



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

**Board of County Commissioners Meeting**

June 4, 2019  
9:30 A.M.  
Commission Chambers

Yinka Majekodunmi, CPA  
Commission Auditor  
Office of the Commission Auditor (OCA)  
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**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 7A  
File No. 190025**

**Researcher: JFP Reviewer: TD**

ORDINANCE RELATING TO PUBLIC TRANSIT; AMENDING SECTION 2-150 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING CIRCUMSTANCES UNDER WHICH TRANSIT ROUTE MODIFICATIONS REQUIRE PUBLIC HEARING AND BOARD APPROVAL; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Miami-Dade County Code Section 2-150 revising the circumstances where transit route modifications require public hearing and Board approval.

**PROCEDURAL HISTORY**

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

**Department/Requester: None**

This item was forwarded to the BCC with a favorable recommendation by the Transportation and Finance Committee at its May 15, 2019 meeting. Prior to passage, the following discussion transpired.

- Commissioner Levine Cava, the sponsor of the item, explained that the ordinance adds public discussion and review by the Board for any significant proposed cuts to service. Currently the Administration can cut a route by 25 percent a year without public hearing or review by the Board. This item remedies that.
- Commissioner Moss expressed that the County has a responsibility to serve challenged neighborhoods. There is a problem when changes are made to routes at the expense of access for these challenged neighborhoods.
- Commissioner Higgins relayed her concerns regarding this item and does not see the need of reducing flexibility at this time.
- Director Bravo expressed her disapproval of the item as it eliminates the ability for the Department to make necessary tweaks to bus routes without delay.
- Commissioner Bovo is concerned with the micromanagement of the department. However, commissioners should be notified when bus route changes are occurring in their district.

**ANALYSIS**

The purpose of this item is to amend Section 2-150 of the County Code to change the thresholds for major service adjustments and circumstances where transit route modifications require public hearing and Board approval. This item has no fiscal impact to the County.

The amendments include changes to the threshold of service changes which would trigger a public hearing. Where previously a 25 percent change reduction in service (number of route miles in a route) would require a public hearing, this ordinance prescribes that a decrease in service of 10 percent or more would require a public hearing, including cumulative reductions in a route in any given fiscal year of 10 percent or more.

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Other changes that would require a public hearing upon passage of this item include a decrease in the interval between peak period transit services on a route of more than 10 minutes, as well as a decrease in the interval between off-peak period transit services on a route of more than 30 minutes.

While these changes will provide more opportunities for the public to be heard, it may limit the Department of Transportation and Public Works if they attempt to make necessary route modifications and thus may delay timely delivery. The semi-annual bus service changes may be delayed which can result in longer wait times for service improvements.

The table below shows the original Section 2-150 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 2-150 of the County Code	Proposed Changes to Section 2-150 of the County Code
<p><b>Sec. 2-150. – Fixing and changing fares, service, rates or charges.</b></p> <p>(a) Except as provided in Section 2-150(c), the County Commission shall have the authority to make service changes and fix all fares, rates or charges for the use of the transit system, provided however, that those fares, rates or charges in force on the effective date of this article shall continue in full force and effect until changed or modified by the County Commission.</p> <p>(b) Approved by County Commission after public hearing. The County Manager may recommend the following changes or modifications to service, fares, rates or charges, which changes may be adopted by resolution of the Board of County Commissioners after a public hearing:</p> <ol style="list-style-type: none"> <li>1. Any fare, rate or charge for transit service or for service ancillary to transit;</li> <li>2. Any change in service of twenty-five (25) percent or more of the number of route miles of a route;</li> <li>3. If, in a fiscal year, the cumulative changes on a route add up to twenty-five (25) percent or more change in the number of route miles of a route;</li> </ol>	<p><b>Sec. 2-150. – Fixing and changing fares, service, rates or charges.</b></p> <p>(a) Except as provided in Section 2-150(c), the County Commission shall have the authority to make service changes and fix all fares, rates or charges for the use of the transit system, provided however, that those fares, rates or charges in force on the effective date of this article shall continue in full force and effect until changed or modified by the County Commission.</p> <p>(b) Approved by County Commission after public hearing. The County &gt;&gt;Mayor&lt;&lt; [[Manager]] may recommend the following changes or modifications to service, fares, rates or charges, which changes may be adopted by resolution of the Board of County Commissioners after a public hearing:</p> <ol style="list-style-type: none"> <li>1. Any fare, rate or charge for transit service or for service ancillary to transit;</li> <li>2. Any [[change]] &gt;&gt;increase&lt;&lt; in service of twenty-five (25) percent or more of the number of route miles of a route &gt;&gt;or decrease in service of 10 percent or more of the number of route miles of a route&lt;&lt;;</li> <li>3. If, in a fiscal year, the cumulative [[changes]] &gt;&gt;increases&lt;&lt; on a route add up to twenty-five (25) percent or more</li> </ol>

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4. A change in the interval between peak period transit services on a route of more than ten (10) minutes;
5. A change in the interval between off-peak period transit services on a route of more than thirty (30) minutes; or
6. A new transit service is established or an existing service is abolished.

\* \* \*

change in the number of route miles of a route >>or in a fiscal year, the cumulative reductions on a route add up to 10 percent or more change in the route miles of a route<<;

4. ~~[[A change]]~~ >>An increase<< in the interval between peak period transit services on a route of more than ~~[[ten (10)]]~~ >>5<< minutes;
5. ~~[[A change]]~~ >>An increase<< in the interval between off-peak period transit services on a route of more than ~~[[thirty (30)]]~~ >>15<< minutes; ~~[[or]]~~

>>6. A decrease in the interval between peak period transit services on a route of more than 10 minutes;

7. A decrease in the interval between off-peak period transit services on a route of more than 30 minutes; or<<

~~[[6.]]~~ >>8.<< A new transit service is established or an existing service is abolished.

\* \* \*

**APPLICABLE LEGISLATION/POLICY**

**Section 2-150** of the Miami-Dade County Code delineates fixing and changing fares, service, rates or charges for the transit system.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXIXMIDETRAG\\_S2-150.1RE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXIXMIDETRAG_S2-150.1RE)

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**Item No. 7B  
File No. 190623**

**Researcher: JFP Reviewer: TD**

ORDINANCE RELATING TO ANIMALS; CREATING SECTION 5-10.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING PET LEASING AND PET-COLLATERAL TRANSACTIONS; AMENDING SECTION 8CC-10 OF THE CODE; ESTABLISHING CIVIL PENALTIES FOR VIOLATION OF SECTION 5-10.1; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should create Section 5-10.1 and amend Section 8CC-10 of the County Code prohibiting pet leasing and pet-collateral transactions.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Daniella Levine Cava**

**Department/Requester: None**

The proposed ordinance was forwarded to the BCC with a favorable recommendation, following a public hearing, by the Parks, Recreation and Cultural Affairs Committee at its May 16, 2019 meeting. The following transpired during the public hearing:

- Michael Rosenberg, member of the public, expressed his disdain for the practice of pet leasing and indicated that there are currently at least 25 stores around the County that engage in this practice.
- Alex Munoz, Director of Animal Services, indicated Animal Services' support of the item.
- Jennifer Hobgood, Director of State Legislation for the American Society for the Prevention of Cruelty to Animals (ASPCA), indicated ASPCA's support of the item mentioning that at the State level, no less than four bills containing language banning pet leasing were supported by a large number of bipartisan members of the Florida State Legislature.
- Prior to passage, Commissioner Levine Cava, the sponsor of the item, further explained her item, stating that these pet leasing schemes are leading to extortion of families who have no idea they have signed a lease.
- Commissioner Diaz expressed his concern and sought clarification that the item does not prohibit individuals from financing in order to purchase a pet. Director Munoz and the Assistant County Attorney clarified that the proposed ordinance prohibits pet leasing and utilizing the pet as collateral, but protects the purchase of a dog or cat through an unsecured personal loan in which one's credit would be affected if the loan is not paid, but ownership of the pet would be retained.

**ANALYSIS**

The purpose of this item is to prohibit the practice of pet leasing and pet-collateral transactions, ultimately banning the action of a pet being reclaimed for nonpayment under a financing agreement. Under a pet lease, a person takes possession of a pet but ownership of the pet is retained by the company that leases the pet. The person leasing the pet must make monthly payments and if the person leasing the pet defaults on the monthly the payments, the leasing company repossesses the pet. If the person leasing the pet desires the keep the pet at the end of the lease term, they are oftentimes subject to a burdensome fee in order to be able to do so rather than surrender the pet to the leasing company.

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There have also been reports of consumers being misled by these pet leasing companies, as agreements are entered into which do not confer ownership rights to the consumer, unbeknownst to them.

In pet-collateral transactions, an agreement is entered into wherein the consumer is considered the owner while making payments toward the cost of the pet, but if the buyer defaults on the payments, the seller may repossess the pet as collateral in satisfaction of the debt owed—a provision which some consumers have reported was concealed from them in the process.

Pet leases and pet-collateral transactions have been reported to oftentimes be financially predatory and emotionally distressing to County residents and their families. This ordinance bans both practices while preserving the ability to purchase a dog or cat through an unsecured personal loan. Any defaults on the loan cannot be remedied by the seller reclaiming the pet. This item has no negative fiscal impact on the County and may have an undetermined positive fiscal impact as a result of revenues from civil citations.

Three states have enacted laws restricting or prohibiting pet leasing and pet-collateral transactions—New York, Nevada, and California. In Florida, during the 2019 State Legislative Session, four bills that sought to ban pet leasing were introduced (Senate bills 1236 and 774, and House Bills 1105 and 379). All four bills died in committee.

Below is the proposed language for newly created Section 5-10.1 of the County Code.

**Sec. 5-10.1. Prohibition of pet leasing and pet-collateral transactions.**

- (a) It shall be unlawful to lease a dog or cat. Any such contract entered into after the effective date of this ordinance shall be void as against public policy, and the person who took possession of the dog or cat under such a contract shall be deemed the legal owner of the dog or cat.
- (b) No contract for the sale or transfer of a dog or a cat or the financing of such sale or transfer shall include any provision that authorizes the use of a dog or a cat as collateral, by which such dog or cat may be repossessed if the purchaser defaults under such contract. Any such contract or financing arrangement entered into after the effective date of this ordinance shall be void as against public policy, and the person who took possession of the dog or cat under such a contract shall be deemed to remain the legal owner of the dog or cat regardless of any default.
- (c) Any seller or transferor of animals who violates the provisions of this section shall be subject to a civil penalty. Each prohibited transaction shall subject the violator to a separate civil penalty.
- (d) Nothing in this section shall be construed to prohibit:
  - (1) The purchase of a dog or cat through an unsecured personal loan; or
  - (2) Adoption or sale contracts involving public or private animal shelters, animal rescue organizations, pet dealers, breeders, or other persons or entities that provide that animals may be reclaimed because the adopter or purchaser is not providing appropriate care for the animal or because the animal was lost or stray and the original owner has been located and wishes to reclaim the animal, provided that such reclamation provisions are clearly set out in the agreement.
- (e) *Exemptions.* This section shall not apply to agreements involving provision of animals for lawful breeding purposes; lawful use in professional shows and exhibitions; and working purposes, such as service animals, guard dogs in compliance with section 5-13.1, or law enforcement dogs.

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The below table depicts Section 8CC-10 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 8CC-10 of the County Code	Proposed Amendments to Section 8CC-10 of the County Code															
<b>Sec. 8CC-10. – Schedule of civil penalties.</b>  The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter, and the dollar amount of civil penalty for the violation of these sections as they may be amended.  * * * <table><tr><th><u>Code Section</u></th><th><u>Description of Violation</u></th><th><u>Civil Penalty</u></th></tr><tr><td></td><td>* * *</td><td></td></tr></table>	<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>		* * *		<b>Sec. 8CC-10. – Schedule of civil penalties.</b>  The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter, and the dollar amount of civil penalty for the violation of these sections as they may be amended.  * * * <table><tr><th><u>Code Section</u></th><th><u>Description of Violation</u></th><th><u>Civil Penalty</u></th></tr><tr><td></td><td>* * *</td><td></td></tr><tr><td><u>5-10.1</u></td><td><u>Selling or transferring a dog or cat in a pet lease or pet-collateral agreement.</u></td><td><u>500.00</u></td></tr></table>	<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>		* * *		<u>5-10.1</u>	<u>Selling or transferring a dog or cat in a pet lease or pet-collateral agreement.</u>	<u>500.00</u>
<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>														
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<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>														
	* * *															
<u>5-10.1</u>	<u>Selling or transferring a dog or cat in a pet lease or pet-collateral agreement.</u>	<u>500.00</u>														

**APPLICABLE LEGISLATION/POLICY**

**Section 8CC-10 of the Code of Miami-Dade County** details a schedule of civil penalties.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR\\_CH8CCCOEN\\_S8CC-10SCCIPE](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH8CCCOEN_S8CC-10SCCIPE)



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**Item No. 7C**

**File No. 191423 (190633)**

**Researcher: JFP Reviewer: TD**

ORDINANCE RELATING TO ANIMALS; AMENDING SECTIONS 5-1 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTION 5-13.2 OF THE CODE; CLARIFYING THAT AMATEUR BREEDERS, AMATEUR PET DEALERS, AND AMATEUR KENNEL OPERATORS ARE SUBJECT TO REGULATION UNDER CHAPTER 5 OF THE CODE; INCREASING CIVIL PENALTIES FOR CERTAIN VIOLATIONS OF THE LICENSING REQUIREMENTS OF CHAPTER 5 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should create Section 5-13.2 of the County Code and amend Sections 5-1 and 8CC-10 of the County Code to clarify that amateur breeders, amateur pet dealers, and amateur kennel operators are subject to regulation under Chapter 5 of the Code related to animals, and increase civil penalties for certain violations of the licensing requirements.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Daniella Levine Cava**

**Department/Requester: None**

The proposed ordinance was amended and forwarded to the BCC with a favorable recommendation as amended, following a public hearing in which no members of the public elected to speak, by the Parks, Recreation and Cultural Affairs Committee at its May 16, 2019 meeting. Before passage, the following discussion transpired.

- Commissioner Levine Cava explained her item by saying that the item clarifies that anyone who is breeding pets needs to register with the Animal Services Department. Unregistered backyard breeders are contributing to the abandoned pet population and the problem of lack of proper vaccination of cats and dogs.
- Commissioner Martinez and Commissioner Suarez asked if this item applies to a pet owner whose pet had offspring and wishes to sell those newborn kittens or puppies. The Assistant Director at Animal Services responded that anyone selling a cat or dog to the public would fall into this category. Anyone wishing to sell a cat or dog needs to register with the Department as a breeder.

The technical amendment made clarifies that the definition of “kennel” merely defines what a kennel is, and does not grant permission to operate a kennel.

**ANALYSIS**

The purpose of this item is to clarify in Section 5-1 of the County Code that a person or entity is a breeder regardless of whether the person or entity operates as a formal business entity, closing the loop hole of unauthorized pet sales. The proposed ordinance addresses the problem of “backyard breeding”, where individuals who do not operate as formal business entities continue to breed, sell, and kennel dogs and cats without having obtained a proper license from the County’s Department of Animal Services by clarifying that the licensing requirements of Chapter 5 do apply to those who engage in this practice. This will allow the Department proper oversight of the breeding, selling, and kenneling of dogs and cats, as well as further discourage their unlicensed practice by doubling the fines (from \$250 to \$500) for engaging in the following illicit activities:

- keeping in excess of permitted number of dogs on residential property without kennel license;
- keeping more than 2 guard dogs on vacant, industrial, or commercial property without kennel license;
- failure to obtain/renew license; and
- using license of another or allowing another to use one’s license.

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**Researcher: JFP Reviewer: TD**

The item will pose no negative fiscal impact on the County, yet may have an undetermined positive fiscal impact to the County derived from the increased civil penalties and the citations thereof.

The below table depicts Section 5-1 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 5-1 of the County Code	Proposed Amendments to Section 5-1 of the County Code
<p><b>Sec. 5-1. – Definitions.</b></p> <p>As used in this chapter, unless otherwise provided, the following terms shall be defined as follows:</p> <p style="text-align: center;">* * *</p> <p>(5) <i>Breeder</i> means any person or entity that causes dogs or cats to reproduce, regardless of the size or number of litters produced. Any person or entity offering male dogs or cats for stud purposes shall be classified as a breeder. It is provided, however, that this classification shall not apply to: a hobby breeder, as defined in this section; or to a pet owner who breeds his or her own pet and keeps all of the offspring, so long as the total number of dogs kept on the premises does not constitute a kennel. For purposes of land use or land development regulations, an establishment used by a breeder for the breeding of dogs, except for a hobby breeder as provided in this chapter, shall be regulated as a kennel. Breeders that sell directly to the public shall also be subject to regulation as pet dealers.</p> <p style="text-align: center;">* * *</p> <p>(14) <i>Hobby breeder</i> means a person or entity that is an active member of a national, state, or local breeder organization and that houses or breeds dogs or cats at or adjoining a private residence for the purpose of: improving the breed; exhibiting dogs or cats at shows operated by a national, state, or local breeder organization; or raising service animals or animals used for law enforcement or other types of work. A hobby breeder may sell no more than two (2) litters of puppies or kittens per year per household, so</p>	<p><b>Sec. 5-1. – Definitions.</b></p> <p>As used in this chapter, unless otherwise provided, the following terms shall be defined as follows:</p> <p style="text-align: center;">* * *</p> <p>(5) <i>Breeder</i> means any person or entity that causes dogs or cats to reproduce, regardless of the size or number of litters produced. Any person or entity offering male dogs or cats for stud purposes shall be classified as a breeder. It is provided, however, that this classification shall not apply to: a hobby breeder, as defined in this section; or to a pet owner who breeds his or her own pet and keeps all of the offspring, so long as the total number of dogs kept on the premises does not constitute a kennel. For purposes of land use or land development regulations, an establishment used by a breeder for the breeding of dogs, except for a hobby breeder as provided in this chapter, shall be regulated as a kennel. Breeders that sell directly to the public shall also be subject to regulation as pet dealers. <u>A person or entity is a breeder regardless of whether the person or entity operates as a formal business entity.</u></p> <p style="text-align: center;">* * *</p> <p>(14) <i>Hobby breeder</i> means a person or entity that is an active member of a national, state, or local breeder organization and that houses or breeds dogs or cats at or adjoining a private residence for the purpose of: improving the breed; exhibiting dogs or cats at shows operated by a national, state, or local breeder organization; or raising service animals or</p>

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long as the total number of dogs kept on the premises does not constitute a kennel as defined in this section. A hobby breeder that sells more than two litters per year per household shall be deemed to be a pet dealer.

\* \* \*

(17) *Kennel*. The following uses shall constitute a kennel:

- (i) The keeping of any dog or dogs, regardless of number, for sale, boarding, or treatment purposes, except by a hobby breeder as defined in this chapter or, as provided by law, in a dog hospital, dog beauty parlor, pet care center, pet shop, dog racing establishment, governmental agency, laboratory, or facility housing animals for medical research that is approved by a federal agency; or
- (ii) The keeping of dogs, six (6) months of age or older, on premises used for residential purposes, in excess of the following numbers: (a) four (4) dogs on property that is less than 1 acre in gross area, or in any individual residence unit in a multifamily zoning district; (b) six (6) dogs on property that is at least 1 acre but less than 2 acres in gross area; and (c) eight (8) dogs on property that is 2 acres or more in gross area; or
- (iii) The keeping of more than four (4) guard dogs on vacant property or on property used for business or industrial purposes.

(22) *Pet dealer* means any person that engages in the sale to the public of dogs or cats, regardless of number. This classification shall include pet shops as well as breeders who sell directly to the consumer. Animal rescue organizations and

animals used for law enforcement or other types of work. A hobby breeder may sell no more than two (2) litters of puppies or kittens per year per household, so long as the total number of dogs kept on the premises does not constitute a kennel as defined in this section. A hobby breeder that sells more than two litters per year per household shall be deemed to be a pet dealer. A person or entity does not qualify as a hobby breeder merely because the person or entity does not operate as a formal business entity.

\* \* \*

(17) *Kennel*. The following uses shall constitute a kennel:

- (i) The keeping of any dog or dogs, regardless of number, for sale, boarding, or treatment purposes, except by a hobby breeder as defined in this chapter or, as provided by law, in a dog hospital, dog beauty parlor, pet care center, pet shop, dog racing establishment, governmental agency, laboratory, or facility housing animals for medical research that is approved by a federal agency; or
- (ii) The keeping of dogs, six (6) months of age or older, on premises used for residential purposes, in excess of the following numbers: (a) four (4) dogs on property that is less than 1 acre in gross area, or in any individual residence unit in a multifamily zoning district; (b) six (6) dogs on property that is at least 1 acre but less than 2 acres in gross area; and (c) eight (8) dogs on property that is 2 acres or more in gross area; or
- (iii) The keeping of more than four (4) guard dogs on vacant property or on

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hobby breeders shall be exempt from this classification.

\* \* \*

property used for business or industrial purposes.

A person or entity may be deemed to operate a kennel regardless of whether the person or entity operates a formal business entity.

(22) *Pet dealer* means any person that engages in the sale to the public of dogs or cats, regardless of number. This classification shall include pet shops as well as breeders who sell directly to the consumer. Animal rescue organizations and hobby breeders shall be exempt from this classification. A person is a pet dealer regardless of whether the person operates as a formal business entity.

\* \* \*

Below is the proposed language for newly created Section 5-13.2 of the County Code.

**Sec. 5-13.2. – Amateur breeders, amateur pet dealers, and amateur kennel operators.**

A person or entity that falls within the definition of a breeder or pet dealer, as defined in this chapter, or that operates a kennel, as defined in this chapter, is subject to the licensing requirements and other regulations of this chapter applicable to breeders, pet dealers, or kennels, as is applicable, regardless of whether the person or entity is a formal business entity.

The below table depicts Section 8CC-10 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 8CC-10 of the County Code	Proposed Amendments to Section 8CC-10 of the County Code
<p><b>Sec. 8CC-10. – Schedule of civil penalties.</b></p> <p>The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter, and the dollar amount of civil penalty for the violation of these sections as they may be amended.</p> <p style="text-align: center;">* * *</p>	<p><b>Sec. 8CC-10. – Schedule of civil penalties.</b></p> <p>The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter, and the dollar amount of civil penalty for the violation of these sections as they may be amended.</p> <p style="text-align: center;">* * *</p>

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**Researcher: JFP Reviewer: TD**

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>	<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
	* * *			* * *	
5-13	Keeping in excess of permitted number of dogs on residential property without kennel license	250.00	5-13	Keeping in excess of permitted number of dogs on residential property without kennel license	<del>250.00</del> 500.00
	Keeping more than 2 guard dogs on vacant, industrial, or commercial property without kennel license	250.00		Keeping more than 2 guard dogs on vacant, industrial, or commercial property without kennel license	<del>250.00</del> 500.00
	Failure to obtain/renew license	250.00		Failure to obtain/renew license	<del>250.00</del> 500.00
	Using license of another or allowing another to use one's license	250.00		Using license of another or allowing another to use one's license	<del>250.00</del> 500.00
	Failure to permit inspection of records	500.00		Failure to permit inspection of records	500.00
	Failure to permit inspection of premises	500.00		Failure to permit inspection of premises	500.00
	Publication of advertisement without license number	500.00		Publication of advertisement without license number	500.00
	Operating after suspension, revocation, or denial of license renewal	500.00		Operating after suspension, revocation, or denial of license renewal	500.00

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	All other violations of 5-13	250.00			All other violations of 5-13	250.00

**APPLICABLE LEGISLATION/POLICY**

**Section 5-1 of the Code of Miami Dade County** providing definitions for Chapter 5 related to animals and fowl.

[https://library.municode.com/fl/miami -  
dade county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH5ANFO\\_S5-1DE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH5ANFO_S5-1DE)

**Section 8CC-10 of the Code of Miami-Dade County** details a schedule of civil penalties.

[https://library.municode.com/fl/miami -  
dade county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH8CCCOEN\\_S8CC-10SCCIPE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8CCCOEN_S8CC-10SCCIPE)

**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 7D**

**File No. 191421 (190966)**

**Researcher: JFP Reviewer: TD**

ORDINANCE RELATING TO SOLICITATION OF TIPS AT MIAMI INTERNATIONAL AIRPORT; AMENDING SECTION 25-3.8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING FOOD AND BEVERAGE CONCESSIONS TO SOLICIT TIPS AT MIAMI INTERNATIONAL AIRPORT, PROVIDED THAT CONCESSIONAIRES PROVIDE CONSPICUOUS NOTICE TO CUSTOMERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Section 25-3.8 of the County Code authorizing food and beverage concessions to solicit tips at Miami International Airport (MIA), provided concessionaires provide conspicuous notice to customers.

**PROCEDURAL HISTORY**

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

**Department/Requester: None**

The proposed ordinance was amended and forwarded to the BCC with a favorable recommendation, as amended, by the Tourism and the Ports Committee at its May 15, 2019 meeting following a public hearing in which three members of the public elected to speak. The speakers relayed their concern that the ordinance excluded bartenders from being able to include an automatic suggested gratuity in the customer's bill. They proposed that the item be amended to include bartenders in the provision.

Commissioner Diaz, the sponsor of the item, accepted the amendment. The amendment clarifies that the ordinance applies to all table and bar service where the server or bartender serves a customer.

**ANALYSIS**

The purpose of this item is to allow MIA concessionaires operating food and beverage concessions to include an automatic suggested, not mandatory, tip or gratuity of up to 18 percent of the total food and beverage sale in a bill provided to a customer. The item was amended in committee to clarify that the ordinance applies to all table and bar services where the server or bartender serves a customer. Pursuant to the proposed ordinance, such solicitation can only occur if concessionaires provide written notice of the suggested gratuity on both the menu and the bill.

The proposed ordinance codifies a practice already common at MIA, although currently unauthorized by the Code, as some concessions at MIA include a suggested gratuity with their bills. This ordinance regulates this practice with the requirement of notice that the suggested gratuity will be included in the bill. Options are to be provided to remove or alter the gratuities at the customer's discretion.

Numerous employees (servers, bartenders and waitstaff) at MIA rely on tips to supplement their hourly wage. This is because Federal law prescribes that employers may pay tipped employees less than the minimum wage, as long as employees earn enough through tips to compensate the difference. Effective January 1, 2019, the minimum wage in the State of Florida is \$8.46 per hour. The tip credit allows employers of tipped employees to offer as little as \$5.44 per hour with the difference expected to be made up in tips. The ability to include a suggested tip amount will increase the likelihood that these service employees have their hourly wage properly supplemented.

This ordinance will have no fiscal impact to the County as the requirements prescribed will be the responsibility of the MIA concessionaire. Compliance monitoring will be absorbed by the Department.

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**Item No. 7D**

**File No. 191421 (190966)**

**Researcher: JFP Reviewer: TD**

The below table depicts Section 25-3.8 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 25-3 of the County Code	Proposed Amendments to Section 25-3 of the County Code
<p><b>Sec. 25-3. - Commercial activity.</b></p> <p style="text-align: center;">* * *</p> <p>25-3.8 <i>Tipping</i>. No person authorized to accept tips for services performed at the Airport shall solicit a tip, or a specific amount of tip, nor harass, insult or display any form of rudeness to the person for whom the service is being performed.</p>	<p><b>Sec. 25-3. - Commercial activity.</b></p> <p style="text-align: center;">* * *</p> <p>25-3.8 <i>Tipping</i>. <u>Except as authorized herein</u>, no person authorized to accept tips for services performed at the Airport shall solicit a tip, or a specific amount of tip, nor harass, insult or display any form of rudeness to the person for whom the service is being performed. <u>A concessionaire operating a table service food and beverage concession may include a suggested tip or gratuity of up to 18 percent of the total food and beverage sale in a bill presented to a customer, provided that such concessionaire provides written notice of such suggested gratuity on both the menu and the bill presented to the customer, both in a conspicuous typeface. The notice on the menu and the bill shall specify the percentage of the gratuity, and shall inform the customer as to how such gratuity can be removed or altered at the customer's discretion. A point of sale device used by a concessionaire at which a customer swipes or inserts a credit card may display options for suggested gratuity, so long as the customer retains the ability to raise, lower, or omit the gratuity at the customer's discretion prior to completion of the sale. Nothing herein shall allow the concessionaire to impose a mandatory gratuity, and the concessionaire shall allow a customer at all times the ability to raise, lower, or omit the payment of a gratuity. For purposes of this section, table service occurs where waitstaff or a server takes a customer's order at a table, and where food is delivered to the customer by waitstaff or a server at the same table includes all table and/or bar service restaurants where a server or bartender serves a customer.</u></p>



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**Researcher: JFP Reviewer: TD**

**DEPARTMENTAL INPUT**

OCA posed the following questions to the Aviation Department on May 28, 2019, with the responses delineated in bold.

- How many concessionaires at MIA does this proposed change affect?  
**Approximately 28 concessions will be impacted by this ordinance.**
- How many employees at MIA is this change anticipated to affect?  
**Unfortunately, the department does not track how many employees each concession has on staff that will be impacted.**

**APPLICABLE LEGISLATION/POLICY**

**Section 25-3.8 of the County Code** (Commercial Activity – Tipping) specifies that no person authorized to accept tips for services performed at the Airport shall solicit a tip, or a specific amount of tip, nor harass, insult or display any form of rudeness to the person for whom the service is being performed.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH25AVDERURE\\_S25-3COAC](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH25AVDERURE_S25-3COAC)

**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 7F  
File No. 190899**

**Researcher: LE    Reviewer: TD**

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-284.84.1 OF THE CODE OF MIAMI-DADE COUNTY; REVISING THE DENSITY AND HEIGHT STANDARDS FOR THE NORTH CENTRAL URBAN AREA ZONING DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board amend Section 33-284.84.1 of the Miami-Dade County Code pertaining to the density and height standards for the North Central Urban Area Zoning District.

**PROCEDURAL HISTORY**

**Prime Sponsor: Jean Monestime, District 2  
Department/Requester: None**

This item was adopted on first reading during the April 9, 2019 BCC. This item was forwarded to the BCC with a favorable recommendation during the ICI meeting on May 14, 2019.

**ANALYSIS**

The purpose of this item is to request Board authorization to amend Section 33-284.84.1 of the Miami-Dade County Code to revise the density and height standards for the North Central Urban Area Zoning District.

This item has no fiscal impact.

The proposed ordinance allows the County's policy to enable increased density and mix of uses within the CDMP designated urban center and urban area districts to include the SMART Corridor. The expanded density and mix use is designed to encourage more resources and infrastructure such as housing and transportation support for residents in the area.

The entirety of the North Central Urban Area District (NCUAD) is located within the County's Urban Infill Area and portions of the area are included within two of the area's community redevelopment agencies. In order to be consistent with the CDMP and SMART Plan implementation efforts, the board is requesting the following amendments to update the densities and intensities of the NCUAD.

The table below shows the original Section 33-284.84.1 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.

