



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

Board of County Commissioners Meeting

June 18, 2019
9:30 A.M.
Commission Chambers

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

THIS PAGE INTENTIONALLY LEFT BLANK

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 3A1
File No. 191483**

Researcher: JJ Reviewer: TD

RESOLUTION APPROVING THE CITY OF MIAMI SPRINGS CODESIGNATION OF FLAGLER DRIVE BETWEEN BENTLEY DRIVE AND LINWOOD DRIVE AS “DOUG ORR WAY”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Vice Chairwoman Rebecca Sosa
Department/Requester: The City of Miami Springs**

ANALYSIS

Pursuant to Ordinance No. 13-29, OCA completed the required background research on “Douglas ‘Doug’ Orr” noting no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Douglas ‘Doug’ Orr” Pursuant to Ordinance No.19-11, OCA has verified that “Douglas ‘Doug’ Orr ” is in fact alive.

APPLICABLE LEGISLATION

Ordinance No. 13-29, adopted on April 2, 2013, requires the Office of the Commission Auditor (OCA) to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.

Ordinance No. 18-79, adopted on July 24, 2018, relates to any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, and requires that OCA prepare a report detailing: (1) whether the subject road, facility, or property has been the subject of any prior codesignation and, if so, the location or the end points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or end points of each. Moreover, pursuant to Ordinance No. 19-11, adopted on February 5, 2019, the report is also required to indicate whether the person to be honored is living or deceased.

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 3B2
File No. 191394**

Researcher: IL Reviewer: TD

RESOLUTION RATIFYING APPROVAL OF CHANGE ORDER NO. 1 FOR AN INCREASE OF \$576,400.00 AND 201 DAY NON-COMPENSABLE TIME EXTENSION TO METRO EQUIPMENT SERVICE INC. FOR CONTRACT NO. S-758R FOR CONVERSION OF SEWAGE PUMP STATION NO. 418 TO BOOSTER STATION AND CHANGE ORDER NO. 1 (FINAL) FOR AN INCREASE OF \$20,726.58 AND 68 DAY NON-COMPENSABLE TIME EXTENSION TO LANZO TRENCHLESS TECHNOLOGIES, INC. – SOUTH FOR CONTRACT NO. S-901 FOR REHABILITATION OF 48-INCH PCCP FORCE MAIN FROM NW 37 AVENUE TO 32 AVENUE ALONG NORTH RIGHT OF WAY BISCAYNE (C-8) CANAL (GREEN SPACE), PURSUANT TO MIAMI-DADE WATER AND SEWER DEPARTMENT’S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE, SECTION 2-8.2.12 OF THE COUNTY CODE

ISSUE/REQUESTED ACTION

Whether the Board should approve a retroactive Change Order No. 1 (final) to Metro Equipment Service, Inc. (Metro Equipment) for Consent Decree Contract (Contract) S-758R in an amount of \$576,400.00 and approving additional non-compensable time extension of 201 days and Change Order No. 1 (final) to Lanzo Trenchless Technologies, Inc., (Lanzo) for Contract S-901 for an increase of \$20,726.58 and approving additional non-compensable time extension of 68 days.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Water and Sewer Department (WASD)

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

ANALYSIS

The purpose of this item is to ratify previously approved awards such as Change Order No. 1 for Contract S-758R, for a conversion of Sewage Pump Station No. 418 to Booster Station and for Change Order No. 1 for Contract S-901, for Consent Decree 4.10(1) Rehabilitation of 48-inch PCCP Force Main from NW 37 Avenue to 32 Avenue along North Right of Way Biscayne (C-8) Canal (Green Space)”.

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor to award contracts for funded projects and related goods and services, to reject bids and proposals received in connection with any competitive procurement, and to accelerate the approval of WASD’s (1) Consent Decree projects and (2) projects identified in WASD Multi-Year Capital Plan’s Capital Improvements Program without the need for prior Board approval, but subject to ratification by the Board.

The Miami-Dade Water and Sewer Department Consent Decree Work consists of all projects needed to comply with the Consent Decree approved on April 9, 2014, by the United States District Court for the Southern District of Florida. The Miami-Dade Water and Sewer Department Capital Improvement Program consist of only those projects approved by the Board as part of the Multi-Year Capital Plan.

The Fiscal Impact to the County is \$576,400.00 to replace and install a new flow meter, flow meter bypass line and all its accessories, discharge line valves and asphalt restoration as it relates to Change Order No. 1 for Contract S-758R impacting Commission District 12, represented by Commissioner Jose “Pepe” Diaz. The Fiscal Impact to the County is \$20,726.58 for additional sheeting and shoring required to safely construct the receiving pit and protect the existing 36-inch water main impacting Commission District 1, represented by Commissioner Barbara J. Jordan.

BCC Meeting: June 18, 2019
Research Notes

Item No. 3B2
File No. 191394

Researcher: IL Reviewer: TD

Contract S-758R was awarded in March 2016 to Metro Equipment to convert Pump Station No. 418 to a booster station. The total amount awarded was \$6,843,320 with a duration of 700-calendar days for final completion and a contingency allowance of 70 days. The PMCM team and WASD concurred that it was in the County's best interest to replace and install a new flow meter, flowmeter bypass line and all its accessories, discharge line valves and asphalt restoration leading into the Pump Station at the same time the station was being upgraded due to the fact the flow meter was outdated. The new meter is expected to possess modern technologies. Metro Equipment is charging WASD \$589,388.87 to properly complete the work. WASD will pay Metro Equipment \$12,988.97 from the contingency allowance and the remaining balance of \$576,400 is intended to be paid from this change order. The total amount of the contract increased to \$7,419,720. Additionally, the 201 non-compensable days being requested are a product of delays suffered from Hurricane Irma in 2017 and for other unforeseen delays that were encountered such as:

- The replacement of a damaged existing 16-inch valve;
- Correct water infiltration inside the wet well from the existing manhole and influent pipe;
- Stop the leakage into the Dry Pit, pump out the sewage and cleaning the Dry Pit; and
- Demolition of concrete fillet at the existing wet well

OCA observed that the Mayor approved the change order for contract S-758R in January of 2019 and the ratification is coming to the BCC for approval at this time.

