUE	SINGLE FAMILY	1962	3	2	Feb-18	\$232,000
10754 SW 107 COURT	SINGLE FAMILY	1974	3	2	Jun-18	\$310,000
15215 NW 24 AVENUE	SINGLE FAMILY	1962	3	2	Feb-18	\$232,000
2000 NW 111 STREET	SINGLE FAMILY	1956	3	2	Mar-18	\$250,000
2222 NW 105 STREET	SINGLE FAMILY	1953	3	2	May-18	\$250,000
1725 NW 90 STREET	SINGLE FAMILY	1957	3	2	Jun-18	\$250,000
2245 NW 101 STREET	SINGLE FAMILY	1954	3	2	Jul-18	\$248,000
1810 NW 52 STREET	SINGLE FAMILY	1050	3	2	Jul-18	\$265,000
1045 NW 53 STREET	SINGLE FAMILY	1948	3	2	May-18	\$249,900
1775 NW 76 TERRACE	SINGLE FAMILY	2005	3	2	Mar-18	\$244,000
17802 SW 114 AVENUE	SINGLE FAMILY	2000	3	2	Dec-17	\$235,000
Sales with No Bankruptcy consideration						<b>Average</b> <b>\$270,950</b> <b>Max.</b> <b>\$380,000</b> <b>Min.</b> <b>\$232,000</b>

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**ADDITIONAL INFORMATION**

When construction costs are higher than the maximum sales price, affordable housing developers get creative  
<https://www.denverpost.com/2017/02/23/affordable-housing-colorado-construction-costs/>

**DEPARTMENTAL INPUT:** The following questions were asked to the Public Housing and Community Development Department on March 8, 2019.

1. If we raise the sales price are we not making it less attainable for Miami-Dade residents that are classified very low, low and moderate income? **PHCD staff has revised the Maximum Sales Cap resolution. The prior recommended maximum sales cap of \$250,000 will be amended to \$235,000 for County-owned lots, and from \$260,000 to \$245,000 for privately-owned lots. Also, the prior sales cap of \$350,000 for the Affordable Housing and Second Mortgage programs will be amended up to \$310,000 - based on a sliding scale.**
2. In Item 190431 there is mention that the AHAB recommended that a price increase be adopted. Could PHCD provide the ruling or recommendation from AHAB in writing or is there place where we can review the minutes of said meeting. **In addition, the Amended and Restated Deeds item (Agenda No. 3-F) is contingent upon Agenda No. 3-E. The prior recommendation of \$250,000 will also be amended to \$235,000.**
3. Using the table below could PHCD determine how many properties were sold by the given year in the bracketed amount? **See the table below (Table also inserted at page 3 of the analysis)**

<b>Number of Properties Sold by Year - PHCD</b>					
<b>Fiscal Year</b>	<b>60k-90k</b>	<b>90k-110k</b>	<b>110k-150k</b>	<b>150k-205k</b>	<b>Total Number of Units Sold</b>
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10/2012 - 9/2013	0	26	52	63	141
<b>Total</b>	<b>12</b>	<b>52</b>	<b>259</b>	<b>398</b>	<b>721</b>



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**APPLICABLE LEGISLATION/POLICY**

**Section 125.379(1) of the Florida Statutes**, (Disposition of County property for affordable housing) requires each County to prepare an inventory list at least every three (3) years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

[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)

**Section 125.379(2) of the Florida Statutes**, (Disposition of County property for affordable housing) Properties identified as appropriate for use as affordable housing on the inventory list 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.

[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)

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

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**Section 17-121 of the Code of Miami-Dade County**, relates to the Infill 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\\_ARTVIINHAIN\\_S17-121TIPU](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVIINHAIN_S17-121TIPU)

**Implementing Order No. 3-44**, establishes the process for implementation and management of the Infill Program for Miami-Dade County, whereby the procedures are established to carry out the goals of the Infill Program.

<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, a recommendation will be requested from the Planning Advisory Board, to indicate whether the 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 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-376-11**, adopted May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

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

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**Resolution No. R-333-15**, adopted April 21, 2015, establishes 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.

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

**Resolution No. R-145-17**, adopted February 2, 2017, amending Implementing Order No. 3-44 related to the administration of the Miami-Dade County infill housing initiative; revising definitions, establishing procedures, program fees and reporting requirements for the administration of the program. <http://intra/gia/matter.asp?matter=170776&file=false&yearFolder=Y2017>

**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 (4) 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-1324-08**, adopted December 2, 2008, established the maximum sales price for the homeownership second mortgage program and homeownership units developed under the infill and housing development programs.

<http://intra/gia/matter.asp?matter=090353&file=false&yearFolder=Y2009>

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**Item No. 8K3  
File No. 190822**

**Researcher: IL   Reviewer: TD**

RESOLUTION AUTHORIZING THE CHAIRWOMAN OR VICE-CHAIRWOMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE AMENDED AND RESTATED COUNTY DEEDS AND A COUNTY DEED FOR 16 DEVELOPERS, NAMELY: 34 WAYS FOUNDATION, AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT, INC., CAZO CONSTRUCTION CORP., COLLECTIVE DEVELOPERS, LLC, ECOTECH VISIONS FOUNDATION, INC., FLORIDA CITY COMMUNITY REDEVELOPMENT AGENCY, HOUSING PROGRAMS, INC., J. L. BROWN DEVELOPMENT CORPORATION, LHP INVESTMENT & DEVELOPMENT, LLC., LITTLE HAITI HOUSING ASSOCIATION, INC. D/B/A HAITIAN AMERICAN COMMUNITY DEVELOPMENT CORP., MIAMI-DADE AFFORDABLE HOUSING FOUNDATION, INC., NANA & CRC AFFORDABLE HOUSING, LLC, PALMETTO HOMES OF MIAMI, INC., SIMCAR DEV, LLC, SOARING TO ACHIEVE RESULTS SYSTEMATICALLY DEVELOPMENT CENTER, INC.; AND WOMEN IN NEED OF DESTINY, INC. TO INCREASE THE MAXIMUM SALES PRICE FROM \$205,000.00 TO \$235,000.00 FOR SINGLE-FAMILY HOMES CONSTRUCTED AND SOLD TO QUALIFIED HOUSEHOLDS THROUGH AND IN ACCORDANCE WITH THE MIAMI-DADE INFILL HOUSING INITIATIVE PROGRAM, AS AMENDED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH AMENDED AND RESTATED COUNTY DEEDS AND A COUNTY DEED, TO EXERCISE ALL RIGHTS CONTAINED THEREIN, AND TO GRANT FROM THE EFFECTIVE DATES OF THE AMENDED AND RESTATED COUNTY DEEDS ADDITIONAL TWO-YEAR EXTENSIONS TO CONSTRUCT, COMPLETE AND SELL SINGLE FAMILY HOMES TO QUALIFIED HOMEBUYERS THROUGH THE INFILL HOUSING PROGRAM

**ISSUE/REQUESTED ACTION**

Whether the Board should approve an increase on the sales prices of homes sold through the Miami-Dade County Infill Housing Initiative Program (MDCIHIP) from \$205,000 up to \$235,000 and amend the County deeds for single family homes developed and sold by 16 developers through MDCIHIP, for Public Housing and Community Development (PHCD).

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item came before the Housing, Social Service and Economic Development Committee on March 11, 2019. The item passed with a favorable recommendation to the BCC.

- Assistant County Attorney Terrence Smith advised that a written document reflecting the amended language regarding the Infill Program was distributed in today's (3/11) meeting with changes to Table 1 on handwritten page 5. The proposed recommended maximum sales cap for County-owned lots would be \$235,000, rather than \$250,000, and the privately-owned lots to be \$245,000, rather than \$310,000.

This item was brought at the April 9, 2019 BCC meeting and the item was deferred as requested by the department.

**ANALYSIS:**

The purpose of this item is to increase the sales price of homes sold through Miami-Dade County's Infill Housing Initiative Program (MDCIHIP) from \$205,000 up to \$235,000 for single family homes developed and to be sold by 16 developers through MDCIHIP, grant an additional two-year extension from the effective dates of the amended and restated County Deeds, to construct,

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complete and sell single family homes to qualified homebuyers through MDCIHIP, and for which such extensions shall only be granted to those developers, who were conveyed properties through County Deeds that were previously executed and recorded.

The development costs are borne by MDCIHIP developers rendering no fiscal impact to the County. However, should the properties revert back in the event that the MDCIHIP developers are unable to develop the land, this would result in a monitoring and maintenance cost estimated at \$42,411 annually. There Is a positive fiscal impact as these properties will generate property taxes for the County over the next 20 years.