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Research Notes**

**Item No. 7F  
File No. 190899**

**Researcher: LE    Reviewer: TD**

Section 33-284.84.1 of the County Code				Proposed changes to Section 33-284.84.1 of the County Code			
<b>Sec. 33-284.84.1. – Density, Building Height, and Intensity.</b>				<b>Sec. 33-284.84.1. – Density, Building Height, and Intensity.</b>			
<b>Maximum Density and Building Height Ranges for Land Use Categories RM, RML, MO, MC, MM, MCS, MCI, SD (Marketplace), SD (Storeporch), AD, MD (Market), ID, and I</b>				<b>Maximum Density and Building Height Ranges for Land Use Categories RM, RML, MO, MC, MM, MCS, MCI, SD (Marketplace), SD (Storeporch), AD, MD (Market), ID, and I</b>			
<b>Urban Center or Urban Area District</b>	<b>SUB-DISTRICT</b>			<b>Urban Center or Urban Area District</b>	<b>SUB-DISTRICT</b>		
	<b>CORE</b>	<b>CENTER</b>	<b>EDGE</b>		<b>CORE</b>	<b>CENTER</b>	<b>EDGE</b>
	* * *				* * *		
North Central Urban Area District (See Note 1)	125 units per acre/ 3-15 stories	Within ½ mile of the SMART Corridor, 90 units per acre/ 2-12 stories; otherwise 36 units per acre/ 2—6 stories	36 units per acre/ No minimum height but must meet the minimum floor-area ratio in subsection (B)(2) Maximum Height: 6 stories; except, for certain segments along NW 7th Avenue, 60 units per acre/	North Central Urban Area District (See Note 1)	125 units per acre/ 3-15 stories	Within ½ mile of the SMART Corridor, 90 units per acre/ 2-12 stories; otherwise <del>[[36]]</del> >>60<< units per acre/ 2— <del>[[6]]</del> >>8<< stories	<del>[[36]]</del> >>60<< units per acre/ No minimum height but must meet the minimum floor-area ratio in subsection (B)(2) Maximum Height: <del>[[6]]</del> >>8<< stories <del>[[; except, for certain segments along NW 7th Avenue;</del>

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			No minimum height but must meet the minimum floor-area ratio in subsection (B)(2)					60—units per acre/	
			Maximum Height: 12 stories (See Note 2)					No minimum height but must meet the minimum floor-area ratio in subsection (B)(2)	
								Maximum Height: 12 stories (See Note 2)]]	

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			floor-area ratio in subsection (B)(2)	Area District		[[4]] >>8<< stories	height but must meet the minimum floor-area ratio in subsection (B)(2)	
			Maximum Height: 2 stories					
* * *								

**APPLICABLE LEGISLATION/POLICY**

**Section 33-284.84 of the County Code** specifies the regulating plans for adopted Urban Center or Urban Area District.  
[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXXXIII\\_K\\_STURCEDIRE\\_S33-284.84REPL](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXIII_K_STURCEDIRE_S33-284.84REPL)

**Ordinance 18-124**, adopted October 2, 2018, provides a comprehensive revision of the maximum densities and heights allowed within the County's urban center and urban area districts.  
<http://intra/gia/matter.asp?matter=182959&file=false&yearFolder=Y2018>

**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 7G  
File No. 190891**

**Researcher: JFP Reviewer: TD**

ORDINANCE RELATING TO TERMS AND TERM LIMITS OF COUNTY BOARD MEMBERS; AMENDING SECTION 2-11.38.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING A CERTAIN LENGTH OF TERM FOR COUNTY BOARD MEMBERS; PROVIDING AN EXCEPTION; REVISING TERM LIMIT RESTRICTIONS FOR COUNTY BOARD MEMBERS AND REPEALING A PROVISION FOR WAIVER OF TERM LIMITS; PROVIDING FOR THE REAPPOINTMENT OF BOARD MEMBERS UNTIL THE APPOINTING COMMISSIONER LEAVES OFFICE; AMENDING SECTIONS 2-957.3, 16A-6, 2-934, 2-832, 2-2381, 2-2386, 2-267, 2-2204, 2-2039, 2-532, 2-2183, 2-205, AND 2-1421 TO MAKE CONFORMING REVISIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Section 2-11.38.2 of the County Code and make conforming revisions to various Code sections to revise term limit restrictions for members of boards created by the Board of County Commissioners and repeal a provision for waiver of term limits.

**PROCEDURAL HISTORY**

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

**Department/Requester: None**

The proposed ordinance was forwarded to the BCC with a favorable recommendation, following a public hearing in which no members of the public elected to speak, by the Health Care and County Operations Committee at its May 16, 2019 meeting.

- Commissioner Bovo asked for clarification regarding what this ordinance does. Assistant County Attorney Rizo explained that, currently, there is an eight consecutive year term limit for members who serve on County boards. In order to waive the term limit, a resolution before the Board—and in the instance of the Historic Preservation Board, an ordinance before the Board—and a 2/3 vote of the Board members are currently required. This item proposes the change of, notwithstanding any specified term limits, a member appointed to a board by a Commissioner may be reappointed to and may continue to serve on the board until such time as the appointing Commissioner leaves office, thus removing the requirement of coming before the Board to obtain a 2/3 vote in order to waive term limits.
- Commissioner Bovo asked for clarification as to whether this ordinance speaks to the term limits of the Board of County Commissioners. Assistant County Attorney Rizo confirmed that it does not.

**ANALYSIS**

The purpose of this item is to remove the eight consecutive year term limit and the requirement of needing to come before the Board by resolution or ordinance and obtain a 2/3 vote in order to waive this term limit for members of boards created by the Board of County Commissioners. Rather, the ordinance provides that board members shall serve four year terms, unless otherwise provided in the ordinance creating a board. In lieu of the requirement to waive term limits, it provides that a member appointed to a board by a Commissioner may be reappointed to and may continue to serve on the board until such time as the appointing Commissioner leaves office. This ordinance would permit County Commissioners to reappoint valued board members and have them serve on these boards throughout the Commissioners' tenure. It has no fiscal impact to the County, nor any measurable social equity benefit or burden.

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**Item No. 7G**  
**File No. 190891**

**Researcher: JFP Reviewer: TD**

The proposed ordinance amends Section 2-11.38.2 of the County Code to codify these provisions, and makes conforming revisions to the following sections:

- Section 2-957.3 related to the Special Ambassador Program;
- Section 16A-6 related to the Historic Preservation Board;
- Section 2-934 related to the Agricultural Practices Advisory Board;
- Section 2-832 related to the Miami-Dade County Black Affairs Advisory Board;
- Section 2-2381 related to the Elder Affairs Advisory Board;
- Section 2-1087 related to the Miami-Dade County Asian-American Advisory Board;
- Section 2-2386 related to the Miami-Dade Millennial Task Force;
- Section 2-267 related to the Commission for Women;
- Section 2-2204 related to the Overtown Community Benefits Advisory Board;
- Section 2-2039 related to the Miami International Airport Neighborhood Relations Committee;
- Section 2-532 related to the Miami-Dade County Hispanic Affairs Advisory Board;
- Section 2-2183 related to the Jackson Health System's General Obligation Bond Program Governing Committee;
- Section 2-205 related to the Community Relations Board; and
- Section 2-1421 related to the Citizens' Independent Transportation Trust

The below table depicts Section 2-11.38.2 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 2-11.38.2 of the County Code	Proposed Amendments to Section 2-11.38.2 of the County Code
<b>Sec. 2-11.38.2. – Term of office.</b>	<b>Sec. 2-11.38.2. – Term of office.</b>
<p>(a) The terms of office of the members of each board shall be staggered.</p> <p>(b) No board member shall serve more than eight (8) consecutive years on any one (1) board. The provisions of this section shall not apply to current board members. Nothing set forth in this subsection above shall prohibit any individual from being reappointed to a County board after a hiatus of two (2) years. Notwithstanding the foregoing, the Board of County Commissioners may, by a resolution adopted by a two-thirds ( 2/3 ) vote of members present, waive the restriction that a particular member of a board may not serve more than eight (8) consecutive years on that board or any other term limit applicable to a particular board member.</p>	<p>(a) The terms of office of the members of each board shall be staggered. <u>Unless otherwise provided in the ordinance creating a board, board members shall serve four year terms.</u></p> <p>(b) <del>No board member shall serve more than eight (8) consecutive years on any one (1) board. The provisions of this section shall not apply to current board members. Nothing set forth in this subsection above shall prohibit any individual from being reappointed to a County board after a hiatus of two (2) years. Notwithstanding the foregoing, the Board of County Commissioners may, by a resolution adopted by a two-thirds (2/3) vote of members present, waive the restriction that a particular member of a board may not serve more than eight (8) consecutive years on that board or any other term limit applicable to a particular board</del></p>

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**Researcher: JFP Reviewer: TD**

(c) Additionally, notwithstanding any other provision of the Code or of any resolution, the term of every board member nominated by a Commissioner shall automatically expire when:

- (1) The nominating Commissioner leaves office; or
- (2) The nominating Commissioner's term of office expires.

The provisions of this subsection shall be applicable to the terms of County Commissioners which expired in October 1998, and thereafter.

~~member.~~ Notwithstanding and prevailing over any other provision of the Code pertaining to time limitations or term limits for a member's service on a board, a member appointed to a board by a Commissioner may be reappointed to and may continue to serve on the board until such time as the appointing Commissioner leaves office.

(c) Additionally, notwithstanding any other provision of the Code or of any resolution, the term of every board member nominated by a Commissioner shall automatically expire when:

- (1) The nominating Commissioner leaves office; or
- (2) The nominating Commissioner's term of office expires.

The provisions of this subsection shall be applicable to the terms of County Commissioners which expired in October 1998, and thereafter.

**APPLICABLE LEGISLATION/POLICY**

**Section 2-11.38.2 of the County Code** prescribes terms of office for County boards.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIBSTCRREBOGE\\_S2-11.38.2TEOF](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.2TEOF)

**Section 2-957.3 of the County Code** relates to term limits for Special Ambassadors in the the Special Ambassador Program.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTLXIXASPAMPR\\_S2-957.3SPAMTE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTLXIXASPAMPR_S2-957.3SPAMTE)

**Section 16A-6 of the County Code** relates to the membership of the Historic Preservation Board.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH16AHIPR\\_S16A-6SAEM](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH16AHIPR_S16A-6SAEM)

**Section 2-934 of the County Code** relates to the terms of the Agricultural Practices Advisory Board members.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTLXVIIIAGPRADBO\\_S2-934TE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTLXVIIIAGPRADBO_S2-934TE)



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**Item No. 7G**

**File No. 190891**

**Researcher: JFP Reviewer: TD**

**Section 2-832 of the County Code** relates to the composition of the Miami-Dade County Black Affairs Advisory Board.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTLXIIIMIDECOBFAFADBO\\_S2-832CO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTLXIIIMIDECOBFAFADBO_S2-832CO)

**Section 2-2381 of the County Code** creates and details the composition of the Elder Affairs Advisory Board.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTCLXELAFADBO\\_S2-2381CRCO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCLXELAFADBO_S2-2381CRCO)

**Section 2-1087 of the County Code** specifies the composition of the Miami-Dade County Asian-American Advisory Board.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTLXXIXMIDECOASERADBO\\_S2-1087CO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTLXXIXMIDECOASERADBO_S2-1087CO)

**Section 2-2386 of the County Code** specifies the composition of the Miami-Dade Millennial Task Force.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTCLXIMIDEMITAFO\\_S2-2386CO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCLXIMIDEMITAFO_S2-2386CO)

**Section 2-267 of the County Code** specifies the terms of the office for the Commission for Women.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXXXCOWO\\_S2-267TEOF](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXXXCOWO_S2-267TEOF)

**Section 2-2204 of the County Code** relates to the Overtown Community Benefits Advisory Board

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTCLI.VOVCOBEADBO\\_S2-2204GOBO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCLI.VOVCOBEADBO_S2-2204GOBO)

**Section 2-2039 of the County Code** relates to the membership of the Miami International Airport Neighborhood Relations Committee.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTCXXXIMIINAINERECO\\_S2-2039ME](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCXXXIMIINAINERECO_S2-2039ME)

**Section 2-532 of the County Code** relates to the composition and terms of the Miami-Dade County Hispanic Affairs Advisory Board.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTLMIDECOHIAFADBO\\_S2-532COTE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTLMIDECOHIAFADBO_S2-532COTE)

**Section 2-2183 of the County Code** relates to the Jackson Health System's General Obligation Bond Program Governing Committee.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTCLJAHESYGEOBBOPR\\_S2-2183GOCO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTCLJAHESYGEOBBOPR_S2-2183GOCO)

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**Item No. 7G**

**File No. 190891**

**Researcher: JFP Reviewer: TD**

**Section 2-205 of the County Code** relates to the membership, qualifications, and terms of the Community Relations Board.

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTXXIIICOREBO S2-205MEQUTE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXXIIICOREBO_S2-205MEQUTE)

**Section 2-1421 of the County Code** relates to the Citizens' Independent Transportation Trust .

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTXCVIICIINTRTR S2-  
1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXCVIICIINTRTR_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU)

**BCC Meeting: June 4, 2019  
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**Item No. 7H**

**File No. 191424 (190686)**

**Researcher: JFP Reviewer: TD**

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-311 AND 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING JURISDICTION FOR THE BOARD OF COUNTY COMMISSIONERS TO DIRECTLY HEAR APPLICATIONS FOR DAY CARE OR DAY NURSERY FACILITIES; EXPANDING JURISDICTION FOR THE BOARD OF COUNTY COMMISSIONERS TO DIRECTLY HEAR ALL APPLICATIONS FOR PRIVATE SCHOOLS, AS OPPOSED TO ONLY APPLICATIONS FOR PRIVATE SCHOOLS OF A CERTAIN SIZE; MAKING CONFORMING CHANGES TO CROSS-REFERENCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Sections 33-311 and 33-314 of the County Code to provide jurisdiction for the Board to hear appeals from decisions of the Community Zoning Appeals Boards for zoning applications for day care or day nursery facilities, and zoning applications for those private schools for which the Board does not already have jurisdiction to directly hear applications.

**PROCEDURAL HISTORY**

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

**Department/Requester: None**

The proposed ordinance was amended and forwarded to the BCC with a favorable recommendation (as amended), following a public hearing, by the Infrastructure & Capital Improvements Committee at its May 14, 2019 meeting. Prior to passage, the following discussion transpired.

- Vice Chairwoman Sosa, the sponsor of the item, clarified that the intent of the item was for it to apply to single-family residential zoning districts only and to remedy the fact that there is currently no Board jurisdiction to hear zoning applications for day care or day nursery facilities and private schools smaller than the prescribed size.
- Commissioner Levine Cava voiced her concerns with the item and the reduced authority of community councils due to the importance of local residents to weigh-in and these councils typically have meet in the evening when residents are more likely to be able to attend.
- Commissioner Martinez expressed that the issue does not appear to be that Community Zoning Appeals Boards are not hearing these applications, but rather that Vice Chairwoman Sosa does not have representation on those boards, and this should be remedied legislatively. Commissioner Martinez asked the Assistant County Attorney if appeals of the decisions of Community Zoning Appeals Boards come to the BCC. The Assistant County Attorney responded that they do not. Appeals are taken up in court.
- Commissioner Monestime asked what the total capacity is for home day care. Nathan Kogan of Development Services responded that the maximum capacity by right is five. Any application for more than five, which is what is typical, needs to be heard by the Community Zoning Appeals Board. Commissioner Monestime voiced that these zoning applications are rightly heard by the Community Zoning Appeals Boards due to it being more convenient for residents to attend those meetings rather than BCC meetings.

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**Researcher: JFP Reviewer: TD**

- Commissioner Jordan asked how many additional applications this ordinance would place under the Board's jurisdiction. Mr. Kogan responded that, looking at a two year projection, this ordinance would result in three or four more zoning applications per year. Commissioner Jordan added that the lack of Board representation on these Community Zoning Appeals Boards is an issue and should be remedied.
- Commissioner Sosa relayed that the main issue is that appeals of the Community Zoning Appeals Board decisions are not being heard by the Board of County Commissioners, but rather are aired in court. The Vice Chairwoman offered an amendment to the item stating that the Board would have jurisdiction of appeals to the decisions of the Community Zoning Appeals Boards, rather than having direct jurisdiction in these particular instances as originally proposed.

**ANALYSIS**

The purpose of this item is to amend the County Code (Sections 33-311 and 33-314) to allow the Board jurisdiction to hear appeals from the Community Zoning Appeals Boards for zoning applications to approve, expand, or modify day care or day nursery facilities as well as private schools other than those where the Board has direct jurisdiction. As it relates to private schools, the Code as it currently reads grants authority for the Board to hear applications only for private elementary, middle, and/or senior high schools (grades K to 12) where the proposed school will serve 500 or more students and have more than 100,000 square feet of building facilities, with the Community Zoning Appeals Board hearing all other zoning applications for private schools. The proposed ordinance keeps the Board's jurisdiction to directly hear zoning applications for these larger private schools, and grants the Board jurisdiction to hear appeals from the decisions of the Community Zoning Appeals Boards of zoning applications for all other private schools.

This item was amended at the May 14, 2019 Infrastructure and Capital Improvements Committee to reflect this intent. The original item provided the Board with jurisdiction to directly hear zoning applications for day care or day nursery facilities and all private schools in an attempt to address the impact such uses may have in single-family zoning districts, as their effects are oftentimes felt beyond the immediate neighborhood in the form of increased traffic and other similar byproducts. Given that these zoning uses affect a much larger area than the one over which the pertinent Community Zoning Appeals Board has jurisdiction, the Board originally sought a broadening of its powers to *directly* hear all of these types of zoning applications. The item now amends the scope of the Board's jurisdiction to hear *appeals* from the Community Zoning Appeals Boards for day care or day nursery facilities and certain private schools where the Board previously did not have any jurisdiction.

Although the proposed ordinance may result in an increase of zoning applications seeking review, these applications will be absorbed by the Department of Regulatory and Economic Resources and will not result in additional staffing needs or future operational costs. Thus, the implementation of the proposed ordinance will not result in a fiscal impact to the County.

The subsequent table depicts Section 33-311 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

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**Researcher: JFP Reviewer: TD**

Section 33-311 of the County Code	Proposed Amendments to Section 33-311 of the County Code
<p><b>Sec. 33-311. - Community Zoning Appeals Board— Authority and duties.</b></p> <p>(A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director or Developmental Impact Committee. Provided, however, no such action shall be taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section 33-310.2. The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County. The Community Zoning Appeals Board and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.</p> <p style="text-align: center;">* * *</p>	<p><b>Sec. 33-311. - Community Zoning Appeals Board— Authority and duties.</b></p> <p>(A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director or Developmental Impact Committee. Provided, however, no such action shall be taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section 33-310.2. The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County. The Community Zoning Appeals Board and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.</p> <p style="text-align: center;">* * *</p>

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(3) *Special exceptions (for all applications other than public charter schools), unusual and new uses.* Hear application for and grant or deny special exceptions, except applications for (i) public charter schools and (ii) approval of self-service mini-warehouse storage facilities as provided in Section 33-314; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

\* \* \*

(3) *Special exceptions (for all applications other than public charter schools) and as provided in section 33-314, unusual and new uses.* Hear application for and grant or deny special exceptions, except ~~applications~~ for (i) public charter schools ~~and~~ (ii) approval of self-service mini-warehouse storage facilities, and (iii) as otherwise provided in Section 33-314; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses, and unusual uses, which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

\* \* \*

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**Researcher: JFP Reviewer: TD**

The below table depicts Section 33-314 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 33-314 of the County Code	Proposed Amendments to Section 33-314 of the County Code
<p><b>Sec. 33-314. - Direct applications and appeals to the County Commission.</b></p> <p style="text-align: center;">* * *</p> <p>(B) The County Commission shall have jurisdiction to hear appeals from decisions of the Community Zoning Appeals Boards as follows:</p> <p style="text-align: center;">* * *</p>	<p><b>Sec. 33-314. - Direct applications and appeals to the County Commission.</b></p> <p style="text-align: center;">* * *</p> <p>(B) The County Commission shall have jurisdiction to hear appeals from decisions of the Community Zoning Appeals Boards as follows:</p> <p style="text-align: center;">* * *</p> <p>(11) <u>Applications to approve, expand, or modify: (i) day care facilities or day nursery facilities; and (ii) private elementary, middle, or senior high schools (grades K to 12), other than where the County Commission has direct jurisdiction over such applications.</u></p>

**APPLICABLE LEGISLATION/POLICY**

**Section 33-311 of the Code of Miami-Dade County** specifies authority and duties of the Community Zoning Appeals Board.

[https://library.municode.com/fl/miami -  
\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXXXVIZOPR\\_S33-  
311COZOAPBOUTDU](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-311COZOAPBOUTDU)

**Section 33-314 of the Code of Miami-Dade County** governs direct applications and appeals to the County Commission, specifying the County Commission's jurisdiction in hearing zoning applications.

[https://library.municode.com/fl/miami -  
\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXXXVIZOPR\\_S33-  
314DIAPAPCOCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO)



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**Item No. 71**

**File No. 191445 (190821)**

**Researcher: LE    Reviewer: TD**

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-1, 33-13, 33-201, 33-203, 33-207.2, 33-207.3, 33-208, AND 33-217 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING DEFINITIONS AND STANDARDS RELATED TO SINGLE FAMILY, DUPLEX, AND MULTIPLE FAMILY DWELLINGS, HOTELS, MOTELS, AND ROOMING HOUSES; AMENDING SECTION 33-20.1.1; PROVIDING PRIMA FACIE EVIDENCE AND REBUTTABLE PRESUMPTION OF ROOMING HOUSE USE AND AMENDING REBUTTABLE PRESUMPTION OF ILLEGAL MULTIPLE USE OR ILLEGAL SUBDIVISION OF A RESIDENCE; CREATING SECTION 33-304.2; ESTABLISHING PROCESS AND CRITERIA TO OBTAIN REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES RELATED TO CERTAIN ZONING REGULATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend the Miami-Dade County Code Sections 33-1, 33-13, 33-201, 33-203, 33-207.2, 33-207.3, 33-208, and 33-217 relating to definitions and standards for single family, duplex, and multiple family dwellings, hotels, motels, and rooming houses; amend Section 33-20.1.1 relating to rooming house use; and create Section 33-304.2.

**PROCEDURAL HISTORY**

**Prime Sponsor: Xavier L. Suarez, District 7**

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

This item was adopted on first reading during the BCC on April 9, 2019 and was set for public hearing before the ICI meeting on May 14, 2019. The following discussion occurred:

- Amanda Hand expressed concern over the amount of people living in a home would disrupt single family residential areas and referred to an example of University of Miami students living together and the surrounding residential area. Hand clarified that the ordinance would not have an effect on large families living together.
- Jessica Cruz stated similar concerns such as several single family homes being used as student housing and how it has impacted the neighborhood.
- Commissioner Jordan closed public hearing.
- The County Attorney clarified that rooming houses are only allowed in RU-3 and above and they are not allowed in single family.

During the May 14, 2019 ICI meeting, the item was amended to insert a sentence regarding State and Local Land Use Laws and Practices and the Application of the Fair Housing Act. The item was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to protect the character of single-family residential neighborhoods by amending Section Code Sections 33-1, 33-13, 33-201, 33-203, 33-207.2, 33-207.3, 33-208, and 33-217 of the County Code which pertains



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**Researcher: LE    Reviewer: TD**

to definitions and standards for certain family homes, dwellings, hotels, motels, and rooming houses; amending Section 33-20.1.1 to provide evidence of rooming house use; and creating Section 33-304.2.

This item has no fiscal impact.

The definitions of family, dwelling types, hotels, motels, and rooming houses in the County Zoning Code have not been updated since first adopted in 1957. The proposed updates to the definitions will better address modern living arrangements and requirements with the Fair Housing Act and the Americans with Disabilities Act, while preserving the character of single-family home neighborhoods. The proposed ordinance will clarify definitions to distinguish between primary residential buildings and accessory residential buildings such as guesthouses and garages. The clarified distinctions will be between single-family uses and multi-family uses and transient and commercial lodging establishments that have higher occupant turnover. These efforts are to protect the tranquility of single-family neighborhoods against incompatible uses such as frequent turnover of occupants and guests.

The proposed ordinance seeks to do the following:

1. Revise the definitions for the following terms: accessory building, apartment, apartment building, dwelling, one family dwelling, duplex, guesthouse, hotel, motel, multiple-family housing development, residential, rooming house, and servants' quarters.
2. Introduce the terms: dwelling, multiple family, dwelling unit, habitable space, and single housekeeping unit.
3. Define family according to the modern federal and state law regarding familial relations such as domestic partnerships and guardianship relationships. The new definition will recognize modern familial arrangements and will allow the family to have up to two domestic staff, non-paying temporary guests, or roomers. There will be limits five unrelated individuals who may live together, plus up to two domestic staff or non-paying temporary guests. The proposed definition will define a single-family home based on the concept of a single housekeeping unit. The occupants will be tied in shared responsibility for the residence instead of a recurring series of transient occupants who do not share a relationship or responsibility to the property.
4. Revise the regulatory framework for rooming houses, definition, and differentiate the living arrangements between rooming houses and single-family homes.
  - a. A rooming house consists of a residential building or dwelling unit for three or more unrelated persons that have no relationship to each other; the term "rooming house" may be used interchangeably with the term "boarding house."
  - b. A rooming house may only be established as a matter of right in multi-family zoning districts, from RU-3, Four Unit Apartment House District to more intense residential districts. Rooming houses in less intense residential districts require public hearing.
  - c. A rooming house may be either a single building on a lot, or one dwelling unit out of several dwelling units in an apartment building.
  - d. Where a rooming house is the only residential building on a lot, the maximum number of residents allowed as a matter of right is 14, provided that the building contains no more than one cooking area.
  - e. Where a rooming house is an individual dwelling unit of a residential lot with two or more dwelling units, the maximum number of residents allowed in the rooming house unit as a matter of right is 3; provided that, where multiple units on a single lot are used as rooming houses, a rooming house unit may have up to 5 residents so long as the average number of residents living in rooming house units is 3 or less. The latter number is based on the County's average number of persons per household, currently at 3:1.
  - f. A public hearing would be required to approve a higher number of residents in a rooming house. Any such application would be analyzed in accordance with the Comprehensive Development Master Plan

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standards for congregate living facilities (each 2.5 occupants shall be considered to be one dwelling unit, and the maximum number of dwelling units allowed shall be no greater than the number allowed in the next higher residential category than that for which the site is designated).

5. Provide a process for reasonable accommodations from these and other zoning regulations so that people with disabilities may equally receive housing opportunities while following the County's zoning regulations. The people living together must not unreasonably affect persons with disabilities who require unique living arrangements or caregivers.

**APPLICABLE LEGISLATION/POLICY**

**Section 33-1 of the Miami-Dade County Code** provides the definitions for various terms related to zoning.

[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)

**Section 33-13 of the Miami-Dade County Code** relates to unusual uses pertaining to zoning.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTIINGE\\_S33-13UNUS](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-13UNUS)

**Section 33-201 of the Miami-Dade County Code** states the uses permitted for RU-2I, two-family residential district.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXVTMIREDI\\_S33-201USPE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXVTMIREDI_S33-201USPE)

**Section 33-203 of the Miami-Dade County Code** delineates the uses permitted for RU-3, four unit apartment house district.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXVIFOUNAPHODI\\_S33-203USPE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXVIFOUNAPHODI_S33-203USPE)

**Section 33-207.2 of the Miami-Dade County Code** specifies the use permitted for RU-4L, limited apartment house district.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXVIIALIAPHODI\\_S33-207.2USPE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXVIIALIAPHODI_S33-207.2USPE)

**Section 33-207.3 of the Miami-Dade County Code** relates to the uses permitted for RU-4M, modified apartment house district.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXVIIIBMOAPHODI\\_S33-207.3USPE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXVIIIBMOAPHODI_S33-207.3USPE)

**Section 33-208 of the Miami-Dade County Code** provides the uses permitted for RU-4, high density apartment house district.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXVIIIHIDEAPHODI\\_S33-208USPE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXVIIIHIDEAPHODI_S33-208USPE)

**Section 33-217 of the Miami-Dade County Code** states the uses permitted for RU-4A, hotel apartment house district.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXIXHOAPHODI\\_S33-217USPE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXIXHOAPHODI_S33-217USPE)

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Research Notes**

**Item No. 7J**

**File No. 191446 (190971)**

**Researcher: LE    Reviewer: TD**

ORDINANCE RELATING TO ZONING; AMENDING ARTICLE I OF CHAPTER 33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; STREAMLINING CRITERIA PERTAINING TO SUBDIVISION OF LOTS; ALLOWING LEGALLY NONCONFORMING LOTS TO BE COMBINED; REVISING THE ADMINISTRATIVE ADJUSTMENT PROCEDURES; AMENDING SECTION 33-49; REVISING THE MINIMUM WIDTH AND LOT SIZE TABLE; AMENDING SECTIONS 33-50 AND 33-51; REVISING THE SETBACK REGULATIONS FOR RESIDENTIAL, BUSINESS AND INDUSTRIAL PROPERTIES; AMENDING SECTION 33-52; REVISING THE BUILDING HEIGHT REGULATIONS; AMENDING SECTIONS 33.202.3, 33-202.10, 33-203.1, 33-203.2, 33-203.7, 33-203.8, 33-207.2.1, 33-207.2.2, 33-207.4, 33-207.5, 33-208.1, 33-208.2, 33-217.1, 33-217.2, 33-223.5.1, 33-223.11, 33-245.2, 33-251.5, 33-253.9, 33-256.8, 33-261.1, 33-263.2, 33-266.3, 33-278.2, AND 33-284.38, AND CREATING SECTION 33-310.4; CREATING A STANDARDIZED ADMINISTRATIVE SITE PLAN REVIEW PROCESS FOR ALL RU-RH, RU-TH, RU-3, RU-3M, RU-4L, RU4M, RU-4, RU-4A, RU-5, BU, OPD, AND IU ZONING DISTRICTS; AMENDING SECTION 33-284.88; REVISING PURPOSE, INTENT, AND COMPATIBILITY STANDARDS FOR ADMINISTRATIVE SITE PLAN REVIEW IN URBAN CENTER AND URBAN AREA DISTRICTS; AMENDING SECTION 33-310.1; REVISING THE NOTICE REQUIREMENT FOR SUBSTANTIAL COMPLIANCE DETERMINATIONS IN CONNECTION ADMINISTRATIVE SITE PLAN REVIEW AND REVISING PROCEDURES FOR REVIEW AND NOTICE OF ADMINISTRATIVE MODIFICATIONS; AMENDING SECTION 33-311 AND CREATING SECTION 33-311.1; DELETING THE ALTERNATIVE SITE DEVELOPMENT OPTION PROVISIONS FROM 33-311(A)(14) THROUGH (A)(21) AND INSERTING THEM INTO SECTION 33-311.1 AS SUBSECTIONS (1) THROUGH (8); AMENDING SECTIONS 28-18, 28-19, AND 33-314 OF THE CODE; AMENDING PROCEDURES FOR APPROVAL OF VARIANCES FROM SUBDIVISION REGULATIONS; MAKING TECHNICAL MODIFICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 190971]

**ISSUE/REQUESTED ACTION**

Whether the Board should amend the Miami-Dade County Code Sections 33-49, 33-50, 33-51, 33-52, 33.202.3, 33-202.10, 33-203.1, 33-203.2, 33-203.7, 33-203.8, 33-207.2.1, 33-207.2.2, 33-207.4, 33-207.5, 33-208.1, 33-208.2, 33-217.1, 33-217.2, 33-223.5.1, 33-223.11, 33-245.2, 33-251.5, 33-253.9, 33-256.8, 33-261.1, 33-263.2, 33-266.3, 33-278.2, and 33-284.38, 33-284.88, 33-310.1, 33-311, 28-18, 28-19, 33-314; creating Sections 33-310.4, 33-311.1; and deleting the alternative site development options provisions from 33-311(A)(14) through (A)(21) and inserting them into Section 33-311.1.