Contract S-901 was issued notice to proceed on December 21, 2016, setting September 17, 2017 as the contract's final completion date (270 calendar day contract with a 27 calendar day contingency). The intent of this contract was for the rehabilitation of a 48 – inch PCCP force main, in amount of \$1,904,000. During the time that the construction project was underway Lanzo, discovered that a 36-inch water main and the 48-inch force main had less separation than the original drawings indicated. The two pipes eventually merged one under the other at a distance of 40 inches compared to the separation instead of the allowable separation 27 feet and 6 inches. This discovery required additional engineering, labor and equipment to safely construct the receiving pit and protect the existing 36-inch water main. The cost to properly complete the work is \$154,579.13 of which \$133,852.55 will be paid to Lanzo from the contingency allowance and the remaining \$20,726.58 is to be paid through this change order. An additional 68 days are being requested to accommodate for permitting delays. The total contract amount with the change order included is \$1,924,726.58. OCA observed that the Mayor approved the change order for contract S-758R in January of 2019 and the ratification coming to the BCC for approval at this time.

The mayoral memo states that the submission of this Change Order No. 1 for contract S-758R and the submission of Change Order NO. 1 for contract S-901 were delayed due to the review and analysis needed to be performed on the proposals submitted by the contractor and subsequent negotiations. It is not uncommon for the negotiations to continue beyond the point in time of the project completion.

Firm	Sunbiz	Tax Collector	West Law
Metro Equipment Service, Inc.	Active, Principal Address: 9425 SW 72 nd Street, Suite 150 Miami, FL 33173	Active, Local address: 1031 Ives Dairy Road, Suite 225, Miami, FL 33179 Paid through 10/12/2018	No relevant cases
Lanzo Trenchless Technologies, Inc.	Active, Principal Address: 125 SE 5 th Court, Deerfield Beach, FL 33441	Active Address: 125 SE 5 th Court, Deerfield Beach, FL 33441	No relevant cases

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 3B2
File No. 191394**

Researcher: IL Reviewer: TD

OCA conducted a review of the Capital Improvement Information System pursuant to R-421-16, to attain the current average evaluation rating for Metro Equipment Service, Inc., for 47 evaluations on June 11, 2019 for which the firm has an average rating of 3.5 out of 4.0. The current average evaluation rating for Lanzo Trenchless Technologies, Inc., for 7 evaluations on June 11, 2019, for which the firm has an average rating of 3.4 out of 4.0.

ADDITIONAL INFORMATION

Consent Decree entered into between the United States of America, the State of Florida Department of Environmental Protection and the State of Florida v. Miami-Dade County, Florida, Case No. 1:12-cv-24400-FAM

<https://www.epa.gov/sites/production/files/2013-08/documents/miami-dade-cd.pdf>

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Chapter 287.055 governs the acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services.

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

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

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

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

Section 2-8.2.12(4)(d) and (e) of the County Code (WASD Consent Decree) provides for the acceleration of Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Program projects, establishes policies and procedures for the approval of contracts related to those projects, specifically the right to amend contracts and extend the time for completion of any contract for construction, materials or professional services, including waivers of liquidated damages and other compensable and/or non-compensable time extensions as well as to negotiate and settle claims, and issue settlement agreement(s) or change orders for additional work under contracts and amendments where: the change order or claim does not exceed ten percent (10%) of the base contract amount, and the contingency allowance shall be utilized to ensure minimal disruption in work flow and shall be documented on the appropriate contingency authorization draw. Change orders shall be submitted to replenish the contingency account in a timely manner; and the limitations provided in (4)(e)(i) above shall not apply to any change order or amendment related to emergency actions impacting remediation, public safety, health requirements or recovery from natural disaster.

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

[_dade county/codes/code of ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

Section 2-10.4 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

BCC Meeting: June 18, 2019
Research Notes

Item No. 3B2

File No. 191394

Researcher: IL Reviewer: TD

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 -](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

[_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)

Ordinance 14-79 (Sea Level Rise), adopted September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require that in all agenda items related to planning, design, and construction of County infrastructure a statement be included that the impact of sea level rise has been considered; providing severability, inclusion in the code, and an effective date.

<http://www.miamidade.gov/govaction/matter.asp?matter=141211&file=true&fileAnalysis=false&yearFolder=Y2014>

Ordinance No. 14-77, adopted September 3, 2014, created Section 2-8.2.12 of the Code of Miami-Dade County, and delegated to the County Mayor the authority to advertise, award, amend and negotiate contracts for goods and services, construction and professional services for the Miami-Dade Water and Sewer Department, to extend contract duration, to execute change orders and to settle claims without the need for prior Board approval.

<http://intra/gia/matter.asp?matter=141981&file=false&yearFolder=Y2014>

Administrative Order 3-39 establishes the standard procedures for user departments to implement, classify, track, monitor and report capital construction projects unless specifically exempted by State or federal law.

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

Implementation Order (I.O.) 8-8 (Sustainable Buildings Program), adopted on December 4, 2007, authorizing approval of Implementing Order 8-8: establishing guidelines to further the County's sustainable buildings program initiative, and authorizing the County Mayor or his designee to exercise any and all other rights conferred therein.

<http://www.miamidade.gov/govaction/matter.asp?matter=080263&file=true&fileAnalysis=false&yearFolder=Y2008>

Implementation Order (I.O.) 3-41, (SBE Program), establishes procedures related to the Miami-Dade County Small Business Enterprise Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-41.pdf>

Implementing Order (I.O.) 3-22, (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, approving Mayor's recommendations relating to proposed Consent Decree with federal and state environmental enforcement agencies and authorizing the Mayor and County Attorney to modify proposed Consent Decree and advise the Court accordingly.