There are approximately 149 properties impacted by the modification to the deeds. They are broken down by commission district in the table below:

<b>Commission District</b>	<b>Number of Properties</b>
District 1 Represented by Commissioner Barbara J. Jordan	13
District 2 Represented by Commissioner Jean Monestime	25
District 3 Represented by Chairwoman Audrey M. Edmonson	76
District 9 Represented by Commissioner Dennis C. Moss	35
<b>Total</b>	<b>149</b>

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Below is a table listing the infill program developers and the County deed status:

	<b>Infill Program Developer</b>	<b>Resolution Numbers</b>	<b>County Deed Recorded Date</b>	<b>Two Year Expiration Date</b>
1	34 Ways Foundation	R-141-18	6/11/2018	6/11/2020
2	Affordable Housing and Community Development, Inc.	R-475-17	12/20/2017	12/20/2019
	Affordable Housing and Community Development, Inc.	R-495-18	6/15/2018	6/15/2020
3	CAZO Construction Corp.	R-556-17	6/15/2017	6/15/2019
4	Collective Developers, LLC.	R-869-16 R-556-17	6/16/2017	6/16/2019
5	ECOTECH Visions Foundation, Inc.	R-139-18	4/12/2018	4/12/2020
6	Florida City Community Redevelopment Agency	R-1217-18	Pending closing	Pending closing
7	Housing Programs, Inc.	R-787-12 R-191-16 R-556-17	6/15/2017	6/15/2019
	Housing Programs, Inc.	R-1214-18	5/10/2018	5/10/2020
8	J. L. Brown Development Corporation	R-618-18	7/18/2018	7/18/2020
9	LHP Investment & Development, LLC	R-1190-18	12/12/2018	12/12/2020
10	Little Haiti Housing Association, Inc. d/b/a Haitian American Community Development Corp.	R-242-14 R-556-17	6/15/2017	6/15/2019
11	Miami-Dade Affordable Housing Foundation, Inc.	R-980-15 R-556-17	6/15/2017	6/15/2019
12	NANA & CRC Affordable Housing, LLC	R-958-16 R-556-17	5/9/2017	5/9/2019
13	Palmetto Homes of Miami, Inc.	R- 556-17	6/15/2017	6/15/2019
14	SIMCAR Dev, LLC	R-915-18	10/10/2018	10/10/2020
15	Soaring To Achieve Results Systematically Development Center, Inc.	R-538-14 R-556-17	6/15/2017	6/15/2019
16	Women In Need of Destiny, Inc.	R-1005-14 R-556-17	6/15/2017	6/15/2019

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**DEPARTMENTAL INPUT:**

The following question was asked to the department on March 8, 2019 by OCA:

- If we raise the sales price are we not making it less attainable for those eligible?  
**PHCD staff has revised the Maximum Sales Cap resolution. The prior recommended maximum sales cap of \$250,000 will be amended to \$235,000 for County-owned lots, and from \$260,000 to \$245,000 for privately-owned lots. Also, the prior sales cap of \$350,000 for the Affordable Housing and Second Mortgage programs will be amended up to \$310,000 - based on a sliding scale.**
- Using the table below PHCD determined how many properties were sold by the given year in the amount in bold. (See below)

<b>Number of Properties Sold by Year - PHCD</b>					
<b>Fiscal Year</b>	<b>60k-90k</b>	<b>90k-110k</b>	<b>110k-150k</b>	<b>150k-205k</b>	<b>Total Number of Units Sold</b>
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**Implementing Order No. 3-44**, establishes the process for implementation and management of the Infill Program for Miami-Dade County, where the procedures are established to carry out the goals of the Infill Program.

<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, a recommendation will be requested from the Planning Advisory Board, to indicate whether the proposal is in the public interest and also recommending proper land use classification, if applicable.

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<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.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 to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<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 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.

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

**Resolution No. R-145-17**, adopted February 2, 2017, amending Implementing Order No. 3-44 related to the administration of the Miami-Dade County infill housing initiative, revising definitions, establishing procedures, program fees and reporting requirements for the administration of the program.

<http://intra/gia/matter.asp?matter=170776&file=false&yearFolder=Y2017>



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**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 (4) 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-1324-08**, adopted December 2, 2008, established the maximum sales price for the homeownership second mortgage program and homeownership units developed under the infill and housing development programs.

<http://intra/gia/matter.asp?matter=090353&file=false&yearFolder=Y2009>

**Resolution No. R-979-17**, (Resolution Declaring 226 County-Owned Properties Surplus) adopted November 7, 2017, declares various County-owned properties surplus and revises the inventory list of real property listing properties in accordance with section 125.379(1), Florida Statutes; authorizing the County Mayor to include the properties in the Infill Program, subject to the consultation with each County Commissioner in whose district the properties are located; and waiving the requirements of Resolution Nos. R-376-11 and R-333-15.

<http://intra/gia/matter.asp?matter=171574&file=true&yearFolder=Y2017>

**Resolution No. R-141-18**, adopted February 6, 2018, conveyed three County-owned properties to 34 Ways Foundation, A Louisiana Not-For-Profit Corporation, at a price of \$10.00 for the purpose of developing affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program.

<http://www.miamidade.gov/govaction/matter.asp?matter=180012&file=true&fileAnalysis=false&yearFolder=Y2018>

**Resolution No. R-495-18**, adopted May 15, 2018, conveyed three County-owned properties to Affordable Housing and Community Development, Inc., A Florida Not-For-Profit Corporation, at a price of \$10.00, for the purpose of developing such properties with affordable housing to be sold to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program

<http://www.miamidade.gov/govaction/matter.asp?matter=180850&file=true&fileAnalysis=true&yearFolder=Y2018>

**Resolution No. R-556-17**, adopted May 16, 2017, authorized execution of amended deeds and restated County deeds for 10 qualified infill developers, namely: Cazo Construction Corp., Collective Developers LLC, Habitat For Humanity of Greater Miami, Inc., Housing Programs, Inc., Little Haiti Housing Association, Inc. D/B/A Haitian American Community Development Corp., Miami-Dade Affordable Housing Foundation, Inc., Nana & CRC Affordable Housing, LLC, Palmetto Homes Of Miami, Inc., Soaring To Achieve Results Systematically Development Center, Inc., And Women In Need Of Destiny, Inc.; Amending Resolution Nos. R-1401-07, R-869-16, R-1059-15, R-1081-15, R-190-16, R-603-16, R-787-12, R-191-16, R-242-14, R-980-15, R-538-14, R-1005-14, R-958-16 And R-869-16; Accepting Promissory Note In The Amount Of \$28,000.00 From Nana & CRC Affordable Housing, LLC, and authorizing the County Mayor to execute a security agreement with Nana & CRC Affordable Housing, LLC as consideration to defer payment to the County of certain fees associated with the conveyance of the properties.

<http://www.miamidade.gov/govaction/matter.asp?matter=171082&file=true&fileAnalysis=false&yearFolder=Y2017>

**Resolution No. R-869-16**, adopted October 5 2016, conveyed three County-owned properties to Collective Developers LLC, a Florida limited liability company and not-for-profit entity, at a price of \$10.00, for the purpose of developing the properties with affordable housing to be sold to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program.

<http://www.miamidade.gov/govaction/matter.asp?matter=161827&file=true&fileAnalysis=false&yearFolder=Y2016>

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**Resolution No. R-139-18**, adopted February 6, 2018, conveyed three County-owned properties to Ecotech Visions Foundation, Inc., a Florida not-for-profit corporation, at a price of \$10.00, to develop the properties with affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program

<http://www.miamidade.gov/govaction/matter.asp?matter=172890&file=true&fileAnalysis=false&yearFolder=Y2017>

**Resolution No. R-1217-18**, adopted December 4, 2018, conveyed one County-owned property to the Florida City Community Redevelopment Agency, at a price of \$10.00, to develop the property with affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program

<http://www.miamidade.gov/govaction/matter.asp?matter=182498&file=true&fileAnalysis=true&yearFolder=Y2018>

**Resolution No. R-787-12**, adopted October 2, 2012, conveyed eight County-owned properties to Housing Programs, Inc. a not-for-profit Florida corporation, at a price of \$10.00, to develop the properties with affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program

<http://www.miamidade.gov/govaction/matter.asp?matter=130078&file=false&fileAnalysis=false&yearFolder=Y2013>

**Resolution No. R-191-16**, adopted March 8, 2016, conveyed four County-owned properties to Housing Programs, Inc. A Not-For-Profit, Florida Corporation, at a price of \$10.00, for the purpose of developing such properties with affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program.

<http://www.miamidade.gov/govaction/matter.asp?matter=160053&file=true&fileAnalysis=false&yearFolder=Y2016>

**Resolution No. R-1214-18**, adopted December 4, 2018, conveyed one County-owned property to Housing Programs, Inc. a not-for-profit, Florida corporation,, at a price of \$10.00, to develop the properties with affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program.

<http://www.miamidade.gov/govaction/matter.asp?matter=182775&file=true&fileAnalysis=true&yearFolder=Y2018>

**Resolution No. R-618-18**, adopted June 5, 2018, conveyed four County-owned property to J.L. Brown Development Corporation, A Florida Corporation, at a price of \$10.00, for the purpose of developing such properties with affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program.

<http://www.miamidade.gov/govaction/matter.asp?matter=181076&file=true&fileAnalysis=true&yearFolder=Y2018>

**Resolution No. R-1190-18**, adopted November 8, 2018, conveyed four County-owned property to LHP Investment and Development LLC, a Florida for profit corporation, at a price of \$10.00, to develop the properties with affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program.

<http://www.miamidade.gov/govaction/matter.asp?matter=182290&file=true&fileAnalysis=true&yearFolder=Y2018>

**Resolution No. R-242-14**, adopted March 4, 2014, conveyed three single family home sites to Little Haiti Housing Association, Inc. D/B/A Haitian American Community Development Corporation, a 501(C)(3) not-for-profit Florida corporation, at a price of \$10.00, to develop the properties with affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program

<http://www.miamidade.gov/govaction/matter.asp?matter=140323&file=true&fileAnalysis=false&yearFolder=Y2014>

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**Resolution No. R-980-15**, adopted November 3, 2015, granting Miami-Dade Affordable Housing Foundation Inc., a 501(c)(3) not-for-profit Florida corporation, twelve additional months to develop four previously conveyed properties with housing for sale to qualified homebuyers through the County's infill housing initiative program; authorizing the chairperson of the board to execute an amended and restated county deed.