**PROCEDURAL HISTORY**

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

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

This item was set for public hearing before the HSSD meeting on May 13, 2019. The following discussion occurred:

- County Attorney Dennis Kerbel stated that on handwritten pages 18 and 23, Section 33-50 will be updated to reflect the amendments that the BCC adopted on May 7, 2019 in Ordinance 19-42 and the sub-sections would be renumbered accordingly.
- Former State Representative Roy Hardemon stated that the Model City Advisory Board has worked with the Miami-Dade Community and Economic Development Board who will work towards strides in creating more affordable housing.

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**File No. 191446 (190971)**

**Researcher: LE    Reviewer: TD**

- A constituent expressed that more local business opportunities must be supported in the community compared to major and corporate retailers.

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

**ANALYSIS**

The purpose of this item is to adopt an amended zoning ordinance comprehensively updating the County's Zoning Code, Chapter 33 of the Code of Miami-Dade County.

The fiscal impact resulting from the implementation of the proposed ordinance to the Department of Regulatory and Economic Resources (RER) is estimated at negative \$77,000 per year. The reduction in revenue is due to more complex zoning hearing applications being converted into simpler administrative ones. Even though there is a slight reduction in revenue, the applications will require less staff review time and the impact will be absorbed by RER current staffing levels.

For the past five years, RER has been identifying ways to streamline the regulatory processes to facilitate economic development within Miami-Dade County and efficiency in RER. The proposed ordinance seeks to continue streamlining the additional zoning processes by addressing the administrative adjustment process and consolidating the Administrative Site Plan Review (ASPR) regulations. Sections of the Code will be modernized by addressing changing conditions. Constituency will benefit from the proposed ordinance since the conditions would allow property owners to avail themselves of administrative procedures that would otherwise require costly and time-consuming public hearings.

The proposed ordinance's procedural section of the Code has a process where property owners for single-family and duplex lots can apply for administrative approval of flight adjustments to setbacks and lot coverage, which avoids costly and time consuming public hearings. The adjustment must be in harmony with the character of the area and must not have negative impacts to public safety or adversely affect the adjacent properties. The process cannot be used for adjustments in height, uses, density, floor area ratio, spacing, parking, or landscaping. Revising or introducing adjustment thresholds that may be administratively approved will be allowed. Currently, the Code allows up to a 10 percent adjustment of the maximum lot coverage allowed. The proposed ordinance would increase the threshold to 15 percent and introduce an adjustment to heights of walls, fences or hedges behind the build-to-line of up to 2 feet. Moreover, the proposed ordinance will revise the review standards to remove certain impediments such as limitations on the number of sides of the buildings/structures that the adjustments could be made to and the eligibility of sites.

The propose ordinance will modernize the Code by removing or updating certain provisions that conflict with or are already covered by other sections of the Code, remove certain obsolete requirements such as minimum setbacks between buildings within the same property, and consolidate the ASPR-review processes throughout the Code into a single new site plan review section within the zoning procedure section. This will provide uniformity in the criteria and standards while updating the urban center ASPR standards accordingly.

The current Code allows variances and appeals related to subdivision regulations to be heard only by the Community Zoning Appeals Board because the boards have jurisdiction over the unincorporated areas. No County Board can currently hear such applications for such properties. Chapter 28 of the Code, the County's subdivision regulations, will be amended to authorize the Board to hear applications for variances or appeals of administrative decisions related to subdivision regulations for properties located in unincorporated areas. The proposed ordinance was developed in

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**Item No. 7J**

**File No. 191446 (190971)**

**Researcher: LE    Reviewer: TD**

consultation with the development community and various County departments to ensure transparency and understanding.

**APPLICABLE LEGISLATION/POLICY**

**Article I of Chapter 33 of the Code of Miami Dade County** pertains to the general zoning regulations in the County.

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

[\\_dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTIINGE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE)

**Chapter 28 of the Code of Miami-Dade County** currently allows the Community Zoning Appeals Boards to hear variances and appeals related to subdivision regulations because of such Boards having jurisdiction over the unincorporated areas.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH28SU](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH28SU)

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**Item No. 7K  
File No. 190733**

**Researcher: LE    Reviewer: TD**

ORDINANCE PERTAINING TO ZONING; CREATING SECTION 33-193.16 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; APPLYING THE WORKFORCE HOUSING NONCONFORMING RESIDENTIAL LOT PROVISIONS, ADMINISTRATIVE SITE PLAN REVIEW PROCESS, INTENSITY STANDARDS, ADMINISTRATIVE ADJUSTMENT PROCESS, AND DESIGN CRITERIA AND DEVELOPMENT PARAMETERS TO THE MIAMI-DADE COUNTY INFILL HOUSING INITIATIVE PROGRAM AND OTHER COUNTY HOUSING PROGRAMS; AMENDING SECTION 33-193.7; REVISING THE WORKFORCE HOUSING DEVELOPMENT PROGRAM TO AUTHORIZE ALL LEGAL NONCONFORMING RESIDENTIAL LOTS TO BE DEVELOPED IN ACCORDANCE WITH EITHER NONCONFORMING USE STANDARDS OR WORKFORCE HOUSING INTENSITY STANDARDS; AMENDING SECTION 33-193.11; ALLOWING AN ADMINISTRATIVE ADJUSTMENT TO LOT FRONTAGE UNDER THE WORKFORCE HOUSING DEVELOPMENT PROGRAM; AMENDING SECTION 17-125; AUTHORIZING DEVELOPMENT IN ACCORDANCE WITH SECTION 33-193.16; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board creates Section 33-193.16 of the Miami-Dade County Code pertaining to zoning and also amending Section 33-193.7, Section 33-193.11 and Section 17-125.

**PROCEDURAL HISTORY**

**Prime Sponsor: Chairwoman Audrey Edmonson, District 3**  
**Department/Requester: Regulatory and Economic Resources**

This item was adopted on first reading during the April 9, 2019 BCC. This item was forwarded with a favorable recommendation to the BCC during the HSSSED meeting on May 13, 2019

**ANALYSIS**

The purpose of this item is to request Board authorization to create Section 33-193.16 of the Miami-Dade County Code for workforce housing nonconforming residential lot provisions and housing programs; amend Section 33-193.7 to revise the Workforce Housing Development Program; amend Section 33-193.11 to allow an administrative adjustment to lot frontage under the Workforce Housing Development Program; and amend Section 17-125 to authorize development.

The proposed item has no fiscal impact.

The purpose of the Miami-Dade County's Infill Housing Program is to increase the availability of affordable homes for households whose income is up to 140 percent of the median area income by redeveloping dilapidated or abandoned property located in Infill Target Areas.

The Workforce Housing Development Program has a variety of zoning incentives such as relaxation of density standards, flexible design criteria, nonconforming residential lot provisions, and participation in administrative site plan review process and administrative adjustment process. Currently these incentives are not available to properties under the Infill Housing Initiative Program and other County housing programs.

The proposed ordinance will make Workforce Housing Development Program incentives available to properties subject to the Infill Housing Initiative Program and other County affordable housing programs. The incentives reduce some



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impediments in the production of affordable housing. The proposed ordinance also amends sections of the current Workforce Housing Development Program regulations to simplify the standards for developing nonconforming residential lots and expand the Director's authority to administratively approve requests for limited adjustments to include up to 10 percent reduction of the required lot width.

The table below shows the original Section 33-193.16 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.

**Creation of Section 33-193.16 of the County Code**

**>>Sec. 33-193.16 – Intensity and Design Standards and Administrative Review Process**

- (A) Notwithstanding any provisions of this chapter or other zoning regulations to the contrary, properties in the unincorporated area that are subject to the Infill Housing Initiative Program set forth in chapter 17, article VII of the Code of Miami-Dade County, or that are subject to other Miami-Dade County affordable or workforce housing programs and initiatives, such as the Documentary Surtax Program, the State Housing Initiatives Partnership (SHIP), and the HOME Investment Partnerships Program (HOME), or that are used for affordable or workforce housing created in accordance with section 125.379 or 125.38, Florida Statutes, may be developed in accordance with this section. For purposes of this section, a property that meets the foregoing qualifications shall be referred to as an "eligible property."
- (B) An eligible property may be developed in accordance with the following enumerated provisions of this article without being subject to any other provisions of this article:
1. Nonconforming residential lot provisions set forth in section 33-193.7 (B)(3);
  2. Administrative Site Plan Review (ASPR) standards and process set forth in section 33-193.10;
  3. Intensity standards and administrative adjustment process set forth in section 33-193.11;
  4. Design criteria and development parameters set forth in Section 33-193.12;
- (C) The total number of dwelling units permitted on an eligible property may exceed the permitted maximum density allowed in the underlying zoning district in accordance with the foregoing provisions, provided that the density shall not exceed the maximum allowable density bonuses set forth in the CDMP.
- (D) Severable use rights, as provided in chapter 33B, shall not be used in conjunction with the density or intensity standards enumerated above.
- (E) To be eligible for development in accordance with this section, applicants shall provide proof of deed or other binding instrument acceptable to the Director demonstrating that the subject property is subject to an eligible affordable or workforce housing program.<<

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**Researcher: LE    Reviewer: TD**

The table below shows the original Section 33-193.7 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 33-193.7 of the County Code	Proposed changes to Section 33-193.7 of the County Code
<p><b>Sec. 33-193.7. – Applicability in the incorporated and unincorporated areas; minimum standards; exemptions; administrative modifications and appeals.</b></p> <p style="text-align: center;">* * *</p> <p>(B) The Workforce Housing Development Program shall be applied as follows:</p> <p style="text-align: center;">* * *</p> <p>(3) <i>Nonconforming residential lots.</i> Applicants with legally-established nonconforming single-family residential lots that set aside 100 percent of the proposed dwelling units for workforce housing may develop in accordance with the intensity standards in Section 33-193.11 instead of the minimum lot area and height requirements in Section 33-7 of this chapter, without the need for Administrative Site Plan Review, provided that the development otherwise complies with the applicable requirements of this chapter.</p> <p style="text-align: center;">* * *</p>	<p><b>Sec. 33-193.7. – Applicability in the incorporated and unincorporated areas; minimum standards; exemptions; administrative modifications and appeals.</b></p> <p style="text-align: center;">* * *</p> <p>(B) The Workforce Housing Development Program shall be applied as follows:</p> <p style="text-align: center;">* * *</p> <p>(3) <i>Nonconforming residential lots.</i> Applicants with legally-established nonconforming <del>[[single-family]]</del> residential lots <del>[[that set aside 100 percent of the proposed dwelling units for workforce housing]]</del> may develop &gt;&gt;said lots pursuant to section 33-35 and may utilize the&lt;&lt; <del>[[in accordance with the]]</del> intensity standards in &gt;&gt;section&lt;&lt; <del>[[Section]]</del> 33-193.11 &gt;&gt;as needed to facilitate development&lt;&lt; <del>[[instead of the minimum lot area and height requirements in Section 33-7 of this chapter, without the need for Administrative Site Plan Review]]</del>, provided that the development otherwise complies with the applicable requirements of this chapter.</p> <p style="text-align: center;">* * *</p>



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**Researcher: LE    Reviewer: TD**

The table below shows the original Section 33-193.11 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 33-193.11 of the County Code	Proposed changes to Section 33-193.11 of the County Code
<p><b>Sec. 33-193.11. – Intensity standards.</b></p> <p style="text-align: center;">* * *</p> <p>(D) Administrative Adjustments. Notwithstanding any other provision in this chapter to the contrary, the Director shall have the authority to approve requests for limited adjustments from setback, lot coverage, and building spacing through the Administrative Site Plan Review process as follows:</p> <p style="text-align: center;">* * *</p>	<p><b>Sec. 33-193.11. – Intensity standards.</b></p> <p style="text-align: center;">* * *</p> <p>(D) Administrative Adjustments. Notwithstanding any other provision in this chapter to the contrary, the Director shall have the authority to approve requests for limited adjustments from setback, lot coverage, and building spacing through the Administrative Site Plan Review process as follows:</p> <p style="text-align: center;">* * *</p> <p>&gt;&gt;(3) Lot frontage for residential uses may be reduced by up to 10 percent of the requirements set forth in section 33-193.11(A).&lt;&lt;</p> <p style="text-align: center;">* * *</p>

The table below shows the original Section 17-125 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 17-125 of the County Code	Proposed changes to Section 17-125 of the County Code
<p><b>Sec. 17-125. – Development.</b></p> <p style="text-align: center;">* * *</p> <p>(b) <i>Qualified Developers</i>. Subject to the availability of funding, the County may provide construction loans through the County's Surtax and SHIP programs, to qualified developers for the development of infill housing. In order to receive the construction loan, the qualified developer must meet the eligibility requirements for such funding.</p> <p style="text-align: center;">* * *</p>	<p><b>Sec. 17-125. – Development.</b></p> <p style="text-align: center;">* * *</p> <p>(b) <i>Qualified Developers</i>. Subject to the availability of funding, the County may provide construction loans through the County's Surtax and SHIP programs, to qualified developers for the development of infill housing. In order to receive the construction loan, the qualified developer must meet the eligibility requirements for such funding.</p>

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	<p>&gt;&gt;(c) <u>Zoning Standards and Review Process.</u>  <u>Notwithstanding any provisions of this chapter or</u>  <u>any zoning regulations to the contrary, properties</u>  <u>that are subject to this article may be developed in</u>  <u>accordance with section 33-193.16 of this code.&lt;&lt;</u></p>
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\* \* \*

**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>

The Miami-Dade County Workforce Housing Development Program provides density bonuses and other incentives for the development of workforce housing.

<https://www.miamidade.gov/zoning/workforce-housing.asp>

**DEPARTMENTAL INPUT:**

On May 29, 2019, OCA sent out the following questions and received the answers below:

- **What is the number of potential lots or potential households that would be positively affected by the proposed item?**

*The number of potential lots or households that could benefit is unknown since the lots to be included as surplus lots, which could be part of the infill program, is unknown, and the number of non-conforming lots or those lots which could take advantage of the workforce housing provisions, etc., is also unknown.*

**APPLICABLE LEGISLATION/POLICY**

**Section 33-193.7 of the County Code** relates to the applicability in the incorporated and unincorporated areas, minimum standards, exemptions, and administrative modifications and appeals for the Workforce Housing Development Program.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXIIAWOHODEPR\\_S33-193.7APINUNARMISTEXADMOAP](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXIIAWOHODEPR_S33-193.7APINUNARMISTEXADMOAP)

**Section 33-193.11 of the County Code** regards the intensity standards for the Workforce Housing Development Program.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXIIAWOHODEPR\\_S33-193.11INST](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXIIAWOHODEPR_S33-193.11INST)

**Section 17-125 of the County Code** pertains to the development portion of the Infill Housing Initiative.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVIINHGIN\\_S17-125DE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVIINHGIN_S17-125DE)

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**Item No. 8A1  
File No. 191050**

**Researcher: LE   Reviewer: TD**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHAPTER, SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE, AND IMPLEMENTING ORDER 3-38 BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; APPROVING THE 2019 MARKETING AND COMMUNICATIONS CONFERENCE HOST AGREEMENT BETWEEN MIAMI-DADE COUNTY AND AIRPORTS COUNCIL INTERNATIONAL - NORTH AMERICA AUTHORIZING THE MIAMI-DADE AVIATION DEPARTMENT TO SPONSOR THE 2019 MARKETING AND COMMUNICATIONS CONFERENCE TO BE HELD IN DOWNTOWN MIAMI FROM NOVEMBER 6-8, 2019, IN AN AMOUNT NOT TO EXCEED \$75,000.00 IN AVIATION DEPARTMENT PROMOTIONAL FUNDS AND THE PROVISION OF IN-KIND SERVICES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS THEREIN, AND TO EXECUTE AND EXERCISE THE PROVISIONS WITHIN ANY RELATED AGREEMENTS ARISING FROM THE MIAMI-DADE AVIATION DEPARTMENT'S SPONSORSHIP AND HOST OBLIGATIONS AT THE 2019 MARKETING AND COMMUNICATIONS CONFERENCE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the 2019 Marketing and Communications Conference Host Agreement authorizing Miami-Dade Aviation Department (MDAD) to sponsor the 2019 Marketing and Communications Conference.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Aviation Department**

During the TAPS meeting on May 15, 2019 the item was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to request the Board to waive the competitive bidding requirements of Section 2-8.1 of the County Code, Section 5.03 of the Home Rule Charter, and Implementing Order 3-38; approve the 2019 Marketing and Communications Conference Host Agreement between the County and Airports Council International – North America (ACI-NA); and authorize the Miami-Dade Aviation Department (MDAD) to sponsor the 2019 Marketing and Communications Conference in an amount not to exceed \$75,000.

MDAD will authorize up to \$75,000 to sponsor ACI-NA and additionally use operating revenues to provide in-kind services such as staff time. It is estimated that there will be a \$300,000 economic impact resulting from this event. MDAD has hosted the Conference previously in 2009 and 2017 and were allocated \$50,000 and \$70,000 respectively for those years.

ACI-NA is the oldest international airport owners' and operators' organization in the world and represents local, regional, and state governing bodies that own and operate commercial airports in the U.S. and Canada. MDAD has been a founding member along with many other prominent cities such as Chicago, Los Angeles, New York, Philadelphia, and Washington. ACI-NA's annual conference is one of the largest and most successful airport events in North America, with 2019 attendance expected to exceed 300 registered attendees and exhibitors.

MDAD and ACI-NA entered into a host agreement in April 2019. Through this agreement the County has the opportunity to showcase Miami International Airport while MDAD staff will be able to meet potential airport partners

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**File No. 191050**

**Researcher: LE    Reviewer: TD**

and leaders that may create new marketing opportunities to produce more revenue and attract more visitors. Additionally, the County will be able to promote new opportunities in Miami's tourism industry. The 2019 Conference will be hosted by MDAD on November 6-8, 2019 at the Hilton Miami Downtown Hotel.

In the agreement, MDAD is responsible for marketing, assisting in identifying a keynote speaker, programming, securing a local media personality to host the gala dinner, provide a host airport gift to all conference attendees, host an evening event at the end of the first day of the conference, securing a location and venue for the event, providing transportation to all conference attendees to the event, and providing food and beverage, entertainment during the event. MDAD will receive marketing and recognition through their logo and materials during the conference.

**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 5.03 of the Home Rule Charter** provides the responsibilities of the financial administration and outlines the procedures for contracts.

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

**Implementing Order 3-38** governs the County's processes for the purchase of goods and services and establishes the roles and responsibilities of ISD, methods of purchasing goods and services, and the authority to award contracts.

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

**Administrative Order 7-32** governs the use of Miami-Dade Aviation Department's promotional funds.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO7-32.pdf>

**Resolution No. R-546-07**, adopted on May 8, 2007, authorizes expenditures not to exceed \$50,000, to the Miami-Dade Aviation Department to host the Florida Airports Council 2009 Annual Conference.

<http://intra/gia/matter.asp?matter=071075&file=true&yearFolder=Y2007>

**Resolution No. R-1133-16**, adopted on December 6, 2016, authorizes expenditures not to exceed \$70,000, to the Miami-Dade Aviation Department to host the Florida Airports Council 2017 Annual Conference.

<http://intra/gia/matter.asp?matter=162381&file=true&yearFolder=Y2016>

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**Item No. 8A2**  
**File No. 191246**

**Researcher: IL   Reviewer: TD**

RESOLUTION RATIFYING THE ACCEPTANCE AND EXECUTION OF PUBLIC TRANSPORTATION GRANT AGREEMENT NO. 429533-5-94-01 IN THE AMOUNT OF \$8,000,000.00 FOR TAXIWAY “R” REALIGNMENT AND FUEL DEMOLITION PROJECT AT MIAMI INTERNATIONAL AIRPORT, AND SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT TO JOINT PARTICIPATION AGREEMENT NO. 439835-1-94-01 IN THE AMOUNT OF \$5,000,000.00 FOR THE CONSTRUCTION AND EXPANSION OF FUEL TANK FACILITIES AT MIAMI INTERNATIONAL AIRPORT, BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING THE TERMINATION PROVISIONS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve and ratify Grant Agreement No. 429533-5-94-01 in the amount of \$8,000,000.00 for Taxiway “R” realignment and fuel demolition project at Miami International Airport (MIA) and a supplemental joint participation agreement to Joint Participation Agreement No. 439835-1-94-01 in the amount of \$5,000,000.00 for the construction and expansion of fuel tank facilities at MIA between Miami-Dade County and Florida Department of Transportation (FDOT).

**PROCEDURAL HISTORY**

**Prime Sponsor:**

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

There is no procedural history on this item at this time.

**ANALYSIS**

The proposed item requests the Board ratify two grant agreements between FDOT and Miami-Dade County for a total combined amount of \$13,000,000.00 for a fuel demolition project and a construction and expansion of fuel tank facilities at MIA.

The Fiscal impact for the first grant agreement of \$8,000,000 is applied as follows:

Funded by FDOT Grant	\$8,000,000.00
Funded by MDAD	\$8,000,000.00
<b>Total Cost of the Project</b>	<b>\$16,000,000.00</b>

The Fiscal impact for the second grant agreement of \$5,000,000 is applied as follows:

Funded by FDOT Supplemental Agreement No. 1 Grant	\$5,000,000.00
Funded by FDOT Agreement No.1	\$4,096,751.00
Funded by MDAD	\$10,649,052.00
<b>Total Cost of the Project</b>	<b>\$19,745,803.00</b>

MIA is located in Commission District 6, represented by Vice Chairwoman Rebeca Sosa. Pursuant to Ordinance No. 95-64 delegates to the Mayor the authority to execute all standard form federal and state grant documents. The term of this agreement through December 31, 2023, meaning the County has until December 31, 2023 to complete the previously mentioned projects. Should the project not be completed by the deadline the County would need to request

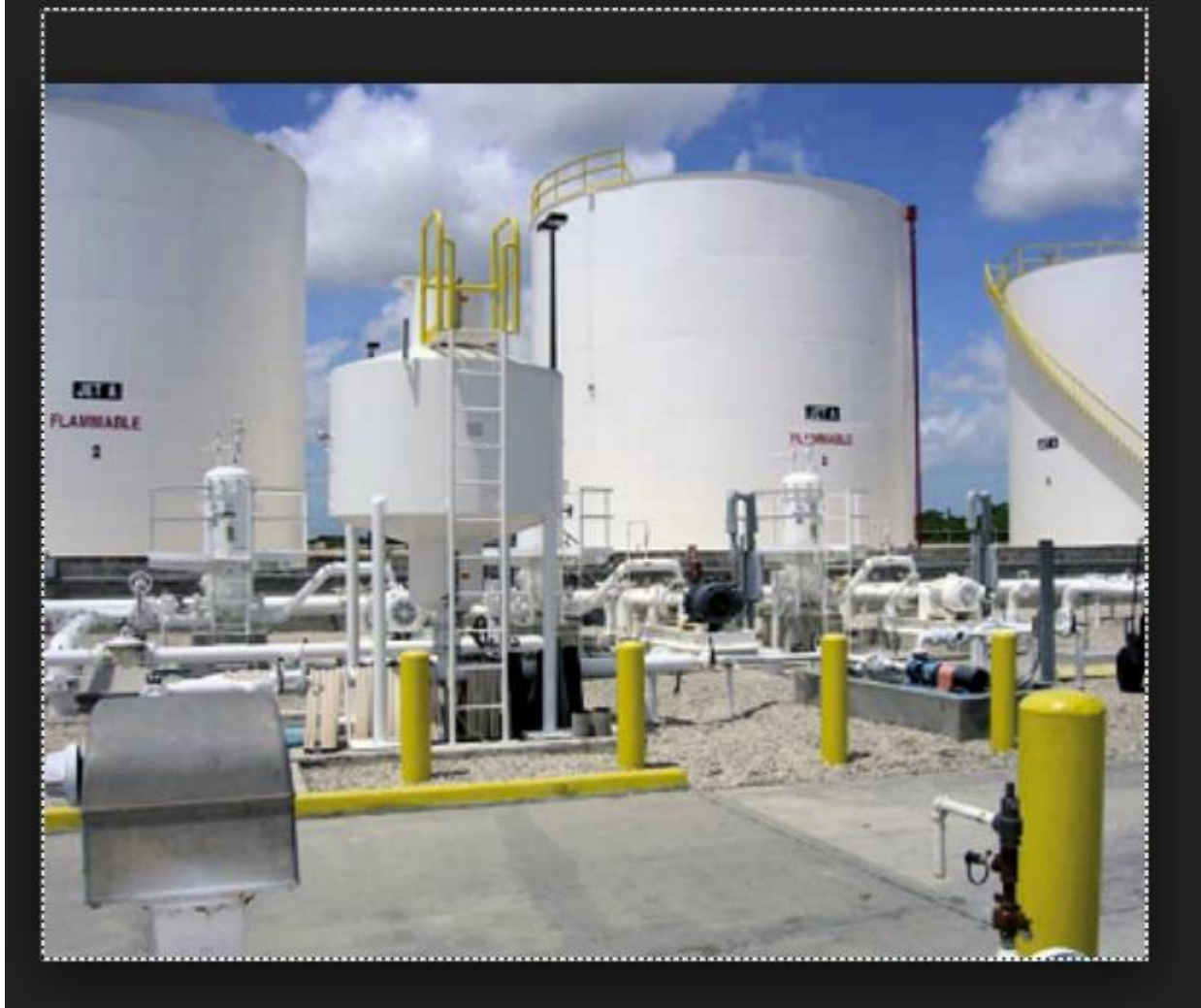
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**Researcher: IL   Reviewer: TD**

an extension period and have FDOT grant the extension in writing prior to the expiration of this agreement. The cost of any work performed prior to the effective date or after the expiration date of this agreement will not be reimbursed by the department.

The illustration below is from the FT. Myers Airport, showing what fuel facility may look like.



**APPLICABLE LEGISLATION/POLICY**

**Section 2-285(6) of the Code of Miami-Dade County, States that** Subject to ratification of the Board, the County Manager may execute all standard form federal grant documents or state joint participation agreements, including acceptance of grant or joint participation commitments required to be imposed by federal or state law as a condition to the County's receiving grant or joint participation benefits;

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXXXIIIVDE\\_S2-285COMAAUCOAVDE](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTXXXIIIVDE_S2-285COMAAUCOAVDE)



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**Item No. 8A3  
File No. 191245**

**Researcher: PGE Reviewer: TD**

RESOLUTION APPROVING SETTLEMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA AND NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PENNSYLVANIA, RELATED TO THE PROVISION OF INSURANCE FOR THE NORTH TERMINAL DEVELOPMENT PROJECT, IN THE AMOUNT OF \$3,300,000.00, FOR THE DISMISSAL OF THE LAWSUIT, MUTUAL RELEASE OF ALL CLAIMS, AND WAIVER OF ACCRUED INTEREST; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SETTLEMENT AGREEMENT AND EXERCISE ALL RIGHTS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Settlement and Mutual Release Agreement between the County and the Insurance Company of the State of Pennsylvania and National Union Fire Insurance Company of Pittsburgh, Pennsylvania (collectively, the "Insurers") in the amount of \$3,300,000 to be paid by the County to the Insurers in exchange for the dismissal of the lawsuit, mutual release of all claims and waiver of accrued interest related to the policies.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Rebeca Sosa, District 6  
Department/Requester: Aviation Department**

The item has no procedural history.

**ANALYSIS**

The purpose of this item is for the Board to approve a Settlement and Mutual Release Agreement between the County and the Insurers whereby the County shall pay the Insurers \$3,300,000 in order to resolve all claims and counterclaims, including dismissing with prejudice all claims against each other and waiver of interest charges by Insurers, relating to policies for the American Airlines North Terminal Development project. The County purchased commercial general liability, workers' compensation and employers' liability and deductible buy back insurance policies from the Insurers to cover contractors and subcontractors working on the North Terminal Development Project at Miami International Airport. The policies covered the initial period of December 31, 2007 to December 31, 2011 but were extended through December 31, 2014 because the term of the development project was expanded.

The County paid estimated premiums to the Insurers for the initial period totaling \$22,093,554. Insurers subsequently demanded additional premium payments for the initial period in the total amount of \$9,235,449. On July 29, 2016, the parties entered into an interim agreement requiring: (1) the Insurers to provide certain audit and payroll materials for the verification of additional premium payments requested; and (2) the County to make a good faith payment of \$4,000,000, which would be repaid in the event the County overpaid. This left a total of \$5,235,449 plus potential interest in the amount of \$1,000,000 in dispute.

The premiums for the policies were to be determined by (1) the total payroll of the contractors and subcontractors covered under the policies and (2) the length of time that the policies would be in force. Insurers and the County estimated these factors to arrive at an estimated premium when entering the policies. Moreover, the policies state that "the final premium will be determined after this policy ends by using the actual, not the estimated, premium basis." The policies also state that the "County will let Insurers examine and audit all its records that relate to this policy" and that Insurers "may conduct the audits during regular business hours during the policy period and within three years after

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**Item No. 8A3**  
**File No. 191245**

**Researcher: PGE Reviewer: TD**

the policy period ends.” The policies state that “information developed by audit will be used to determine final premium.”

While negotiating the policies’ terms, the County expressly agreed to sign a Payment Agreement and be bound by its terms. The Payment Agreement is a credit agreement that sets out the terms of the credit relationship between the County and Insurers. The Payment Agreement states that the County “must pay” Insurers “for the insurance and services in accordance with the terms of the policies and this Payment Agreement.” The Payment Agreement provides that any disputes must be submitted to arbitration. Moreover, “any action or proceeding concerning arbitrability, including motions to compel or stay arbitration, may be brought only in a court of competent jurisdiction in the City, County and State of New York.” As the project lasted longer than anticipated, the payroll and duration of the policies were significantly greater than initially projected. Insurers conducted a final audit and billed the County for the additional premium and surcharges. The County disputed the Insurers’ audit protocols and declined to pay the additional premium.

On October 19, 2017, the Insurers asked the County to arbitrate the dispute over the remaining balance, and the County declined. On November 28, 2017, the Insurers served a demand for arbitration and filed a petition to compel arbitration against the County. On January 4, 2018, the County filed a response to the petition, raising a single counterclaim – that Insurers breached the policies by failing to perform annual audits. On January 5, 2018, the County filed a motion to stay arbitration and transfer the action to the Southern District of Florida. On January 19, 2018, Insurers opposed the County’s motion to stay and transfer venue, and moved to compel the arbitration of the County’s sole counterclaim. The United States District Court for the Southern District of New York granted Insurers motion to compel arbitration, denying the County’s motion to stay arbitration and transfer venue. (See *The Insurance Company of the State of Pennsylvania, et al. v. Miami-Dade County*, 17 Civ. 9327; 2018 WL 2077901.)

The Insurers and the County want to avoid the associated expense and uncertainty of arbitration, and therefore desire to amicably resolve the dispute and settle all claims and counterclaims whether current or in the future concerning the policies, including but not limited to mutual agreement to dismiss with prejudice all claims against each other, as well as an agreement that Insurers waive interest charges, and the County pay Insurers \$3,300,000. Additionally, the County agrees that Insurers shall retain the good faith payment. Within 15 days of the date the County makes the settlement payment, the parties shall file a joint stipulation of dismissal with prejudice, dismissing all claims and counterclaims in the lawsuit with prejudice.

**APPLICABLE LEGISLATION/POLICY**

**Federal Arbitration Act** is an act of Congress that provides for judicial facilitation of private dispute resolution through arbitration.