<http://www.miamidade.gov/govaction/matter.asp?matter=140568&file=true&fileAnalysis=false&yearFolder=Y2014>

BCC Meeting: June 18, 2019
Research Notes

Item No. 3B2
File No. 191394

Researcher: IL Reviewer: TD

Resolution No. R-421-16, adopted May 17, 2016, requires attachment of all items recommending Design and/or Construction Contract Awards of \$1,000,000/00 or greater a list of all County Contracts awarded in the previous three years to the recommended contractor and a summary of County Evaluations of the recommended contractors work.

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

Resolution No. R-1001-15, adopted May 2, 2017, allows non-compensatory time extensions from the requirement that contracts with small business measures meet at least 85 percent of the small business goals applicable to the portions of the contract work performed to date before a change order or contract amended be considered for Board approval.

<http://www.miamidade.gov/govaction/matter.asp?matter=170595&file=true&fileAnalysis=false&yearFolder=Y2017>

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

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

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 3B3
File No. 191395**

Researcher: IL Reviewer: TD

RESOLUTION RATIFYING APPROVAL OF CHANGE ORDER NO. 1 FOR AN INCREASE OF 174-DAY NON-COMPENSABLE TIME EXTENSION TO YOUNGQUIST BROTHERS, INC. FOR CONTRACT NO. W-930 FOR SOUTH MIAMI HEIGHTS WATER TREATMENT PLANT INJECTION WELL SYSTEM AND UPPER FLORIDIAN AQUIFER TEST PRODUCTION WELL PROGRAM AND CHANGE ORDER NO. 1 FOR AN INCREASE OF \$224,234.41 TO LANZO CONSTRUCTION CO., FLORIDA FOR CONTRACT NO. W-931 FOR FURNISH AND INSTALL 36-INCH DUCTILE IRON WATER TRANSMISSION MAIN ALONG SW 152 STREET FROM SW 137 AVENUE TO SW 112 AVENUE, PURSUANT TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE, SECTION 2-8.2.12 OF THE COUNTY CODE

ISSUE/REQUESTED ACTION

Whether the Board should approve a change order number one with Youngquist Brothers Inc., (Youngquist) for contract number W-930 "South Miami Heights Water Treatment Plant Injection Well System and Upper Floridian Aquifer Test Production Well Program" for an increase of 174 non-compensable calendar days, and change order number one with Lanzo Construction Co., Florida (Lanzo) for contract number W-931 for an increase of \$224,234.41 for the Miami-Dade Water and Sewer Department (WASD).

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Water and Sewer Department (WASD)

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

ANALYSIS

The purpose of this item is to attain the Board's approval for a change order number one with Youngquist Brothers Inc., (Youngquist) for contract number W-930 for an increase concerning time, of 174 non-compensable calendar days, and change order number one with Lanzo Construction Co., Florida (Lanzo) for contract number W-931 for a monetary increase of \$224,234.41.

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor to award contracts for funded projects and related goods and services, to reject bids and proposals received in connection with any competitive procurement, and to accelerate the approval of WASD's (1) Consent Decree projects and (2) projects identified in WASD Multi-Year Capital Plan's Capital Improvements Program without the need for prior Board approval, but subject to ratification by the Board.

The Miami-Dade Water and Sewer Department Consent Decree Work consists of all projects needed to comply with the Consent Decree approved on April 9, 2014, by the United States District Court for the Southern District of Florida. The Miami-Dade Water and Sewer Department Capital Improvement Program consist of only those projects approved by the Board as part of the Multi-Year Capital Plan. The Compliance date for Consent Decree project 2.11 is May 9, 2020.

The Fiscal Impact to the County is non-existent as it pertains to change order number one for W-930 because the change is for increase in time and not money. As for change order number one for contract W-931, the fiscal impact is \$224,236.41 for additional quantities of pavement restoration work and lump sum amount for Off-Duty Police Officers. Both of these change orders impact Commission District 9, represented by Commissioner Dennis C. Moss.

BCC Meeting: June 18, 2019
Research Notes

Item No. 3B3
File No. 191395

Researcher: IL Reviewer: TD

The notice to proceed for Contract W-930 issued on August 3, 2015 establishing a final completion date of February 13, 2017 (560 calendar days with a contingency allowance of 56 days). The mayoral memo states that the contractor had to perform additional work which could not have been anticipated. The additional work consisted of:

- Design and construction of temporary well vaults to protect exposed wellheads until the future water treatment plant could be completed. (Cost: \$73,954.23 paid through the Contingency Allowance Account, Time Extension: 51 calendar days)
- The work site had to be secured in anticipation of Hurricane Matthew. (Cost: \$0, Time Extension: 4 calendar days)
- Nearby drilling operations tainted the collection of data requiring additional well testing. (Cost: \$0, Time Extension: 7 calendar days)
- Data collection delayed until the water in the well rose to the required level. (Cost: \$0, Time Extension: 7 calendar days)
- Presence of sandy materials slowed the scheduled pace of drilling the 48-inch borehole in the injection well. (Cost: \$0, Time Extension: 5 calendar days)
- Additional administrative obligations required for the overall project to complete the work associated with changes (Cost: \$0, Time Extension: 100 calendar days)

The division of Small Business Development (SBD) reported that Youngquist Brothers, Inc., was found in violation of the responsible wages and benefits requirements for the underpayment of \$371,556.89 to 111 employees. Youngquist has paid employees all wages due and the \$42,813.84 penalty to the County. SBD recorded that Youngquist Brothers, Inc. is in compliance with all wage requirements as of March 19, 2019.