<http://www.miamidade.gov/govaction/matter.asp?matter=151916&file=true&fileAnalysis=false&yearFolder=Y2015>

**Resolution No. R-958-16**, adopted November 1, 2016, conveyed thirty-five County-owned properties to Nana & CRC Affordable Housing LLC, at a price of \$10.00, to develop the properties with affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program.

<http://www.miamidade.gov/govaction/matter.asp?matter=162616&file=false&fileAnalysis=false&yearFolder=Y2016>

**Resolution No. R-915-18**, adopted September 5, 2018, conveyed one County-owned property to Simcar Dev, LLC., a Florida corporation, at a price of \$10.00, to develop the properties with affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program

<http://www.miamidade.gov/govaction/matter.asp?matter=181651&file=true&fileAnalysis=true&yearFolder=Y2018>

**Resolution No. R-538-14**, adopted June 3, 2014, conveyed five single family home sites to Soaring to Achieve Results Systematically Developmental Center, Inc., a Florida not-for-profit corporation, at a price of \$10.00, to develop the properties with affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program.

<http://www.miamidade.gov/govaction/matter.asp?matter=141084&file=true&fileAnalysis=false&yearFolder=Y2014>

**Resolution No. R-1005-14**, adopted November 5, 2014, conveyed five single family home sites to Women In Need of Destiny, Inc., a 501(C)(3) not-for-profit Florida corporation, at a price of \$10.00, to develop the properties with affordable housing for sale to low and moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program

<http://www.miamidade.gov/govaction/matter.asp?matter=142115&file=true&fileAnalysis=false&yearFolder=Y2014>

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**Item No. 8L1  
File No. 190491**

**Researcher: IL   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.

**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 the 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 (DTPW) 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 allowable.
- 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 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 approved by the

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voters, and any project requiring the use of PTP funds would have to be approved by the Board.

- 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 and 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 for consideration 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 (PSA) 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 affected work orders bypassing committee review.
- Mr. Hefty explained that the reason he was at the podium was that 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 and with committee amendments.

The item was brought before the Board on March 5, 2019 and were voluntarily removed from the agenda by the department.

- Commissioner Martinez wanted a list of the contracts that were in the hopper that would be used by this agreement.
- Commissioner Diaz asked if these types of projects time sensitive.
- Director Lee Hefty stated that these contracts were designed solely for programs that use FTA dollars or Surtax dollars.
- Director Alice Bravo stated that this type of contract address environmental issues at CNG stations that are recipients of surtax dollars.
- Commissioner Diaz asked if this contract was for capital use or maintenance.
- Director Alice Bravo stated that this contract is for capital projects that receive PTP funding.
- Director Lee Hefty user department funds (environmental) contracts RER DERM negotiates it.
- Mayor Gimenez stated this item is not time sensitive and the transportation has sufficient funds and we can handle these requests and do that internally. This item needs to be deferred and how we are going to handle this process this issue in the future needs to be ironed out.

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The Item was forwarded to the ICI committee.

This item was forwarded with a favorable recommendation from the Infrastructure and Capital Improvements Committee on April 15, 2019

**ANALYSIS**

The proposed resolution seeks Board 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 contract term 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;
- 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, was 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.



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

<b>Name of Firm</b>	<b>Total Qualitative Score</b>	<b>Final Rank</b>
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 firm: 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 performed a search of the technical certifications on the Business Management Work System on April 29, 2019.

The SBE A&E firms found in the 15.01 Technical Certification (Surveying and Mapping – Land Surveying) 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
- 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 (Surveying and Mapping – Underground Utility Location) 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.

These contracts are utilized on an as-needed basis. DERM staff administer, manage and oversee the contracts and contractual work performed under these contracts and ensure an appropriate and cost effective scope of work and timely performance of the



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services. DERM is not able to employ the number of staff required to be at the ready to perform the field and office work whenever the demand arises which can be unpredictable and the resultant urgent timeframes that must be met.

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>

Pursuant to Resolution No. R-1181-18, RER must (1) consider the safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board. Information relating to the required safety record check for PCL Construction Inc., is absent from the agenda item

Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA's Division of Policy and Legislation in the Capital Improvements Information System (CIIS) on April 29, 2019: There are 3 performance evaluations in the Capital Improvements Information Systems Database for Stearns, Conrad, and Schmidt, Consulting Engineers, Inc. dba SCS Engineers, yielding an average evaluation rating of 4.0 out of 4.0.

#### **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>

#### **DEPARTMENT INPUT**

The Office of the Commission Auditor posed the following question to the Regulatory and Economic Resources Department receiving 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.**

The following questions were asked to the department on April 12, 2019:

- Are there any professionals employed by RER that can do this type of work?
- Would it be more cost effective to hire full time employees to do this work for the County rather than outsource?

**In the early 1990s, at the onset of procuring environmental contracts to perform assessment and remediation at contaminated County owned sites, both of these questions were contemplated and it was determined that utilizing county staff to perform the services of consultants was not feasible for several reasons, as follows:**

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These contracts are utilized on an as-needed basis. DERM staff administer, manage and oversee the contracts and contractual work performed under these contracts and ensure an appropriate and cost effective scope of work and timely performance of the services. DERM is not able to employ the number of staff required to be at the ready to perform the field and office work whenever the demand arises which can be unpredictable and the resultant urgent timeframes that must be met.

In addition to overseeing the work, DERM staff also conduct the regulatory review and approval of the documents required for contamination-related assessments and remediation. Actually performing both roles of doing the work and reviewing for approval could create the appearance of conflict of interest.

The contracts under procurement, subject of this discussion, are being procured at the same or lower unit cost rates as the previous RER contracts dating back to 2003.

These contracts include the sub-contracted services of drillers & other subsurface investigations, laboratories, waste haulers, surveyors and construction contractors, at a minimum. Contracts for each of these services would still need to be procured, and advanced training or certification would be required in order for DERM staff to oversee these types of services. In fact, the consultants that perform these services are required to maintain Technical Certification through the County in the disciplines of Environmental Engineering - Contamination Assessment & Monitoring, Remedial Action Plan Design, Remedial Action Plan Implementation & Operation/Maintenance, General Civil Engineering & Engineering Construction Management. Additionally, specialized and costly equipment is required to be utilized by the consultants in the performance of this work, which would need to be procured by the County.

The liability of direct oversight of work that involves subsurface investigation would shift to the County and potentially the individual employees overseeing the work.

Consultants awarded these contracts are required to carry insurance for Professional Liability, Automobile Liability, Pollution Liability, Workers Compensation and Commercial General Liability, in an amount not less than \$1,000,000 per category, and \$5,000,000 for automobiles, which would be required to be obtained by the County.

**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](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>

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

**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>

**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 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>

**Resolution No. R-1181-18**, adopted November 8, 2018, directs the County Mayor to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board.

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**Item No. 8L2  
File No. 190488**

**Researcher: IL   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 award and execution of a Non-Exclusive Professional Services Agreement (PSA) with Nova Consulting, Inc. to provide environmental cleanup, compliance and related services in the amount of \$1,100,000.00 using Charter County Transit Surtax Funds.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item was brought before the Government Operations Committee (GOC) on January 15, 2019, and passed with a favorable recommendation. Prior to the passage, the following exchange took place:

- Commissioner Martinez noted Item 3E was related to Item 3D and expressed his disagreement on using People Transportation Plan (PTP) funds. At the same time, Commissioner Sosa conveyed her disagreement in this item and explained the only reason they would use PTP funds was in the case the project related to transportation.
- Mr. Lee N. Hefty, Director of Environmental Resources Management Department clarified the contracts were designed specifically for Public Works and Transportation use and utilized PTP funding. Commissioner Suarez clarified it was not right for the administration to send the DERM Director to the Board requesting PTP funds for environmental issues. Commissioner Sosa noted there would not be a transportation plan if PTP environmental studies were not allowed.
- Chairman Moss asked how to expedite the process. Assistant County Attorney Bruce Libhaber stated the caveat request was appropriate for the process in this case. Therefore, he stated, any work orders arising from the Professional Services Agreement (PSA) which anticipate using Surtax funds will need to be considered by the Citizens' Independent Transportation Trust (CITT) and the Board of County Commissioners prior to using the Surtax funds.
- Hearing no other questions or comments, the members of the Government Operations Committee voted on the proposed resolution, as amended.

This item was forwarded with a favorable recommendation from the Infrastructure and Capital Improvements Committee on April 15, 2019

**BCC Meeting: May 7, 2019**  
**Research Notes**

**ANALYSIS**

The purpose of this item is to request that the Board approve the award and execution of a Non-Exclusive Professional Services Agreement (PSA) with Nova Consulting, Inc., providing environmental cleanup, compliance and related services in the amount of \$1,100,000.00 for a total contract term of three (3) years plus two (2) one (1) year options-to-renew for the Miami-Dade Department of Transportation and Public Works (DTPW) and other County Departments. This item also requests authorizing the use of Charter County Transit Surtax Funds.

RER requires a prequalified environmental consultant, with diverse and specialized expertise, immediately available to perform a variety of environmentally related tasks required by various County Departments.

The Fiscal Impact to the County is \$1,100,000 for a term of three (3) years plus two (2) one (1) year options-to-renew. The project will take place Countywide. The funding source will depend upon the department requesting the services for the specific project and will be established by the said department. The environmental consultant services provide by NOVA Consulting, Inc., for DTPW will be paid by the Transit Surtax Funds.