<https://sccinstitute.com/media/37104/the-federal-arbitration-act-usa.pdf>



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**Item No. 8C2  
File No. 191117**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING THE FUNDING OF TWENTY-SEVEN GRANTS FOR A TOTAL OF \$219,600.00 FROM THE FISCAL YEAR 2018-2019 THIRD QUARTER OF THE TOURIST DEVELOPMENT COUNCIL GRANTS PROGRAM ROOM TAX PLAN AND SURTAX CATEGORY TO PROMOTE MIAMI-DADE COUNTY TOURISM; WAIVING RESOLUTION NO. R-130-06, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENTS WITH VARIOUS ENTITIES AND TO EXERCISE ALL PROVISIONS, INCLUDING CANCELLATION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve funding for 27 grants, totaling \$219,600.00, from the FY 2018-2019 Third Quarter Tourist Development Council Grants Program to promote Miami-Dade County tourism. The proposed resolution waives Resolution No. R-130-06 requiring that contracts with non-governmental entities be signed by the other parties before being submitted to the Board for consideration.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item was forwarded to the BCC with a favorable recommendation by the Tourism and the Ports Committee at its May 15, 2019 meeting.

**ANALYSIS**

The purpose of this item is to authorize \$219,600 in grant funding from the FY 2018-2019 Tourism Development Council (TDC) Grants Program (Third Quarter) to fund 27 grants. The Tourist Development Council Grants Program sponsors tourist-oriented sports events, cultural and special events, and television origination projects that promote Miami-Dade County tourism. The TDC, a nine member volunteer advisory board established by Florida Statute, meets as a panel to review and make funding recommendations to the Miami-Dade County Mayor and Board of County Commissioners on a quarterly basis.

Of the 28 applications (requesting a total of \$409,500) reviewed by the Tourist Development Council, the below 27 were recommended for funding, with the grant amounts totaling \$219,600.

<b>Organization</b>	<b>District Location(s) for Project Activity</b>	<b>FY 2018-2019 Recommendation</b>	<b>Sunbiz Registration Status</b>
Bascomb Memorial Broadcasting Foundation, Inc.	3, 5	\$6,000	Active
Centro Cultura; Boliviano Masis Corp.	10	\$3,500	Active
Community Arts and Culture, Inc.	4	\$5,000	Active
Creation Art Center Corp.	5	\$5,000	Active
Cuban Classical Ballet of Miami, Inc.	5	\$5,000	Active
Double K Rodeo Production, Inc.	10	\$2,500	Active
Edge Zones, Inc.	2, 4	\$5,250	Active
Florida Grand Opera, Inc.	3	\$15,000	Active
FUNDarte, Inc.	5	\$7,000	Active

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Gotma, Inc.	6	\$5,000	Active
GroundUp Music Productions, LLC	4, 5	\$5,100	Not Registered
The Miami Foundation, Inc. afa IKT Miami, Inc.	3, 5	\$10,000	Active
Institute of Contemporary Art, Miami, Inc.	3	\$7,000	Active
Jorge M. Perez Art Museum of Miami-Dade County, Inc.	3	\$20,000	Active
Marti Productions	5	\$9,000	Active
Miami Beach Arts Trust, Inc.	5	\$5,000	Active
Miami Beach Gay Pride, Inc.	5	\$15,750	Active
Miami Chamber Music Society, Inc.	3, 7	\$6,000	Active
Miami Gay and Lesbian Film Festival, Inc.	5	\$15,000	Active
Miami River Fund, Inc.	5	\$9,000	Active
Miami-Dade County Office of Community Advocacy Black Affairs Advisory Board	9	\$5,000	N/A
Michael-Ann Russell Jewish Community Center, Inc.	4	\$5,000	Active
New World Symphony, Inc.	5	\$7,500	Active
Nu Deco Ensemble, Inc.	3	\$5,000	Active
Testro Avante, Inc.	3, 5, 7	\$17,500	Active
The Greater Miami Festivals & Events Association, Inc.	13	\$5,000	Active
University of Wynwood, Inc.	3, 5, 7	\$13,500	Active
<b>Total:</b>		<b>\$219,600</b>	

The Tourism Development Council approved the grantees at their April 2, 2019 meeting. Each applicant organization was evaluated based on the following criteria:

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

Tourist Development Council grants are supported entirely through the two percent Tourist Development Room Tax funds and the two percent Hotel/Motel Food and Beverage Surtax revenues as well as the \$25,000 the Greater Miami Convention and Visitors Bureau provides to the TDC pursuant to a multi-year agreement. A total of \$1.275 million was allocated for FY 2018-19 TDC grants in the Fiscal Year 2018-19 County budget ordinance. A remaining balance of \$425,272 from FY 2017-18 in unspent grant funds was carried over and is being appropriated as part of the FY 2018-19 program.

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**

**Tourism Development Council Grants Program**

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

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**Researcher: JFP Reviewer: TD**

**DEPARTMENTAL INPUT**

OCA posed the following questions to the Department of Cultural Affairs, and received the following responses (delineated in bold).

- The item mentions that a remaining balance of \$425,272 from FY2017-18 in unspent grant funds was carried over and is being appropriated as part of the FY 2018-19 program. Why were these funds not expended to fund additional grantees in FY 2017-18?

**The Tourist Development Council's (TDC) funding support is reliant on revenues generated by tourists who visit Miami-Dade County. The TDC has taken a conservative approach to investing these funds in grants that have the greatest positive impact on creating an attractive and exciting destination filled with great events and activities. It maintains its reserve (the balance that you refer to) to be ready to address unanticipated and/or major event opportunities that arise from time-to-time and also, as a financial strategy in case there are unexpected downturns in future years' tourism revenues (thereby, having the resources to invest in countering any downturn).**

- How many of the FY 2018-19 grantees are incumbent?

**The TDC is a formula driven program and utilizes a reduction formula when making funding recommendations for returning events or organizational activities. Of the 82 projects funded to date in FY 2018-19, 78 are recurring event-producers (formula driven recommendations) and 4 are new or first-time TDC grantees. There is one more quarter remaining for this fiscal year. It is an explicit strategy of the TDC to support both annual events of high quality and impact and new activities that have the potential to serve as tourism attracters and satisfiers. This results in supporting a calendar of reliably excellent special events each year and new or one-time activities that complement this line-up.**

- What is being done to attract more grant applicants so that grant funds are not underspent?

**It is a mischaracterization to say that TDC funds are underspent (please see the response to your first question). Nonetheless, TDC grant opportunities are promoted through print ad placements, Departmental and County web sites, press releases, social media platforms and are also marketed by the Greater Miami Convention and Visitors Bureau to events-promoters that may contact them in the interest of presenting their activities in Miami-Dade County.**

**The TDC evaluates eligible requests for support presented to it on the basis of the published TDC Grants Program guidelines, application forms and deadlines for each quarter of the fiscal year. The TDC investments contribute significantly to Miami-Dade County's attractiveness as a distinctive tourist destination, one which possesses an active, year-round calendar of interesting and unique activities and a caliber of programmatic offerings characterized by artistic excellence and popular appeal.**

**APPLICABLE LEGISLATION/POLICY**

**Ordinance No. 18-102**, adopted September 20, 2018, approved, adopted, and ratified proprietary budgets, special assessment district budgets, and other budgets of Miami-Dade County, Florida, for fiscal year commencing October 1, 2018 and ending September 30, 2019.

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

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**Researcher: JFP Reviewer: TD**

**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>

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**Item No. 8F2  
File No. 191091**

**Researcher: PGE    Reviewer: TD**

RESOLUTION APPROVING THE TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FOR THE PREMISES LOCATED AT 1500 NW 12 AVENUE, MIAMI, FLORIDA TO BE UTILIZED BY THE OFFICE OF THE MIAMI-DADE PUBLIC DEFENDER 11TH JUDICIAL CIRCUIT COURT OF FLORIDA, WITH A TOTAL FISCAL IMPACT TO THE COUNTY ESTIMATED TO BE \$3,551,497.13 FOR A TERM OF FOUR YEARS WITH AN EXPIRATION DATE OF JUNE 30, 2023; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the lease agreement between the County, as lessee, and the Public Health Trust, as lessor, for premises located at 1500 NW 12 Avenue to be used by the Public Defender's Office for a total amount of \$3,551,497.13 for a term of four years.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Audrey M. Edmonson, District 3  
Requester/Department: Internal Services**

This item was considered at the Health Care and County Operations Committee on May 16, 2019 wherein it was forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to authorize a lease agreement whereby the County rents office space from the Public Health Trust for use by the Public Defender's Office for a four-year term. The County is required by Article V, Section 14, of the Florida Constitution to cover costs associated with leasing facilities for the Public Defender. The previous lease expired on June 30, 2017, and the County remains in occupancy of the premises pursuant to the lease's holdover provision. Currently, the County pays \$772,908 annually as a holdover tenant.

The County is leasing the entire ninth floor of the east wing of the Jackson Medical Towers Building for the Public Defender's Office. The space is approximately 25,087 square feet and shall be used solely for general office space. The County has leased this space since 1987.

Under the proposed lease, the annual base rent shall be \$772,908, payable in 12 equal consecutive monthly installments of \$64,409 on the first day of each month. However, the parties acknowledge and agree that the rent paid by the County for the month of October each year may be paid late due to the end of the County's fiscal year. Should the lessee elect to make leasehold improvements to the premises, then the lessee agrees to submit for approval by the lessor detailed plans and specifications for any leasehold improvements, including substantial changes or alterations to the leased premises.

The lease requires the County to keep the premises in good order, condition and repair. The lessee, at its sole cost and expense, shall promptly repair and replace all glass windows or doors and other plate glass in the leased premises in the event of damage or destruction unless caused by the negligent act of lessor, its agents or employees. The lessor shall be required to make all structural repairs to the leased premises as well as repairs to the plumbing, HVAC and utilities in the leased premises.

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Furthermore, the lease permits both parties to terminate the lease, at any time, and for any reason, upon 90 days' prior written notice to the other party. Upon early termination, the lease shall be terminated just as if the lease agreement had reached the expiration date and neither party shall continue to have a duty or obligation to the other party.

**APPLICABLE LEGISLATION/POLICY**

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

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

[\\_dade county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

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**Item No. 8F3**  
**File No. 191190**

**Researcher: TD   Reviewer: YM**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY CONTRACT AWARD TO SUPER RESTORATION SERVICE CO., LLC IN THE AMOUNT OF \$500,000.00 FOR THE PURCHASE OF MOLD REMEDIATION FOR THE MIAMI-DADE FIRE RESCUE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should waive formal bid procedures to ratify by two-thirds vote of commissioners present an emergency contract Super Restoration Service Co. LLC, for emergency mold remediation in an amount of \$500,000 for the Miami-Dade Fire Department.

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Internal Services

This item was forwarded to the Board of County Commissioners with favorable recommendation at the May 16, 2019 Health Care and County Operations Committee meeting.

**ANALYSIS**

The purpose of this item is to request the Board's approval of an agreement entered into by Mutual Aid Agreement between Miami-Dade County and City of Miami for the Threat Management Task Force.

The Declaration of Emergency was caused by the discovery mold and the subsequent health hazard evaluation for the presence of mold and mold spores at Fire Rescue Station 30, located at 9500 NE 2<sup>ND</sup> Ave in Miami Shores.

The Center for Disease Control (CDC) finds that exposure to damp and moldy environments may cause a variety of health effects. For people sensitive to molds, it can cause nasal stuffiness, throat irritation, coughing or wheezing, eye irritation, or, in some cases, skin irritation. People with mold allergies may have more severe reactions. Immune-compromised people and people with chronic lung illnesses, such as obstructive lung disease, may get serious infections in their lungs when they are exposed to mold.

Since that discovery, the scope of the evaluation has widened. The Mayoral Memo is silent to the number and locations of other structures where mold was found.

Super Restoration Services Co, LLC is an active Florida corporation according to Sunbiz.org, the state of Florida official corporation web site. It's address is 1701 NW 87th Avenue Suite 200 Doral, FL 33172.

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**Researcher: TD   Reviewer: YM**

**DEPARTMENT INPUT**

The following questions were asked of Internal Services Division on May 29, 2019 with no response by publication on May 31, 2019:

- How many Fire Rescue Stations currently suffer mold and are facing remediation?
- What is accomplished during the remediation process?
- Why is there an emergency need if the need for remediation was first brought to the Department's attention in August 2018?

**ADDITIONAL INFORMATION**

**Centers for Disease Control and Prevention**, Facts About Mold and Dampness provides overview of the potential dangers of mold. Exposure to damp and moldy environments may cause a variety of health effects, or none at all. Some people are sensitive to molds. For these people, molds can cause nasal stuffiness, throat irritation, coughing or wheezing, eye irritation, or, in some cases, skin irritation. People with mold allergies may have more severe reactions. [https://www.cdc.gov/mold/dampness\\_facts.htm](https://www.cdc.gov/mold/dampness_facts.htm)

**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 Home Rule Charter Section 5.03(D)** Code Section 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. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance. The transaction shall be evidenced by written contract submitted and approved by the Board. 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.

In circumstances where the Mayor informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award, or recommendation of award of a contract, the Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or the Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing



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**Researcher: TD   Reviewer: YM**

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

**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)

**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>

**Implementing Order No. 3-53**, Miscellaneous Construction Contracts Program, establishes the policy for the administration of the Miscellaneous Construction Contracts (MCC) Program. This IO is applicable to the pre-qualification, registration, award and administration of miscellaneous construction contracts with a maximum value as specified in Section 2-8.1(b) of the Code of Miami-Dade County (Code). The MCC Program has two (2) plans. The 7040 Plan is 100% set-aside for certified Small Business Enterprise-Construction (SBE-CON) contractors. The 7360 Plan is open to all contractors and only used if either federal funding is involved or an SBE-CON set-aside cannot be established.

The County Mayor or County Mayor's designee shall ensure that the MCC program is utilized as approved by the Board of County Commissioners and that the work is awarded in a fair and equitable manner. The Internal Services Department (ISD) Small Business Development (SBD) Division shall administer the MCC Program. The use of the MCC program shall be in strict adherence with all applicable local, state, and federal regulations.

This IO is intended to enhance contracting opportunities for SBE-CON contractors and to expedite the award of construction contracts.

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**Item No. 8F4  
File No. 191061**

**Researcher: IL Reviewer: TD**

RESOLUTION APPROVING AWARD OF THE PROFESSIONAL SERVICES AGREEMENT TO M. C. HARRY AND ASSOCIATES, INC., FOR AIRPORT WAYFINDING/SIGNAGE DESIGN SERVICES FOR THE MIAMI-DADE AVIATION DEPARTMENT, PROJECT NO. A16-MDAD-04; IN AN AMOUNT NOT TO EXCEED \$2,205,500.00 FOR A TERM OF FIVE YEARS WITH TWO ONE-YEAR OPTIONS TO EXTEND; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION AND EXTENSION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the award of a Professional Services Agreement to M.C. Harry and Associates, Inc., in an amount not to exceed \$2,205,500.00 for a term of five years with two one-year options to extend for airport wayfinding/signage design.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

- The item was brought before the Economic Development and Tourism Committee on January 17, 2019 and was withdrawn.
- The item was reintroduced at the Tourism and Ports Committee on May 15, 2019. It was forwarded to the BCC with a favorable recommendation. Prior to the passage the following conversation took place:
  - Mr. Alex Heckler requested that the Board review the tie breaking policies on the A/E Procurement process.
  - Commissioner Rebecca Sosa stated that she would request a “thinking cap” group be put together to enrich each other with the experts in the field.

**ANALYSIS**

This item is requesting the Board award a Professional Services Agreement to M.C. Harry and Associates, Inc., in an amount not to exceed \$2,205,500.00 for a term of five years with two one-year options to extend for airport way finding/signage design under Project No. A16-MDAD-04. The project will impact various Commission Districts.

The fiscal impact of this project is an amount not to exceed \$2,205,500.00 to be funded through a Florida Department of Transportation Grant and MDAD operating fund.

The work consists of providing:

- A. Wayfinding/Signage Design Services, sign concept development, placement and location guidelines.
- B. Environmental graphic design, mock-up, prototype testing and final document development.

The intent is to have a consultant provide professional wayfinding/signage design services to respond to vital on-call wayfinding needs at MIA and the four other airports in Miami-Dade County in compliance with all federal, state, and county regulatory requirements.

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**Item No. 8F4**

**File No. 191061**

**Researcher: IL Reviewer: TD**

The request to advertise (RTA) was advertised on February 24, 2017. Ten proposals were received in response to the solicitation from the following firms: TSAO Design Group, Incorporated; Rodriguez and Quiroga Architects Chartered; M.C. Harry and Associates, Inc.; Leo A. Daly Company; MGE Architects Inc.; Mobio Architecture, Inc.; Gresham, Smith and Partners; Bermello, Ajamil & Partners, Inc.; BEA Architects, Inc.; and Perez & Perez Architects Planners, Inc. on June 16, 2017.

The First Tier meeting was held on December 1, 2017, below are the rankings by the competitive selection committee (CSC) of the 9 firms.

<b>Firm</b>	<b>Qualitative Points</b>	<b>Final Rank</b>
Bermello, Ajamil & Partners .	421	1
Gresham, Smith and Partners	431	2
M.C. Harry and Assocaite, Inc	405	3
TSAO Design Group, Incorporated	387	4
Rodriguez and Quiroga Architects Chartered	400	5
Perez & Perez Architects Planners Inc.	392	6
Leo A. Daly Company	382	7
MGE Architects, Inc.	379	8
Mobio Architecture, Inc.	363	9
BEA Architects, Inc.	336	10

The CSC advanced the three highest-ranked proposers to advance to the second tier.

The Second tier meeting was held on January 9, 2018, below are the rankings of the CSC for the 3 firms.

<b>Firm</b>	<b>Qualitative Points</b>	<b>Final Rank</b>
M.C. Harry and Associates, Inc.	442	1
Bermello, Ajamil & Partners, Inc.	446	2
Gresham, Smith and Partners	465	3

The CSC found M.C. Harry and Associates (the top-ranked firm) to have met the qualifications requirement and approved the firm to move forward with the negotiation process.

The small business measure applicable to the contract is a SBE A/E goal of 30 percent (\$660,000) and SBE G/S goal 1 percent (\$22,000).

SBE/A&E firms authorized under the agreement are: M.C. Harry and Associates, Inc. (SBE A/E 20% -\$440,000), Bliss & Nyitray, Inc. (SBE A/E 5% -\$110,000), SDM Consulting Engineers, Inc. (SBE A/E 5% -\$110,000), Go Green Documents Solutions, Inc., (SBE G/S .50% - \$11,000) and Building Center No.3, LLC (SBE G/S .50% - \$11,000).

OCA was not able to conduct a review of the technical certifications associated with this project on the Business Management Workforce System (BMWS) as they were not referenced in the mayoral memo.

M.C. Harry and Associates, Inc., was cross referenced on Sunbiz.org, the office website of the Division of Corporations for the State of Florida. M.C. Harry and Associates, Inc., has a principal address of 2780 S.W. Douglas Road, Suite

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**Item No. 8F4**

**File No. 191061**

**Researcher: IL Reviewer: TD**

302, Miami, FL 33133. The Tax Collector's website was cross referenced and no accounts were identified on it for this firm. M.C. Harry and Associates, Inc., possesses an Architect Business license with the Department of Business and Professional Regulation (License Number AAC000986) and has an active status until February 28, 2021.

Pursuant to Resolution No. R-421-16, a Performance Record verification conducted by OCA in the Capital Improvements Information System (CIIS) on May 13, 2019 revealed 4 performance evaluations for M.C. Harry and Associates, Inc., with an average evaluation rating of 4.0 out of 4.0. The Firm History Report shows that for the period from September 1, 2015 through September 06, 2018 this firm has received 1 contract in the amount of \$3,420,550.00 from the Parks Open Spaces and Recreation Department.

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-10.4.01SMBUENARENPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_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=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 2-8.3 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 for award or other appropriate action. The recommendation shall be in writing and 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 the recommendation is scheduled for presentation.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.3MARE)

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**Item No. 8F4**  
**File No. 191061**

**Researcher: IL Reviewer: TD**

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

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

**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>

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Research Notes**

**Item No. 8F5  
File No. 191049**

**Researcher: IL    Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01159 FOR PURCHASE OF LIQUID CHLORINE FOR THE MIAMI-DADE WATER AND SEWER DEPARTMENT FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$7,397,400.00; 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 a contract award to Allied Universal Corp, for *Contract No. FB-01159 for purchase of liquid chlorine*, for a five-year term for an amount of up to \$7,397,400 for multiple County departments.

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services Department**

This item was brought before the Infrastructure and Capital Improvement Committee on May 14, 2019 and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

This item proposes that the Board approve a contract award for the purchase of liquid chlorine for the Miami-Dade Water and Sewer Department (WASD).

Liquid chlorine is the primary chemical used for disinfection at the County's water treatment plants. The chlorine destroys disease causing pathogenic organisms and provides a disinfection residual in the treated water distribution system.

The chlorine must conform to all industry standards and be free of iron. The purchase will be for liquid chlorine in 90 ton rail cars as well as purchase and delivery of liquid chlorine in 1 ton and 150 pound cylinders directly from the re-packager's plant.

Market research conducted by the Administration concludes that "there is an active and competitive market that would respond to a solicitation." Accordingly, the solicitation was advertised on February 21, 2019, with three vendors responding.

OCA noticed that in the prior contract, the Purchase and Delivery of liquid chlorine in a 90 ton rail cars from manufacturer's plant was considered one deliverable and the purchase and delivery of liquid chlorine in one ton and 150 pound cylinders from the re-packagers plant to Miami-Dade County was another deliverable and on the proposed award they were bundled as one single deliverable and the question was posed to ISD. ISD advised that in the previous solicitation, Group 2 consisted of a one ton cylinder and 150lb cylinder of liquid chlorine which WASD indicated that they are no longer purchasing liquid chlorine in one ton cylinders. At that point, the specifications for the two line items that were left were identical, so there was no reason to separate them into groups. Additionally, the qualification requirements for the two groups were the same, aside from references being needed for the 90 ton railcar. It is for these reasons the department decided to award on a line item basis instead of by group.

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**Researcher: IL    Reviewer: TD**

The current contract (0398-0/19) is valued at \$14,291,000.00 for a five-year and three month term, expiring on August 31, 2019. The replacement contract is valued at \$7,397,400 for five years; a decrease of \$6,893,600. The decrease is attributable to lower estimated demand due to WASD's position that it is no longer using the same quantities of liquid chlorine in their process. Note that the recommended awardee, Allied Universal Corp., is an incumbent.

The commodity codes for this procurement are 18036 (Chlorine Carriers, Inorganic and Organic), 50525 (Chlorine Bleaches, Etc.), 885 (Water and Sewer Treating Chemicals), 88538 (Chlorine, Liquified for water Treatment) and 88540 (Chlorinating and oxidizing agents: Bromohydan).

A search for local certified small business firms under those codes yielded five result:

Allied Paper Co.	Miami, FL	SBE-G&S
Lumi Maintenance Supply Inc.	Miami, FL	SBE-G&S
Pancar Industrial Supply Corporation	Miami, FL	SBE-G&S
Pro-Grounds Products, Inc.	Miami, FL	SBE-G&S
The Tools Man, Inc., DBA The Tools Man Industry Supply	Miami, FL	SBE-G&S

**DEPARTMENTAL INPUT:**

The following questions were asked ISD on May 23, 2019, the responses are below in bold:

- Why did this solicitation bundle the two groups: (I) Purchase and Delivery of Liquid Chlorine in 90 Ton Rail Cars from Manufacturer's Plant; and (II) Purchase and Delivery of Liquid Chlorine in One Ton and 150 Pound Cylinders from the Re-Packager's Plant to Miami-Dade County, compared to the previous contract (0398 - 0/19) that has them separated? **In the previous solicitation, Group 2 consisted of a one ton cylinder and 150lb cylinder of liquid chlorine which WASD indicated that they are no longer purchasing liquid chlorine in one ton cylinders. At that point, the specifications for the two line items that were left were identical, so there was no reason to separate them into groups. Additionally, the qualification requirements for the two groups were the same, aside from references being needed for the 90 ton railcar. It is for these reasons the department decided to award on a line item basis instead of by group.**
- In the previous contract the two firms that were selected were Allied Universal Corp. and Brenntag Mid South Inc., could any of the other two vendors that submitted a proposal been considered as a secondary, the way Brenntag was considered in the previous contract (0398-0/19)? Why or Why not? **The County Attorney's Office has advised the department to no longer do primary/secondary contract awards. Additionally, only one bid was received that Internal Services could evaluate. No secondary could have been awarded.**

**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.



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

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

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

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

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

**Resolution No. R-1011-15**, adopted November 3, 2015, directs the County Mayor to require 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-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 or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County and to include this information in recommendations to the Board.

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

**Resolution No. R-412-14**, adopted May 6, 2014, authorized a contract award for the purchase of liquid chlorine in the total amount of \$14,291,000.00 for WASD.

<http://www.miamidade.gov/govaction/matter.asp?matter=140739&file=true&fileAnalysis=false&yearFolder=Y2014>

**Implementing Order No. 3-38** sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines the roles and responsibilities of the Internal Services Department, 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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**Item No. 8F7  
File No. 191354**

**Researcher: PGE Reviewer: TD**

RESOLUTION AUTHORIZING WAIVER OF BID PROCEDURES BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT PURSUANT TO SECTION 5.03(D) OF THE COUNTY CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE AND APPROVING AWARD OF CONTRACT NO. SS9982-0/23 TO HARRIS CORPORATION FOR THE MIAMI-DADE AVIATION DEPARTMENT IN A TOTAL AMOUNT NOT TO EXCEED \$613,000.00 FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE AND IMPLEMENTING ORDER 3-38 [SEE ORIGINAL ITEM UNDER FILE NO. 191048]

**ISSUE/REQUESTED ACTION**

Whether the Board should waive formal bid procedures by a two-thirds vote of the Board members present and award Sole Source Contract No. SS9982-0/23, *Vehicle Movement Area Transmitter Units*, to Harris Corporation for a five-year term in the amount of \$613,000 for the Miami-Dade County Aviation Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The item was considered at the May 15, 2019 meeting of the Tourism and the Ports Committee wherein it was forwarded to the Board as amended. The item was amended to correct the Fiscal Impact section; the corrections are: (1) the FAA 75 percent funding amount should be \$308,625 (originally written as \$308,626); and (2) the remaining 25 percent balance amount should be \$102,875 (originally written as \$102,675). In addition to the amendment, the following discussion transpired at the committee meeting:

- Commissioner Sosa questioned whether the item is being presented as a sole source because Harris Corp., based in Melbourne, Florida, is the only company able to deliver the goods and services. The County's Aviation Director responded that there were originally two or perhaps three competitors in the market. However, as of now, only Harris produces and installs the units. Commissioner Sosa responded to that by requesting that in the future such agenda items no longer be styled as requesting a waiver of bids because there is, in fact, no other vendor capable of delivering the goods and services.

**ANALYSIS**

The purpose of this contract is for the Aviation Department (MDAD) to reduce incidents and accidents involving aircraft and vehicles on Miami International Airport's airfield by purchasing and installing Vehicle Movement Area Transmitter (VMAT) units from Harris Corporation. The inclusion of airport vehicles into the surface surveillance picture gives air traffic controllers and operators one more way to identify traffic issues, understand the most efficient way to proceed on the airport surface and avoid incursions. The recommended awardee, Harris Corporation, is a nonlocal vendor, having a principal office at 2235 Monroe Street, Herndon, Virginia. The value of the contract for the five-year term is \$613,000. Harris signed the proposed contract on June 12, 2018.

The County is contracting with Harris Corporation for the purchase of 50 VMAT units, installation kits and services, equipment warranty and support services, including maintenance. The equipment to be purchased shall be compliant with Federal Aviation Administration (FAA) policies, procedures and specifications. For each vehicle that is to be outfitted with a VMAT unit, the County shall provide the Contractor with the (1) vehicle description, type, tag, ID and length/width; and (2) emitter

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category. Harris Corporation warrants all 50 VMAT units against faulty labor and/or defective material for a minimum period of two years after completion of the final acceptance test. Other services to be delivered by Harris Corporation include, but is not limited to, serving as the point of contact to the FAA for VMAT program compliance issues and remedies; providing VMAT configuration management; providing VMAT software configuration matrix updates; and providing onsite system performance testing and compliance monitoring twice a year.

The awardee's product, i.e., Symphony VMAT airport ground vehicle Automatic Dependent Surveillance-Broadcast (ADS-B) tracking unit, is the only internally mounted FAA certified Universal Access Transceiver (UAT) ADS-B vehicle tracking unit and is eligible for Airport Improvement Program funding. Symphony VMAT allows accurate, real-time tracking of surface vehicles in the movement area providing increased operational safety and efficiency. VMATS are compatible with the FAA's ADS-B system, surveillance data network that is integrated into the National Airspace System, and enables operational safety and efficiency. Use of the VMAT unit automatically allows vehicle movement data to be integrated into the NextVue®, Symphony® OpsVue™ and Symphony MobileVue® products, giving operations management personnel and vehicle operators access to complete airport-wide situational awareness.

The VMAT is certified by the FAA to be fully compliant with FAA Advisory Circular 150/5220-26. The unit enables continuous transmission of vehicle position and identification. Data transmitted from vehicles is picked up by FAA ADS-B ground infrastructure and displayed on Air Traffic Controller (ATC) displays in the tower cab allowing full ATC awareness of the location of the vehicles in the movement area, and the cockpit of appropriately equipped aircraft.

Harris has designed the VMAT to share ground vehicle position, velocity and identity data with other ground vehicles, aircraft and ground station equipment. The VMAT collects position, velocity and other information from an internal aviation certified GPS and compares the position with a stored configuration map provided by the FAA. If the VMAT is within the movement area, it transmits its data once per second. The stored configuration, identity and map data are programmed through the USB maintenance interface.

The contract value of \$613,000 is broken down as follows: (1) 50 VMAT units at a cost of \$6,200 each; (2) 50 installation kits, including magnetic mount antennas at a cost of \$500 each; (3) installation services for 50 units at a cost of \$1,530 per unit; and (4) VMAT operation and support services costing \$40,300 yearly for the five-year term. FAA is providing the County grant funding in the amount of \$308,625 for equipment and installation costs.

MDAD ground vehicles currently have no ADS-B squitters. The VMAT units will provide significant safety and efficiency upgrades to MDAD's existing equipment and surveillance capacity. This is a sole source contract as Harris Corporation is the only vendor providing the FAA-approved internally mounted VMAT product. It is important to mention that the proposed technology is currently being used at many airports including Hartsfield-Jackson Atlanta, Boston Logan International, Fort Lauderdale Hollywood International, Chicago O'Hare International, and Philadelphia International Airport.

**APPLICABLE LEGISLATION/POLICY**

**FAA Advisory Circular 150/5220-26** provides guidance on the development, installation, testing, approval, and maintenance of Automatic Dependent Surveillance – Broadcast (ADS-B) Out squitter units for airport ground vehicles. Using this AC, airports will be able to acquire approved and authorized airport ground vehicle ADS-B squitter units that are compliant with Title 14 Code of Federal Regulations (CFR), Part 91, Automatic Dependent Surveillance-Broadcast (ADS-B) Out Performance Requirements to Support Air Traffic Control (ATC) Service, as well as the initial set of ADS-B applications.