The notice to proceed for Contract W-931 issued to Lanzo was on February 4, 2016 establishing March 30, 2017 (420 calendar days with a 42 day contingency allowance) as the contracts original completion date. The original lump sum amount allocated to reimburse Lanzo for providing Off-Duty Police Officers for additional traffic control was insufficient. WASD requested that Lanzo provide Off-Duty Police Officers at a price to be based on the actual costs incurred as well as to complete additional pavement and restoration work at an additional cost of \$836,650.00. The cost for providing additional police officers was \$118,827.50. The two costs add up to \$955,477.50 Lanzo has been paid \$731,241.09 and a remaining balance e of \$224,236.41.

In accordance with the Consent Decree, WASD determined that the Central District Waste Water Treatment Plant (CDWWTP) requires replacement and/or upgrade of pump motors and their associated drives and electrical power and control systems. Improvements to the facilities are required pursuant to the Consent decree from the U.S. Environmental Protection Agency (U.S. EPA), Department of Justice (DOJ) and the Florida Department of Environmental Protection (FDEP), Case No 1:12-cv-24400-FAM.

Firm	Sunbiz	Tax Collector	West Law
Youngquist Brothers, Inc.	Active, Principal Address: 15465 Pine Ridge Road, Ft. Myers, FL 33908	Active, Local address: 1031 Ives Dairy Road, Suite 225, Miami, FL 33179 Paid through 10/12/2018	No relevant cases
Lanzo Construction Co. Florida	Active Principal Address: 125 SE 5 th Court, Deerfield Beach, FL 33441	Active, Principal Address: 125 SE 5 th Court, Deerfield Beach, FL 33441	1999 Case found.

OCA conducted a review of the Capital Improvement Information System pursuant to R-421-16, to attain the current average evaluation for the past 8 evaluations rating for Youngquist Brothers Inc. On June 5, 2019 the firm has an average rating of 3.5 out of 4.0. For Lanzo Construction Co., Florida 28 evaluations have been submitted and the average rating of 3.5 out of 4.0.

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 3B3
File No. 191395**

Researcher: IL Reviewer: TD

ADDITIONAL INFORMATION

Consent Decree entered into between the United States of America, the State of Florida Department of Environmental Protection and the State of Florida v. Miami-Dade County, Florida, Case No. 1:12-cv-24400-FAM

<https://www.epa.gov/sites/production/files/2013-08/documents/miami-dade-cd.pdf>

Telecommunications company sued city and construction company for damage to fiber optic cable during sewer construction. Construction company moved for partial summary judgment on issue of telecommunications company's right to recover for loss of use. The District Court, Highsmith, J., held that: (1) damage to cable was complete deprivation of chattel even though telecommunications company could reroute calls, and (2) reasonable rental value was proper measure of damages.

AT & T Corp. v. Lanzo Const. Co., Fla., 74 F. Supp. 2d 1223 (S.D. Fla. 1999)

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Chapter 287.055 governs the acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services.

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

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

https://library.municode.com/fl/miami_-

[_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-8.1COPUGE)

Section 2-8.2.12(4)(d) and (e) of the County Code (WASD Consent Decree) provides for the acceleration of Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Program projects, establishes policies and procedures for the approval of contracts related to those projects, specifically the right to amend contracts and extend the time for completion of any contract for construction, materials or professional services, including waivers of liquidated damages and other compensable and/or non-compensable time extensions as well as to negotiate and settle claims, and issue settlement agreement(s) or change orders for additional work under contracts and amendments where: the change order or claim does not exceed ten percent (10%) of the base contract amount, and the contingency allowance shall be utilized to ensure minimal disruption in work flow and shall be documented on the appropriate contingency authorization draw. Change orders shall be submitted to replenish the contingency account in a timely manner; and the limitations provided in (4)(e)(i) above shall not apply to any change order or amendment related to emergency actions impacting remediation, public safety, health requirements or recovery from natural disaster.

https://library.municode.com/fl/miami_-

[_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_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.

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 3B3
File No. 191395**

Researcher: IL Reviewer: TD

Section 2-10.4 of the County Code provides, the rules and regulations associated with the procurement of professional, architectural, engineering, landscape architectural or land surveying and mapping services. Requires a public announcement, submission of qualifications, certification committee, competitive selection committee, and competitive negotiations.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Section 2-10.4(7) of the County Code provides, Each contract for professional services shall contain a prohibition against contingent fees, as required by Chapter 287, Florida Statutes. For the breach or violation of this provision the County Commission may terminate the agreement without liability or, at its discretion, deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Ordinance 14-79 (Sea Level Rise), adopted September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require that in all agenda items related to planning, design, and construction of County infrastructure a statement be included that the impact of sea level rise has been considered; providing severability, inclusion in the code, and an effective date.

<http://www.miamidade.gov/govaction/matter.asp?matter=141211&file=true&fileAnalysis=false&yearFolder=Y2014>

Ordinance No. 14-77, adopted September 3, 2014, created Section 2-8.2.12 of the Code of Miami-Dade County, and delegated to the County Mayor the authority to advertise, award, amend and negotiate contracts for goods and services, construction and professional services for the Miami-Dade Water and Sewer Department, to extend contract duration, to execute change orders and to settle claims without the need for prior Board approval.

<http://intra/gia/matter.asp?matter=141981&file=false&yearFolder=Y2014>

Administrative Order 3-39 establishes the standard procedures for user departments to implement, classify, track, monitor and report capital construction projects unless specifically exempted by State or federal law.

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

Implementation Order (I.O.) 8-8 (Sustainable Buildings Program), adopted on December 4, 2007, authorizing approval of Implementing Order 8-8: establishing guidelines to further the County's sustainable buildings program initiative, and authorizing the County Mayor or his designee to exercise any and all other rights conferred therein.

<http://www.miamidade.gov/govaction/matter.asp?matter=080263&file=true&fileAnalysis=false&yearFolder=Y2008>

Implementation Order (I.O.) 3-41, (SBE Program), establishes procedures related to the Miami-Dade County Small Business Enterprise Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-41.pdf>

Implementing Order (I.O.) 3-32, (Small Business Enterprise Architecture And Engineering Program): It is the policy of Miami-Dade County that not less than 10% of the County's total annual expenditures of all project specific contracts for professional architectural, landscape architectural, engineering, and surveying and mapping services, shall be expended with CBE-A/E's certified under the CBE-A/E ordinance.