The scope of services is:

- A. Performing environmental assessment and/or rehabilitation and related tasks, including, but not limited to, drilling, surveying and mapping, and laboratory analytical services, at Miami-Dade County owned or operated sites in accordance with Chapter 62-780 of the Florida Administrative Code (FAC), Chapter 24 of the Miami-Dade County Code, and all other applicable regulations.
- B. Performing services related to the modification, repair, removal, replacement, installation, and/or abandonment of any underground or aboveground storage systems, and related tasks, necessary for the investigation, prevention, or cleanup of contamination, in accordance with Chapters 62-761 and 62-762 FAC, Chapter 24 of the Miami-Dade County Code, and all other applicable regulations.
- C. Performing services as design professionals and duties related to construction management for environmentally related construction tasks related to A and B above.
- D. Performing other related environmental work, not identified above, necessary for investigation or prevention of potential or known contamination, for compliance with applicable regulations, protection of the environment and public health, and cleanup of environmental contamination.

A Notice to Professional Consultants was issued on August 26, 2016, under full and open competition. On October 14, 2016, the Clerk of the Board received two proposals in response to the solicitation, one from EBS Engineering, Inc., (a local corporation with a principal address of 4715 NW 157 Street, Suite 202, Miami, FL 33014), and the other from Nova Consulting, Inc., (a local corporation with a principal address of 10486 NW 31 Terrace, Doral, FL 33172).

The first tier meeting was held on May 2, 2017; both firms were evaluated and the Competitive Selection Committee (CSC) ranked Nova Consulting, Inc., as the highest ranking firm out of the two proposals submitted. The CSC voted by majority, not to hold a Second Tier meeting and to recommend Conrad and Schmidt, Consulting Engineers, Inc. dba SCS Engineers for negotiation and award.

The Small Business Development Division recommended a 100.00 percent SBE-A&E set-aside, defined as the designation of a given contract for competition among SBE's. (Sec. 2-8.1.1.1.1. Small Business Enterprise Program)

**BCC Meeting: May 7, 2019  
Research Notes**

OCA conducted a review of the technical certifications associated with the project on the Business Management Workforce System (BMWS) on April 29, 2019: (See the table below)

Prime/Other	Code	Description	Amount of SBE A/E firms identified in BMWS
Prime	10.05	Contamination Assessment and Monitoring	14 SBE A/E firms were identified.
Prime	10.06	Remedial Action Plan Design	7 SBE A/E firms were identified
Prime	10.07	Remedial Action Plan Implementation/Operation/Maintenance	6 SBE A/E firms were identified
Other	15.01	Surveying and Mapping – Land Surveying	165 SBE A/E firms were identified.
Prime	16.00	General Electrical Engineering	None
Prime	17.00	Engineering Construction Management	None

These contracts are utilized on an as-needed basis. DERM staff administer, manage and oversee the contracts and contractual work performed under these contracts and ensure an appropriate and cost effective scope of work and timely performance of the services. DERM is not able to employ the number of staff required to be at the ready to perform the field and office work whenever the demand arises which can be unpredictable and the resultant urgent timeframes that must be met.

OCA conducted a review on April 29, 2019 of Nova Consulting, Inc., and found that it has an active status on Sunbiz, (the official website of the Division of Corporations of the State of Florida) with a principal address of 10486 N.W. 31 Terrace, Doral, FL 33172 and several accounts with the Tax Collector's office. The firm has a current license status on a Geology Business license registered with the Department of Business & Professional Regulation.

Pursuant to Resolution No. R-1181-18, RER must (1) consider the safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board. Information relating to the required safety record check for Nova Consulting, Inc., is absent from the agenda item.

Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on April 29, 2019. The verification revealed 33 performance evaluations in the Capital Improvements Information Systems Database for Nova Consulting, Inc., yielding an average evaluation rating of 3.9 out of 4.0.

**ADDITIONAL INFORMATION:**

Nova Consulting Group was awarded a contract with the EPA on December 2, 2015 for all environmentally-related records including violations/enforcements, compliance/non-compliance issues, fires, spills, leaks, releases, storage tank issues, clean-up, and emergency response issues under contract EPA-R5-2016-000685

[https://www.epa.gov/sites/production/files/2018-01/documents/epa\\_foia\\_log\\_fy16.pdf](https://www.epa.gov/sites/production/files/2018-01/documents/epa_foia_log_fy16.pdf)



**BCC Meeting: May 7, 2019  
Research Notes**

**DEPARTMENTAL INPUT**

The following questions were asked to the department on April 12, 2019:

- Are there any professionals employed by RER that can do this type of work?
- Would it be more cost effective to hire full time employees to do this work for the County rather than outsource?

**In the early 1990s, at the onset of procuring environmental contracts to perform assessment and remediation at contaminated County owned sites, both of these questions were contemplated and it was determined that utilizing county staff to perform the services of consultants was not feasible for several reasons, as follows:**

**These contracts are utilized on an as-needed basis. DERM staff administer, manage and oversee the contracts and contractual work performed under these contracts and ensure an appropriate and cost effective scope of work and timely performance of the services. DERM is not able to employ the number of staff required to be at the ready to perform the field and office work whenever the demand arises which can be unpredictable and the resultant urgent timeframes that must be met.**

**In addition to overseeing the work, DERM staff also conduct the regulatory review and approval of the documents required for contamination-related assessments and remediation. Actually performing both roles of doing the work and reviewing for approval could create the appearance of conflict of interest.**

**The contracts under procurement, subject of this discussion, are being procured at the same or lower unit cost rates as the previous RER contracts dating back to 2003.**

**These contracts include the sub-contracted services of drillers & other subsurface investigations, laboratories, waste haulers, surveyors and construction contractors, at a minimum. Contracts for each of these services would still need to be procured, and advanced training or certification would be required in order for DERM staff to oversee these types of services. In fact, the consultants that perform these services are required to maintain Technical Certification through the County in the disciplines of Environmental Engineering - Contamination Assessment & Monitoring, Remedial Action Plan Design, Remedial Action Plan Implementation & Operation/Maintenance, General Civil Engineering & Engineering Construction Management. Additionally, specialized and costly equipment is required to be utilized by the consultants in the performance of this work, which would need to be procured by the County.**

**The liability of direct oversight of work that involves subsurface investigation would shift to the County and potentially the individual employees overseeing the work.**

**Consultants awarded these contracts are required to carry insurance for Professional Liability, Automobile Liability, Pollution Liability, Workers Compensation and Commercial General Liability, in an amount not less than \$1,000,000 per category, and \$5,000,000 for automobiles, which would be required to be obtained by the County.**

**APPLICABLE LEGISLATION/POLICY**

**Chapter 212.055 of the Florida Statutes, Discretionary sales surtaxes, legislative intent; authorization and use of proceeds, d) Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission deems appropriate, Used by the county for the development, construction, operation, and maintenance of roads and bridges in the county; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for non-transit uses;**  
[http://www.leg.state.fl.us/STATUTES/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0212/Sections/0212.055.html](http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html)



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**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](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html)

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

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

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

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

[dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Section 29-124(f) of the Miami-Dade 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 or](https://library.municode.com/fl/miami_dade_county/codes/code_of_or)

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[FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRR](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551)

**Section 2-11.1 of the Miami-Dade 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=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.1COINCOETOR](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)

**Section 2-10.4 of the Miami-Dade 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](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

**Ordinance 00-65** adopted May 23, 2000 (involving the expenditures of more than \$500,000.00) any contract for the construction of public improvements and any professional service agreement involving the expenditure of more than \$500,000, an item shall be added to the advertisement recommendation memorandum presented by the County Manager to the Board of County Commissioners identifying (1) each proposed 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 proposed dedicated allowance, contingency allowance and additional services allowance in relation to the estimated contract price.

<http://intra/gia/matter.asp?matter=001521&file=false&yearFolder=Y2000>

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**Ordinance No. 02-116**, adopted July 9, 2002, Levying and Imposing a one half of one percent Charter County Transit System Surtax authorized By Section 212.055(1), Florida Statutes (2001) 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 (2001); 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; expressing intent to maintain current level of general fund support for MDTA in subsequent fiscal years;

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

**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.) 2-13**, (Guidelines and Procedures to pertaining to legal opinions in County competitive process), any contract in an amount which exceeds the threshold pursuant to Section 2-8.1 of the Code of Miami-Dade County will require the County Attorney's Opinion shall be in writing and submitted to the Board of County Commissioners along with the award recommendation.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-13.pdf>

**Implementing Order (I.O.) 3-34** (Formation and Performance of Selection Committees) Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, this Implementing Order establishes procedures for the formation and performance of selection committees in the competitive procurement process of Miami-Dade County, including competitive selection committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.

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

**Resolution No. R-187-12**, adopted 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-421-16**, adopted May 17, 2016, requires the County Mayor or Mayor's designee to attach a list of all County Contracts awarded in the previous 3 years to the recommended contractor and summary of evaluations for Design and/or Construction Contract Awards of \$1,000,000.00 or greater.

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

**Resolution No. R-1181-18**, adopted November 8, 2018, directs the County Mayor to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board.

<http://intra/gia/matter.asp?matter=182536&file=true&yearFolder=Y2018>

**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8N5  
File No. 190554**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 AND FINAL BETWEEN MIAMI-DADE COUNTY AND CONSTRUCT GROUP CORP. FOR THE PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG NW 74 STREET, FROM NW 114 AVENUE TO NW 107 AVENUE (PROJECT NO. 20120004), EXTENDING THE CONTRACT DURATION BY 284 NON-COMPENSABLE CALENDAR DAYS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the County Mayor to execute the first and final change order between the County and Construct Group Corp. extending the contract duration of the roadway improvements project along NW 74 Street, from NW 114 Avenue to 107 Avenue by 284 non-compensable calendar days.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Transportation and Public Works**

This item was forwarded to the BCC with a favorable recommendation by the Infrastructure & Capital Improvements Committee at its April 15, 2019 meeting.