[https://www.faa.gov/airports/resources/advisory\\_circulars/index.cfm/go/document.information/documentNumber/150\\_5220-26](https://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.information/documentNumber/150_5220-26)

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**File No. 191354**

**Researcher: PGE Reviewer: TD**

**Section 5.03(D) of the Home Rule Charter** states that contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. The Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

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

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

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

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

**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. 8F8**

**File No. 191393 (191052)**

**Researcher: IL   Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00970 GROUP NO. 1 FOR THE PURCHASE OF BRIDGE CRANE AND HOIST PREVENTATIVE MAINTENANCE, AND ESTABLISHING AN OPEN PREQUALIFICATION POOL FOR GROUP NO. 2 OF CONTRACT NO. FB-00970 FOR THE PURCHASE OF NEW CRANES, BRIDGE CRANES AND HOISTS FOR MULTIPLE DEPARTMENTS FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$3,394,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF AWARD FOR GROUP NO. 1, 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 COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING FOR GROUP NO. 2, 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 approve a contract for Group 1 - Preventative Maintenance, Parts, Repairs, and Testing and Group 2 - Purchase of New Cranes, Bridge Cranes, and Hoists for a five-year term in an amount not to exceed \$3,394,000.

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services Department**

This item was brought before the Health Care and County Operations Committee on May 16, 2019 and forwarded with a favorable recommendation to the BCC.

**ANALYSIS**

This item proposes that the Board approve a contract award for the purchase of Group 1 - Preventative Maintenance, Parts, Repairs, and testing that includes annual service, inspection and repair of roughly 280 cranes, bridge cranes and hoists. Group 2 – a prequalification pool to allow the Purchase of New Cranes, Bridge Cranes, and Hoists.

Services under Group 1 may include lubrication, repairing damaged housing, replacing frayed or loose cables, replacing switches, disc brakes and motor brakes, fixing leaks and other operational issues as required. Departments will utilize Group 2 for bi-annual and annual inspections, maintenance and repair on existing installed cranes, bridge cranes and hoists at County facilities, as well as to purchase new and unused cranes, bridge cranes and hoists when existing systems reach the end of their operational lifespan.

The fiscal impact for this award is forecasted to be \$3,394,000. It is replacing the current contract 9285/018 valued at \$3,416,400 set to expire on July 31, 2019. The annual allocation is \$4,480.00 less than on the proposed contract. The two awarded firms are incumbents.

Market research was conducted with the help of the client department with the largest allocation and most equipment on the incumbent pool as there are currently no standalone contracts for acquisition of new cranes/bridge cranes and

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**Researcher: IL    Reviewer: TD**

hoists. Due to established need at the client department level, an additional group was postulated that would serve as a prequalification pool of vendors that are able to apply the County with equipment that could replace units slated to be retired or discontinued from service or due to safety hazard. An internet search completed by Internal Services Procurement Division, Procurement Division provided the following vendors who could meet this need:

- North American Equipment Sales Co
- Sunshine Hoist & Steel Erectors, Inc.
- Material Handling Systems, Inc.
- Eperson Cranes, Inc.
- Equipment Repair Co, Inc.

Accordingly, the solicitation was advertised on December 26, 2019, and one vendor responded to the Group 1 solicitation and two vendors responded to the Group 2 solicitation. All three submittals are being recommended for the Group 2 solicitation.

OCA conducted a review of the awarded firms on the Sunbiz, the official website of the Division of Corporations for the State of Florida. The principal address for Equipment Repair Co., Inc., is 2601 West 3<sup>rd</sup> Court, Hialeah, FL 33010. The principal address for Sunshine Hoist & Steel Erectors Inc., is 6201 S.W. 121<sup>st</sup> Street, Miami, FL 33156. The principal address for Material Handling Systems Inc is 2741 NE 4<sup>th</sup> Ave Fourth Floor Pompano Beach Florida. A review all three firms was conducted on Westlaw revealed no negative findings.

OCA conducted a search on Business management workforce system on the commodity code for this procurement which are 92933 (Cranes: Backhoe, Dragline, Clamshell, Etc., Maintenance and Repair) and 92947 (Lifts and Hoists, Maintenance and Repair). A search for local certified small business firms under those codes yielded zero results.



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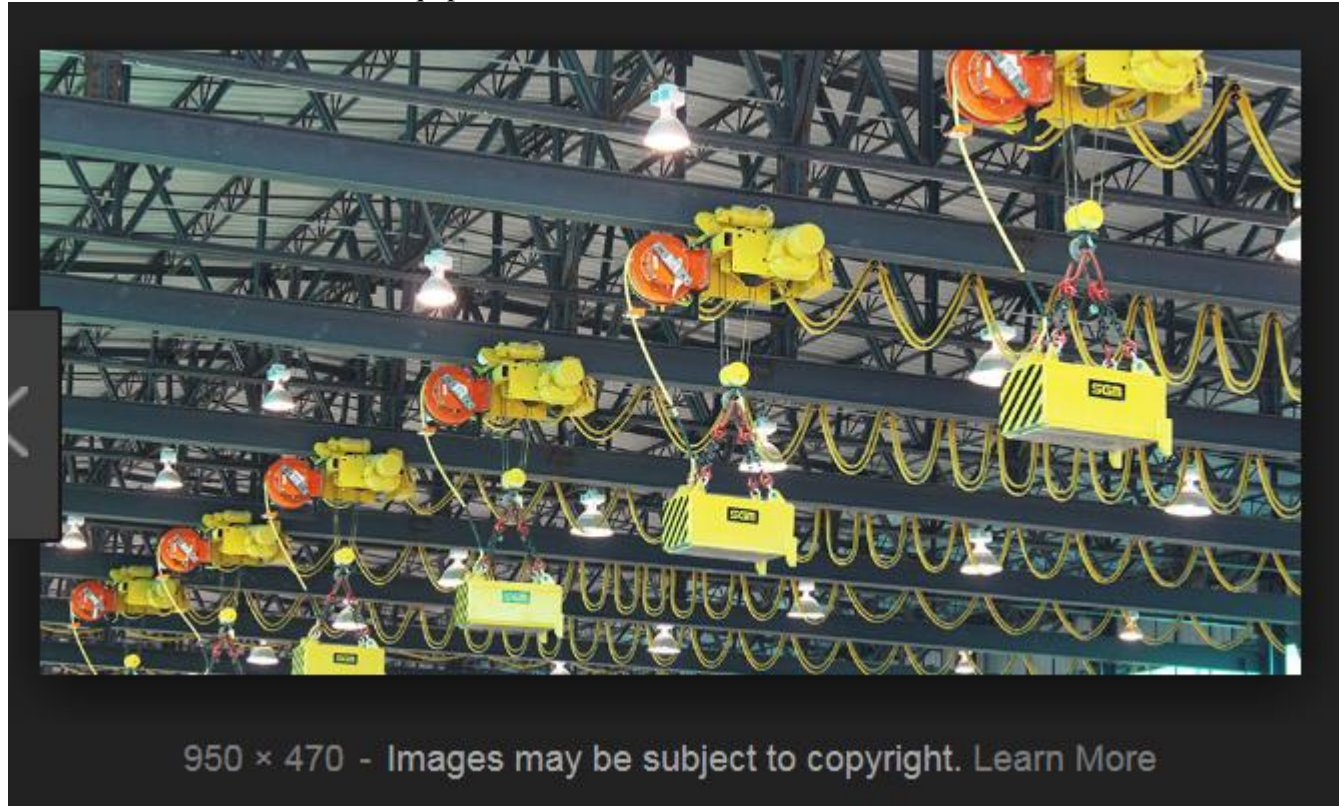
**Item No. 8F8**

**File No. 191393 (191052)**

**Researcher: IL   Reviewer: TD**

**Additional Information:**

Below is an illustration of Hoist Equipment.



**DEPARTMENTAL INPUT:**

The following questions were asked ISD on May 29, 2019, with no response received by May 31, 2019 :

- How many cranes and similar devices need maintenance or preventative maintenance?
- How many systems are expected to be purchased this year?

**APPLICABLE LEGISLATION/POLICY**

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

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

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

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**Research Notes**

**Item No. 8F8**

**File No. 191393 (191052)**

**Researcher: IL   Reviewer: TD**

**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 a memoranda to the Board.

<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-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 or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County and to include such information in recommendations to the Board.

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

**Resolution No. 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>

**Resolution No. R-85-14**, adopted January 22, 2014, awarded a contract for the purchase of preventative maintenance, parts, and repairs services for bridge cranes and hoists used by various County departments. The amount requested for the five-year term is \$3,406,000.00.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2013/132342.pdf>

**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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**Item No. 8F9**

**File No. 191083**

**Researcher: IL   Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00795 FOR PURCHASE OF ONE RAIL CAR VEHICLE LIFT FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS FOR A THREE-YEAR TERM INCLUSIVE OF A FIVE-YEAR WARRANTY IN AN AMOUNT NOT TO EXCEED \$4,901,000.00; 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 a contract award to Whiting Corporation, for *Contract No. FB-00795 for Purchase of One Rail Car Vehicle Lift*, for a three-year term inclusive of a five-year warranty for an amount of up to \$4,901,000.

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services**

This item came before the Transportation and Finance Committee on May 15, 2019 and was forwarded with a favorable recommendation to the BCC.

**ANALYSIS**

This item proposes that the Board approve a contract award for the purchase of one rail car vehicle lift (System) and the replacement of the existing System. The existing System was installed in 1984 when Metrorail began, for the Department of Transportation and Public Works (DTPW). DTPW employees have maintained the system and are now in need of a replacement due to increased maintenance costs and increased down time. The system raises cars by lifting a section of track under the wheels allowing under car maintenance.

The solicitation was advertised on June 1, 2019, and five vendors responded including one "no bid". Of the remaining four respondents, two of the four were deemed non-responsive by the County Attorney's office and the third respondent was deemed non-responsible by the Internal Services Department (ISD). The bidder being recommended for the award was the lowest bidder in the aggregate. There is no current County contract in place.

Whiting Corporation was selected and is expected to remove the existing System and furnish a complete turnkey ready-to-work system. OCA conducted a West Law check of Whiting Corporation on May 28, 2019, finding no relevant issues.

Market research conducted by ISD established potential vendors and located similar contracts executed by other government agencies meeting the County's requirement. The City of Chicago along with the City of Philadelphia were contacted due to their similar railcar services and potential contracts. None of the city governments contacted had contracts available to meet the County's need. No County contracts were found that can be used to purchase this request. An internet search completed by Internal Services Procurement Division provided the following vendors who could potentially meet this need:

- Enerpac
- Hydra-Tech



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- Macton Corp.
- SEFAC, Inc.
- Duff-Norton
- Greenfield Products
- Bendpak/Ranger
- Hennessy Industries, Inc., Subsidiary of Danaher Corp.
- Mohawk Resources LTD
- Snap on Tools
- Steril-Koni
- Vehicle Service Group LLC d/b/a Rotary Lift

The commodity code for this procurement is 07544 (Lifts and Hoists, Floor Type: Electric, Hydraulic, or Pneumatic).  
A search for local certified small business firms under that code yielded three results:

Azipa Global, LLC

Miami, FL SBE-G&S

Generating Systems, INC.

Miami, FL SBE-G&S

Medical Equipment Solutions Corp.

Miami, FL SBE-G&S

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Researcher: IL Reviewer: TD

**Additional Information:**

Below is an illustration of a rail lift system.



1000 × 805 - Images may be subject to copyright. [Learn More](#)

**DEPARTMENTAL INPUT:**

The following questions were asked to DTPW on May 29, 2019, with no response received by May 31, 2019 :

- What was the projected lifespan of the original rail lift?
- How many of these lifts does DTPW have and what is the total number of vehicles served by it?

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**File No. 191083**

**Researcher: IL   Reviewer: TD**

**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)

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

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

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**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: June 4, 2019  
Research Notes**

**Item No. 8G1  
File No. 191146**

**Researcher: JFP Reviewer: TD**

RESOLUTION RESCINDING ADMINISTRATIVE ORDER NO. 3-15 RELATING TO THE UNIFORM MINIMUM STANDARDS FOR COUNTYWIDE APPLICATION, ASSESSMENT, MONITORING AND MANAGEMENT EVALUATION AND PERFORMANCE REVIEW OF COMMUNITY-BASED ORGANIZATIONS, ALL OTHER NON-PROFITS, AND OTHER ORGANIZATIONS PROVIDING COMMUNITY SERVICES; APPROVING IMPLEMENTING ORDER NO. 3-15 RELATING TO THE UNIFORM MINIMUM STANDARDS FOR APPLICATION, CONTRACTING, ASSESSMENT, MONITORING, ORGANIZATIONAL REVIEW, AND PERFORMANCE REVIEW OF COMMUNITY-BASED ORGANIZATIONS MONITORED BY MIAMI-DADE COUNTY THROUGH THE OFFICE OF MANAGEMENT AND BUDGET OR ITS SUCCESSOR DEPARTMENT, AND PROVIDING EXCEPTIONS TO ITS APPLICABILITY; DELEGATING AUTHORITY TO THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO ADMINISTER THE COMMUNITY-BASED ORGANIZATION PROGRAM IN ACCORDANCE WITH IMPLEMENTING ORDER NO. 3-15; SUPERSEDING RESOLUTIONS, OR PORTIONS OF RESOLUTIONS, THAT SET FORTH STANDARDS RELATING TO COMMUNITY-BASED ORGANIZATIONS MONITORED BY THE OFFICE OF MANAGEMENT AND BUDGET THAT ARE CONTRARY TO OR INCONSISTENT WITH IMPLEMENTING ORDER NO. 3-15; AND REQUIRING REPORTS

**ISSUE/REQUESTED ACTION**

Whether the Board should rescind Administrative Order No. 3-15 and approve Implementing Order No. 3-15 relating to the Uniform Minimum Standards for application, contracting, assessment, monitoring, organizational review, and performance review of community-based organizations (CBOs).

**PROCEDURAL HISTORY**

**Prime Sponsor: Chairwoman Audrey M. Edmonson, District 3  
Department/Requester: Office of Management and Budget (OMB)**

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services & Economic Development Committee at its May 13, 2019 meeting. Prior to passage, the following discussion transpired.

- Jennifer Moon, Director of Office of Management and Budget, explained that the resolution is a comprehensive item to help Community-Based Organizations come into compliance in order to provide their services. OMB takes on the responsibility of helping CBOs stay in compliance with their contracts. The proposed resolution will help ensure that CBOs have enough funding to properly execute management and administration of their organizations. It specifically outlines due diligence reviews. OMB will work with CBOs and provide report cards so that the CBOs, as well as the Board, know how the CBOs are doing as far as compliance is concerned.
- Commissioner Moss asked how this item differs from what has been done or has been proposed in the past, to which Director Moon replied that, formerly, rules would limit the amount of County funding that could be used for administration and overhead. This item allows the solicitations to be handled on a case-by-case basis rather than implementing an across the board cap on the amount that CBOs can use on administration and overhead.
- Commissioner Martinez mentioned the history of legislation related to administrative caps and asked for clarification on whether OMB will be handling administrative costs on a case-by-case basis. Director Moon responded that the administrative costs will be a part of the competitive solicitations brought forth for the CBOs

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**Item No. 8G1  
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**Researcher: JFP Reviewer: TD**

and handled individually, giving OMB the ability to flexible in the event that a CBO is not able to work within that limitation. The past resolution that passed and was later rescinded said that only 25 percent of the County funding could be used for administration. This was problematic because other sources of funding were proscribed from being used on administrative costs, leaving a nominal amount of County funds being the sole source for administrative costs.

- Commissioner Martinez followed up by asking how administrative costs are defined. Director Moon stated that administrative expense includes supervisor expense, office rent, and salaries for supervisors who are not involved in providing services.
- Commissioner Monestime relayed his concern that the process may be too burdensome and detract CBOs from submitting solicitations. Commissioner Moss echoed these concerns and stated that there has been a punitive tone as it relates to CBOs over the years.
- Commissioner Higgins asked if there is a plan to communicate this new process to the CBOs. Director Moon stated that OMB communicates with the CBOs constantly. If passed, this ordinance's changes would be incorporated into the upcoming CBO solicitation.

**ANALYSIS**

The purpose of this item is to establish uniform standards for contracting with, evaluating, and monitoring community-based organizations (CBOs) now monitored by the Office of Management and Budget (OMB), in effect clarifying and consolidating legislation relating to CBOs previously adopted by the Board. The proposed resolution creates Implementing Order No. 3-15, rescinding Administrative Order No. 3-15, which was last updated in 2006, and superseding all resolutions that set forth standards relating to CBOs monitored by OMB, including Resolution Nos. R-630-13, R-700-13, and R-142-15.

Among the improvements included in Implementing Order No. 3-15 are clarification of the preferred and minimum financial documents required by a CBO to submit to the County prior to it being considered for funding, as well as the implementation of a reasonable and necessary administrative expense cap determined by OMB and approved as part of the CBO's budget by OMB. Additionally a provision for the use of a standard CBO contract shell subject to annual approval for form and legal sufficiency by the County Attorney's Office.

Changes to Administrative Order No. 3-15 integrated in Implementing Order No. 3-15 are outlined below, with deletions stricken through and additions underlined.

<b>Administrative Order No. 3-15</b>	<b>Implementing Order No. 3-15</b>
<b>Administrative Order</b>	<b><u>Administrative</u> <u>Implementing</u> Order</b>
<b>Administrative Order No. 3-15</b> <b>Title: Uniform Minimum Standards for Countywide Application, Assessment, Monitoring and Management Evaluation and Performance Review of Community Based Organizations (CBOs), All</b>	<b><u>Administrative</u> <u>Implementing</u> Order No. 3-15</b> <b>Title: Uniform Minimum Standards for <u>Countywide</u> Application, <u>Contracting</u>, Assessment, Monitoring, <u>and</u> <u>Management</u> <u>Evaluation</u> <u>Organizational</u> <u>Review</u>, and Performance Review of <u>Community Based</u> <u>Community-Based</u> Organizations (CBOs),</b>

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**Other Non-Profits, and Other Organizations Providing Community Services**

**Ordered: 3/7/2006      Effective: 3/17/2006**

**AUTHORITY:**

Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter, Resolution No. R-1403-93 adopted by the Board of County Commissioners on November 3, 1993; Resolution No. R-1597-94 adopted by the Board of County Commissioners on October 13, 1994; Resolution R-508-96 adopted by the Board of County Commissioners on May 17, 1996, and Resolution R-1052-05 adopted by the Board of County Commissioners on September 8, 2005.

**SUPERSEDES:**

This Administrative Order supersedes previous Administrative Order 3-15 ordered and effective May 7, 1996.

**POLICY:**

This Administrative order provides for the establishment of uniform minimum standards to be applied County-wide and describes the procedural elements required for application, contracting, monitoring, and management evaluation and performance review of CBOs, all other nonprofits, and other organizations providing community services, hereinafter referred to as organizations, pursuant to an award by the Board of County Commissioners.

**ROLES AND RESPONSIBILITIES:**

**Director, Office of Strategic Business Management (OSMB):** The Director of OSBM is charged with the overall responsibility of coordination and assignment of organization requests for funding to the appropriate County department.

**ADVISORY BOARDS, COUNCILS, TRUSTS, AND SELECTION COMMITTEES:**

Advisory boards, councils, trusts, and/or established selection committees are responsible for making recommendations to the Board of County Commissioners, and any subcommittees thereof, for

**Monitored by the Office of Management and Budget or its Successor Department. All Other Non-Profits, and Other Organizations Providing Community Services**

**Ordered: 3/7/2006      Effective: 3/17/2006**

**AUTHORITY:**

~~Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter, Resolution No. R-1403-93 adopted by the Board of County Commissioners on November 3, 1993; Resolution No. R-1597-94 adopted by the Board of County Commissioners on October 13, 1994; Resolution R-508-96 adopted by the Board of County Commissioners on May 17, 1996, and Resolution R-1052-05 adopted by the Board of County Commissioners on September 8, 2005.~~

Sections 1.01 and 2.02A of the Miami-Dade County Home Rule Amendment and Charter, and Resolution No. R-xxxx adopted by the Board of County Commissioners on [date].

**SUPERSEDES:**

This ~~Administrative~~ Implementing Order supersedes previous Administrative Order 3-15 ordered March 7, 2006 and effective ~~May 7, 1996~~ March 17, 2006.

**POLICY:**

It is the policy of Miami-Dade County This Administrative order provides for the establishment of to apply uniform minimum standards to be applied County wide and describes the procedural elements required for the application, contracting, assessment, monitoring, and management evaluation organizational review, and performance review of Community-Based Organizations (CBOs) (also referred to herein as "organization(s)") managed by the Office of Management and Budget (OMB) or its successor department, all other nonprofits, and other organizations providing community services, hereinafter referred to as organizations, pursuant to an award by the Board of County Commissioners.



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**Researcher: JFP Reviewer: TD**

their consideration and action in accordance with pre-established funding categories and/or program parameters.

**County Departments:**

A. County Departments shall be responsible for reviewing application(s) and providing technical assistance in the application process; for working with the appropriate advisory board, council, trust, or selection committee when applicable, prior to evaluating and screening the application(s) to determine the organization's capability of properly receiving and expending funds as well as their ability to do the work.

B. County Departments are also responsible for developing contract provisions including program goals and objectives and the scope of services to be rendered based on the contract award; for reviewing and assessing contract compliance, both fiscal and programmatic; for determining the method of payment and ensuring payment in accordance with contractual terms; and for conducting a management evaluation and performance review, to include specific, measurable objectives of funded organizations whose funding allocation(s) is \$10,000 or more or whose funding allocation becomes \$10,000 or more over the contract period. At the recommendation of the monitoring department, a random audit may be conducted on contract awards under \$10,000.

**PROCEDURES:**

The procedural elements shall include, but not be limited to; the information contained herein, and shall not be in conflict with mandated State and Federal rules, regulations, and guidelines, as follows:

**1. Application Elements**

The application process shall present a profile of the missions and goals of the organization requesting funding. Depending upon the level of funding, or the event, project, or program proposed, information reporting requirements may be adjusted accordingly. County departments will provide technical assistance to applicants upon request.

**SCOPE:**

This Implementing Order applies to CBOs that are managed and contracted by OMB or its successor department, pursuant to an award by the Board of County Commissioners. It does not apply to other non-profits and other organizations providing community services on behalf of the County or using County funds, including, but not limited to, Mom and Pop grants, Environmental Education CBO Funding, Law Enforcement Trust Fund funded awards, and County Commission district office awards. This Implementing Order may be utilized, in whole or in part, by other County departments or County Commission district offices, in their discretion, when contracting with such non-profits and organizations providing community services on behalf of the County or using County funds.

**ROLES AND RESPONSIBILITIES:**

~~**Director, Office of Strategic Business Management (OSMB):** The Director of OSBM is charged with the overall responsibility of coordination and assignment of organization requests for funding to the appropriate County department.~~

**Director of OMB or the Director's Designee:**

OMB is responsible for implementing this Implementing Order and establishing any related forms, procedures, manuals and guidelines. The Director of OMB, or the Director's designee, is responsible for the contracting, assessment, monitoring, and review of CBOs as described herein. These responsibilities include: reviewing application(s) and providing technical assistance to CBOs in the application process, except as otherwise prohibited or limited; working with the appropriate advisory board council, trust, or selection committee, when applicable, prior to evaluating and screening the application(s) to determine the organization's capability of properly receiving and expending funds, as well as their ability to do the work; developing a shell contract, including program goals and objectives and the scope of services to be rendered based on the contract award, which shall be approved for form and legal sufficiency by the County Attorney's Office; establishing an administrative cost cap for each CBO as part of the organization's budget; determining the method of payment and ensuring payment in



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Specific application requirements shall be determined in advance by the respective department, advisory board, council, trust, or selection committee and shall include, at a minimum:

*Organization Information:*

- Name
- Address
- Telephone number
- Proposed contract period
- Proposed contract amount
- Contact person
- Corporate person
- Corporate information (staffing requirements, 501(c) (3) or other tax-exempt certification, Federal identification number, policies and procedures manual, bylaws, articles of incorporation, board of directors, and organization's fiscal year, etc.
- Organization mission, goals and history
- Disclosure of any pending legal liabilities and judgments.
- Financial statements and funding sources (identify Federal, State, County, or other sources of recent funding; list funding commitments received applied for, planned to apply for; or, in the alternative, describe where funding has been refused, reduced, or only partial funding received).
- Description of programs and services provided by the organization.

*Project Information:*

- Community need or community benefit; project goals and objectives.
- Description of services to be provided, to include unit quantities where applicable and project budget, to include unit costs where applicable
- Licensure and other requirements (occupational and professional licenses and required certifications).
- Any required County affidavits.

accordance with contractual terms; reviewing and assessing contract compliance, both fiscal and programmatic; preparing Organization Review and Performance Reviews; and exercising the rights contained in the CBO contract, including, but not limited to, termination, modification, amendment, and suspending payment.

**ADVISORY BOARDS, COUNCILS, TRUSTS, AND SELECTION COMMITTEES:**

Social service grant award funding, including CBOs awarded funding, do not have to be selected pursuant to a competitive process, including, but not limited to the process set forth in the Master Procurement Implementing Order 3-38. However; subject to future direction from the Board of County Commissioners, periodic competitive processes, solicitations, or alternative grant award processes may be used. When applicable, Advisory boards, councils, trusts, and/or established selection committees ~~are~~ will be responsible for making recommendations to the County Mayor and/or the Board of County Commissioners, and any subcommittees thereof, for their consideration and action in accordance with pre-established funding categories and/or program parameters.

County Departments:

~~A. County Departments shall be responsible for reviewing application(s) and providing technical assistance in the application process; for working with the appropriate advisory board, council, trust, or selection committee when applicable, prior to evaluating and screening the application(s) to determine the organization's capability of properly receiving and expending funds as well as their ability to do the work.~~

~~B. County Departments are also responsible for developing contract provisions including program goals and objectives and the scope of services to be rendered based on the contract award; for reviewing and assessing contract compliance, both fiscal and programmatic; for determining the method of payment and ensuring payment in accordance with contractual terms; and for conducting a management evaluation and performance review, to include specific, measurable~~

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**Researcher: JFP Reviewer: TD**

**2. Assessment Elements**

Applications shall be evaluated, screened, and objectively analyzed to determine the organization's capability and capacity of properly receiving and expending funds as well as their ability to do the work. This analysis will include:

- A review of the organizational structure and general administrative capabilities.
- A cost per unit measured against local, state, or national rates and standards, if possible.
- A review of the funding request as it relates to the goals and objectives identified for the specific programs.
- A review of the organization's past performance in accomplishing their program goals and objectives.
- An evaluation of the application based on pre-established scoring criteria.

The application, assessment, and recommendation will be submitted to the appropriate advisory board, council, trust, or Commission Committee, and to the Board of County Commissioners, for funding consideration.

**Contract Elements**

Development of the contract document, including the terms and conditions required, along with the provisions of the scope of services, shall be determined by the department in conjunction with the County Attorney's Office. At a minimum, the contractual agreement shall include:

- Specific program goals and objectives for the use of County funds (specific performance deliverables, proposed unit costs, and measurement techniques).
- Insurance requirements, as determined by the Risk Management Division, General Services Administration
- All required County affidavits
- Assurances that the organization abides by generally accepted financial management principles, including the requirement of the signature of two persons within the organization on all checks disbursing organizational funds.

~~objectives of funded organizations whose funding allocation(s) is \$10,000 or more or whose funding allocation becomes \$10,000 or more over the contract period. At the recommendation of the monitoring department, a random audit may be conducted on contract awards under \$10,000.~~

**PROCEDURES:**

The procedural elements shall include, but not be limited to; the information contained herein, and shall not be in conflict with mandated State and Federal rules, regulations, and guidelines, as follows:

**1. Application Elements**

~~The~~ Any application process, initiated upon direction of the Board of County Commissioners, shall present a profile of the missions and goals of the organization requesting funding. Depending upon the level of funding, or the event, project, or program proposed, information reporting requirements may be adjusted accordingly. County departments OMB will provide technical assistance to applicants upon request, except as otherwise prohibited or limited.

Specific application requirements shall be determined in advance by ~~the respective department~~ OMB, or when applicable, the advisory board, council, trust, or selection committee, and shall include, at a minimum:

*Organization Information:*

- Name
- Address
- Telephone number
- Proposed contract period
- Proposed contract amount
- Contact person
- Corporate person
- Corporate information (staffing requirements, 501(c) (3) or other tax-exempt certification, Federal identification number, ~~policies and procedures manual,~~ bylaws, articles of incorporation, board of directors, and organization's fiscal year, ~~etc.~~
- Organization mission, goals and history

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**Item No. 8G1**  
**File No. 191146**

**Researcher: JFP Reviewer: TD**

- Provisions regarding management evaluation and performance reviews, as applicable, to be conducted by the department.
- Fund disbursements procedures based on County approved rules and procedures.

If contract terms and conditions cannot be agreed to between the department and the organization the monitoring department shall make recommendation to the Board of County Commissioners as to the disposition of the funds.

**4. Contract Monitoring Elements**

To determine payment for services, the organization's performance will be assessed against the contract scope and services for compliance, based upon:

- Performance deliverables (number of units and quantity delivered against contracted amount, etc.
- Measurement and reporting mechanisms to insure contract compliance.
- Periodic site visits, client assessment surveys, etc. If deficiencies or evidence of non-compliance are detected during the routine course of monitoring, the department is responsible for providing written notification to the organization advising of the steps necessary to correct the situation.

**5. Management Evaluation and Performance Review Elements**

The management evaluation and performance review will be conducted and documented at the time of project/program completion. In addition, management evaluations and performance reviews will be prepared on an interim basis whenever a request for additional funding or renewal of funding is made. The management evaluation and performance review should reflect the quality of service provided and the value received using contract monitoring data such as progress reports, field observation, client assessments, and quantitative scoring, and all elements described in the Contract Monitoring Elements section stated above, etc.

- Disclosure of any pending legal liabilities and judgments, or applications for bankruptcy;
- ~~Financial statements and funding sources (identify Federal, State, County, or other sources of recent funding; list funding commitments received applied for, planned to apply for; or, in the alternative, describe where funding has been refused, reduced, or only partial funding received).~~
- Most current certified audit, including related management letters (verifying that the organization is on sound financial footing and able to implement a funded service on a reimbursement basis). If a certified audit is not available, financial statements and an annual agency-wide operating budget should be submitted. At a minimum, the organization's IRS Form 990 must be submitted
- Description of programs and services provided by the organization.

*Project Information:*

- Community need or expected community benefit; project goals and objectives;
- Description of the specific services to be provided, ~~to include~~ including unit quantities and costs where applicable and a project budget, ~~to include unit costs where applicable~~
- Licensure and other requirements (occupational and professional licenses and required certifications).
- Any required County affidavits.

**2. Assessment Elements**

Applications shall be evaluated, screened, and objectively analyzed to determine the organization's capability and capacity of properly receiving and expending funds as well as their ability to do the work. This analysis will include:

- A review of the organizational structure and general administrative capabilities.
- ~~A cost per unit measured against local, state, or national rates and standards, if possible.~~

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The Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

George M. Burgess  
County Manager

- A review of the funding request as it relates to the goals and objectives identified for the specific programs.
- Where available, a A review of the organization's past County report cards, performance reviews and, any applicable performance record(s) in accomplishing their program goals and objectives.
- An evaluation of the application based on pre-established scoring criteria.

The application, assessment, and recommendation will be submitted ~~to~~ by OMB, or, when applicable, the appropriate advisory board, council, trust, or selection committee ~~Commission Committee, and to the County Mayor and/or~~ the Board of County Commissioners, for funding consideration in accordance with the respective approval requirements.