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

Implementing Order (I.O.) 3-22, (Small Business Enterprise Construction Services Program): Except where Federal or State laws or regulations mandate to the contrary, this Implementing Order governs construction services (including design-build,

**BCC Meeting: June 18, 2019
Research Notes**

Item No. 3B3

File No. 191395

Researcher: IL Reviewer: TD

alteration, installation, painting, maintaining or repairing a public improvement), funded in whole or in part by County funds for all Miami-Dade County departments and agencies.

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

Implementing Order (I.O.) 3-32 (Small Business Enterprise Architecture and Engineering Program) Except where federal or state laws or regulations mandate to the contrary, this Implementing Order applies to all project specific awards, and multiple project contracts as mandated in the CBE-A/E ordinance.

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

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

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

Resolution No. R-281-14, adopted March 18, 2014, approving Mayor's recommendations relating to proposed Consent Decree with federal and state environmental enforcement agencies and authorizing the Mayor and County Attorney to modify proposed Consent Decree and advise the Court accordingly.

<http://www.miamidade.gov/govaction/matter.asp?matter=140568&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-421-16, adopted May 17, 2016, requires attachment of all items recommending Design and/or Construction Contract Awards of \$1,000,000/00 or greater a list of all County Contracts awarded in the previous three years to the recommended contractor and a summary of County Evaluations of the recommended contractors work.

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

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

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

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 5A
File No. 191138**

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO PARKING VIOLATION FINES AND COSTS; AMENDING ORDINANCE NO. 18-145; DELAYING IMPLEMENTATION OF INCREASES TO PARKING VIOLATION FINES AND COSTS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board amend Ordinance No. 18-145 to delay the implementation of parking violation fines and costs increases.

PROCEDURAL HISTORY

Prime Sponsor: Sally Heyman, District 4

Department/Requester: None

This item was adopted on first reading during the May 7, 2019 BCC and the following discussion occurred:

- Commissioner Heyman moved that the Board waive committee review for the item in order to have a second reading during the June 18, 2019 BCC.
- Assistant County Attorney Monica Rizo advised that the four to six week notification requirement to municipalities would be met. She voiced that the County Administration needed additional time to make necessary revisions to the ordinance and noted that the ordinance's effective date was July 1st and recommended the effective date be extended to October 1st.

The item was forwarded to the BCC with a favorable recommendation is set for public hearing during the BCC meeting on June 18, 2019.

ANALYSIS

The purpose of this item is to amend

The implementation of the proposed ordinance will not have a fiscal impact.

The proposed legislation will allow additional time for implementing increased parking violations and fines by extending the time from July 1, 2019 to October 1, 2019. Ordinance 18-145 was adopted on December 4, 2018. By increasing certain fines associated with parking violations, it allowed the County to be more consistent with other cities and counties across Florida and provide additional revenue to the Clerk of the Courts and the school crossing guard program. The extended date of implementation will provide the County, municipalities, and the Clerk of the Courts enough time to ensure their infrastructure and systems are aligned to the increased fines and costs. There is no anticipated burden with the proposed ordinance.

Furthermore, the item was asked to be waived to the June 18, 2019 BCC in order to be heard during public hearing before the start of the ordinance's implementation date, July 1, 2019.

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 5A
File No. 191138**

Researcher: LE Reviewer: TD

The table below shows the original Section 5 of Ordinance No. 18-145 and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Ordinance No. 18-145	Proposed changes to Ordinance No. 18-145
<u>Section 5.</u> The provisions of section 2 of this ordinance shall not take effect until July 1, 2019.	<u>Section 5.</u> The provisions of section 2 of this ordinance shall not take effect until [[July]] >> <u>October</u> << 1, 2019.

APPLICABLE LEGISLATION/POLICY

Ordinance No. 18-145, adopted on December 4, 2018, increases certain fines and costs associated with parking violations.

<http://intra/gia/matter.asp?matter=190911&file=false&yearFolder=Y2019>

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 5B
File No. 191534**

Researcher: JJ Reviewer: TD

RESOLUTION RENAMING “ROBERTA HUNTER PARK” AS THE “ROBERTA HUNTER LEGACY PARK”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Dennis C. Moss
Department/Requester:**

ANALYSIS

Pursuant to Ordinance No. 13-29, OCA completed the required background research on “Roberta Hunter” noting no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Roberta Hunter” Pursuant to Ordinance No.19-11, OCA has verified that “Roberta Hunter” is deceased.

APPLICABLE LEGISLATION

Ordinance No. 13-29, adopted on April 2, 2013, requires the Office of the Commission Auditor (OCA) to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.

Ordinance No. 18-79, adopted on July 24, 2018, relates to any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, and requires that OCA prepare a report detailing: (1) whether the subject road, facility, or property has been the subject of any prior codesignation and, if so, the location or the end points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or end points of each. Moreover, pursuant to Ordinance No. 19-11, adopted on February 5, 2019, the report is also required to indicate whether the person to be honored is living or deceased.

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 5C
File No. 191556**

Researcher: JJ Reviewer: TD

RESOLUTION RENAMING “QUAIL ROOST PARK” AS “QUAIL ROOST CHILDREN’S PARK”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Dennis C. Moss
Department/Requester:**

ANALYSIS

Pursuant to Ordinance No. 13-29, OCA completed the required background research on “Quail Roost Children’s Park” noting no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Quail Roost Children’s Park.”

APPLICABLE LEGISLATION

Ordinance No. 13-29, adopted on April 2, 2013, requires the Office of the Commission Auditor (OCA) to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.