**ANALYSIS**

This purpose of this item is to extend the contract between the County and Construct Group Corp. for roadway improvements in District 12 along NW 74 Street, from NW 114 Avenue to 107 Avenue, by 284 non-compensable calendar days. The project is the result of a Florida Department of Transportation (FDOT) study evaluating the existing portion of NW 74 Street, from NW 114 Avenue to SR-826/Palmetto Expressway which found that a six-lane typical section, rather than the five-lane undivided segment that currently exists, was required to meet the expected future travel demand of the corridor.

The roadway improvements funded by Charter County Transportation Sales Surtax Bond Proceeds, are:

- widening the existing road from a five-lane undivided roadway to a six-lane divided roadway;
- reducing the width of the existing median to accommodate a bicycle facility, sidewalks, curb and gutters;
- a continuous storm drainage system;
- pavement markings and signage;
- traffic signalization;
- roadway lighting;
- sound barrier walls on both sides of the roadway;
- landscaping; and
- landscape irrigation.

The Change Order does not increase the contract amount, but rather extends the contract time by 284 non-compensable calendar days to address several unforeseeable delays and additional work requested by FDOT. The original contract duration was 594 days. This Change Order increases the contract duration by 48% to 878 days to compensate for 35 non-compensable day delayed as a result of Hurricane Irma, 31 non-compensable calendar days it took to procure a permit from the City of Doral for installation of an irrigation system, and 47 non-compensable calendar days to allow for the reconstruction of the eastbound lane as a result of the discovery of unsuitable base material which required additional remediation actions by the contractor, among other delays justifying the 284 day extension.

**BCC Meeting: May 7, 2019**  
**Research Notes**

Construct Group Corp. has been awarded 11 contracts totaling \$12,671,068, and does not have a history of monetary change orders. Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on April 12, 2019. There are 11 performance evaluations (including some interim project evaluations) in the CIIS database for Construct Group Corp with an overall performance rating of 2.8 out of a possible 4.0.

**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)

**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>

**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-1053-14**, adopted December 2, 2014, approved a contract award recommendation in the amount of \$6,649,073.20 to Construct Group Corp. for the People's Transportation Plan project entitled "roadway improvements along NW 74 Street, from NW 114 Avenue to NW 107 Avenue" and authorized the use of Charter County Transportation Surtax funds for such purposes.

<http://intra/gia/matter.asp?matter=142299&file=true&yearFolder=Y2014>

**Resolution No. R-421-16**, adopted May 17, 2016, requires 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.

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

**Resolution No. R-525-17**, adopted 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>

**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8N8  
File No. 190746**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING A STATE-FUNDED GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY, THE CITY OF HIALEAH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE CITY OF HIALEAH WITH COUNTY INCENTIVE GRANT PROGRAM FUNDING IN THE AMOUNT OF \$1,050,000.00 TO PURCHASE SIX NEW LOW-FLOOR PASSENGER BUSES; 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 the County, the City of Hialeah and the Florida Department of Transportation (FDOT) to provide the City of Hialeah with \$1,050,000 in County Incentive Grant Program funding to purchase six new low-floor passenger buses, at no cost to the County.

**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 Finance Committee at its April 16, 2019 meeting.

**ANALYSIS**

This purpose of this item is to provide the City of Hialeah with \$1,050,000 in County Incentive Grant Program funding, for which the City will provide a local match, to purchase six new low-floor passenger buses. The total project cost is \$2,100,000, of which FDOT will contribute the remaining 50% (\$1,050,000).

Pursuant to Section 339.2817, Florida Statutes, a municipality may apply to the county in which the municipality is located for consideration by the county for funding of any project or project phase of a transportation facility which is located on the State Highway System or which is demonstrated to relieve congestion on the State Highway System. The county must consider the following criteria when evaluating all municipal applications:

- The extent to which the project will encourage, enhance, or create economic benefits;
- The likelihood that assistance would enable the project to proceed at an earlier date than the project could otherwise proceed;
- The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment;
- The extent to which the project uses new technologies, including intelligent transportation systems, which enhance the efficiency of the project;
- The extent to which the project helps to maintain or protect the environment; and
- The extent to which the project includes transportation benefits for improving intermodalism and safety.

This project will provide the City of Hialeah with an opportunity to replace its fleet of aging passenger buses in circulation with six new passenger buses by December 31, 2020 in furtherance of properly accommodating the City's growing number of residents with adequate transportation services. Therefore, DTPW has determined the preceding criteria prescribed by Florida Statutes has been sufficiently met.

**BCC Meeting: May 7, 2019  
Research Notes**

The execution of this agreement assigns all of the County's interests and obligations under the agreement to the City of Hialeah, whose City Council approved the agreement on November 27, 2018. Board approval is required to allow for final execution of the agreement with FDOT.

**APPLICABLE LEGISLATION/POLICY**

**Section 339.2817, Florida Statutes**, creates 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?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=339.2817&URL=0300-0399/0339/Sections/0339.2817.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=339.2817&URL=0300-0399/0339/Sections/0339.2817.html)



**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 8N12  
File No. 190425**

**Researcher: IL   Reviewer: TD**

RESOLUTION APPROVING AND AUTHORIZING THE USE OF UP TO \$1,740,113.52 IN CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR ROADWAY RESURFACING CONTRACT RPQ NO. 20170165 AWARDED UNDER THE MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve award of Transportation Surtax Funds for roadway resurfacing Contract RPQ No. 20170165 to H&R Paving, Inc., in the amount of \$1,740,113.52 for the Department of Transportation and Public Works (DTPW).

**PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

**Department/Requester:** Transportation and Public Works

This the item was forwarded with a favorable recommendation from the Transportation and Finance Committee on March 13, 2019. This item was heard at the April 9, 2019 BCC meeting and deferred by request of the department, pending department amendment.

**ANALYSIS**

The purpose of this item is to seek BCC approval for an award of Transportation Surtax Funds for roadway resurfacing Contract RPQ No. 20170165 awarded under the miscellaneous construction contract 7360 plan, in the amount of \$1,740,113.52 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).

The fiscal impact for the project is \$1,740,113.52 (i.e., a base estimate of \$1,461,267.83 and contingency allowance of \$146,126.78 and a dedicated allowance amount of \$132,718.91) for a total contract period of 238 days. Work orders funded by the Surtax will only be issued when written approval is received from a commission district office of the use of their PTP allocation pursuant to R-507-04. The improvements are forecasted to be throughout Miami-Dade County (various commission districts)

The Request Price Quotation (RPQ) for Roadway Resurfacing, utilizing the MCC 7360 Plan was advertised on June 15, 2017 to a list of 70 pre-qualified firms. Five firms responded and all five firms proffered a bid. On July 19, 2017 the bids were opened and H&R Paving, Inc., submitted the lowest responsive and responsible base bid of \$1,461,234.83, 9.3 percent below the County's cost estimate. The second lowest bidder was Weekly Asphalt, Inc., with a base bid of \$1,546,417.65 coming in at 2 percent above the County's cost estimate and the third lowest bidder was General Asphalt, Inc., with a base bid of \$1,558,439.50 coming in at 3 percent above the County's cost estimate.

DTPW recommended for award H&R Paving, Inc. for award on August 29, 2017. SBE measures are set aside for this project and the project carries a 10 percent Community Workforce Program component. A delay in bringing this item before the board is attributed to the inclusion of PTP language was added so that in the instance that a Commissioner wishes to use their portion of the PTP funding they may use this contract. Additionally, work orders have already been issued under this contract.

In accordance with Contract No.1, the scope of work under this contract includes:

- Supervision, Labor, Materials, Tools, Equipment, Pavement removal;
- Construction of asphaltic concrete road base and surface;
- Pavement milling, Pavement markings, Signage, Drainage, Sidewalks;



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- Concrete curb and gutter; and traffic calming devices;
- Performing all operations necessary for intersection improvements; and
- Performing all operations required to construct the work in accordance with contract documents

Pursuant to Resolution No. R-421-16, OCA conducted a performance record verification in the Capital Improvements Information System (CIIS) on April 29, 2019. There are 208 performance evaluations with an average evaluation rating of 3.2 out of 4.0 in CIIS for H&R Paving Inc.

**DEPARTMENTAL INPUT:**

The following questions were asked to the department on March 12, 2019:

If the firm was recommended for award back on August 29, 2017, why did it take so long to get this item before the BCC?

**Workorders have already been issued under this contract. The reason why it is coming before the board now is because PTP language was added so that in the instance that a Commissioner wishes to use their portion of the PTP funding they may use this contract.**

**ADDITIONAL INFORMATION:**

H&R Paving has contracted with other jurisdictions in Florida including the City of Doral (available in PDF) and City of Miami-Lakes for resurfacing of roadways in 2017 and 2018.

[https://www.miamilakes-fl.gov/index.php?option=com\\_docman&view=download&alias=4616-resolution-18-1569&category\\_slug=2018-1&Itemid=272](https://www.miamilakes-fl.gov/index.php?option=com_docman&view=download&alias=4616-resolution-18-1569&category_slug=2018-1&Itemid=272)

**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\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212_0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

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**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.

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\\_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 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 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>

**Resolution No. R-507-04**, adopted April 27, 2004, approved the amendment to the neighborhood improvements section of the People's Transportation Plan (PTP) to include roadway signage, roadway lighting, pavement markings and traffic calming.