**Contract Elements**

~~Development of the~~ A contract document, including the terms and conditions required, along with the provisions of the scope of services, shall be ~~determined~~ developed by the department ~~OMB~~ OMB in conjunction with the County Attorney's Office. Such contract document shall be consistent with the shell contract previously approved by the Board of County Commissioners in Resolution No. R-59-16 on January 20, 2016 and may be amended by the Director of OMB or the Director's designee to reflect this Implementing Order and new County policies or needs, subject to annual approval for form and legal sufficiency by the County Attorney's Office. At a minimum, the contractual agreement shall include:

- Specific program goals and objectives for the use of County funds (specific performance deliverables, proposed unit costs, and measurement techniques)-
- Insurance requirements, as determined by the Risk Management Division, ~~General Services Administration~~ Internal Services Department, or successor departments or agencies
- All required County affidavits
- Assurances that the organization abides by generally accepted financial management principles, including the requirement of the

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signature of two persons within the organization on all checks disbursing ~~organizational~~ County funds:

- Provisions regarding ~~management evaluation and p~~Performance ~~Reviews and Report Cards~~, as applicable, to be conducted by ~~the department.~~ OMB
- Fund disbursements procedures based on County approved rules and procedures.
- A reasonable and necessary administrative expense cap determined by OMB and approved as part of the CBO's budget by OMB
- Provisions permitting the County Mayor or the County Mayor's designee to make unannounced, on-site visits during normal working hours to the organization's headquarters and/or any location or site where the services contracted for are performed

If contract terms and conditions cannot be agreed to between ~~the department~~ OMB and the organization approved for funding by the Board of County Commissioners, ~~the monitoring department~~ OMB shall make recommendation to the County Mayor and/or Board of County Commissioners as to the disposition of the unallocated funds; in accordance with the respective approval requirements as part of the subsequent fiscal year's budget.

**4. Contract Monitoring Elements and Payment for Services**

To determine payment for services, the organization's performance will be assessed against the contract scope and services for compliance, based upon:

- Performance deliverables (number of units and quantity delivered against contracted amount and/or achievement of specific outcomes, ~~etc.~~
  - Measurement and reporting mechanisms to ~~insure~~ ensure contract compliance.
  - Periodic site visits, client assessment surveys, ~~etc.~~ and a review of other pertinent documents.
- If deficiencies or evidence of non-compliance are detected during the routine course of monitoring, ~~the department~~ OMB is responsible for taking steps in accordance with

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contract provisions to enable the CBO to, where applicable, remedy the deficiency or non-compliance, including, as applicable, providing written notification to the organization advising of the steps necessary to correct the situation and/or suspending payment in whole or in part.

**5. ~~Management Evaluation~~ Organizational Review and Performance Review Elements**

~~The management evaluation and performance review will be conducted and documented at the time of project/program completion. In addition, management evaluations and performance reviews will be prepared on an interim basis whenever a request for additional funding or renewal of funding is made. The management evaluation and performance review should reflect the quality of service provided and the value received using contract monitoring data such as progress reports, field observation, client assessments, and quantitative scoring, and all elements described in the Contract Monitoring Elements section stated above, etc.~~

Organizational Reviews and Performance Reviews, as defined and outlined below, will be conducted, documented, and transmitted by the County Mayor to the Board of County Commissioners as appropriate or at least annually and will be placed on the Board's agenda in accordance with Ordinance No. 14-65. Organizational Reviews will be conducted on all new organizations seeking funding from the Board of County Commissioners, and on currently funded organizations as needed. Performance Reviews are to be conducted for organizations currently funded and under contract with the County and will be performed at least annually. Organizational Reviews and Performance Reviews will be conducted on organizations whose funding allocation(s) is \$10,000 or more, or whose funding allocation becomes \$10,000 or more over the contract period. At OMB's sole discretion, a review may be conducted on contract awards under \$10,000. Monitoring site visits are to be conducted at least annually for 12-month contracts and may be conducted on an as-needed basis for contracts with a term less than 12 months.



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**Organizational Reviews:**

At the time that an organization submits its first application, proposal, or response as part of a competitive process, or is considered for County funding for the first time, the OMB Director or the Director's designee is charged with conducting a due diligence review on the organization. The County reserves the right to conduct a partial or complete Organizational Review at any time and for any organization, as needed. At a minimum, the Organizational Review shall include a review of the following online resources and databases:

- Miami-Dade County Office of the Inspector General
- Federal tax returns, audited financial statements, other relevant financial documents
- Vendor registration documents, affidavits, and applicable licenses through the Florida Department of Professional Regulation
- Proof of required insurance coverage
- Florida Convicted Vendor List and the Florida Suspended Vendor List through the Florida Department of Management Services
- Contractor Debarment Report. Delinquent Contractors. and the Federal Excluded Parties list through the System for Award Management (SAM)
- State of Florida corporation status through the Florida Division of Corporations (SunBiz)
- Reference checks with other county departments, if applicable
- Local public records search through the Miami-Dade Clerk of Courts

At a minimum, findings from within the past five (5) years should be considered throughout the Organizational Review. As a result of the Organizational Review, the OMB Director or the Director's designee, at their sole discretion, can recommend not funding an organization, or, if the review is conducted while the organization is under contract, have payments withheld if:

- The organization is on an active federal, state, or local debarment list



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- Taxes, fees, or licenses are owed or outstanding
- Based on the findings of the Organizational Review, it is determined that proceeding is not in the best interest of the County

The organization will be notified in writing of the results of the Organizational Review and will have no more than ten (10) days from the date of the notice to submit a response to OMB that will be attached to the final Organizational Review. The results of the Organizational Review will be reported to the Board of County Commissioners at the time a recommendation for funding is provided by the Mayor, or as part of the annual Report Card for organizations under contract.

**Performance Reviews:**

Performance Reviews are to be conducted at least annually for organizations that are under contract with the County and during the period in which an organization is under contract with the County. The specific method of review to track the organization's status and progress will be determined administratively by the OMB Director or the Director's designee and may include both announced and unannounced site visits. The OMB Director or the Director's designee will provide a Report Card based on the findings of the Performance Review. The Report Card will be transmitted by the County Mayor and placed on the Board of County Commissioners' agenda in accordance with Ordinance No. 14-65 at least annually and shall include a review of, at a minimum, the following categories:

- Deliverables and Program Achievement: This category is based on the monthly progress reports, a sample review of the organization's records, the performance deliverables, and/or achievement of specific outcomes, as identified and described in the Scope of Work included in the executed contract
- Administration and Contract Compliance: This category is based on the annual written monitoring site visit report, if applicable. issued by OMB and the corrective action plan submitted by the organization and approved by the County

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The Report Card will rate organizations using a green, yellow and red stoplight scale as follows:

- Green - Five (5) or fewer instances of non-compliance
- Yellow - More than five (5) instances of non-compliance
- Red - Any number of instances of non-compliance that merit contract or payment suspension

The organization will be notified in writing of the proposed rating and will have no more than ten (10) days from the date of the notice to submit a response to OMB that will be attached to the final Report Card. Additionally, at OMB's sole discretion, an organization may be asked to submit a corrective action plan to address the instances of noncompliance identified in the Report Card. Once a corrective action plan is submitted by the organization, approved by OMB, and the actions outlined in the corrective action plan are completed by the agency, a rating of yellow may be changed to green and a rating of red may be changed to yellow, at the OMB's sole discretion. A rating of red will not be changed directly to green at any time during the contract period.

As a result of the Performance Review or any information that may come to the attention of the County, the OMB Director or the Director's designee may, at their sole discretion, terminate or elect not to renew the contract, or suspend payment at any time due any number of finding(s) or issue(S) Including, but not limited to:

- Lack of fiscal documentation
- Lack of client records or program documentation
- Health or safety concerns
- Required criminal background checks or licenses not completed or current
- Monies owed to the IRS or another government entity without an approved repayment plan
- Lapse in the required insurance(s)

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- Repeat finding(s) from a prior year
- Being on an active federal, state, or local debarment list

The seriousness and significance of instances of non-compliance shall be determined at OMB's sole discretion. All Report Cards conducted during the contract year will be transmitted by the County Mayor to the Board of County Commissioners regardless of whether or not the organization has been terminated or is being recommended for renewed funding.

The ~~Administrative~~ Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

~~George M. Burgess~~  
County Manager Mayor

Approved by County Attorney  
as to form and legal sufficiency.

**APPLICABLE LEGISLATION/POLICY**

**Administrative Order No. 3-15**, adopted May 7, 1996, provides for the establishment of uniform minimum standards to be applied County-wide and describes the procedural elements required for application, contracting, monitoring, and management evaluation and performance review of CBOs, all other nonprofits, and other organizations providing community services, hereinafter referred to as organizations, pursuant to an award by the Board of County Commissioners.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-15.pdf>

**Ordinance No. 14-65**, adopted July 1, 2014, requires that reports prepared at the request of the Board of County Commissioners be presented to the Board and reports prepared at the request of a committee of the Board be provided to such committee.

<http://intra/gia/matter.asp?matter=141471&file=true&yearFolder=Y2014>

**Resolution No. R-630-13**, adopted July 26, 2013, requires due diligence review to be conducted by OMB on CBOs. Such review requires agencies to submit detailed project budgets and affidavits attesting to certain statements.

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

**Resolution No. R-700-13**, adopted September 4, 2013, established that no more than 25% of a Community Based Organization's administrative budget may be paid from Miami-Dade County General Funds unless this requirement is waived by a majority vote of the Board of County Commissioners.

<http://intra/gia/matter.asp?matter=131790&file=false&yearFolder=Y2013>

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**Resolution No. R-142-15**, adopted February 3, 2015, directed the County Mayor to create a Report Card for all CBOs as a mechanism to report the Board on the progress, success, and status of a funded CBO. Report Cards are required to be transmitted to the Board every six months and to be included as attachments as part of any legislative item that will consider taking action related to a particular CBO.

<http://intra/gia/matter.asp?matter=150577&file=false&yearFolder=Y2015>

**Resolution No. R-59-16**, adopted January 20, 2016, directs the County Mayor to advertise Request for Proposals for the award of \$14,018,000.00 in social service grants to Community-Based Organizations (CBOs) and provides for use of a standard CBO contract shell.

<http://intra/gia/matter.asp?matter=160900&file=false&yearFolder=Y2016>

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**Item No. 8G2  
File No. 191067**

**Researcher: LE    Reviewer: TD**

RESOLUTION RATIFYING THE ACTION OF THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, ACTING AS FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA AS AUTHORIZED BY RESOLUTION NO. R-79-03, IN APPLYING FOR GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION IN THE AMOUNT OF \$2,000,000.00 FOR THE MIAMI-DADE COUNTY OPIOID RESPONSE PARTNERSHIP EXPANSION PROJECT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, AS THE FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, TO EXECUTE AMENDMENTS TO THE GRANT APPLICATION, TO RECEIVE ANY GRANT FUNDS THAT ARE AWARDED, TO EXECUTE SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF AGREEMENT AS MAY BE REQUIRED BY PROGRAM GUIDELINES IN ASSOCIATION WITH THE GRANT, AND TO EXERCISE TERMINATION AND MODIFICATION PROVISIONS CONTAINED THEREIN; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, AS FISCAL AGENT FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, TO APPLY FOR AND RECEIVE ADDITIONAL FUTURE FUNDS THAT MAY BECOME AVAILABLE FOR THIS PROJECT AND EXECUTING ANY CONTRACTS, AGREEMENTS, OR MEMORANDA OF AGREEMENT THAT MAY BE NECESSARY FOR THE RECEIPT OF SUCH FUTURE AVAILABLE FUNDS

**ISSUE/REQUESTED ACTION**

Whether the Board should ratify the County Mayor as fiscal agent for the Eleventh Judicial Circuit of Florida in applying for grant funds from the U.S. Department of Health and Human Services and execute contracts, agreements, and memoranda of agreement.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

The item was forwarded to the BCC with a favorable recommendation during the HCCO meeting on May 16, 2019

**ANALYSIS**

The purpose of this item is to ratify the County Mayor as an acting fiscal agent for the Eleventh Judicial Circuit of Florida in applying for grant funds from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of \$2,000,000 for the Miami-Dade County Opioid Response Partnership Expansion Project; authorize executing amendments to the grant application; and authorize applying and receiving additional future funds.

This item has no fiscal impact towards the County. The grant request is for \$2,000,000 and does not require matching funds. Resolution No. R-492-18 ratifies that in 2018, the County received a similar grant in the amount of \$2,000,000.

The U.S. Department of Health and Human Services provides a wide range of grants and financial support for healthy and safety issues, research, and enhancing or developing new and existing programs. The Eleventh Judicial Circuit Adult Drug Court (ADC) has a collaborative partnership with Jackson Health System and the Behavioral Science Research Institute to implement the Opioid Response Partnership Expansion Project. The project provides treatment and recovery support to offenders who are using other substances/alcohol in addition to opioid use disorder, and mental health problems.

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**Researcher: LE    Reviewer: TD**

ADC seeks to expand access to outpatient medication assisted treatment and mental health services to individuals who have a primary opioid or substance use, and mental health disorder diagnosis, and to those who may experience these diagnoses while incarcerated in order to facilitate stabilization and rehabilitation upon release.

This project serves 200 clients, 40 clients per year over five years. Jackson Health System who will receive a subaward of \$298,116 to provide treatment to project participants and the Behavioral Science Research Institute will receive \$20,000 to conduct the required project evaluation. Existing staff will be used to facilitate the project.

Applications for the grant is submitted on an annual basis. In 2018, the \$2,000,000 received allowed the ADC to serve a minimum of 200 participants, 40 individuals a year over a five year term for a project designed to provide trauma-specific therapeutic services to drug court participants.

**DEPARTMENTAL INPUT:**

On May 29, 2019, OCA sent out the following questions and received the following answers:

- **How many years has Miami-Dade County received this grant? How much money has been received per year?**

*This is the first year for this grant program. The Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) "Grants to Expand Substance Abuse Treatment Capacity in Adult Treatment Drug Courts and Adult Tribal Healing to Wellness Courts," is a new initiative, released for the first time by the Feds. on November 5, 2018.*

- **What other communities are using this grant and what are their received amounts?**

*Communities include Sacramento, Nevada City, Las Vegas, Raleigh, and Flint just to name a few. Award Amounts are listed Annually. Each additional year of funding is contingent on Congressional appropriation and the submission of a continuation application.*

- **Are any of the grant funds projected to be used for funding existing staff to facilitate the project?**

*Yes, \$41,482 is allocated for 100% of one FTE, Case Manager at the Courts that will focus on project participants, as caseload standards for high-risk supervision require reduced caseloads, and the population of focus often requires intensive supervision and assistance. Funding is also allocated in years 2 through 5 to account for an up to 3% employee merit increase.*

**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-79-03** approves the designation of Miami-Dade County as a fiscal agent for the Eleventh Judicial Circuit of Florida in connection with certain grants provided to the circuit.

<http://intra/gia/matter.asp?matter=030133&file=false&yearFolder=Y2003>

**Resolution No. R-492-18**, adopted on May 15, 2018, ratifies the County Mayor as a fiscal agent for the Eleventh Judicial Court of Florida to apply for grant funds totaling \$2,000,000 from the U.S. Department of Health for the Miami-Dade Adult Drug Court Service Capacity Expansion Project.

<http://intra/gia/matter.asp?matter=181098&file=true&yearFolder=Y2018>

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**Item No. 8H1  
File No. 191111**

**Researcher: LE   Reviewer: TD**

RESOLUTION APPROVING RESTRICTIVE COVENANT IN FAVOR OF THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS, FOR A TERM OF TEN YEARS IN EXCHANGE FOR GRANT IN THE AMOUNT OF \$500,000.00 TO BE USED BY THE MUSEUM OF SCIENCE, INC. IN SUPPORT OF ITS RESTORATION AND CONSTRUCTION OF THE RAPTOR REHABILITATION CENTER AT THE MIAMI-DADE COUNTY-OWNED PARK KNOWN AS GREYNOLDS PARK, LOCATED AT 2270 NE 186 STREET, MIAMI, FL 33160; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND AUTHORIZING RECORDATION IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a restrictive covenant for a ten year term in exchange for a grant amount of \$500,000 to be used by the Museum of Science, Inc. for restoration and construction of the Raptor Rehabilitation Center.

**PROCEDURAL HISTORY**

**Prime Sponsor: Audrey Edmonson, District 3**

**Department/Requester: Parks, Recreation and Open Spaces**

The item was forwarded to the BCC with a favorable recommendation during the PRCA meeting on May 16, 2019.

**ANALYSIS**

The purpose of this item is to approve a restrictive covenant for a 10 year term while receiving a \$500,000 grant to be used by the Museum of Science, Inc. to restore and construct the Raptor Rehabilitation Center at Greynolds Park.

There is no fiscal impact for the County. The State of Florida, Department of State, Division of Cultural Affairs awarded a \$500,000 Cultural Facilities Grant to the Museum of Science, Inc.

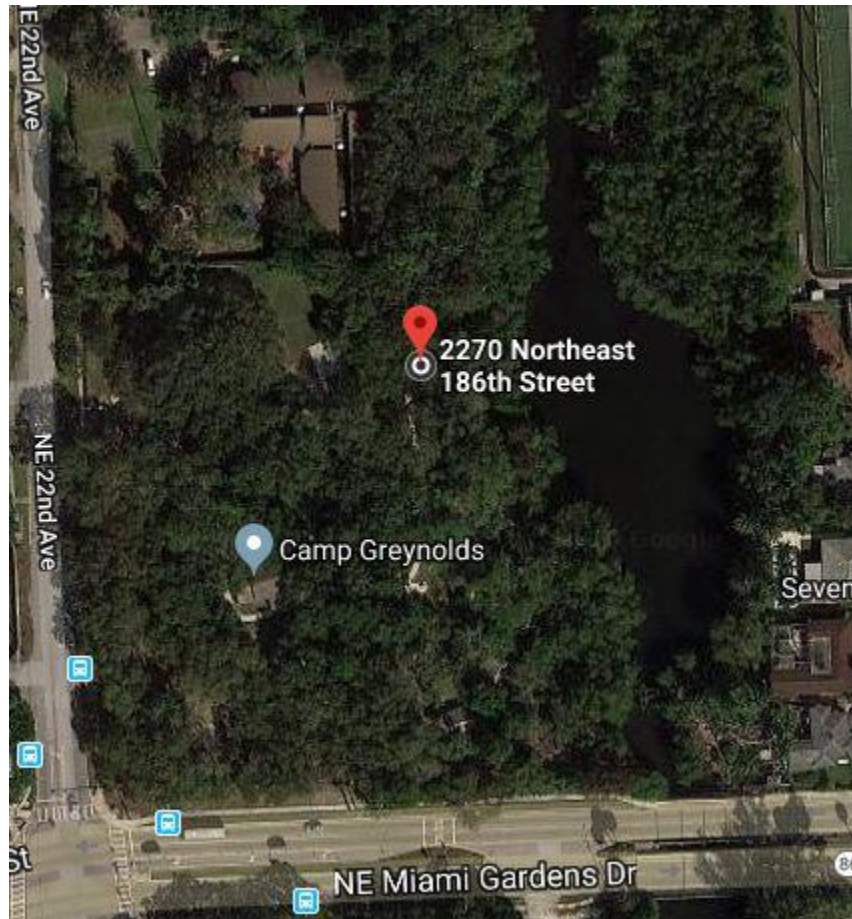
Raptors are a type of bird of prey. According to the Florida Fish and Wildlife Conservation Commission, there over 20 species of raptors in Florida. Conservation efforts through nonprofits and other entities have rehabilitated many from lost homes, illegal hunting incidents, and poison. There are two endangered species, the Everglade Snail Kite and Audubon's Crested Caracara.

Resolution No. R-370-19 approves a programming partnership operating and developing agreement between the County and the Museum to renovate the former fire station at Greynolds Park to operate the Raptor Rehabilitation Center and to provide environmental education programming. The grant funds will be used to renovate and construct the Center. The State's Cultural Facilities Grant Program requires a restrictive covenant to be executed by the County and Museum. The restrictive covenant requires maintaining the Center as a cultural facility for at least 10 years following the recordating date of the covenant. If the covenant is violated, the Museum must return the grant amount or a defined percentage to the State.



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**Research Notes**

The image below showcases the former fire station at Greynolds Park that will be renovated to construct the Raptor Rehabilitation Center.



**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-370-19**, adopted on April 9, 2019, approves a programming partnership operating and developing agreement between the County and the Museum for use of and educational programming at a former fire station building located at Greynolds Park.

<http://intra/gia/matter.asp?matter=190479&file=true&yearFolder=Y2019>

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**Item No. 8I1  
File No. 191054**

**Researcher: TD   Reviewer: YM**

RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR THE GANG STRIKE FORCE BETWEEN THE MIAMI-DADE COUNTY STATE ATTORNEY'S OFFICE AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT, FOR A PERIOD OF TEN YEARS FROM THE DATE ALL PARTIES SIGN; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a Memorandum of Understanding between Miami-Dade County and City of Miami for the Threat Management Task Force.

**PROCEDURAL HISTORY**

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

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

This item was forwarded to the Board of County Commissioners with favorable recommendation at the May 14, 2019 Public Safety and Rehabilitation Committee meeting.

**ANALYSIS**

The purpose of this item is to request the Board's approval of an agreement entered into by Memorandum of Understanding between Miami-Dade County, Miami-Dade County Police, the Florida Department of Law Enforcement and other participating law enforcement agencies within Miami-Dade County for the Gang Strike Force. This agreement is effective upon signing of all parties.

There is no fiscal impact associated with this item.

The Gang Strike Force agreement provides for voluntary law enforcement cooperation across jurisdictional lines, establishment of joint operations to combat gangs and enhance the effectiveness of federal, state, and local law enforcement through a well-coordinated initiative seeking the most effective investigative and prospective avenues to convict and incarcerate gang offenders.

The MOU finalizes the Gang Strike Force relationships between participating agencies, and maximizes inter-agency cooperation to target, infiltrate, and dismantle South Florida's most dangerous organized criminal street gangs and criminal enterprises. This initiative is led by the State Attorney's Office with other participating agencies including the Florida Department of Law Enforcement and Coral Gables Police Department, Hialeah Police Department, City of Miami Police Department, Miami Beach Police Department, Miami-Dade Schools Police Department, Miami Gardens Police Department and Sweetwater Police Department.

**DEPARTMENT INPUT**

The following question was sent to Miami-Dade Police Department on May 13, 2019:

- Since the MOU will not take effect until all parties have signed, when is it estimated MOU will be in full effect?

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**Researcher: TD   Reviewer: YM**

**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 February 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 state law enforcement mutual aid plans providing for the command and coordination of law enforcement planning, operations, and mutual aid to provide for a system for 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)

**Chapter 874 Florida Statutes** entitled “Criminal Gang Enforcement and Prevention”, states that Florida is facing a mounting crisis caused by criminal gangs whose members threaten and terrorize peaceful citizens and commit a multitude of crimes. These criminal gang activities, both individually and collectively, present a clear and present danger. The state has a compelling interest in preventing criminal gang activity and halting the real and present danger posed by the proliferation of criminal gangs and the graduation from more primitive forms of criminal gangs to highly sophisticated criminal gangs. It is the intent of the Legislature to encourage state and local law enforcement agencies to facilitate the exchange of crime data information through the statewide criminal gang database as provided in statute.

<https://www.flsenate.gov/Laws/Statutes/2018/Chapter874>

**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 8I2  
File No. 191055**

**Researcher: TD   Reviewer: YM**

RESOLUTION APPROVING THE MUTUAL AID AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF MIAMI FOR THE THREAT MANAGEMENT TASK FORCE; AUTHORIZING THE ACTION OF THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE IN EXECUTING THE MUTUAL AID AGREEMENT WITH THE CITY OF MIAMI; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE FUTURE AGREEMENTS WITH OTHER GOVERNMENTAL BODIES AND THEIR RESPECTIVE AGENCIES; 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 retroactively approve a Mutual Aid Agreement (MAA) between Miami-Dade County and City of Miami for the Threat Management Task Force (TMTF).

**PROCEDURAL HISTORY**

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

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

This item was forwarded to the Board of County Commissioners from the Public Safety and Rehabilitation Committee at its May 14, 2019 meeting.

**ANALYSIS**

The purpose of this item is to request the Board's approval of an agreement entered into by Mutual Aid Agreement between Miami-Dade County and City of Miami for the Threat Management Task Force.

The Threat Management Task Force ensures the public safety of their citizens by providing adequate levels of police services. The Task Force will allow law enforcement agencies to work together with MDPD to provide threat assessment, case management, and information sharing for those individuals identified as persons of concern by the Florida Department of Children and Families. Miami-Dade County Police established the Special Victim Bureau's Threat Management Section with the primary purpose of conducting threat assessments, case management, and information sharing for those individuals identified as persons of concern.

This agreement has been signed by the parties and is in effect and there is no no fiscal impact associated with this item.

The Florida Department of Children and Families defines persons of concerns pursuant to Section 394.9082(3)(c) Florida Statutes, the Department of Children and Families (the Department) as:

- Adults with a serious mental illness, substance use disorder, or co-occurring disorders demonstrating high utilization of acute care services, including crisis stabilization, inpatient, and inpatient detoxification services.

For purposes of the TMTF, the Department defines high utilization as:

- Adults with three (3) or more acute care admissions within 180 days; or adults with acute care admissions that last 16 days or longer.
- For referrals of persons of concern from Law Enforcement Agencies, individuals must meet the following criteria: a. Individuals must be receiving South Florida Behavioral Health Network (SFBHN) substance abuse

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**Item No. 8I2**  
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**Researcher: TD   Reviewer: YM**

and mental health services or be willing to accept Care Coordination services from an SFBHN Network Provider. Individuals must have a confirmed serious and persistent mental illness and/or concurring diagnosis.

Individuals must also meet at least one of the following:

- Have a history of violence/aggression towards others, themselves or animals and/or bullying. Have negative family dynamics, lack of support system, isolation, instability and/or recent traumatic event.

**DEPARTMENT INPUT**

None requested

**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 February 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 state law enforcement mutual aid plans providing for the command and coordination of law enforcement planning, operations, and mutual aid to provide for a system for 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)



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**Item No. 8K1  
File No. 190987**

**Researcher: PGE Reviewer: TD**

RESOLUTION ACCEPTING AND APPROVING THE LINCOLN GARDENS REPORT, WHICH OUTLINES THE PLAN FOR DEVELOPMENT OF LINCOLN GARDENS PUBLIC HOUSING SITE, AS REQUIRED BY THE MASTER DEVELOPMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND RUDG LLC, A FLORIDA LIMITED LIABILITY COMPANY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AN AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT BETWEEN THE COUNTY AND RUDG LLC RELATED TO THE DEVELOPMENT OF LINCOLN GARDENS TO INCORPORATE THE PLAN FOR DEVELOPMENT SET FORTH IN THE REPORT, AND TO AMEND SUCH OTHER TERMS AND CONDITIONS CONTEMPLATED BY THE MASTER DEVELOPMENT AGREEMENT, SUBJECT TO THE BOARD'S SUBSEQUENT APPROVAL

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Lincoln Gardens Report, which outlines the plan for the development of the Lincoln Gardens public housing site as required by the Master Development Agreement with RUDG LLC, and authorize the County Mayor to negotiate needed amendments to the Master Development Agreement to incorporate the plan for development set forth in the report.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Audrey Edmonson, District 3**

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

The item was considered at the May 13, 2019 meeting of the Housing, Social Services and Economic Development Committee wherein it was forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of this item is for the Board to approve the Lincoln Gardens Report for the development of Liberty Square and authorize amendments to the associated Master Development Agreement with RUDG LLC to incorporate the changes outlined in the report. RUDG LLC was awarded the agreement to develop Liberty Square and Lincoln Gardens pursuant to Resolution No. R-636-16, which was adopted by the Board on June 6, 2016. Under the agreement, Lincoln Gardens was originally proposed to be a mixed-finance development consisting of the construction of 240 units. Of that number, no more than 50 percent were slated as public housing units. The remaining units were to be affordable and workforce housing units. More importantly, the agreement provides that the development of Lincoln Gardens shall be subject to Board approval of the redevelopment plan. Such plan must include a community engagement and planning process.

Per the agreement, RUDG LLC engaged residents and businesses within the Brownsville area to ensure that the community vision for the redevelopment plan for Lincoln Gardens is incorporated in the final plan. Thus, RUDG LLC held 10 resident and community engagement meetings between October 2016 and October 2018.

Under the redevelopment plan, the Lincoln Gardens site shall be a mixed-finance development, consisting of 217 residential units ranging from 1 to 4 bedrooms on the currently vacant nine acre site located at 4701 NW 24 Court. Of the total 217 dwelling units, 82 units shall be public housing, 64 units shall be affordable and workforce housing units and 75 shall be for seniors; all of which will be operated and maintained as qualified Low-Income Tax Credit Units. The development plan also provides for the construction of 10 market-rate units for homeownership, a 2,500 square

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**Researcher: PGE Reviewer: TD**

feet centrally located community center, a pocket park, playground, 328 required off-road parking spaces, and an additional 50 roadside parking spaces.

It is important to mention that RUDG has agreed to provide \$2,000,000 for a community center at Marva Bannerman Park and set-aside an additional \$1,000,000 for park improvements. The redevelopment plan reflects Crime Prevention Through Environmental Design principles, consisting of natural surveillance, access control, vandalism resistance materials, strong pedestrian connections between building and spaces and appropriate emergency systems.

The new Lincoln Gardens development plan calls for a multi-phased approach, beginning with the construction of the 132 garden-style apartments. Additionally, Phase 1 will include the onsite community center, a new community center and \$1,000,000 of upgrades at Bannerman Park. The prioritization of the new garden-style apartments will facilitate the timely transfer into these units of 82 public housing families who reside in the Annie Coleman public housing development. Phases 2 and 3 will be for the construction of 10 townhomes for ownership and the senior affordable units.

A Lincoln Gardens webpage was created to disseminate project information to Brownsville residents and stakeholders interested in learning more about the proposed development. Visitors can review project development plans, the proposed community benefits program and community engagement meeting minutes as well as submit inquiries and sign-up for potential contracting opportunities.

**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-636-16**, adopted June 6, 2016, approved the selection of RUDG LLC as the developer of Liberty Square and Lincoln Gardens public housing sites and authorized the County Mayor to execute a ground lease agreement, a master developer agreement and all necessary finance agreements with RUDG for the development of Liberty Square. <http://intra/gia/matter.asp?matter=161778&file=false&yearFolder=Y2016>



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**Item No. 8K2  
File No. 190935**

**Researcher: IL Reviewer: TD**

RESOLUTION APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SECTIONS 420.907-420.9079, FLORIDA STATUTES, AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE, FOR FISCAL YEARS 2019-20, 2020-21, AND 2021-22; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SUBMIT THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION, AND TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS THAT MAY BE REQUIRED

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the proposed Fiscal Year 2019-2020 State Housing Initiatives Partnership (SHIP) and Local Housing Assistance Plan (LHAP) for Fiscal Year 2019, 2020, 2021 and 2022.

**PROCEDURAL HISTORY**

**Prime Sponsor:**

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

This item was brought before the Housing, Social Services and Economic Development Committee on May 13, 2019 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

This item proposes to have fiscal years 2019-2020 for SHIP and 2019, 2020, 2021 and 2022 LHAP plans approved by the Board. The SHIP program was established pursuant to section 420.907-9079, of the Florida Statutes and Chapter 67-37, of the Florida Administrative Code.