Ordinance No. 18-79, adopted on July 24, 2018, relates to any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, and requires that OCA prepare a report detailing: (1) whether the subject road, facility, or property has been the subject of any prior codesignation and, if so, the location or the end points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or end points of each. Moreover, pursuant to Ordinance No. 19-11, adopted on February 5, 2019, the report is also required to indicate whether the person to be honored is living or deceased.

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 5F
File No. 191082**

Researcher: JJ Reviewer: TD

ORDINANCE CREATING THE EUREKA GROVE COMMUNITY DEVELOPMENT DISTRICT

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor:
Department/Requester: Clerk of the Board

ANALYSIS

OCA completed the required background research regarding the appointment of Teresa Baluja, Maria Carolina Herrera, Raisa Krause, Alexi Haas, and Yadira Monzon as members of the Eureka Grove Community Development District Board of Supervisors 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 18, 2019
Research Notes**

**Item No. 8N1
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." The item was then considered by the Board at its June 4, 2019 meeting wherein it was deferred to the next Board meeting. During the June 4th meeting, the following discussion transpired:

- Chairwoman Edmonson stated that her concerns about items 8N4 and 8N5 are the same; the Chairwoman then inquired why the agenda item excluded information relating to the contractor's safety and performance records as such information is required pursuant to resolutions; the Chairwoman expressed concern about recommending award to R&G Engineering Inc. because four of the contractor's last five performance evaluations for County projects received a rating of a 1.7 out of a possible maximum score of 4.0.
- The Director for the Department of Transportation and Public Works (DTPW) responded that the contracts were previously awarded, administratively, under the MCC program, and that this item is only to amend the contracts to authorize the use of PTP funds should an eligible PTP project arise. The DTPW Director further explained that the low rating received by R&G Engineering Inc. was for a Water and Sewer Department (WASD) project that had an entirely distinct scope, and that R&G Engineering Inc. has performed satisfactorily on DTPW projects. The Director added that the contractor has an average rating of 3.0 on DTPW projects.
- Commissioner Jordan inquired about who conducts the evaluations for MCC contracts.
- The DTPW Director responded that the contracts are supervised by the relevant department and the relevant department evaluates contractor performance.
- Commissioner Jordan further inquired how departments determine responsibility for recommended contractors.
- The DTPW Director stated that she was unsure and would look into that process which occurred last year when the contracts were awarded administratively. The Director then recommended bifurcating the items to

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 8N1
File No. 190955**

Researcher: PGE Reviewer: TD

remove R&G Engineering and allow the other contractors to receive award as the other vendors have satisfactory performance records.

- Commissioner Jordan then questioned the DTPW Director about OCA's findings relating to R&G Engineering being sued for negligence by FPL for damaging the company's marked electric facilities, asking how such a finding factors into a responsibility determination.
- The Director responded that she was unsure about the implications of the lawsuit and would consult with staff to obtain more information.
- Commissioner Jordan then moved to defer the item.

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 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.

Per information found on June 13, 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 June 13, 2019 on the website of the Florida Department of Business and Professional Regulation, the company holds an active Certified General Contractor license.

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 8N1
File No. 190955**

Researcher: PGE Reviewer: TD

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 June 13, 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 June 13, 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 June 13, 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 June 13, 2019. Additionally, a June 13, 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).

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.

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 8N1
File No. 190955**

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

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

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

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

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

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 8N1
File No. 190955**

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

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

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

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>

BCC Meeting: June 18, 2019
Research Notes

Item No. 8N1

File No. 190955

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 18, 2019
Research Notes**

**Item No. 8N2
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.” The item was then considered by the Board at its June 4, 2019 meeting wherein it was deferred to the next Board meeting. During the June 4th meeting, the following discussion transpired:

- Chairwoman Edmonson stated that her concerns about items 8N4 and 8N5 are the same; the Chairwoman then inquired why the agenda item excluded information relating to the contractor’s safety and performance records as such information is required pursuant to resolutions; the Chairwoman expressed concern about recommending award to R&G Engineering Inc. because four of the contractor’s last five performance evaluations for County projects received a rating of a 1.7 out of a possible maximum score of 4.0.
- The Director for the Department of Transportation and Public Works (DTPW) responded that the contracts were previously awarded, administratively, under the MCC program, and that this item is only to amend the contracts to authorize the use of PTP funds should an eligible PTP project arise. The DTPW Director further explained that the low rating received by R&G Engineering Inc. was for a Water and Sewer Department (WASD) project that had an entirely distinct scope, and that R&G Engineering Inc. has performed satisfactorily on DTPW projects. The Director added that the contractor has an average rating of 3.0 on DTPW projects.
- Commissioner Jordan inquired about who conducts the evaluations for MCC contracts.
- The DTPW Director responded that the contracts are supervised by the relevant department and the relevant department evaluates contractor performance.
- Commissioner Jordan further inquired how departments determine responsibility for recommended contractors.
- The DTPW Director stated that she was unsure and would look into that process which occurred last year when the contracts were awarded administratively. The Director then recommended bifurcating the items to

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 8N2
File No. 190957**

Researcher: PGE Reviewer: TD

remove R&G Engineering and allow the other contractors to receive award as the other vendors have satisfactory performance records.

- Commissioner Jordan then questioned the DTPW Director about OCA's findings relating to R&G Engineering being sued for negligence by FPL for damaging the company's marked electric facilities, asking how such a finding factors into a responsibility determination.
- The Director responded that she was unsure about the implications of the lawsuit and would consult with staff to obtain more information.
- Commissioner Jordan then moved to defer the item.

ANALYSIS

The purpose of this item is to authorize the use of surtax funding for two traffic signal improvement projects that were 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.

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.

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 8N2
File No. 190957**

Researcher: PGE Reviewer: TD

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 June 13, 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

June 13, 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 June 13, 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 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

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

BCC Meeting: June 18, 2019
Research Notes

Item No. 8N2
File No. 190957

Researcher: PGE Reviewer: TD

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 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.