<http://www.miamidade.gov/govaction/matter.asp?matter=040989&file=true&fileAnalysis=false&yearFolder=Y2004>

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**Item No. 8N14  
File No. 190661**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING CONTRACT AWARD TO JVA ENGINEERING CONTRACTOR, INC. IN THE AMOUNT OF \$13,176,587.88, FOR THE PROJECT ENTITLED PEOPLE'S TRANSPORTATION PLAN (PTP) ROADWAY IMPROVEMENTS TO SW 137 AVENUE FROM US-1 TO SW 200 STREET; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a contract award between the County and JVA Engineering Contractor, Inc. in an amount of up to \$13,176,587.88 for a project titled "People's Transportation Plan Roadway Improvements to SW 137 Avenue from US-1 to SW 200 Street" for a term of three years for the Transportation and Public Works Department (DTPW).

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Transportation and Public Works**

This item was considered at the April 15, 2019 meeting of the Infrastructure and Capital Improvements Committee wherein it was forwarded to the Board with a favorable recommendation. At the committee meeting, the following discussion transpired:

- Commissioner Sosa sought confirmation from the Administration that the item is an authorized use of the half penny surtax; the DTPW Director responded affirmatively.
- Commissioner Levine Cava stated that to mitigate the impact on agriculture, the roadway improvement was reduced from four lanes to two; the Commissioner then expressed support for protecting bicycle infrastructure for safety reasons; lastly, she questioned the Administration on whether the roadway improvements would be used as a secondary evacuation route; the DTPW Director responded that a study was conducted identifying the improvements as a secondary evacuation route.

**ANALYSIS**

The purpose of this item is to establish a construction contract with JVA Engineering Contractor, Inc. for a road widening project in District 8, which is represented by Commissioner Levine Cava. The project location is SW 137 Avenue from US-1 to SW 200 Street, which is approximately 3.2 miles in length. The project scope encompasses a new two-lane roadway, including sidewalks, curb and gutters, irrigation, storm drainage system, signalization, pavement markings and signage, bicycle facilities and filling of the borrow pit at SW 240 Street within the right-of-way limits. The contract period is for three years with a contingency period of 110 days.

The contract has a value of \$13,176,587.88, which consist of the base contract amount of \$11,888,716.25, the contingency allowance of \$1,188,871.63, an off-duty law enforcement officer allowance of \$20,000, a bituminous material adjustment allowance of \$50,000, a permit allowance of \$20,000 and an FPL connection allowance of \$9,000.

The FY 2018-19 Adopted Budget and Multi-Year Capital Plan shows total expenditures of \$243,858,000 under this project number (No. 2000000540). The budget books indicates this is a countywide project with various project sites.

It is unclear from a review of the mayoral memorandum how payment will be distributed, e.g., lump sum or linked to milestones and deliverables. A copy of the proposed contract is not included in the agenda package for this item.

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The project was advertised on November 29, 2018. On January 30, 2019, nine bids were received in response to the solicitation. The recommended contractor – JVA Engineering – submitted the lowest bid. JVA Engineering’s bid amount is nine percent below the County’s cost estimate. The project was bid on a unit price basis.

The small business measures assigned to the contract are a SBE/CONST of 8.47 percent, SBE-S of 1.53 percent, and a Community Workforce Program goal of 10 percent. The subcontractor listed in the item is Reyes Electric, Inc. Nonetheless, it is unclear from the agenda item whether Reyes Electric will be utilized to satisfy all of the measures.

Based on information pulled on Sunbiz.org, the official State of Florida Division of Corporations website, as of May 1, 2019, JVA Engineering is an active, Florida for-profit company located at 6600 NW 32 Avenue, Miami, Florida. As of April 12, 2019, the company’s principal, Jose M. Alvarez, holds a Certified General Contractor and Certified Underground Utility and Excavation Contractor licenses per information found on the website of the Florida Department of Business & Professional Regulation.

Pursuant to Resolution No. R-1181-18, the DTPW must (1) consider the safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board. Information relating to the required safety record check for JVA Engineering is absent from the agenda item.

The mayoral memorandum indicates that JVA Engineering has been awarded 44 construction contracts. Based on information found in the Capital Improvements Information System (CIIS) on May 1, 2019, the firm has an evaluation count of 53 with an average evaluation score of 3.6 out of a possible maximum score of 4.0.

**APPLICABLE LEGISLATION/POLICY**

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

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

**Section 2-8.1(h) 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 -  
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 -  
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 10-34 of the County Code** provides that for construction contracts in which a bidder may use a subcontractor which involve the expenditure of \$100,000 or more, such contracts shall require the entity contracting with the County to list all first tier subcontractors who will perform any part of the contract and all suppliers who will supply materials for the contract work.

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH10CO\\_ARTIIBIPUPR\\_S10-34LISURE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE)

**Section 2-11.16 of the County Code** governs payment to laborers under construction contracts.

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.16COCOCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO)

**Section 29-124 of the County Code** relates to the Citizens' Independent Transportation Trust and 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 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\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212_0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**Section 2-1701 of the County Code** sets forth the Community Workforce Program.

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTCXIICOWOPR\\_S2-1701COWOPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

**Ordinance No. 14-79**, adopted 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>

**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 No. 3-57** establishes a policy for the use of standard construction general conditions by all County departments.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-57.pdf>

**Resolution No. R-1203-10**, adopted December 7, 2010, directed the County Mayor to standardize construction documents and practices across all County departments.

<http://intra/gia/matter.asp?matter=102577&file=true&yearFolder=Y2010>

**Resolution No. R-421-16**, adopted 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.

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<http://www.miamidade.gov/govaction/matter.asp?matter=160124&file=true&fileAnalysis=false&yearFolder=Y2016>

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

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

**Resolution No. R-1181-18**, adopted November 8, 2018, directs the County Mayor to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board.

<http://intra/gia/matter.asp?matter=182536&file=true&yearFolder=Y2018>



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**Item No. 8N16**

**File No. 191154 (190708)**

**Researcher: JFP   Reviewer: TD**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 AND FINAL BETWEEN MIAMI-DADE COUNTY AND JVA ENGINEERING CONTRACTOR, INC FOR THE PROJECT ENTITLED PEOPLE'S TRANSPORTATION PLAN ROADWAY IMPROVEMENTS TO NE 2 AVENUE FROM NE 69 STREET TO NE 84 STREET (PROJECT NO. 20150195), EXTENDING THE CONTRACT DURATION BY 268 NON-COMPENSABLE CALENDAR DAYS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the first change order between the County and JVA Engineering Contractor, Inc. extending the contract duration of the project entitled *People's Transportation Plan Roadway Improvements to NE 2 Avenue from NE 69 Street to NE 84 Street* by 268 non-compensable calendar days.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Transportation and Public Works**

This item, as amended, was forwarded to the BCC with a favorable recommendation by the Infrastructure & Capital Improvements Committee at its April 15, 2019 meeting. The technical amendment states that the language "change order number one" should read "change order number one and final" throughout the resolution.

**ANALYSIS**

This purpose of this item is to authorize the extension of the contract between the County and JVA Engineering Corp. for a District 3 roadway project by 268 non-compensable calendar days. The project seeks to provide an acceptable level of mobility in response to the significant growth the NE 2 Avenue corridor and the adjacent areas have experienced over recent years. The project is being funded by the People's Transportation Plan funds as well as the Water Renewal and Replacement Fund.

The roadway improvements/water distribution extension enhancements included in this project, for which JVA is providing design and construction services, are:

- roadway reconstruction;
- new storm water system;
- sidewalks;
- curb and gutters;
- pavement makings;
- signage;
- signalization;
- decorative lighting;
- landscaping; and
- installation of a 12-inch water main and all appurtenances on NE 2 Avenue from NE 79 Street to NE 84 Street.

The Change Order does not increase the contract amount, but rather extends the contract time by 268 non-compensable calendar days to address several unforeseeable delays. The original contract duration was 510 days. This Change Order increases the contract duration by 53% to 778 days to compensate for the following:



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- The contract was delayed by 144 non-compensable calendar days due to unforeseen delays with Florida Power and Light's (FPL) relocation of utilities in conflict with the project's scope of work. FPL was delayed in implementing the work as a direct result of their work in Florida and Puerto Rico due to Hurricanes Irma and Maria respectively.
- The contract was delayed by 12 non-compensable calendar days due to delays in obtaining necessary permits from the Florida Department of Transportation (FDOT). FDOT experienced delays in issuing permits as a result of impacts caused by Hurricane Irma.
- The contract was delayed by 60 non-compensable calendar days due to a delay of necessary License Agreement between the Florida East Coast Railway, LLC and the County under County Resolution R-508-18 which allowed FEC to schedule their necessary work with JVA to perform work in the FEC section.
- The contract was delayed by 11 non-compensable calendar days due to delays as a result of Hurricane Irma.
- The contract was delayed by 41 non-compensable calendar days due to construction related delays as a result of shop drawings revision.

JVA Engineering Contractor, Inc. has been awarded 20 County contracts totaling \$41,395,018.15. Pursuant to Resolution No. R-421-16, OCA conducted a Performance Record verification in the Capital Improvements Information System (CIIS) on May 1, 2019. There are 53 contractor performance evaluations in the CIIS database for JVA Engineering Contractor, Inc. with an overall performance rating of 3.6 out of a possible 4.0.

While JVA Engineering Contractor, Inc. has yet to reach the 85% small business goals threshold usually required before a change order can be considered in two of its assigned contract measures (SBE/CON and SBE/GS), Resolution No. R-525-17 excepts non-compensatory time extensions from this requirement.