LHAP promotes building active partnerships between government, lending institutions, builders and developers, not-for-profit and community based housing providers and service organizations, providers of professional services related to affordable housing, advocates for low-income persons, real estate professionals, persons or entities that can provide housing or support services.

The SHIP program focuses on helping very low, low and moderate income families. The counseling and education segment of the program is geared towards the following topics: financing, fair housing practices, credit counseling, budget and money management, financial literacy, selecting a neighborhood (schools, employment, and transportation), finding a home, negotiating a purchase price, home maintenance, mortgage approval process, post-closing education and counseling and inspections and repairs.

This item is not expected to have a negative financial impact according the mayoral memo. The three-year SHIP / LHAP will not require additional resources. It is expected to have a positive social impact.

OCA inquired if the Miami Beach Community Development Corporation (MBCDC) received SHIP or LHAP funds from the County for Counseling Services. PHCD replied that MBCDC may receive these funds from the City of Miami Beach, but has confirmed that MBCDC does not receive funding from the County. This inquiry came as a result of the recent settlement agreement between the County and MBCDC resulting in the conveyance via Special Warranty Deed,

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**Researcher: IL Reviewer: TD**

of the Madison Apartments affordable housing project in exchange for a defaulted loan amount of \$350,000.000 owed to the County.

**ADDITIONAL INFORMATION.**

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

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

Miami-Dade County Request for Application FY 2018 State Housing Initiatives Partnership Funding / FY 2018 Eligible Homebuyer Education and Counseling Activities April 2, 2018.

<http://www.miamidade.gov/housing/library/guidelines/rfa2018/2018-homebuyer-education-counseling-rfa-draft.pdf>

**DEPARTMENTAL INPUT**

Office of Commission Auditor asked the following questions of the department on May 9, 2019:

- What are the major differences between the LHAP for 2018-2019 and 2019-2020;  
**PHCD is not sure what is being request or the intent of this question as County LHAP differences between FY 2018-19 and FY 2019-20 have absolutely no relevance to the referenced agenda item as there is no County LHAP money involved. PHCD creates a budget for LHAP and then the funds go through a competitive process. The loan that MBCDC defaulted on was HOME loan. There is no LHAP funding involved with HOME funded loans. The property is a subsidized rental property. Nothing in the building is for sale. PHCD has no plans to sell any units in the building or convert the building. It The building will remain a part of PHCD's affordable portfolio as we have mentioned in previous e-mails. Additionally, the Miami Beach Community Development Corporation, if they receive any LHAP or SHIP funding at all, would be receiving LHAP and SHIP funds from the City of Miami Beach and not the County. The MBCDC does not receive any LHAP or SHIP funding from the County.**
- One of the agencies receiving SHIP dollars is the Miami Beach Community Development Corporation (MBCDC) for the purpose to Provide Homebuyer counseling and education services to a minimum of 133 low-to-moderate income residents with follow-up one-on-one counseling session with a certified housing counselor in preparation for becoming a homeowner. This agency recently entered into a settlement agreement with Miami-Dade County due to a financial default. How does PHCD monitor and bench mark the performance of this and all agencies receiving SHIP dollars?  
**The Miami Beach Community Development Corporation does not provide homebuyer counseling. They do not currently and have never to our knowledge historically ever received SHIP funds from the County for homebuyer counseling. Nor are not included in the County's approved homebuyer counselors. Miami Beach Community Development Corporation may receive LHAP and SHIP funds from the City of Miami Beach but I have confirmed that they do not receive funding from the County.**

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**APPLICABLE LEGISLATION/POLICY**

**Chapter 420.9072** of the Florida Statutes, governing the State Housing Initiatives Partnership Program, SHIP, is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.  
[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0400-0499/0420/Sections/0420.9072.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0420/Sections/0420.9072.html)

**Rule 67-37.007(10) of the Florida Administrative Code**, governs the review of the Local Housing Assistance Plans and Amendments. The legislature has made a number of changes to the SHIP program through statutory revision. The changes include requirements to expend at least 20% of funds on Households with Special Needs, expanded use of funds for rental assistance, changes to compliance requirements for rental developments, and changes in the requirements related to the composition of the local affordable housing advisory committee.  
<https://www.flrules.org/gateway/ruleNo.asp?id=67-37.002>

**Section 17-103 of the County Code**, governing the administration and implementation of Miami-Dade County's Local Housing Assistance Program. The Housing Finance Authority of Miami-Dade County, Office of Community and Economic Development ("OCED"), Miami-Dade Housing Agency ("MDHA") is responsible for implementation and administration of the LHAP. At a minimum, the Housing Finance Authority of Miami-Dade County, OCED, or Miami-Dade Housing Agency is responsible for Overseeing the receipt and expenditure of SHIP Program and other housing program funds assigned by the County Mayor in accordance with applicable guidelines including the State Housing Initiatives Partnership Act and the Miami-Dade County Affordable Housing Program Guidelines. The cost of administering Miami-Dade County's LHAP with SHIP Program funds shall not exceed ten (10) percent of the local housing distribution of SHIP Program funds deposited into the Local Housing Assistance Trust Fund.  
[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVILOHOASPR\\_S17-103ADIMMIDECOLOHOASPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVILOHOASPR_S17-103ADIMMIDECOLOHOASPR)

**Resolution No. R-1047-17**, adopted November 7, 2017, approved FY 2017 SHIP funding in the amount of \$775,000 for homebuyer education and counseling activities.

<http://www.miamidade.gov/govaction/matter.asp?matter=171998&file=true&fileAnalysis=false&yearFolder=Y2017>

**Resolution No. R-630-13**, adopted July 16, 2013, approved language requiring a detailed project budget, sources and uses statement, certifications as to past defaults on agreements with non-County funding sources, and 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://www.miamidade.gov/govaction/matter.asp?matter=131512&file=false&fileAnalysis=false&yearFolder=Y2013>

**Resolution No. R-709-13**, adopted September 4, 2013, requires a report outlining the best methodology and implementation schedule to streamline and enhance the efficiency, customer service, and accountability of the Miami-Dade County Permitting and Inspection process.

<http://www.miamidade.gov/govaction/matter.asp?matter=131337&file=true&fileAnalysis=false&yearFolder=Y2013>

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**Researcher: IL Reviewer: TD**

**Resolution No. R-391-16**, adopted May 17, 2016, BCC approved the LHAP as required by the State Housing Initiatives Partnership Program Act.

<http://www.miamidade.gov/govaction/matter.asp?matter=161568&file=false&fileAnalysis=false&yearFolder=Y2016>

**BCC Meeting: June 4, 2019  
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**Item No. 8K3  
File No. 190980**

**Researcher: LE    Reviewer: TD**

RESOLUTION AUTHORIZING, IN ACCORDANCE WITH IMPLEMENTING ORDER NO. 3-9, ACCOUNTS RECEIVABLE ADJUSTMENT FOR MULTIPLE FISCAL YEARS OF THE MIAMI-DADE COUNTY PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT'S UNCOLLECTIBLE ACCOUNTS RECEIVABLE IN THE AMOUNT OF \$11,310,526.00

**ISSUE/REQUESTED ACTION**

Whether the Board authorizes accounts receivable adjustment for multiple fiscal years of the Miami-Dade County Public Housing and Community Development (PHCD) Department's uncollectible accounts.

**PROCEDURAL HISTORY**

**Prime Sponsor: Housing, Social Services & Economic Development Committee  
Department/Requester: Public Housing and Community Development**

During the HSSD meeting on April 15, 2019 Commissioner Martinez invoked the 3-Day Rule on the item. At the HSSD meeting on May 13, 2019 the item was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to request Board authorization for adjustment of the accounts receivable balance totaling \$11,310,526 for the Miami-Dade County Public Housing and Community Development (PHCD) Department's uncollectible accounts.

The proposed item will not have a negative fiscal impact to the County. County staff will continue to pursue collection of the adjusted accounts and any successful collections will provide additional revenue. The authorization will eliminate the uncollectible receivables from the County's financial books. The \$11,310,526 represents 0.83 percent of all revenues collected during the time period associated with the uncollectible accounts receivable. The total amount spans 2015-2018 with a total of 211 accounts.

The accounts receivable adjustment is associated with homeownership/rental rehabilitation and commercial loans by PHCD. Uncollectable accounts receivable include customer billings for services rendered, fees, and receivables from loans, mortgages, and long-term contracts. These past due accounts represent revenues that the County is unlikely to collect. The County establishes an allowance for doubtful accounts to reflect receivable balances that will likely not be collected. The impact is mitigated with the County establishing an allowance for the doubtful accounts, which prevents the County from appearing to have more revenue than expected because of the uncollectible accounts, while collection efforts continue.

Public housing vacated tenant account receivables result from tenants who have vacated or been evicted due to unpaid rent, maintenance charges, and miscellaneous fees. Section 8 and public housing tenants who have outstanding balances are no longer in the program and are placed into the Enterprise Income Verification system which allows Public Housing Authorities across the U.S. to share and track collection information. Individuals who have not paid are ineligible for housing and additional assistance until the issue is resolved.

Currently, the balance sheet for PHCD has an allowance for uncollectible accounts for all of the accounts receivable and accounts receivable adjustment items that have been charged to bad debt expenses. Implementing Order 3-9 allows adjusting an account to not limit the County to pursue and secure delinquent account balances. If the monies are not

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**Item No. 8K3  
File No. 190980**

**Researcher: LE    Reviewer: TD**

paid within ninety days of the due date, the account is considered delinquent. The Department director will forward the delinquent accounts to the Credit and Collection Section of the Finance Department and will continue collection efforts.

**Appendix 1**

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>TOTAL</u>
Number of accounts	38	77	38	58	211
Write-off total dollars	\$ 3,841,897	\$ 3,250,357	\$ 1,556,100	\$ 2,662,172	\$ 11,310,526
Grand total revenues	\$ 328,816,000	\$ 326,728,000	\$ 346,960,000	\$ 362,068,000	\$ 1,364,572,000
Write-off percentage	1.17%	0.99%	0.45%	0.74%	0.83%

PHCD write-offs prior to 2018 were addressed with all other write-offs for other County departments by the Department of Finance and presented through a resolution and agenda item once every few years. PHCD has issues with complying because the U.S. Department of Housing and Urban Development (HUD) requires PHCD to process write-offs on an annual basis. PHCD and the Finance Department agreed that PHCD would submit a separate agenda item and resolution to the Board on an annual basis to solely address write-off amounts of \$10,000 and greater.

**APPLICABLE LEGISLATION/POLICY**

**Implementing Order 3-9** specifies departmental responsibilities over administration of customer accounts receivable and actions required to adjust uncollectible accounts receivable.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-9.pdf>

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**Item No. 8N2  
File No. 190909**

**Researcher: IL Reviewer: TD**

RESOLUTION APPROVING A MAINTENANCE MAP FOR A PORTION OF SW 228 STREET BETWEEN 237.26 FEET EAST OF SW 118 AVENUE TO SW 117 AVENUE, IN SECTION 13, TOWNSHIP 56 SOUTH, RANGE 39 EAST, AUTHORIZING THE CHAIRPERSON AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP, AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME AND AUTHORIZING THE RECORDING THEREOF AMONG THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FLORIDA

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a maintenance map for a portion of S.W. 228 Street between S.W. 118 to S.W. 117 Avenue.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item was brought before the Infrastructure and Capital Improvement Committee on May 14, 2019 and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to have the Board approve a maintenance map for a portion of S.W. 228 Street between S.W. 118 Avenue to S.W. 117 Avenue. The maintenance map is coming for approval at this time, however, the road has been maintained by DTPW for the preceding 4 years. Pursuant to Florida Statute 95.361 a road maintained or repaired continuously and uninterrupted by the county for 4 years is deemed dedicated to the public to the extent in which it has been maintained for the 4 year period. This is whether or not the road has been formally established as a public highway. Moreover, filing a map in the clerk of the circuit court of the county where the road is located will show the land and reciting that the road has vested in the county.

Fiscal impact of this action results in no fiscal increase. The targeted road that this maintenance map will cover is located in Commission District 9, represented by Commissioner Dennis C. Moss.

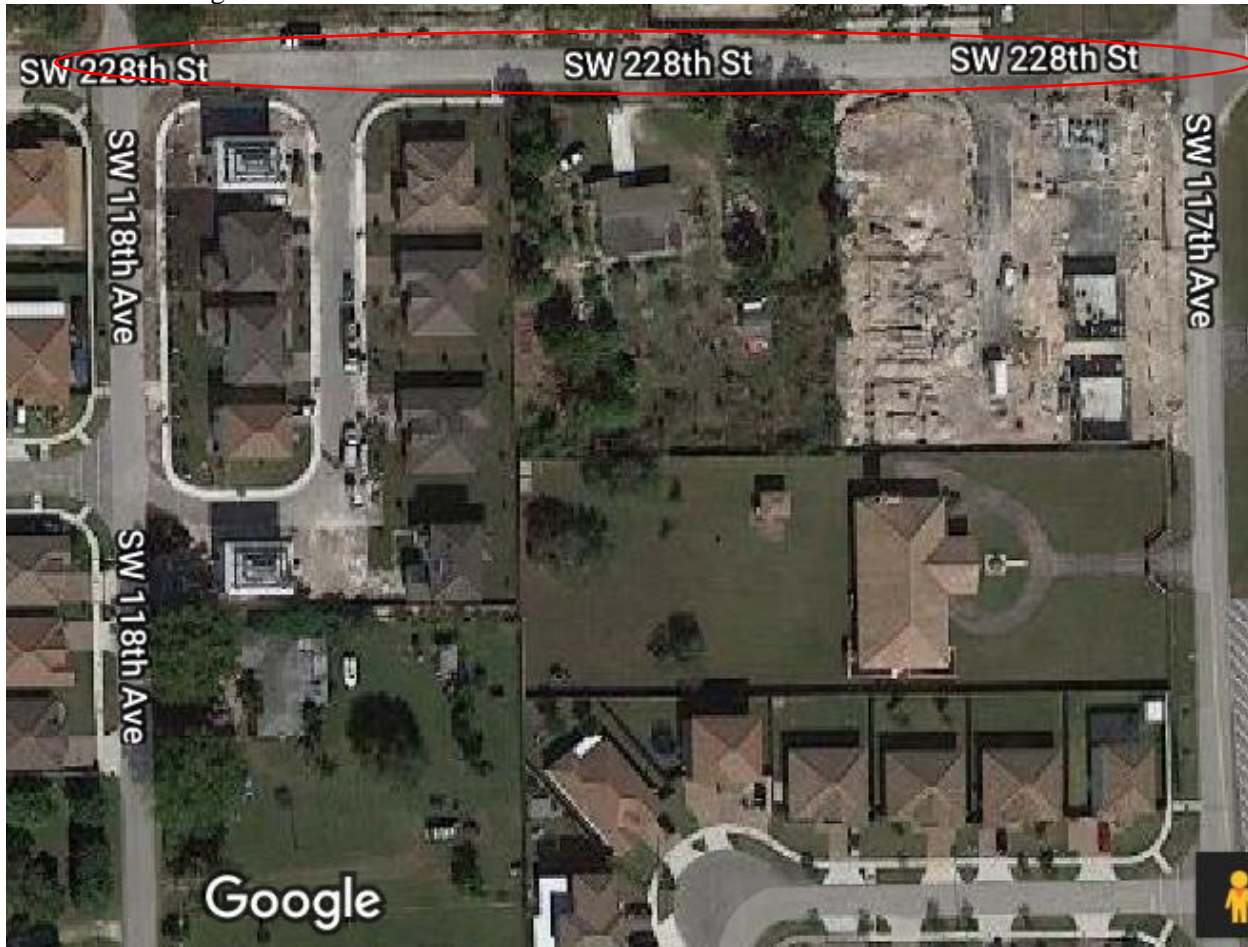


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**Researcher: IL Reviewer: TD**

Picture Illustrating 228 Street between 237.26 feet of S.W. 118 Avenue and 117 Avenue .



**APPLICABLE LEGISLATION/POLICY**

**Chapter 95.361** of the Florida Statutes states when a road, constructed by a county, a municipality, or the Department of Transportation has been maintained or repaired continuously and uninterruptedly for 4 years by the county, municipality, or the Department of Transportation, jointly or severally, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all right, title, easement, and appurtenances in and to the road. [http://www.leg.state.fl.us/statutes/index.cfm?App\\_Mode=Display\\_Statute&Search\\_String=&URL=Ch0095/Sec361.htm&StatuteYear=2001](http://www.leg.state.fl.us/statutes/index.cfm?App_Mode=Display_Statute&Search_String=&URL=Ch0095/Sec361.htm&StatuteYear=2001)

**Resolution No. R-974-09**, adopted July 21, 2009, directs the administration to execute instruments creating a County interest in real property to be recorded in the public records of Miami-Dade County with the Clerk of the Board. <http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

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Research Notes**

**Item No. 8N4  
File No. 190955**

**Researcher: PGE   Reviewer: TD**

RESOLUTION AUTHORIZING THE USE OF UP TO \$4,323,216.12 IN CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR INTERSECTION IMPROVEMENTS CONTRACTS AWARDED UNDER THE MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the use of surtax funding totaling \$4,323,216.12 for intersection improvements projects previously awarded under the Miscellaneous Construction Contracts (MCC) 7360 Plan.

**PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

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

The item was considered at the May 14, 2019 meeting of the Infrastructure and Capital Improvements Committee and forwarded to the Board with a favorable recommendation as corrected. On handwritten page 1, under the Fiscal Impact/Funding Source section, the first sentence should read: “The individual surtax projects will be funded through INFRASTRUCTURE IMPROVEMENTS – COUNTYWIDE (2000000535) in the FY 2018-19 Adopted Multi-Year Capital Plan.”

**ANALYSIS**

The purpose of this item is to authorize the use of surtax funding for two neighborhood improvement projects that were awarded under the MCC 7360 Plan. The 7360 Plan is an open competitive plan that is used whenever the funding source prohibits the use of SBE-Con set-asides or when the Internal Services Department determines that there is insufficient availability for a SBE-Con set-aside within the 7040 Plan to accomplish the proposed work. The two projects are: (1) North Intersection Improvement Contract awarded to Metro Express Inc. for \$2,171,916.92; and (2) South Intersection Improvement Contract awarded to R&G Engineering Inc. for \$2,151,299.20. The use of surtax funding for such neighborhood improvements is authorized under the People’s Transportation Plan (PTP). Work orders funded by the surtax will only be issued when written approval is received from a Commission district office for use of its PTP allocation.

These projects fall under Neighborhood Infrastructure Improvements Project #2000000535 in the FY 2018-19 Adopted Budget and Multi-Year Capital Plan. The project description provided therein is *to construct neighborhood improvements to include resurfacing, guardrails, sidewalks, traffic signals, drainage, street lights and various intersection and neighborhood improvements*. Various sites countywide are covered under the expenditure schedule. For FY 2018-19, the revenue schedule shows a total of \$5,000,000 under the PTP Bond Program.

**Metro Express Inc.**

On June 7, 2018, a RPQ was issued under the MCC 7360 Plan for a Push Button North Intersection Improvements Contract. On August 2, 2018, the Department of Transportation and Public Works (DTPW) issued an award letter to Metro Express Inc. for north intersection improvements for \$2,151,299.20. That amount consists of a base contract valued at \$1,876,160, a contingency amount of \$187,616 and dedicated allowances of \$87,523.20. The award includes a 10 percent Community Workforce Program goal. The scope of work encompasses, but is not limited to, construction of asphaltic concrete road base and surface; pavement removal, milling, and markings; signage; drainage; sidewalks; concrete curb and gutter; and traffic calming devices. The project’s location is inside the boundary area of the north portion of the County up to SW 8th Street, and the timeframe for completion is 540 calendar days.

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**Research Notes**

**Item No. 8N4**  
**File No. 190955**

**Researcher: PGE   Reviewer: TD**

Per information found on May 22, 2019 on sunbiz.org, the official State of Florida Division of Corporations website, Metro Express Inc. is a for-profit corporation located at 9390 NW 109 Street, Medley, Florida. Based on information found on May 22, 2019 on the website of the Florida Department of Business and Professional Regulation, the company holds an active Certified General Contractor license.

Note that Metro Express Inc. has an evaluation count of 55 with an average evaluation score of 3.6 out of a possible maximum of 4.0 on the Contractor Evaluations Report on the Capital Improvements Information System as of May 23, 2019.

**R&G Engineering Inc.**

On June 14, 2018, an RPQ was issued under the MCC 7360 Plan for a Push Button South Intersection Improvements Contract. On August 10, 2018, DTPW issued an award letter to R&G Engineering Inc. for a contract amount of \$2,151,299.20. That amount consists of a base contract valued at \$1,876,160, a contingency amount of \$187,616 and dedicated allowances of \$87,523.20. The award includes a 10 percent Community Workforce Program goal. The scope of work encompasses, but is not limited to, construction of asphaltic concrete road base and surface; pavement removal, milling, and markings; signage; drainage; sidewalks; concrete curb and gutter; and traffic calming devices. The project's location is inside the boundary area of the south portion of the County up to SW 8th Street, and the timeframe for completion is 540 calendar days.

Per information found on May 23, 2019 on Sunbiz.org, the official State of Florida Division of Corporations website, R&G Engineering Inc. is a for-profit corporation located at 10830 NW 23 Street, Miami, Florida. Based on information found on May 23, 2019 on the website of the Florida Department of Business and Professional Regulation, the company's primary, Carlos Fundora, holds an active Certified General Contractor license.

Note that R&G Engineering Inc. has an evaluation count of 43 with an average evaluation score of 3.0 out of a possible maximum of 4.0 on the Contractor Evaluations Report on the Capital Improvements Information System as of May 23, 2019. Additionally, a May 23, 2019 search of the MCC Contractor Evaluations Report on the Capital Improvements Information System shows an evaluation rating of 1.7 out of a possible maximum score of 4.0 for R&G Engineering Inc. for closed Water and Sewer Department contracts (i.e., Contract Nos. P0144 and T1778).

**ADDITIONAL INFORMATION**

See the link below to the seventh annual update of the Five Year Implementation Plan of the People's Transportation Plan, a publicly-supported transportation improvement program established to develop an integrated mass transportation network and to complete roadway improvements in Miami-Dade County and its municipalities. The Plan documents the current status of progress on the implementation of surtax-funded PTP projects versus baseline estimates.

<https://www.miamidade.gov/citt/library/five-year-plan/2019/five-year-plan.pdf>

R&G Engineering Inc. was sued by Florida Power & Light Company in the Eleventh Judicial Circuit for Miami-Dade County, Florida for negligence and a violation of Florida's Facility Damage Prevention and Safety Act for damaging marked electric facilities during excavation work performed at or around 7242 Lochness Drive, Miami Lakes, Florida in September 2015. (See Case No. 16-22589 CA 24)

**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 8N4  
File No. 190955**

**Researcher: PGE   Reviewer: TD**

**APPLICABLE LEGISLATION/POLICY**

**Section 212.055 of the Florida Statutes** governs discretionary sales surtaxes; each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under Chapter 343 or Chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county. The rate shall be up to 1 percent.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0212/Sections/0212.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0212/Sections/0212.055.html)

**Section 2-8.2.7 of the County Code** (Miscellaneous Construction Contracts Program) is intended to enhance the contracting opportunities of Small Business Enterprises for construction services and to facilitate and expedite 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)

**Section 29-124 of the County Code** sets forth 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 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\\_ARTXVIONHAONPECHCOTRSYSAS\\_UAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSAS_UAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**Section 2-1421 of the County Code** relates to the creation of the Citizens' Independent Transportation Trust and the trust's powers over expenditure and use of proceeds of proposed Charter County transit system surtax.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXCVIICIINTRTR\\_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXCVIICIINTRTR_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU)



**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 8N4  
File No. 190955**

**Researcher: PGE   Reviewer: TD**

**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.

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)

**Section 2-11.17 of the County Code** sets forth the Residents First Training and Employment Program.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.17REFITREMPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.17REFITREMPR)

**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)

**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>

**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. 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>

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**Item No. 8N4**  
**File No. 190955**

**Researcher: PGE   Reviewer: TD**

**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>

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

<http://intra/gia/matter.asp?matter=040989&file=true&yearFolder=Y2004>

**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 8N5  
File No. 190957**

**Researcher: PGE   Reviewer: TD**

RESOLUTION AUTHORIZING THE USE OF UP TO \$6,696,364.61 IN CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR TRAFFIC SIGNAL IMPROVEMENTS CONTRACTS AWARDED UNDER THE MISCELLANEOUS CONSTRUCTION CONTRACT 7040 PLAN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the use of surtax funding totaling \$6,696,364.61 for traffic signal improvement contracts previously awarded under the Miscellaneous Construction Contracts (MCC) 7040 Plan.

**PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

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

The item was considered at the May 14, 2019 meeting of the Infrastructure and Capital Improvements Committee and forwarded to the Board with a favorable recommendation as corrected. On handwritten page 1, under the Fiscal Impact/Funding Source section, the first sentence should read: “The individual surtax projects will be funded through INFRASTRUCTURE IMPROVEMENTS – COUNTYWIDE (2000000535) in the FY 2018-19 Adopted Multi-Year Capital Plan.”

**ANALYSIS**

The purpose of this item is to authorize the use of surtax funding for two traffic signal improvement projects awarded under the MCC 7040 Plan. The 7040 Plan is a pool that includes only Small Business Enterprise-Construction (SBE-CON) certified firms. The two projects, which were both awarded to AUM Construction Inc., are: (1) Push-Button Contract for Traffic Signal Improvements North for \$3,389,130.79; and (2) Push-Button Contract for Traffic Signal Improvements South for \$3,307,233.82. The use of surtax funding for such neighborhood improvements is authorized under the People’s Transportation Plan (PTP). Work orders funded by the surtax will only be issued when written approval is received from a Commission district office for use of its PTP allocation.

These projects fall under Neighborhood Infrastructure Improvements Project #2000000535 in the FY 2018-19 Adopted Budget and Multi-Year Capital Plan. The project description provided is *to construct neighborhood improvements to include resurfacing, guardrails, sidewalks, traffic signals, drainage, street lights and various intersection and neighborhood improvements*. Various sites countywide are covered under the expenditure schedule. For FY 2018-19, the revenue schedule shows a total of \$5,000,000 under the PTP Bond Program.

**Push-Button Contract for Traffic Signal Improvements North**

On June 14, 2018, a RPQ was issued under the MCC 7040 Plan for a Push-Button Contract for Traffic Signal Improvements North. On August 13, 2018, the Department of Transportation and Public Works (DTPW) issued an award letter to AUM Construction Inc. for \$3,389,130.79. That amount consists of a base contract valued at \$2,994,002.49, a contingency amount of \$299,400.25 and dedicated allowances of \$95,728.05. The award includes a 10 percent Community Workforce Program goal.

The scope of work encompasses, but is not limited to, repairs, replacement, upgrades and new installations of traffic signals. The project’s location is inside the boundary area of the north portion of the County up to SW 8th Street, and the timeframe for completion is 750 calendar days.



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Research Notes**

**Item No. 8N5  
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**Researcher: PGE   Reviewer: TD**

*Push-Button Contract for Traffic Signal Improvements South*

On June 21, 2018, an RPQ was issued under the MCC 7040 Plan for a Push-Button Contract for Traffic Signal Improvements South. On August 13, 2018, DTPW issued an award letter to AUM Construction Inc. for a contract amount of \$3,307,233.82. That amount consists of a base contract valued at \$2,920,880.20, a contingency amount of \$292,088.02 and dedicated allowances of \$94,265.60. The award includes a 10 percent Community Workforce Program goal.

The scope of work encompasses, but is not limited to, repairs, replacement, upgrades and new installations of traffic signals. The project's location is inside the boundary area of the south portion of the County up to SW 8th Street, and the timeframe for completion is 750 calendar days.

*Other Findings*

Per information found on May 29, 2019 on Sunbiz.org, the official State of Florida Division of Corporations website, AUM Construction Inc. is a for-profit corporation located at 424 SW 7 ST, Miami, Florida.

Both projects require the contractor to have the following active licenses: (1) Certificate of Competency from the County's Construction Trades Qualifying Board as an Electric Contractor; and (2) Certification as an electrical contractor provided by the State of Florida Electrical Contractors Licensing Board. Based on information found on May 29, 2019 on the website of the Florida Department of Business and Professional Regulation, the company holds an active Certified General Contractor and Electrical Contractor licenses.

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. There is no information in the agenda item pertaining to whether the required safety records check was conducted.

Note that AUM Construction Inc. has an evaluation count of 17 with an average evaluation score of 2.6 out of a possible maximum of 4.0 on the Contractor Evaluations Report on the Capital Improvements Information System as of May 29, 2019.

**ADDITIONAL INFORMATION**

See the link below to the seventh annual update of the Five Year Implementation Plan of the People's Transportation Plan, a publicly-supported transportation improvement program established to develop an integrated mass transportation network and to complete roadway improvements in Miami-Dade County and its municipalities. The Plan documents the current status of progress on the implementation of surtax-funded PTP projects versus baseline estimates.

<https://www.miamidade.gov/citt/library/five-year-plan/2019/five-year-plan.pdf>

**APPLICABLE LEGISLATION/POLICY**

**Section 212.055 of the Florida Statutes** governs discretionary sales surtaxes; each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under Chapter 343 or Chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of

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**Researcher: PGE   Reviewer: TD**

the county or by a charter amendment approved by a majority vote of the electorate of the county. The rate shall be up to 1 percent.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0212/Sections/0212.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0212/Sections/0212.055.html)

**Section 2-8.2.7 of the County Code** (Miscellaneous Construction Contracts Program) is intended to enhance the contracting opportunities of Small Business Enterprises for construction services and to facilitate and expedite 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)

**Section 29-124 of the County Code** sets forth 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 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\\_ARTXVIONHAONPECHCOTRSYSAS\\_UAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSAS_UAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**Section 2-1421 of the County Code** relates to the creation of the Citizens' Independent Transportation Trust and the trust's powers over expenditure and use of proceeds of proposed Charter County transit system surtax.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXCVIICIINTRTR\\_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXCVIICIINTRTR_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU)

**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.

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**Item No. 8N5  
File No. 190957**

**Researcher: PGE   Reviewer: TD**

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)

**Section 2-11.17 of the County Code** sets forth the Residents First Training and Employment Program.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.17REFITREMPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.17REFITREMPR)

**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)

**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>

**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. 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>

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**Research Notes**

**Item No. 8N5**

**File No. 190957**

**Researcher: PGE Reviewer: TD**

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

<http://intra/gia/matter.asp?matter=040989&file=true&yearFolder=Y2004>

**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 8N6  
File No. 191202**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING WORK ORDER NO. 1 TO R.E. CHISHOLM ARCHITECTS, INC. FOR EQUITABLE DISTRIBUTION PROGRAM PROFESSIONAL SERVICES FOR METRORAIL STATIONS REFURBISHMENT - GOVERNMENT CENTER STATION, CONTRACT NO. EDP-650131871-2017-A, ISD PROJECT NO. EDP-MT-CIP134-2, IN AN AMOUNT NOT TO EXCEED \$199,910.00 AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Professional Services Agreement (PSA) between the County and R.E. Chisholm Architects, Inc. under the Equitable Distribution Program (EDP) in the amount of \$199,910 for the development of a design criteria package for the refurbishment of the Government Center Metrorail Station for the Department of Transportation and Public Works (DTPW) and authorizing the use of Charter County transportation surtax funds for such purposes.