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 8N2
File No. 190957**

Researcher: PGE Reviewer: TD

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

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

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

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>

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 18, 2019
Research Notes**

**Item No. 10A1
File No. 191447**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY INDUSTRIAL DEVELOPMENT REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,170,000.00, IN ONE OR MORE TAX-EXEMPT OR TAXABLE SERIES TO (I) FINANCE OR REFINANCE ALL OR A PORTION OF THE COSTS OF ACQUISITION OF CERTAIN EDUCATIONAL FACILITIES, (II) FUND A DEBT SERVICE RESERVE FUND FOR THE BONDS AND (III) PAY CERTAIN COSTS OF ISSUANCE RELATING TO THE BONDS, ALL BENEFITTING EXCELSIOR ACADEMIES, INC. D/B/A EXCELSIOR CHARTER ACADEMY, A FLORIDA NOT-FOR-PROFIT CORPORATION

ISSUE/REQUESTED ACTION

Whether the Board should approve the issuance of industrial development revenue bonds by the Miami-Dade County Industrial Development Authority (IDA) for Excelsior Academies, Inc., d/b/a Excelsior Charter Academy (Excelsior) in an aggregate principal amount of up to \$9,170,000, in one or more tax-exempt or taxable series.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Industrial Development Authority

The item has no procedural history.

ANALYSIS

The purpose of this item is to, in accordance with the Tax Equity and Finance Responsibility Act of 1982, approve the IDA's issuance of industrial development revenue bonds to Excelsior, a Florida not-for-profit corporation currently operating Excelsior Charter Academy, a charter school for grades K-8 operating since 2009 at 18200 NW 22nd Avenue in District 1. Excelsior applied to the IDA for Industrial Development Revenue Bond financing assistance, which upon the Board's approval will be loaned by the IDA to Excelsior in a maximum principal amount of \$9,170,000. Excelsior is currently leasing its facility from F P Dino Inc. with a term of fifteen years, contingent upon the district's contract renewal, expiring on June 30, 2029. The County's financial assistance in the form of IDA's revenue bonds will facilitate the acquisition of the currently leased facility. The financing of the approximately 30,000 square foot educational facility includes the following:

- Classrooms;
- Computer laboratory;
- Library;
- Administrative office space;
- Two separate outdoor recreational areas;
- Parking area; and
- Related improvements, furnishings, fixtures and equipment.

The cost of this acquisition totals \$8,400,000. The bonds will also fund necessary reserves in the amount of \$590,000 and pay certain costs of issuance relating to the bonds in the amount of \$180,000.

Excelsior operates under a charter of the sponsoring school district, Miami-Dade County School Board, with a renewed charter contract effective until June 30, 2022, at which time the charter contract may be renewed in increments of 5 to 15 years upon mutual agreement of the parties, or the district may elect not to renew the charter. As of the end of Fiscal

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 10A1
File No. 191447**

Researcher: JFP Reviewer: TD

Year (FY) 2018, Excelsior had 437 students and no outstanding debt. During FY 2018, Excelsior experienced an increase in its net position of 33%, with the major contributing factor being an increase in its student population, which resulted in an increase of the State's per student funding to the school. Excelsior's current student population is 475, with enrollment expected to increase by approximately 40 students in the 2019-2020 school year.

Excelsior receives nearly all of its revenue from federal, state and local funding sources in the form of performance and budget based contracts. At the end of FY 2018, Excelsior's governmental fund reported a positive ending fund balance of \$697,937.

In addition to Excelsior Charter Academy, Excelsior Academies, Inc. holds the charter for the K-8 school Excelsior Language Academy in the City of Hialeah serving 300 students, and the K-5 Excelsior Prep Charter School located in Tampa, Florida serving approximately 80 students. The three charter schools contract with School Development Services, LLC, a professional charter school management organization to provide management and administrative services to the charter schools. School Development Services, LLC is an active Florida Limited Liability Company established in 2005.

ADDITIONAL INFORMATION

Excelsior Academies, Inc. was sued in 2014 for failure to remit payment to National Academic Educational Partners, Inc. for curriculum support services provided in the months of February through June 2012. Per the complaint, the total unpaid invoices total \$33,333.35. The case settled and was voluntary dismissed with prejudice.

Excelsior Academies, Inc. 2018 Audit Report

https://flauditor.gov/pages/chschools_efile%20rpts/2018%20excelsior%20charter%20academy.pdf

Miami-Dade County Industrial Development Authority (IDA)

By definition, Industrial Development Revenue Bonds (qualified small issue bonds or IDBs) are securities issued by a local government agency for the purpose of acquiring or constructing capital facilities for use by private business and industry. Customarily, the facilities are then sold by the agency to qualifying industries for the installment purchase payments necessary to retire the bonds. The debt service on the bonds is paid solely from the revenues or payments received from the company, and there is no undertaking on the part of the local agency, county or any other governmental unit to make such payments other than from the installment payments received.

In its simplest form, IDB financing may be compared to ordinary mortgage financing, i.e., a private lender (bond purchaser) agrees to lend funds (buy bonds) to a private company. The facilities (capital project) which the lender's funds are used to finance are typically mortgaged to secure the repayment of the loans (bonds). In many cases, the repayment schedule (debt service) is structured similarly to level debt amortization schedules for typical mortgage loans.

In the case of IDBs, the local issuing agency (IDA) serves as a conduit. The loan is made to IDA; IDA relends the bonds (bond proceeds) to the private company to pay the cost of the capital project. For IRS purposes, the action of passing the loan through IDA results in the loan being treated as a special obligation of a local governmental agency.

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

BCC Meeting: June 18, 2019
Research Notes

Item No. 10A1
File No. 191447

Researcher: JFP Reviewer: TD

APPLICABLE LEGISLATION/POLICY

Tax Equity and Finance Responsibility Act of 1982 requires public hearings and approval by elected officials prior to the issuance of industrial development bonds.