#### **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)

**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>

**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-557-16**, adopted June 21, 2016, approved a contract award to JVA Engineering Contractor, Inc. in the amount of \$10,303,400.00, for the design-build services for the project entitled "People's Transportation Plan (PTP) roadway improvements to NE 2 Avenue from NE 69 Street to NE 84 Street", and authored the use of Charter County Transportation Surtax funds for such purposes.

<http://intra/gia/matter.asp?matter=161214&file=true&yearFolder=Y2016>

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**Resolution No. R-421-16**, adopted May 17, 2016, requires 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.

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

**Resolution No. R-525-17**, adopted 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-508-18**, adopted May 15, 2018, authorized the approval of a railroad crossing license agreement, between Miami-Dade County and Florida East Coast Railway Co. LLC, for the reconstruction of railroad crossing and traffic control devices at NE 2 Avenue in the vicinity of NE 73 street in the amount estimated at \$365,869.45.

<http://intra/gia/matter.asp?matter=180568&file=true&yearFolder=Y2018>

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Research Notes**

**Item No. 802  
File No. 190882**

**Researcher: IL   Reviewer: TD**

RESOLUTION AWARDING CONTRACT NO. S-907 BETWEEN PCL CONSTRUCTION, INC. AND MIAMI-DADE COUNTY FOR CONSENT DECREE PROJECT 2.11, CONTRACT NO. S-907, FOR A PROJECT ENTITLED: CENTRAL DISTRICT WASTEWATER TREATMENT PLANT EFFLUENT PUMP STATION ELECTRICAL IMPROVEMENTS, WITH A TOTAL COMPENSATION AMOUNT OF \$21,865,770.00 AND A TOTAL CONTRACT TERM OF 550 DAYS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS OF SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONTRACT NO. S-907 AND 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. 2.11 Central District Wastewater Treatment Plant Effluent Pump Station Electrical Improvements, Contract No. S-907 to PCL Construction Inc. in the amount of \$21,865,770.00.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Water and Sewer Department (WASD)**

This item was forwarded with a favorable recommendation from the Infrastructure and Capital Improvements Committee on April 15, 2019

**ANALYSIS**

The purpose of this item is to attain the Board's ratification for a construction contract award for Consent Decree Project No. 2.11 Central District Wastewater Treatment Plant Effluent Pump Station Electrical Improvements with PLC Construction Inc for the amount of \$21,865,770.00 for a 550 term of days.

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 consist of only those projects approved by the Board as part of the Multi-Year Capital Plan. The Compliance date for Consent Decree project 2.11 is May 9, 2020.

The Fiscal Impact to the County for the implementation of this contract will be of 21,865,770.00 and impacts Commission District 7, Xavier L. Suarez. The funding sources for this project are stated as Future WASD Revenue Bonds, WASD Revenue Bonds Sold, and Wastewater Renewal Fund, 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, which governs 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 for the rehabilitation of the Primary

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Clarifiers, including new flat panel aluminum covers, skimmer and scum collection mechanisms, pinon drive and motor, odor control, primary sludge pump stations, electrical work, instrumentation, monitoring and control panels, process mechanical, air conditioning, exhaust fans and duct work, construction of a new sodium hydroxide storage and fee facility, yard piping and cured-in-place pipelining of large diameter reinforced concrete pipe at the North District Wastewater Treatment plant.

On May 21, 2013, the Board of County Commissioners authorized 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 the Central District Waste Water Treatment Plant (CDWWTP) requires replacement and/or upgrade of pump motors and their associated drives and electrical power and control systems. Improvements to the facilities are required pursuant to the Consent decree from the U.S. Environmental Protection Agency (U.S. EPA), Department of Justice (DOJ) and the Florida Department of Environmental Protection (FDEP), Case No 1:12-cv-24400-FAM.

On July 17, 2018, in response to WASD's competitive solicitation for Project No. S-907, the department received four bids. The respondents were 1) Poole & Kent Company of Florida, 2) Kiewit Infrastructure South, Co., 3) PCL Construction Inc. and 4) Daniel O' Connell's Sons, Inc. PCL Construction Inc. was the lowest bid received.

The top three lowest firms were within 10% of each other and were claiming local preference in their bid submittal. Therefore, in accordance with Section 2-8.5 of the County Code, a best and final offer (BAFO) occurred on August 2, 2018. The project's Engineer of Record, Stantec, advised that PCL Construction Inc., was the lowest bidder and should be awarded the contract. Additionally, the Small Business Development Division of the Internal Services Department found PCL Construction Inc., to be in compliance with contract measures. Since PCL Construction Inc., provided the lowest bid, WASD recommended that it be awarded the project. See a summary of the bid proposals below.

**Bid submittals (July 17, 2018)**

<b>Firm</b>	<b>Base Bid</b>
PCL Construction	\$19,790,000.00
Kiewit Infrastructure South	\$20,115,002.00
Daniel O' Connell's Sons	\$20,131,000.00
Poole & Kent Company of Florida	\$20,150,000.00

**BAFO bid submittals (August 2, 2018)**

<b>Firm</b>	<b>Base Bid</b>
PCL Construction Inc.	\$19,129,000.00 (is 2.61% higher than the engineer of records base bid estimate)
Poole & Kent Company of Florida	\$19,140,000.00 (is 2.66% higher than the engineer of records base bid estimate)
Kiewit Infrastructure South	\$19,250,000.00 (is 3.25% higher than the engineer of records base bid estimate)

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According to the Florida Department of State Division of Corporations website (Sunbiz.org), PCL Construction Inc., has an active status as a Florida Profit Corporation and first filed and registered on September 30, 2009. The principal address is registered as 1711 W. Greentree Drive, Suite 201 Tempe, AZ 85284. Its registered agent is NRAI Services Inc., 1200 S. Pine Island Road, Plantation, FL 33324.

PCL Construction Inc. has multiple accounts with the Miami-Dade Tax Collectors office with a local address of 1805 Ponce De Leon Blvd, Suite 201, Coral Gables, FL 33134 and the account has a current paid status. Lastly, PCL Construction Inc. possesses a General Contractor License, Underground Utility, and Excavation Contractor license, Certified Mechanical Contractor License and a Certified Pollutant Storage System Contractor License. All but one of the licenses for PCL Construction Inc. are current. The delinquent license number is license number CGC1505599.

PCL Construction Inc. list of sub-consultants as well as the firms that will satisfy the SBE measures:

<b>Sub</b>	<b>Address</b>	<b>SBE Construction Measure 10.67%</b>	<b>SBE Goods and Services 2.52%</b>
Interstate Construction, LLC.	2501 S.W. 160th Avenue Suite 400 Miramar, FL 33027	10.67	N/A
SCR mechanical LLC.	1600 Ponce De Leon Blvd – 10th Floor Coral Gables, FL 33134	N/A	.52
Sunshine State Air Conditioning, Inc.	4960 N.W. 165 ST. B-11 Miami, FL 33014	N/A	2.00

Pursuant to Resolution No. R-1181-18, WASD must (1) consider the safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board. Information relating to the required safety record check for PCL Construction Inc., is absent from the agenda item

OCA conducted a review of the following commodity codes: 15010 (Construction Materials), 91039 (Janitorial/ Custodial Services), 98852 (Landscaping), 236220 (Commercial and Institutional 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), 238910 (Site Preparation Contractors) and 238990 (All other specialty trade contractors) in the Business Management Workforce System on April 29, 2019. Approximately 1332 SBE Firms were identified under the various commodity codes.

OCA conducted a review of the Capital Improvement Information System on April 29, 2019, Pursuant to Resolution No. R-421-16 and found that PCL Construction, Inc. had no evaluations on the system at this time. According to the firm history report provided by SBD, PCL Construction Inc., was awarded its first contract with Miami-Dade County in December of 2018.

**ADDITIONAL INFORMATION**

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>

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**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](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](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](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

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



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**Ordinance 14-79 (Sea Level Rise)**, adopted 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 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 the 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, 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 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>



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**Resolution No. R-281-14**, adopted 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 May 17, 2016, requires attachment of 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>

**Resolution No. R-1181-18**, adopted November 8, 2018, directs the County Mayor to: (1) consider safety records of prospective contractors and first-tier subcontractors for public construction projects; and (2) confirm that the safety records of recommended contractors and first-tier subcontractors were considered and report any instances where the safety record may adversely affect a finding of contractor responsibility in award memorandum to the Board.

<http://intra/gia/matter.asp?matter=182536&file=true&yearFolder=Y2018>

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**Item No. 11A5  
File No. 191084**

**Researcher: PGE    Reviewer: TD**

RESOLUTION GRANTING FIRST CHOICE GROUP OF MIAMI, LLC, A FLORIDA LIMITED LIABILITY COMPANY, A ONE YEAR EXTENSION TO COMPLETE THE DEVELOPMENT OF THE MULTIFAMILY AFFORDABLE RENTAL HOUSING PROJECT ON THE PROPERTY LOCATED AT 777 NW 30 STREET, MIAMI, FLORIDA 33127, WHICH WAS CONVEYED TO FIRST CHOICE GROUP OF MIAMI, LLC IN ACCORDANCE WITH RESOLUTION NO. R-209-17; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS SET FORTH IN THE COUNTY DEED TO EVIDENCE THE EXTENSION GRANTED HEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 190711]

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a one-year extension for First Choice Group of Miami, LLC (First Choice) to complete the development of a multifamily affordable rental housing project on property in District 3 conveyed to it by the County.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Audrey M. Edmonson, District 3**  
**Requester/Department: N/A**

This item was forwarded to the BCC with a favorable recommendation, as amended, by the Housing, Social Services and Economic Development Committee at its April 15, 2019 meeting. The amendment updates the item by replacing Miami Dream Homes Investment Group, Inc. with Rammar Construction Company, Inc. as the company partnering with First Choice.