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

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

The item was considered at the May 15, 2019 Transportation and Finance Committee wherein it was forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of the PSA with R.E. Chisholm Architects, Inc. under the EDP is for the firm to deliver design services to renovate the Government Center Metrorail Station. Board approval of the item also authorizes the use of Charter County transportation surtax funds for the project. The proposed improvements to the station include, but are not limited to, station lighting upgrades, replacement of the metal ceiling slats, replacement of expansion joints, replacement of doors/louvers, removal of ADA barriers, replacement of the emergency stair, replacement of handrails, wayfinding signage, landscape improvements, drainage improvements, industrial cleaning of floor tiles, pressure cleaning, painting and concrete/stucco repairs.

The total contract amount is \$199,910 for a term of 1560 days. The contract value is broken down as follows:

- \$27,045 for Task 1 (Scope of Work Verification/Evaluation);
- \$57,110 for Task 2 (Design Criteria Graphics);
- \$44,020 for Task 3 (Preparation of Design Criteria Package);
- \$16,385 for Task 4 (Bidding);
- \$29,275 for Task 5 (Pre-Construction Services);
- \$8,975 for Task 6 (Design Services during Construction);
- \$1,800 for Direct Expenses; and
- \$15,300 for Additional Services Contingency.

Note that the Fiscal Year (FY) 2018-19 Adopted Budget and Multi-Year Capital Plan describes the project (#2000000104) as to *refurbish and/or update systems control equipment, fire alarm systems, and other improvements*

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*as needed throughout the entire rail system.* The project location is the Metrorail and the districts served are countywide. The revenue schedule shows \$37,614,000 under the People's Transportation Plan Bond for FY 2018-19.

This project is located in District 5, represented by Commissioner Higgins. In accord with the EDP, on January 31, 2019, DTPW solicited qualifications from three firms for delivery of the design services to upgrade the Government Center Metrorail Station. Three firms responded, submitting proposals. The Selection Committee recommended negotiations with R.E. Chisholm Architects, Inc., the highest-ranked firm. The Negotiations Committee recommended this Work Order be approved for R.E. Chisholm in the amount of \$199,910. The sub-consultants listed for this project are: 305 Consulting Engineers, LLC, Laura Llerena & Associates, Inc., and SDM Consulting Engineers, Inc.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System (CIIS) on May 30, 2019, finding that R.E. Chisholm Architects, Inc. has an evaluation count of 5 with an average evaluation rating of 3.1 out of a possible maximum score of 4.0. This information is consistent with what is presented in the mayoral memorandum. Note, however, that CIIS shows a rating of 2.1 for the firm for a Public Housing and Community Development EDP contract, *EDP-JM-P-00947*.

Per information found on May 30, 2019 on Sunbiz.org, the official state of Florida website for the Division of Corporations, R.E. Chisholm Architects, Inc. is a for-profit corporation with a principal address of 782 NW 42 Avenue, Miami, Florida. Additionally, a review of the website of the Florida Department of Business and Professional Regulation on May 30, 2019 shows that the firm has an active Architect Business license.

**ADDITIONAL INFORMATION**

See the link below to the seventh annual update of the Five Year Implementation Plan of the People's Transportation Plan, a publicly-supported transportation improvement program established to develop an integrated mass transportation network and to complete roadway improvements in Miami-Dade County and its municipalities. The Plan documents the current status of progress on the implementation of surtax-funded PTP projects versus baseline estimates.

<https://www.miamidade.gov/citt/library/five-year-plan/2019/five-year-plan.pdf>

Miami-Dade County created the EDP to facilitate increased contracting opportunities to community-based Architecture and Engineering (A&E) firms as well as afford County departments access to qualified professionals for smaller projects in an expedited fashion without necessitating a formal solicitation process. The program is structured to equitably distribute projects in all County technical certifications to the program participants through a centralized rotational system. Each firm's position, in the technical certification pools, is based on its prior contracting opportunities with the County. The EDP is applicable for all county projects with an estimated construction cost of \$2 million or less and/or study activities less than \$200,000 per the thresholds established in Florida Statutes 287.055 for continuous contracts.

<http://www.miamidade.gov/procurement/equitable-distribution.asp>

**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)



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**Researcher: PGE   Reviewer: TD**

**Section 29-124 of the County Code** sets forth 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 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\\_ARTXVIONHAONPECHCOTRSYSAS  
UAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSAS_UAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**Section 2-1421 of the County Code** relates to the creation of the Citizens' Independent Transportation Trust and the trust's powers over expenditure and use of proceeds of proposed Charter County transit system surtax.

[https://library.municode.com/fl/miami -  
\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXCVIICIINTRTR\\_S2-  
1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXCVIICIINTRTR_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU)

**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 2-8.1 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 -  
\\_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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**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>

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**Item No. 8N7  
File No. 191250**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING AWARD OF EMERGENCY MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN - RPQ NUMBER 394585-A FOR THE EMERGENCY ACOUSTICAL BARRIER REPLACEMENT - PHASE 2 REMOVAL PROJECT, TO GOMEZ CONSTRUCTION CO. IN THE AMOUNT OF \$2,107,000.00 AND AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the award of an emergency 7360 Plan Miscellaneous Construction Contract (MCC) for an Acoustical Barrier Replacement – Phase 2 Removal Project to Gomez Construction Co. in the amount of \$2,107,000 for the Department of Transportation and Public Works (DTPW) and authorize the use of People's Transportation Plan Bond Program funds for such purposes.

**PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

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

The item was considered at the May 15, 2019 meeting of the Transportation and Finance Committee and forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to authorize the use of surtax funding for the award of a MCC 7360 Plan emergency contract for acoustical barrier replacements for the Metrorail. The 7360 Plan is open to all contractors and only used if either federal funding is involved or a SBE-CON set-aside cannot be established. Under Implementing Order No. 3-53, an emergency is defined as an unforeseen or unanticipated, urgent and immediate need for construction services where the protection of life, health, safety, welfare of the community or the preservation of public property would not be possible using any of the County's standard contracting methods. There is an Emergency Response Team pool under the MCC Program that may be used for such construction contract awards. Pool members must be available 24 hours per day, seven days per week and respond to the user department within two hours of attempted contact.

The contract was awarded to Gomez Construction Co. in the amount of \$2,107,000. That amount consists of a base bid valued at \$1,870,000, a contingency allowance of \$187,000 and a dedicated allowance of \$50,000 for potential structural damage repairs. The Fiscal Year (FY) 2018-19 Adopted Budget and Multi-Year Capital Plan includes an entry for Metrorail Track and Guideway Projects, *Project # 6710900*. The project is described as to *rehabilitate existing track and guideway equipment and fixtures; replace safety items for rail to include cover board, fasteners, insulated joints, metal acoustical barriers, drains, equipment, and materials as needed*. The revenue schedule for FY 2018-19 shows \$50,487,000 under the People's Transportation Plan Bond Program.

In April 2019, an acoustical barrier failed, striking a rail vehicle, causing vehicle damage and system delays. A similar incident occurred in July 2018. In response to the April 2019 incident, DTPW solicited emergency construction services through the County's Emergency Response Team pool under the MCC Program to remove all concrete hollow core Type B acoustical panels attached to the drip line of the Miami Metrorail Guideway from the abutment AB-556-NS, which is south of the Brickell area to Span 900, which is west of the Earlington Heights Station. Two bids were received in May 2019, and it was determined that Gomez Construction Co. was the lowest responsive and responsible bidder.

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It is important to mention that the Engineer of Record, Atkins North America, Inc., completed an Acoustical Barrier Type B Analysis Report in August 2012. The report concluded that it was imperative to either replace or strengthen these acoustical barrier panels in a reasonable period of time to maintain the safety of the traveling public. The report further recommended, based on a review of the stresses, that any panel that exhibits a crack within 2 feet of the upper bracket bolted connection be removed immediately.

On July 13, 2018, Atkins issued a letter to DTPW regarding the July 2018 failure of a Type B acoustical barrier panel. Echoing the prior analysis, the report recommends removal of all Type B acoustical barrier panels and the connected steel straps. The reasoning for the recommendation is threefold:

- Failure of these panels is difficult to predict and can be sudden. The lack of mild reinforcement in these panels makes them fracture critical with no ductility; therefore, there is no advance warning noted before failure;
- Failure is not confined to the guideway, as chunks of concrete have fallen to the ground below; many of the panels are suspended over public walkways and roadways and these concrete projectiles can be a danger to the public; and
- Failure confined to the guideway also presents a danger. If a panel falls on running rail, a fast-moving train can strike these panels causing a catastrophic derailment.

**Other Findings**

Per information found on May 30, 2019 on sunbiz.org, the official State of Florida Division of Corporations website, Gomez Construction Co. is a for-profit corporation located at 7100 SW 44 ST, Miami, Florida. Based on information found on May 30, 2019 on the website of the Florida Department of Business and Professional Regulation, the company holds an active Certified General Contractor license.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System (CIIS) on May 30, 2019, finding that Gomez Construction Co. has an evaluation count of 1 with an average evaluation rating of 4.0 out of a possible maximum score of 4.0. This information is consistent with what is presented in the mayoral memorandum.

**ADDITIONAL INFORMATION**

See the link below to the seventh annual update of the Five Year Implementation Plan of the People's Transportation Plan, a publicly-supported transportation improvement program established to develop an integrated mass transportation network and to complete roadway improvements in Miami-Dade County and its municipalities. The Plan documents the current status of progress on the implementation of surtax-funded PTP projects versus baseline estimates.

<https://www.miamidade.gov/citt/library/five-year-plan/2019/five-year-plan.pdf>

**APPLICABLE LEGISLATION/POLICY**

**Section 212.055 of the Florida Statutes** governs discretionary sales surtaxes; each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under Chapter 343 or Chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county. The rate shall be up to 1 percent.

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**Researcher: PGE Reviewer: TD**

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0212/Sections/0212.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0212/Sections/0212.055.html)

**Section 2-8.2.7 of the County Code** (Miscellaneous Construction Contracts Program) is intended to enhance the contracting opportunities of Small Business Enterprises for construction services and to facilitate and expedite 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)

**Section 29-124 of the County Code** sets forth 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 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\\_ARTXVIONHAONPECHCOTRSYSAS\\_UAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSAS_UAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**Section 2-1421 of the County Code** relates to the creation of the Citizens' Independent Transportation Trust and the trust's powers over expenditure and use of proceeds of proposed Charter County transit system surtax.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXCVIICIINTRTR\\_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXCVIICIINTRTR_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU)

**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.

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

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**Researcher: PGE   Reviewer: TD**

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)

**Section 2-11.17 of the County Code** sets forth the Residents First Training and Employment Program.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.17REFITREMPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.17REFITREMPR)

**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>

**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. 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. 3-53** sets forth policies and procedures for the administration of the MCC Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-53.pdf>

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**Item No. 8N8  
File No. 191252**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING AWARD OF EMERGENCY MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN - RPQ NUMBER: 394585-B FOR THE EMERGENCY ACOUSTICAL BARRIER REPLACEMENT - PHASE 2 REMOVAL PROJECT, TO EBSARY FOUNDATION CO. IN THE AMOUNT OF \$2,448,000.00 AND AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the award of an emergency 7360 Plan Miscellaneous Construction Contract (MCC) for an Acoustical Barrier Replacement – Phase 2 Removal Project to Ebsary Foundation Co. in the amount of \$2,448,000 for the Department of Transportation and Public Works (DTPW) and authorize the use of People's Transportation Plan Bond Program funds for such purposes.

**PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

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

The item was considered at the May 15, 2019 meeting of the Transportation and Finance Committee and forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to authorize the use of surtax funding for the award of a MCC 7360 Plan emergency contract for acoustical barrier replacements for the Metrorail. The 7360 Plan is open to all contractors and only used if either federal funding is involved or a SBE-CON set-aside cannot be established. Under Implementing Order No. 3-53, an emergency is defined as an unforeseen or unanticipated, urgent and immediate need for construction services where the protection of life, health, safety, welfare of the community or the preservation of public property would not be possible using any of the County's standard contracting methods. There is an Emergency Response Team pool under the MCC Program that may be used for such construction contract awards. Pool members must be available 24 hours per day, seven days per week and respond to the user department within two hours of attempted contact.

The contract was awarded to Ebsary Foundation Co. in the amount of \$2,448,000. That amount consists of a base bid valued at \$2,180,000, a contingency allowance of \$218,000 and a dedicated allowance of \$50,000 for potential structural damage repairs. The Fiscal Year (FY) 2018-19 Adopted Budget and Multi-Year Capital Plan includes an entry for Metrorail Track and Guideway Projects, *Project # 6710900*. The project is described as to *rehabilitate existing track and guideway equipment and fixtures; replace safety items for rail to include cover board, fasteners, insulated joints, metal acoustical barriers, drains, equipment, and materials as needed*. The revenue schedule for FY 2018-19 shows \$50,487,000 under the People's Transportation Plan Bond Program.

In April 2019, an acoustical barrier failed, striking a rail vehicle, causing vehicle damage and system delays. A similar incident occurred in July 2018. In response to the April 2019 incident, DTPW solicited emergency construction services through the County's Emergency Response Team pool under the MCC Program to remove all concrete hollow core Type B acoustical panels attached to the drip line of the Miami Metrorail Guideway from Span 901, which is west of the Earlington Heights Station to abutment AB-1381-NS, which is east of the SR-826/Palmetto Expressway.



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**Item No. 8N8  
File No. 191252**

**Researcher: PGE   Reviewer: TD**

Two bids were received in May 2019, and it was determined that Ebsary Foundation Co. was the lowest responsive and responsible bidder.

It is important to mention that the Engineer of Record, Atkins North America, Inc., completed an Acoustical Barrier Type B Analysis Report in August 2012. The report concluded that it was imperative to either replace or strengthen these acoustical barrier panels in a reasonable period of time to maintain the safety of the traveling public. The report further recommended, based on a review of the stresses, that any panel that exhibits a crack within 2 feet of the upper bracket bolted connection be removed immediately.

On July 13, 2018, Atkins issued a letter to DTPW regarding the July 2018 failure of a Type B acoustical barrier panel. Echoing the prior analysis, the report recommends removal of all Type B acoustical barrier panels and the connected steel straps. The reasoning for the recommendation is threefold:

- Failure of these panels is difficult to predict and can be sudden. The lack of mild reinforcement in these panels makes them fracture critical with no ductility; therefore, there is no advance warning noted before failure;
- Failure is not confined to the guideway, as chunks of concrete have fallen to the ground below; many of the panels are suspended over public walkways and roadways and these concrete projectiles can be a danger to the public; and
- Failure confined to the guideway also presents a danger. If a panel falls on running rail, a fast-moving train can strike these panels causing a catastrophic derailment.

**Other Findings**

Per information found on May 30, 2019 on Sunbiz.org, the official State of Florida Division of Corporations website, Ebsary Foundation Co. is a for-profit corporation located at 2154 NW North River Drive, Miami, Florida. Based on information found on May 30, 2019 on the website of the Florida Department of Business and Professional Regulation, the company holds an active Certified General Contractor license.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System (CIIS) on May 30, 2019, finding that Ebsary Foundation Co. has an evaluation count of 10 with an average evaluation rating of 3.9 out of a possible maximum score of 4.0. This information is consistent with what is presented in the mayoral memorandum.

**ADDITIONAL INFORMATION**

See the link below to the seventh annual update of the Five Year Implementation Plan of the People's Transportation Plan, a publicly-supported transportation improvement program established to develop an integrated mass transportation network and to complete roadway improvements in Miami-Dade County and its municipalities. The Plan documents the current status of progress on the implementation of surtax-funded PTP projects versus baseline estimates.

<https://www.miamidade.gov/citt/library/five-year-plan/2019/five-year-plan.pdf>

**APPLICABLE LEGISLATION/POLICY**

**Section 212.055 of the Florida Statutes** governs discretionary sales surtaxes; each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under Chapter



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**Item No. 8N8  
File No. 191252**

**Researcher: PGE   Reviewer: TD**

343 or Chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county. The rate shall be up to 1 percent.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0212/Sections/0212.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0212/Sections/0212.055.html)

**Section 2-8.2.7 of the County Code** (Miscellaneous Construction Contracts Program) is intended to enhance the contracting opportunities of Small Business Enterprises for construction services and to facilitate and expedite 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)

**Section 29-124 of the County Code** sets forth 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 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\\_ARTXVIONHAONPECHCOTRSYSAS\\_UAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSAS_UAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**Section 2-1421 of the County Code** relates to the creation of the Citizens' Independent Transportation Trust and the trust's powers over expenditure and use of proceeds of proposed Charter County transit system surtax.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXCVIICIINTRTR\\_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXCVIICIINTRTR_S2-1421CIINTRTRCRPOOVEXUSPRPRCHCOTRSYSU)

**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.

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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)

**Section 2-11.17 of the County Code** sets forth the Residents First Training and Employment Program.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-11.17REFITREMPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.17REFITREMPR)

**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>

**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. 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. 3-53** sets forth policies and procedures for the administration of the MCC Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-53.pdf>

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**Item No. 801  
File No. 191051**

**Researcher: IL Reviewer: TD**

RESOLUTION APPROVING EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A JOINT UTILITY AND ROADWAY IMPROVEMENT PROJECT IN WHICH THE FLORIDA DEPARTMENT OF TRANSPORTATION WILL REIMBURSE MIAMI-DADE COUNTY THE COST OF THE ROADWAY IMPROVEMENT PROJECT ALONG STATE ROAD 916/N.W.-N.E. 135 STREET IN AN AMOUNT NOT TO EXCEED \$4,651,568.19; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a Joint Participation Agreement (JPA) between Miami-Dade County ("The County") and the Florida Department of Transportation (FDOT) to provide for a joint utility and roadway improvement project in which FDOT will reimburse the Count for the roadway improvement project along State Road 916/N.W. – N.E. 135 Street in an amount not to exceed \$4,651,568.19 for the Miami-Dade Water and Sewer Department (WASD).

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Miami Dade Water and Sewer Department (WASD)**

This item was brought before the Infrastructure and Capital Improvement Committee on May 14, 2019 and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to establish a JPA between the County and FDOT to minimize disruption to residents and maximize cost efficiencies in capital improvement project execution. The County and FDOT have scheduled capital improvement projects in the along S.R. 916. Conducting and coordinating the construction of the utility and roadway improvement project at the same time would be in the best interest of the public. The County, through WASD, will perform the joint utility and roadway improvement work and FDOT would be 100% responsible for funding and reimbursing the County.

The Fiscal impact for the roadway improvement is estimated at \$4,651,568.19 and for the utility improvements is estimated at \$7,877,697.19. The total cost of the entire project is \$12,529,529.38.

Illustration S.R. 916 East of I-95



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Illustration of S.R. 916 West of I-95



**APPLICABLE LEGISLATION/POLICY**

None



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**Item No. 802  
File No. 191113**

**Researcher: IL    Reviewer: TD**

RESOLUTION APPROVING EXECUTION OF AMENDMENT NUMBER TWO TO NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT NO. 13NCI001, PROJECT NO. E13-WASD-02R, BETWEEN MIAMI-DADE COUNTY AND NOVA CONSULTING, INC. IN ORDER TO INCREASE TOTAL COMPENSATION BY \$5,150,000.00, THEREBY INCREASING THE TOTAL CONTRACT AMOUNT FROM \$25,600,000.00 TO \$30,750,000.00 IN ORDER TO ALLOW NOVA CONSULTING, INC. TO CONTINUE TO PROVIDE PROGRAM AND CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE PUMP STATION IMPROVEMENT PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the execution of Amendment Number Two to the Non-Exclusive Professional Services Agreement, Agreement No. 13NCI001 between Miami-Dade County and Nova Consulting, Inc., increasing the total compensation amount by \$5,150,000.00, taking the total compensation from \$25,600,000.00 to \$30,750,000 for Program and Construction Management Services related to the Pump Station Improvement Program (PSIP) for Miami-Dade Water and Sewer (WASD).

**DEFINITIONS:**

**Contingency Allowance:** an account that establishes a specific amount of time and/or money to be used to perform unknown or unanticipated work.

**Equitable Distribution Program (EDP):** access to qualified professionals for smaller projects in an expedited fashion without necessitating a formal solicitation process. Applicable for all county projects with an estimated construction cost of \$2 million or less and/or study activities less than \$200,000 per the thresholds established in Florida State Statute 287.055 for continuous contracts.

**Lump sum:** a basis for compensation of the Program Manager for Services performed.

**PM/CM:** Program Management/Construction Management.

**Principal/Program Manager:** individual designated by WASD's Director to be responsible for the overall coordination of its staff and services to be provided under the Professional Services Agreement with the County.

**Task Authorization:** a written order, authorized by the Director of his designee, directing the program manager to perform work under this agreement.

**PROCEDURAL HISTORY**

**Prime Sponsor:** None

**Department/Requester:** Miami-Dade Water and Sewer Department

This item was brought before the Infrastructure and Capital Improvements Committee on May 14, 2019, and forwarded with a favorable recommendation to the BCC. Prior to the passage of this item the following exchange took place:

**ANALYSIS**

The purpose of this item is to seek the approval of Amendment Number Two to Nova Consulting for an additional compensation amount of \$8,000,000.00. BCC The Board adopted Resolution No. R-1061-13 responsible for approving Agreement No. 13NCI001 to NOVA, a small business enterprise woman-owned firm, for a total amount of \$17,600,000 and a 5 year term with one two-year option to renew. On May 22, 2017, the Board approved Amendment Number One via Resolution No. R-533-17, increasing the total compensation amount by \$8,000,000 changing the total compensation amount from \$17,600,000.00 to \$25,600,000.00. Amendment Number One also exercised the two-year option to renew, set to expire on December 30, 2020. The justification for Amendment Number One was an additional 28 new projects that required

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permitting, public outreach activities, and the management of more small businesses contractors than originally anticipated. The justification for Amendment Number Two is premised on the cost of unforeseen factors such as force majeure (e.g. hurricanes); project impacts associated with power utilities infrastructure upgrades, which postponed the start of construction and/or completion of pump station upgrades, permitting and other regulatory impacts and project re-assignments due to construction contract terminations. Amendment Number Two will also include the supervision of various projects associated with the compliance satisfaction of six additional County-Owned Wastewater Pump stations, public outreach and community involvement services; review and inspection of diving plans and dive observation during construction; and the review of safety and hurricane plans.

On **May 21, 2013**, the Board authorized the execution of a Consent Decree item 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.

The Table Below Illustrates Nova Consulting, Inc's progress year to date:

<b>Design</b>	<b>Construction</b>
91 projects have been overseen out of 147 PSIP projects	72 projects have been overseen out of 147 PSIP projects
99 Pump Stations and Force mains completed and Certified	8 Pump Stations will be Certified by July 2019, and 15 will be certified by December 2019
The pending 25 projects will be completed under this amendment.	

Capital Project Budget Nos. over the last 5 years: (See Exhibit C for Budget Book and Page Nos.)

Number	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
9651071 (Pump Station Improvement Program)	\$17,600,000	\$15,000,000.00	\$33,500,000.00	\$32,415,000.00	\$39,183,000.00	\$25,191,000.00

The annual allocation under the original contract was forecasted to be \$2,514,285.71 annually for a 7 year period (totaling \$17,600,000.00) including the one two-year option to renew, the new allocation breakdown including Amendment One and Amendment Two, for the same term is \$4,392,857.14 (an increase of \$1,878,571).

The Office of the Commission Auditor (OCA) conducted a review of the Capital Improvements Information System (CIIS) pursuant to Resolution No. R-421-16, a PERFORMANCE RECORD verification on May 28, 2019. There are 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. The Firm History report on this firm shows that for the period from March 1, 2016, through March 1, 2019, this firm has received five contracts totaling an amount of \$8,000,000.00.

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OCA conducted a review of Nova Consulting, Inc. on Sunbiz.org, the official website of the Division of Corporations for the State of Florida. Nova Consulting, Inc., has a principal address of 10486 N.W. 31 Terrace, Miami, FL 33172. The Tax Collector's website was cross referenced and several accounts were identified for this firm. Nova Consulting, Inc., possesses a Geology Business license with the Department of Business and Professional Regulation (License Number GB709GB) and has an active status July 21, 2020.

**DEPARTMENTAL INPUT**

The following questions were asked to WASD on May 28, 2019, the submittal packages were provided via CD on May 31, 2019, the remaining questions are still pending a response:

- Please provide a history of tendered and paid invoices for Nova Consulting services dating back to the beginning of the agreement.
- Please provide the submittal packages from Nova Consulting, Inc. for project E13-WASD-02R for the first and second tier. (Provide in CD or a jump drive, I can pick this up at the Douglas Road office).
- Could WASD or Nova Consulting Itemize in detail what the \$5,150,000 increase will cover and providing a side by side comparison with the original estimate versus the modified estimate?
- Can you provide a copy of all task authorizations related to this contract?
- When did WASD learn that the original cost would not be enough?
- Would it be feasible to re-procure the construction portion since the design part has been finalized?

**APPLICABLE LEGISLATION/POLICY**

**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>

**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.



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[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.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.5PRPRPRLOBUCOCO](https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO)

**Section 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)

**Section 2-11.1 of the County Code** Creates a minimum standard of ethical conduct and behavior for all County officials, officers, and employees.

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

**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 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, Authorizes 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>

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**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>

**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-281-14**, adopted March 18, 2014, Approves 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, Directs the Mayor or Mayor's designee to attach to all items recommending Design and/or Construction Contract Awards of \$1,000,000/00 or greater a list of all County Contracts awarded in the previous three years to the recommended contractor and a summary of County Evaluations of the recommended contractors work.

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

**Resolution No. R-469-17**, adopted May 13, 2014, Approving non-exclusive Professional Services Agreement between Miami-Dade County and AECOM Technical Services, Inc. (f/k/a/ Earth Tech, Inc.) for program and construction management services related to the wastewater system priority projects in the amount not to exceed \$91,149,497.00 with a total contract term of five years and two five-year options-to-renew, Contract No. 14ATSI001.

<http://www.miamidade.gov/govaction/matter.asp?matter=141117&file=true&fileAnalysis=false&yearFolder=Y2014>

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

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

**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 11A11  
File No. 191079**

**Researcher: LE   Reviewer: TD**

RESOLUTION AMENDING IMPLEMENTING ORDER NO. 4-133 RELATED TO THE SCHEDULE OF TRANSIT FARES, RATES, AND CHARGES BY PROVIDING FOR A REDUCTION IN THE REPLACEMENT COSTS FOR LOST, STOLEN, OR DAMAGED GOLDEN PASSPORT AND PATRIOT PASSPORT EASY CARDS

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Implementing Order No. 4-133 related to the schedule of transit fares, rates, and charges for Golden Passport and Patriot Passport Easy Card replacements.

**PROCEDURAL HISTORY**

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

**Department/Requester: None**

During the TAF meeting on May 15, 2019 the following discussion occurred:

- Commissioner Jordan asked if there was an accountability system in place to ensure that the person requesting a transit card replacement has their previous card cancelled.
- Alice Bravo stated that the old card would be cancelled out when they receive the new card. When people use the Golden Passport card must be tapped to pay the fare which would prove that the card is active.

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

**ANALYSIS**

The purpose of this item is to amend Section 2-150 of the County Code to change the thresholds for major service adjustments and circumstances where transit route modifications require public hearing and board approval.

The Golden Passport and Patriot Passport program provides senior citizens, Social Security beneficiaries, and veterans free transit fare in Miami-Dade County.

Currently, the replacement costs for lost, stolen, or damaged Golden Passport or Patriot Passport EASY Cards are \$5 for the first replacement, \$20 for the second replacement, and \$50 for each replacement thereafter. There is no explanation in the record for the high price of replacement fees.

The proposed ordinance will approve the EASY Card replacement costs to free for the first replacement, \$10 for the second replacement, and \$25 for each replacement thereafter. The fee was previously a flat rate of \$10 per card. Concerns of individuals reselling the cards and claiming they were lost amounted and legislation was enacted to create higher fees to deter residents from reselling the cards.

The measure to reduce replacement costs is being proposed as many residents who are members of the Golden Passport or Patriot Passport program are elderly, disabled, or otherwise have limited income and resources.

**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 11A11  
File No. 191079**

**Researcher: LE   Reviewer: TD**

**DEPARTMENTAL INPUT:**

On May 29, 2019, OCA sent out the following questions and received the following answers:

- **What is the revenue that will be generated with the proposed legislation? What was the revenue for 2018?**

*At this moment, the expected revenue of the proposed legislation is unknown but is expected to be lower due to the new replacement tiered system. The 2018 Replacement fees collected \$96,020*

- **How many Golden Passport and Patriot Passport transit cards are currently issued?**

2019 Active Accounts	
Golden Senior	191,207
Golden Social Security Beneficiary	15,797
Patriot/Veteran	2,200

- **Approximately how many Golden Passport and Patriot Passport transit cards are replaced each year?**

*The average Golden Passport EASY Cards replace for 2016-18 is approximately 13,032.*

**APPLICABLE LEGISLATION/POLICY**

**Implementing Order 4-133** establishes a schedule of fees for transit fares, rates and charges for Miami-Dade County.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO4-133.pdf>

**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 15C1  
File No. 191363**

**Researcher: JJ   Reviewer: TD**

APPOINTMENT OF REPRESENTATIVE NICHOLAS XAVIER DURAN TO THE PUBLIC HEALTH TRUST (PHT) BOARD OF TRUSTEES

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor:**  
**Department/Requester: Clerk of the Board**

**ANALYSIS**

Office of Commission Auditor completed the required background research regarding the reappointment of Nicholas Xavier Duran to the Public Health Trust Board of Trustees noting no adverse findings.

**APPLICABLE LEGISLATION**

**Resolution No. R-636-14, adopted on July 1, 2014**, requires the Office of the Commission Auditor (OCA) to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the Board of County Commissioners (BCC).

**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 15C2  
File No. 191364**

**Researcher: JJ   Reviewer: TD**

RE-APPOINTMENT OF SHIRLEY EVERETT TO SERVE AS A MEMBER OF THE SMALL BUSINESS ENTERPRISE CONSTRUCTION (SBE-C) ADVISORY BOARD

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor:**  
**Department/Requester: Clerk of the Board**

**ANALYSIS**

Office of Commission Auditor completed the required background research regarding the reappointment of Shirley T. Everett to the Small Business Enterprise Construction (SBE-C) Advisory Board. The public records search disclosed the following information:

1. March 31, 2009, Case Number: 08-19488-SP05; Final Judgement, American General Financial Services of America, Inc. in the amount of \$4,330.26; no release on file
2. May 4, 2009, Case Number: 09-1673-CC23(02); Final Judgement, Citifinancial Services, Inc. in the amount of \$9,961.50; no release on file
3. Notice of Federal Tax Lien (2004-2015) in the amount totaling \$472,886; no release on file

**APPLICABLE LEGISLATION**

**Resolution No. R-636-14, adopted on July 1, 2014**, requires the Office of the Commission Auditor (OCA) to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the Board of County Commissioners (BCC).

**BCC Meeting: June 4, 2019  
Research Notes**

**Item No. 15C3  
File No. 191373**

**Researcher: JJ    Reviewer: TD**

APPOINTMENT OF MS. MICHELLE WYATT-SWEETING TO THE MIAMI-DADE COUNTY ADDICTION SERVICES BOARD

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor:**  
**Department/Requester: Clerk of the Board**

**ANALYSIS**

Office of Commission Auditor completed the required background research regarding the appointment of Michelle Wyatt-Sweeting to the Addiction Services Board noting no adverse findings.

**APPLICABLE LEGISLATION**

**Resolution No. R-636-14, adopted on July 1, 2014**, requires the Office of the Commission Auditor (OCA) to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the Board of County Commissioners (BCC).