<https://www.congress.gov/bill/97th-congress/house-bill/4961>

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 10A2
File No. 191450**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$66,000,000.00 AND IN ONE OR MORE SERIES TO (I) FINANCE OR REFINANCE ALL OR A PART OF THE COSTS OF CERTAIN EDUCATIONAL FACILITIES AND RELATED LAND ACQUISITION AND (II) PAY CERTAIN COSTS OF ISSUANCE RELATING TO THE BONDS, ALL BENEFITTING GULLIVER SCHOOLS, INC., A FLORIDA NOT FOR PROFIT CORPORATION, FOR PURPOSES OF AND PURSUANT TO SECTION 147(F) OF INTERNAL REVENUE CODE OF 1986, AS AMENDED

ISSUE/REQUESTED ACTION

Whether the Board should approve the issuance of industrial development revenue bonds by the Miami-Dade County Industrial Development Authority (IDA) for Gulliver Schools, Inc. (Gulliver) in a principal amount not to exceed \$66,000,000.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Industrial Development Authority

The item has no procedural history.

ANALYSIS

The purpose of this item is to, in accordance with the Tax Equity and Finance Responsibility Act of 1982, approve the IDA's issuance of industrial development revenue bonds to Gulliver Schools, Inc. (Gulliver), a Florida 501(c)(3) not-for-profit corporation in a maximum principal amount of \$66,000,000 for the funding of the project's four elements along with bond issuance expenses as detailed below.

Project Elements	Financing Amount
Refinance existing 2014 bonds to improve collateral, interest rate and financial covenants	\$12,900,000
Gulliver Preparatory School Campus – acquisition of Crossbridge Church land (3.44 acres) and existing building (20,000 sq. ft.) to be demolished and replaced with new classrooms	\$14,600,000
Gulliver Preparatory School Campus – construct a new performing arts center (approximately 30,000 sq. ft.)	\$13,600,000
Gulliver Academy Marian C. Krutulis Campus - construct a multipurpose gymnasium/auditorium facility (up to 38,000 sq. ft.) and a new classroom/collaboratorium building (up to 23,000 sq. ft.)	\$24,400,000
Bond issuance expenses	\$500,000
Total:	\$66,000,000

The projects are located in Districts 7 and 10. Gulliver's four campuses serve approximately 2,200 students and employ 490 individuals—294 faculty and 196 staff members. This project facilitates the consolidation of Gulliver from four campuses to two. Gulliver will maintain and expand its current Marian C. Krutulis Academy Campus located at 12595 Red Road in the City of Coral Gables serving grades PK-8, and Gulliver Preparatory School Campus located at 6575 North Kendall Drive in the Village of Pinecrest serving grades 9-12, by combining them with the Gulliver Academy

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 10A2
File No. 191450**

Researcher: JFP Reviewer: TD

Montgomery Drive Campus in the Village of Pinecrest, and Gulliver Preparatory School's Miller Drive campus. Currently, Miller Drive Campus students are bussed to the Gulliver Preparatory School Campus in the Village of Pinecrest for a portion of the day.

In addition, Gulliver currently has approximately \$12.9 million is outstanding IDA Revenue Bonds, Series 2014, the refinancing of which would be completed to streamline Gulliver's financing documents and structure while amending certain terms and provisions, including release of real estate collateral, reduction in the interest rate, and improvement to Gulliver's ongoing financial covenants.

Gulliver, established in 1926, has numerous additional sources of financial support, including the school's capital fundraising campaign. Gulliver maintained unrestricted cash and investment assets of \$68.8 million as of June 3, 2018 and plans to keep these assets on the school's balance sheet to support the overall financial capacity of the school.

ADDITIONAL INFORMATION

Miami-Dade County Industrial Development Authority (IDA)

By definition, Industrial Development Revenue Bonds (qualified small issue bonds or IDBs) are securities issued by a local government agency for the purpose of acquiring or constructing capital facilities for use by private business and industry. Customarily, the facilities are then sold by the agency to qualifying industries for the installment purchase payments necessary to retire the bonds. The debt service on the bonds is paid solely from the revenues or payments received from the company, and there is no undertaking on the part of the local agency, county or any other governmental unit to make such payments other than from the installment payments received.

In its simplest form, IDB financing may be compared to ordinary mortgage financing, i.e., a private lender (bond purchaser) agrees to lend funds (buy bonds) to a private company. The facilities (capital project) which the lender's funds are used to finance are typically mortgaged to secure the repayment of the loans (bonds). In many cases, the repayment schedule (debt service) is structured similarly to level debt amortization schedules for typical mortgage loans.

In the case of IDBs, the local issuing agency (IDA) serves as a conduit. The loan is made to IDA; IDA relends the bonds (bond proceeds) to the private company to pay the cost of the capital project. For IRS purposes, the action of passing the loan through IDA results in the loan being treated as a special obligation of a local governmental agency.

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

APPLICABLE LEGISLATION/POLICY

Tax Equity and Finance Responsibility Act of 1982 requires public hearings and approval by elected officials prior to the issuance of industrial development bonds.

<https://www.congress.gov/bill/97th-congress/house-bill/4961>

**BCC Meeting: June 18, 2019
Research Notes**

**Item No. 15C1
File No. 191525**

Researcher: JJ Reviewer: TD

RE-APPOINTMENT OF LOUIS J. LEBRON AND VERA B. SELMORE AND THE APPOINTMENT OF RODOLFO LEIVA TO THE KENDALE LAKES LANDSCAPE MAINTENANCE SPECIAL TAXING DISTRICT ADVISORY BOARD.

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor:
Department/Requester: Clerk of the Board

ANALYSIS

The OCA completed the required background research regarding the appointments and re-appointment to the Kendale Lake Landscape Maintenance Special Taxing District Advisory Board, noting no adverse findings for the following nominees:

Kendale Lakes Landscape Maintenance Special Taxing District

- Louis J. Lebron
- Vera B. Selmore
- Rodolfo Leiva

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).