**ANALYSIS**

The purpose of this item is to grant First Choice, an affordable housing developer, a one-year extension to complete construction of a multifamily affordable rental housing project located at 777 NW 30 Street, Miami, Florida, in District 3, which is represented by Commissioner Edmonson. First Choice partnered with Rammar Construction Company to develop the property. The property is approximately 17,212 square feet and was an abandoned building. First Choice is requesting the extension due to development setbacks, such as the 40-year certification process and architectural plan review in the City of Miami Building Department.

On March 7, 2017, the Board adopted Resolution No. R-209-17, which accomplished the following: (1) declared surplus one County-owned property located at 777 NW 30 Street, Miami, Florida, and revised the inventory list of real property to include the property; (2) conveyed the property to First Choice at a price of \$127,946 for development of affordable rental housing; and (3) directed the County Mayor to deposit the proceeds of the sale of the property with the Community Action and Human Services Department.

The deed evidencing the conveyance to First Choice is subject to a reverter, i.e., First Choice completing the project within two years of the effective date of the property transfer unless extended at the discretion of the County Commission. Other key deed provisions are: (1) the developer shall rent such affordable multifamily housing to qualified renters whose income range is established up to 140 percent of the most recent median family income for the County reported by the United States Department of Housing and Urban Development (HUD); (2) the developer shall execute a rental regulatory agreement that is approved by the County; and (3) the developer shall not assign or transfer its interest in the property absent consent of the Board.

Resolution No. R-209-17 also required the execution of a 20-year rental regulatory agreement to be recorded against the property. The rental regulatory agreement and the covenants set forth therein run with the property. Under the agreement, the developer agrees that all residential tenant leases shall be for an initial term of not less than one year and be renewed at the end of each term

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except for good cause or mutual agreement of owner and tenant. The County and developer agree that rents may increase as median income increases as published by HUD. At the discretion of the County, up to 20 percent of the rental units, per project, may be designated for Housing Choice Voucher (Section 8) subsidy, either project-based or tenant-based.

The Public Housing and Community Development Department shall monitor the rental process. As seen in Exhibit B to the Rental Regulatory Agreement, there will be a total of 12, one-bedroom, one-bathroom units. The maximum gross rent is set at \$1,224. Per information found on the County's Property Appraiser's website on April 30, 2019, the market value of the property is \$174,904, and the property is within the De Leon Park subdivision.

### **ADDITIONAL INFORMATION**

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>

### **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)

**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&App\\_mode=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&App_mode=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>

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**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.

<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-209-17**, adopted March 7, 2017, accomplished the following: (1) declared surplus one County-owned property located at 777 NW 30 Street, Miami, Florida and revised the inventory list of real property to include that property; (2) conveyed the property to First Choice at a price of \$127,946 for development of affordable rental housing; and (3) directed the County Mayor to deposit the proceeds of the sale of the property with the Community Action and Human Services Department.

<http://intra/gia/legistarfiles/MinMatters/Y2017/170328min.pdf>

**BCC Meeting: May 7, 2019  
Research Notes**

**Item No. 11A6  
File No. 190601**

**Researcher: IL   Reviewer: TD**

RESOLUTION APPROVING A RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS AND OF LEASE ON PROPERTY LOCATED AT 3468 NW 199 STREET AND 3450 NW 199 STREET, MIAMI GARDENS, FLORIDA TO REMOVE THE LIMITATION ON THE USE OF THE PROPERTIES TO THE DEVELOPMENT OF SENIOR AFFORDABLE HOUSING IN THE EVENT THAT THEY ARE DEVELOPED WITH RESIDENTIAL USES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a release of the declaration of restrictive covenants for the properties located at 3468 and 3450 N.W. 199 Street, in Miami Gardens, FL removing the limitation on the use of the properties to the development of senior affordable housing and allowing the development of the property for residential uses.

**PROCEDURAL HISTORY**

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

**Department/Requester: None**

This item was deferred from the Housing, Social Services & Economic Development Committee on March 11, 2019. Prior to the deferral, the following exchange took place:

- Assistant County Attorney Terrence Smith read the title of the proposed resolution into the record.
- Commissioner Monestime moved that the proposed item be forwarded to the BCC with a favorable recommendation. This motion was seconded by Commissioner Suarez, followed by discussion.
- Commissioner Martinez' requested clarification on how the property was released from the covenant to be a Senior Affordable Housing. Assistant County Attorney Monica Rizo explained that initially the County disposed of a property with a long-term lease, and like this subject property, it was competitively bid to the highest bidder. She added the property restrictions from the Community Council's approval for commercial use included; developments were limited to single family homes with no zero lot lines; no housing subsidies on the site; and to assume the existing lease. Assistant County Attorney Rizo further noted the YWCA initially was the highest bidder. The Board imposed new restrictions in 2017 requiring no property use for residential except for Senior Affordable Housing. The development plan was for two of the three not-for-profit facilities being moved.
- Commissioner Martinez noted the need for additional information and exercised the 3-Day Rule on the proposed item.
- Chairman Moss noted the item would be deferred to the April 15, 2019, HSSSED Committee meeting in order to receive more information.

This item was forwarded with a favorable recommendation from the Housing, Social Services & Economic Dev. Committee on April 15, 2019, prior to the passage of this item the following discussion took place:

- Commissioner Martinez: Wanted clarification on how this item was going to work

**BCC Meeting: May 7, 2019**  
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- Commissioner Jordan: This property was given to the “Y” when Commissioner Betty Ferguson was on the Board. District 1 no longer has a problem with affordable senior housing. Hence the Y is looking for synergy on this property to provide alternatives for young people. The property located on 199 Street had three social service programs that needed to be located. They had their housing on the campus and company was able to relocate those services and because you already have social services on the property allowing this modification will allow the synergy needed to help this group of people.

- Commissioner Martinez: What type of housing will be done on this property?
- Residents to house kids consisting of un-accompanied minors

**ANALYSIS**

The purpose of this item is to seek approval of a release of declaration for restrictive covenants for the properties allowing the developer to build facilities, including residential uses for other than affordable senior housing purposes, and acknowledge that the prior lease between Miami-Dade County and Young Women’s Christian Association, Inc. (YWCA) has expired and is therefore released and terminated and of no further force or effect.

This item will not have a negative fiscal impact on the County’s general fund.

The County sold these properties to the YWCA for the sum of \$430,000.00 on December 7, 2001, The County deed contained four deed restrictions: 1) Approval by the Commission if commercial uses were developed on site, 2) Residential developments restricted to single family homes, 3) No housing subsidy be used in development on the site and 4) An assumption of an existing lease on the property between County and YWCA. The YWCA was the highest bidder of a competitive process and according to the mayoral memo removing the declaration and restrictions on the properties is consistent with the original conveyance.

Currently, there are three non-profit tenants operating on the property, they are 1) His House, Inc., 2) The Association of Retarded Citizens, South Florida, Inc., and 3) The Center for Family and Child Enrichment, Inc. The developer seeks to build facilities for one or more of the not-for-profit entities that will be relocated.



Image of the land that will be developed.



**APPLICABLE LEGISLATION/POLICY**

**Chapter 125.35 of the Florida Statutes,** The Board of County Commissioners is 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&URL=0100-0199/0125/Sections/0125.35.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.35.html)



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

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-9COMUGOUNSEUTMA](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-9COMUGOUNSEUTMA)

**Section 2-10 of the Code of Miami-Dade County**, (Same-Ratification of Board; duration; filing), all contracts authorized by Section 2-9 shall be entered into subject to ratification by the County Commission and no such contract shall extend for a period longer than one (1) year without the express authorization of the Commission. All such contracts shall be filed with the Clerk of the Commission and the Clerk of the other governmental unit involved and shall be open to public inspection.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10SAATBODUFI](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI)

**Resolution No. 1167-00**, adopted November 14, 2000, declared three County-owned parcels located on the South side of N.W. 199 Street and East and West of N.W. 37 Avenue, surplus and authorizing the public sale and conveyance to the highest bidder.

<http://www.miamidade.gov/govaction/matter.asp?matter=002262&file=false&fileAnalysis=false&yearFolder=Y2000>

**Resolution No. 147-17**, adopted February 7, 2017, authorize the recording and release of deed restrictions on property located at 3468 N.W. 199 Street and 3450 N.W. 199 Street, limiting the use of the properties to the development of senior affordable housing.

<http://www.miamidade.gov/govaction/matter.asp?matter=170042&file=true&fileAnalysis=false&yearFolder=Y2017>

**Resolution No. 237-18**, adopted March 6, 2018, authorizing the lease of approximately 140 acres, potentially increased by 10-15 additional acres, of County land at 20000 N.W. 47 Avenue for an initial term of 30 years for a rent of no less than \$33,382,655.07 to be leased to non-profit agencies to be funded using \$7,500,000.00 of Building Better Communities and lease of the property located 11005 S.W. 84 Street and 16345 N.W. 25 Avenue for an initial 5-year term to His House, Inc. The Center for Family and Child Enrichment, Inc., Association for Retarded Citizens, South Florida, Inc.

<http://www.miamidade.gov/govaction/matter.asp?matter=181447&file=false&fileAnalysis=false&yearFolder=Y2018>